

THE OFFICIAL PROCEEDINGS OF THE CITY OF GERING PLANNING COMMISSION REGULAR MEETING, APRIL 1, 2025

A regular meeting of the City of Gering Planning Commission was held in open session on April 1, 2025, at 6:00 p.m. in the Gering City Hall Council Chambers at 1025 P Street, Gering, NE. Present were Commissioners Taylor, Crews, Keener, Tony Kaufman, Cathy Kaufman, and Hauck. Absent: Shimic, Miles and Alvizar (arrived at 6:08 p.m.). Also present were City Engineer Annie Folck and Secretary Carol Martin. Notice of the meeting was given in advance by publication in the Star-Herald, the designated method of giving notice. All proceedings hereafter were taken while the meeting was open to the attendance of the public.

Call to Order and Roll Call:

Commissioner Tony Kaufman called the meeting to order at 6:00 P.M. and noted that a quorum of the Planning Commission was present and business could be conducted.

1. Pledge of Allegiance

2. Open Meetings Act - Neb. Rev. Stat. Chapter 84, Article 14

Commissioner Tony Kaufman stated: As required by State Law, public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room. Agenda items may be moved up or down on the agenda at the discretion of the Chairperson. Additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless they are considered under this section of the agenda and the Planning Commission determines that the matter requires emergency action.

3. Approval of Minutes of the January 21, 2025, regular Planning Commission meeting

Motion by Commissioner Taylor to approve the minutes of the January 21, 2025 regular Planning Commission meeting. Second by Commissioner Hauck. There was no discussion. The Secretary called the roll. "AYES": Taylor, Crews, Keener, Tony Kaufman, Cathy Kaufman and Hauck. "NAYS": None. Abstaining: None. Absent: Shimic, Miles and Alvizar. Motion carried.

4. Current Business:

A. Public Hearing to consider a Zone Change from RR Rural Residential to C-1 Neighborhood Commercial for Lot 1, Block 2, Pappas Northwest Addition, City of Gering, Nebraska

Commissioner Tony Kaufman noted that in the interest of time, for people in the Chambers that wish to speak, that opportunity will be provided. This is a public meeting for the Planning Commission that is conducted in public for observance. When the time comes to speak, those in the audience wishing to speak will be given five minutes to address the Planning Commission. If there are questions, staff will take note and when everyone is done with questions, staff will go through them systematically and address them. He added that this is the Commissioner's meeting; they can ask all the questions they want. This isn't really a dialogue back and forth between the public. He wanted to be sure everyone was on the same page moving forward.

Commissioner Tony Kaufman opened a public hearing to consider a Zone Change from RR Rural Residential to C-1 Neighborhood Commercial for Lot 1, Block 2, Pappas Northwest Addition, City of Gering, Nebraska at 6:04 p.m.

CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT

To:	Planning Commission	Date:	April 1, 2025
From:	Planning & Community Development	Zoning:	RR
Subject:	Recommendation & Report – Zone Change from RR Rural Residential to C-1 Neighborhood Commercial	Property Size:	
Location:	Lot 1, Block 2, Pappas Northwest Addition	#Lots/Parcels:	1
Owner:	Highway 71 Trust	City Council Public Hearing:	April 28, 2025

Public Notice: This Public Hearing was noticed Meeting City Zoning and Subdivision Regulations and according to Nebraska State Statutes.

Agenda Item Summary

The City of Gering has received an application to change the zoning on a property located on Lot 1, Block 2, Pappas Northwest Addition, generally located at the northwest corner of Five Rocks Road and Country Club Road. The application requests a change in zoning from RR Rural Residential to C-1 Neighborhood Commercial. The majority of the property is currently vacant, with some older farm sheds on the northern edge of the property (built in 1982).

The City's Comprehensive Plan describes this area as District 1, the Northwest Monument Neighborhood District. While it states that the predominant use is residential, it also states, "Small footprint lower scale commercial uses that act to support the neighborhood may be appropriate in higher traffic areas such as the intersection of U Street and 5 Rocks Road. Commercial uses should be consistent with the character of the area in scale and design." Because this property is located on the intersection of Country Club Road and Five Rocks Road, two of the City's main arterials, this would be an area that is appropriate for neighborhood commercial. While C-2 or C-3, the City's less restrictive commercial zones, would not be appropriate, C-1, Neighborhood Commercial is the City's most restrictive commercial zone. The stated intent of the district is as follows:

3.9.1.A. INTENT. The C-1 Neighborhood Commercial District is intended primarily for the provision of retail and personal service facilities to satisfy the convenience-goods needs of the consumer relatively close to his/her place of residence.

