

PLANNING & ZONING COMMISSION  
DECEMBER 26, 2018  
MINUTES

A duly noted and advertised meeting of the Planning & Zoning Commission of the City of Milford, Nebraska was held at the Sr. Center, 105 South B Street in the City of Milford, NE on December 26, 2018 at 7:00 P.M. Notice of the meeting was given in advance thereof by publishing in the Milford Times; a designated method for giving notice, as shown by the proof of publication.

Notice of the meeting was simultaneously given to the members of the Planning & Zoning Commission. Availability of the agenda was communicated in advance notice and in the notice to the members of the meeting. All proceedings hereinafter shown were taken while the meeting was open to the attendance of the public.

The meeting was called to order by Roger Kontor at 7:00 P.M. and publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act is available for review and is posted on the east wall of the Sr. Center.

**ROLL CALL:** Members present: Brad Havener, Roger Kontor, Wes Burgess, Kevin Wingard, Kendall Hoggins Bldg. Inspector and TIF Legal Counsel Andrew Willis. Absent: Jean Ferrill. Also present: Roy Cast, Kelly Heser, Dan Rudolph, Bob Anderson, Jeanne Hoggins and Jonathan Jank.

**MINUTES:** Motion by Havener, second by Kontor to approve the April 24, 2018 minutes. Passed 4-0

**PUBLIC HEARING: Consideration of TIF Application of Runza National Inc., Redevelopment Plan Amendment:**

Kontor opened the hearing opened at 7:01 p.m. TIF Attorney Andrew Willis provided background information on the project as it related to TIF and the role of the P and Z Commission. Mr. Willis reviewed all documents provided and the purpose of each. He explained the Redevelopment Plan and how it is affected, explained TIF, reviewed all property requirements as compared to Milford's requirements, and reviewed the Cost Benefit Analysis for the project. Community member Bob Anderson asked if the property was blighted. He also questioned if the car dealership, house to the south or the farmland to the east were affected. Discussion took place related to these questions. Community member Roy Cast asked questions related to the TIF process and how that affected taxes to be paid by Runza. Mr. Willis and Jonathan Jank from Seward County Chamber and Development Partnership responded to those questions. Jeanne Hoggins, Milford City Clerk, asked about the 15-year agreement and the laws associated with this timeline. Willis and Jank responded to these questions and explained that if the assessed value ends up being higher than projected, the note could be paid off sooner than 15 years but 15 years is the max term being agreed upon. Kontor closed the hearing at 7:28 p.m.

**NEW BUSINESS:**

**Presentation & Review of TIF Application**

**Review of Cost-Benefit Analysis**

**Review of Redevelopment Plan Amendment:** Discussion held during the Public Hearing on above items.

**Resolution recommending the Redevelopment Plan Amendment:** A motion was made by Burgess seconded by Havener to recommend the following resolution:

## **RESOLUTION NO. 001**

(Amendment to the Redevelopment Plan for the Runza Redevelopment Project)

**A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MILFORD, NEBRASKA, MAKING A RECOMMENDATION TO THE COMMUNITY DEVELOPMENT AGENCY AND THE CITY COUNCIL OF THE CITY OF MILFORD WITH RESPECT TO THE AMENDMENT OF THE REDEVELOPMENT PLAN FOR A SPECIFIC REDEVELOPMENT PROJECT.**

### **RECITALS**

A. Pursuant to Resolution No. 488, passed on September 3, 2013, the City of Milford, Nebraska ("City") adopted a Redevelopment Plan for a Redevelopment Area in the City (the "Redevelopment Plan"). A copy of the Redevelopment Plan, as amended, is on file with the City Clerk.

B. The Community Development Agency of the City of Milford, Nebraska (the "CDA") has submitted to the Milford Planning and Zoning Commission ("Planning Commission") for review and recommendation, the question of whether the Amendment to the Redevelopment Plan (the "Plan Amendment") which incorporates the Runza Redevelopment Project ("Project") into the Redevelopment Plan should be recommended for adoption by the City Council. A copy of the Plan Amendment is on file with the City Clerk.

