

THE OFFICIAL PROCEEDINGS OF THE GERING CITY PLANNING COMMISSION
MEETING NOVEMBER 20, 2018

The Gering City Planning Commission of Gering, Nebraska was held in open session at 6:00 p.m. in the Gering City Council Chambers. Present were Commissioners Allen, Hauck, Kaufman, Marietta, Rajewich and Rechsteiner. Commissioner absent Arnold, Bowman. Alternate Commissioner Erdman was not present. Also, present was a member of the public, City Planner Annie Folck and Secretary Bruntz - Secretary to the Planning Commission.

Notice of the meeting was given in advance by publication in the Star Herald, the designated method of giving notice. Availability of the agenda was communicated in advance to the Media and Commissioners. All proceedings hereafter were taken while the meeting was open to the attendance of the public.

Chairman Rechsteiner called the meeting to order at 6:00 p.m., roll call was taken and the Pledge of Allegiance was recited; also reviewed were the Nebraska Revised Statutes Chapter 84, Article 14, which requires at least one copy of the Open Meetings Act be posted in the meeting room and the time limit for public comment.

Chairman Rechsteiner asked for a motion to approve or disapprove the minutes from the October 16, 2018 meeting. Commissioner Hauck made the motion to approve the minutes and Commissioner Rajewich seconded. On roll call vote, the following voted "AYE": Allen, Hauck, Kaufman, Marietta, Rajewich and Rechsteiner. "NAY": None. Absent: Arnold and Bowman.

The City of Gering Planning Commission will conduct a public hearing to annex a tract of land platted as Block 2, Heritage Estates situated in the North Half of the Southeast Quarter of Section 3, Township 21 North, Range 55 West of the 6th P.M., in the City of Gering, Scotts Bluff County, Nebraska. (Open 6:04 pm)

CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT

To:	Planning Commission	Date:	11/20/18
From:	Planning & Community Development	Zoning:	RMH
Subject:	Recommendation & Report – Annexation Block 2, Heritage Estates	Property Size:	18.78 Acres
Location:	South of M Street, West of Heritage Drive	#Lots/Parcels:	1
Owner:	Wiedeman Family Trust	City Council Public Hearing:	12/10/18

Public Notice: This Public Hearing was noticed meeting City Zoning and Subdivision Regulations.

Public Hearing

City of Gering Planning Commission Meeting Minutes - November 20, 2018

Mr. Chairman and Commission Members,

This is a recommendation and report to consider the annexation of Block 2, Heritage Estates. The property is approximately 18.78 acres, located south of M Street and west of Heritage Drive. The annexation has been requested by the property owners. The property has access to all City utilities. It is zoned RMH. Legal counsel has advised that Section 4.6 Annexation Rule does not apply to this property because the annexation is being requested by the property owner.

Mr. Chairman and Commission Members, this completes my entry regarding this recommendation and report to consider the annexation of Block 2, Heritage Estates. I would ask this Commission to recommend approval or denial of the annexation to the City Council.

Recommendation

Approve

Make a POSITIVE RECOMMENDATION for City Council to approve the annexation of Block 2, Heritage Estates, with the following conditions:

Deny

Make a NEGATIVE RECOMMENDATION to City Council for the annexation of Block 2, Heritage Estates, for the following reasons:

Table

Table making a recommendation on the annexation of Block 2, Heritage Estates, for the following reasons:

Discussion:

Annie - Annexation was requested by the property owners, utilities are available on the east side, staff is recommending approving the annexation. Motion was made by Commissioner Rajewich to Make a POSITIVE RECOMMENDATION for City Council to approve the annexation of Block 2, Heritage Estates, with the following conditions: None. Commissioner Hauck seconded the motion. On roll call vote, the following voted "AYE": Allen, Hauck, Kaufman, Marietta, Rajewich and Rechsteiner. "NAY": None. Absent: Arnold and Bowman. (Closed 6:06 pm)

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Amend Zoning and Subdivision Regulations Section 4.6 Annexation Rule.

***CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT***

To:	Planning Commission	Date:	11/20/18
From:	Planning & Community Development	City Council Public Hearing:	12/10/18
Subject:	Recommendation & Report – Annexation Rule Ordinance		

The City’s zoning code currently has an Annexation Rule (Section 4.6) which has always been interpreted to mean that any property, at the time it is annexed, must revert to agricultural zoning. This means that any time a property becomes part of the City, it would have to be rezoned. Staff would like to clarify this rule, the intent of which should be to give a general zoning classification for areas that are added to the City’s extraterritorial zoning jurisdiction (ETJ) as the City’s corporate limits expand over time. As areas are annexed, areas two miles from the new corporate limits become part of the City’s ETJ, and under the current proposed language, those areas will be classified as agricultural until and unless they apply for a zone change.

Discussion:

Annie – Staff is having trouble interpreting as the code is currently written. Annie interprets it as additional property is annexed into the City and the extra territorial jurisdiction is expanded, the area that is expanded to is zoned agricultural by default. She feels this is the intent of the code. The way it has been read historical, by staff and by legal Counsel - to mean that when a property is annexed into the City limits the zone reverts back to agricultural. This annexation rule needs clarification so there is no more question – if a parcel of land is rezoned, it stays that zone.

Motion was made by Commission Hauck to make a positive recommendation for Council to approve/pass the revised annexation rule ordinance and it was seconded by Commissioner Kaufman. On roll call vote, the following voted “AYE”: Allen, Hauck, Kaufman, Marietta, Rajewich and Rechsteiner. “NAY”: None. Absent: Arnold and Bowman.

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Shipping Containers

***CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT***

To:	Planning Commission	Date:	11/20/18
From:	Planning & Community Development	City Council Public Hearing:	12/10/18
Subject:	Recommendation & Report – Shipping Container Ordinance		

Staff has been asked by a property owner to review the City’s shipping container ordinance. The ordinance currently in effect was passed in August 2016. Staff has drafted an ordinance and is presenting it to the Planning Commission for review and recommendation to Council.

Discussion:

Annie – changes were made to the draft from the last meeting.

Motion was made by Commission Hauck to make a positive recommendation for Council to approve the revised ordinance to reclassify and amend zoning & subdivision regulations for shipping containers and it was seconded by Commissioner Kaufman. On roll call vote, the following voted "AYE": Allen, Hauck, Kaufman, Marietta, Rajewich and Rechsteiner. "NAY": None. Absent: Arnold and Bowman.

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Approval of Bylaws

***CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT***

	Planning Commission	Date:	11/20/18
From:	Planning & Community Development	City Council Public Hearing:	N/A
Subject:	Recommendation & Report – Planning Commission Bylaws		

Staff has made the requested changes to the bylaws and would like the Planning Commission to review them. If no further changes are requested, the Commission can vote to adopt the bylaws.

Discussion:

Annie – one of the changes is that members can't talk about anything involved in a public hearing. If it is a code change or rule change that would be okay. Nothing that gets specific can't be talked about, the commission member must maintain neutrality. Equal employment had the gender change.

Motion was made by Commission Hauck to make a approve the Planning Commission Bylaws as written and it was seconded by Commissioner Kaufman. On roll call vote, the following voted "AYE": Allen, Hauck, Kaufman, Marietta, Rajewich and Rechsteiner. "NAY": None. Absent: Arnold and Bowman.

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City Planner Report

Annie – spoke about the survey results regarding the comp plan. The company is compiling information from the meetings and are working on the frame work for the plan. She will have a work session with them in Cheyenne on December 7, 2018. They will also draft up several scenarios to get feedback on and be back here in January for more work sessions with Council and Planning Commission. Annie will send out information as it becomes available.

There will be a planning workshop January 24, 2019 from 9:00 am till 3:30 pm at the Gering Civic Center.

In order to address absences since the adoption of the bylaws tonight, it will be an agenda item and a formal notification will be made to the Mayor.

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Motion to adjourn was made by Commissioner Hauck and seconded by Commissioner Rajewich. On roll call vote, the following voted "AYE": Allen, Hauck, Kaufman, Marietta, Rajewich and Rechsteiner. "NAY": None. Absent: Arnold and Bowman.

Note: If a member needs to abstain from voting, the member should communicate this prior to a motion being made.

Note: There was dialogue that was not audible for the minutes due to microphones being off, sitting back from the microphones, static in the microphones or individuals not standing at the podium to speak.

Adjourn 6:26 p.m.



Jeremy Rechsteiner, Chairman



Brenda Bruntz, Secretary