C. On December 26, 2018, the Planning Commission held a public hearing relating to the question of whether the Plan Amendment should be recommended for adoption by the CDA and City Council as being consistent with the general plan of development of the City.

D. The Planning Commission has reviewed the Plan Amendment and has duly considered all statements made and material submitted related to the submitted questions.

NOW THEREFORE, it is found and recommended by the Milford Planning and Zoning Commission in accordance with the Community Development Law, Neb. Rev. Stat. §§ 18-2101 through 18-2154 (the "Act"), as follows:

1. The Project Site is within the Redevelopment Area and in need of redevelopment to remove blight and substandard conditions identified pursuant to Section 18-2109 of the Act.
2. The Plan Amendment will, in accordance with the present and future needs of the City, promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community in conformance with the legislative declarations and determinations set forth in the Act.
3. The Plan Amendment is in conformance with the general plan for development of the City as a whole, as set forth in the City Comprehensive Plan.

BE IT RESOLVED, that pursuant to the provisions of the Act and in light of the foregoing findings and determinations, the Planning Commission recommends approval and adoption of the Plan Amendment by the City Council of the City of Milford and the CDA.

Upon Roll Call Vote: Burgess yes, Havener yes, Kontor yes, Wingard yes. Absent: Ferrill

DATED this 26<sup>th</sup> day of December, 2018.

MILFORD PLANNING AND ZONING  
COMMISSION

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Chairperson

ATTEST: \_\_\_\_\_  
Secretary

(SEAL)

**Discuss/Action – Keeping of Animals: zoning Regulations; Section 8.09, page 109. Transitional Ag 5.05.03 #12, page 44:**

Kendall explained the history of this item and his general concerns. The commission has the following questions/recommendations:

1. Since not all ordinances match, which ordinances would supersede the others?
2. Conditional use permits – if the current owner has a conditional use permit and then rents his property to another person, and that person is using the property for the same use as the owner, is the conditional use permit still valid since the use of the property did not change and the original owner still owns the property?
3. Define heads/units for animals in the TA.
4. Define feedlot verses cornfield or pasture use for cattle in TA. How can we distinguish between the two? For example, there is a difference between Tim Troyer putting cattle in his stocks verses if he were to put in a feedlot. Can we put a “period of time” the animals can be present in our regulations or is there a better definition that distinguishes between the two?
5. Committee agrees with the recommendation that kennels and stables should not be located in city limits. Committee would like to know how that would affect the current conditional use permit that is in place for the horses on the Dan Pickerill property.

**Discuss/Action – Redefine lot width for cul-de-sac, change definition:**

Hoggins explained the change he is recommending to the committee. Discussion followed. A motion was made by Havener and seconded by Burgess to change the lot width definition

to the following: ARTICLE 2; DEFINITIONS: 2.02.242 **LOT WIDTH**: the horizontal distance measured between the side lot lines of a lot, at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line. In the case of a cul-de-sac or interior curved street, the lot width shall be measured at the required front yard setback. Motion carried 4-0.

**Discuss/Action – Size of Accessory Buildings in Residential District; Lot Coverage; Pole Shed, Metal siding, Footings:**

Hoggins discussed current allowable sizes of out buildings and discussed pole buildings with the committee. After discussions, the committee decided to leave current regulations as is.

**Discuss/Action – Ways to encourage redevelopment in existing subdivisions:**

Discussed ways to promote rehab of rundown properties in town. How can we encourage the tearing down or rehab of dilapidated properties? Discussed if Milford needs guidelines or standards set for properties in town and have them written so they can be enforced. Wingard shared that, at times, the Seward County Housing Authority has access to grants for rehab projects. The committee asked Hoggins to get plans from other communities that has this type of program related to standards of housing.

**Discuss – Conditional Use Permit, property located at Hwy 6 & Park Ave.:**

**ADJOURNMENT:** Kontor closed the meeting at 9:22 p.m. Meeting adjourned.