Due to this being such a restrictive zone, uses like beauty shops, retail stores, medical facilities, restaurants with no drive through, and music/dance studios are permitted uses by right. Other uses that have the potential to generate more traffic/parking needs, such as banks, funeral homes, and drive through restaurants, would be allowed only through a conditional use permit, meaning that neighbors would have to be notified and a public hearing would be held with the Planning Commission before such uses could be approved. The most intensive uses, such as industrial services or automobile repair shops, would not be allowed at all in this zone. A complete table showing permitted and conditional uses is attached.

Staff recommends approval of the zone change for the following reasons:

- The size of the property being rezoned is small enough that the development will be restricted to “small footprint lower scale commercial uses” such as what the Comprehensive Plan describes as being appropriate for the area.
- The location is at the intersection of two of the City’s arterials, a very high traffic area.
- The zone requested is the least intensive of the commercial zones and is intended to provide services relatively close to residential areas.

Recommendation

Approve

Recommend approval of a Zone Change from RR Rural Residential to C-1 Neighborhood Commercial for Lot 1, Block 2, Pappas Northwest Addition, City of Gering, for the following reasons:

Deny

Recommend denial of a Zone Change from RR Rural Residential to C-1 Neighborhood Commercial for Lot 1, Block 2, Pappas Northwest Addition, City of Gering, for the following reasons:

Table

Table considering a Zone Change from RR Rural Residential to C-1 Neighborhood Commercial for Lot 1, Block 2, Pappas Northwest Addition, City of Gering, for the following reasons:

Public Hearing

Engineer Folck stated that the City received an application for a change in zoning for the property that is located on Lot 1, Block 2, Pappas Northwest Addition, specifically located at the northwest corner of Country Club Road and Five Rocks Road. This area is currently zoned Rural Residential. To the east is Terrytown which is outside Gering’s zoning jurisdiction; to the north is Terrytown, to the west is Low-density Residential and to the south is Golf Course Estates which is a unique zoning designation that is only found around the City’s golf course. The majority of the property is vacant with some older farm sheds on the northern edge of the property.

Engineer Folck clarified that the zoning application is from the individual who is interested in developing the property, she is not the current property owner. In accordance with city policy, a letter from the property owner was submitted stating the owner is planning to transfer ownership to the applicant and is in support of this rezoning.

Engineer Folck provided some historical context of this area. When the golf course was originally developed in the 1990’s, the area near the golf course and club house was intended for single-family homes and potentially some townhomes. But on the corner of Country Club Road and Five Rocks Road, it was denoted as a business park. This is not a new idea to have some commercial at this intersection. It was originally the vision to have a business park at this intersection. Going further into the future, in 2017, the City received an application to rezone this lot. At that time, they were looking at potentially developing a restaurant in this location. That rezoning was not approved. Starting in 2018, City staff started developing a new Comprehensive Plan to help guide the City’s development, with a focus on planning and zoning. When developing the Plan, it was important that the approach be consistent, predictable, and never be arbitrary and capricious. There should be guidelines and rationale behind the decisions that the Planning Commission and City Council make for the City. That’s the reason for having the Plan; the City has to have a Comprehensive Plan in order to do zoning.

In the process of developing that Plan, staff and City Officials heard many comments about that particular proposal and that it had been turned down. Many expressed concerns about the City of Gering, with some stating that the City is not perceived as being business-friendly. Thus, when the Comprehensive Plan was developed and adopted by the City Council, principles were included to help guide decision making of the community. Engineer Folck highlighted a couple Principles that are relevant.

Principle 2.1: Our community will expand and diversify our economic base.

Policy 2.1.E: Support job creation by focusing on retention, expansion, incubation, and recruitment efforts.

Policy 2.1.F: Support the creation and growth of local businesses.

Principle 2.3: Our community will support economic development through City policy, regulations, tools, and programs.

Policy 2.3.C: Clarify and streamline City processes by reducing uncertainty and making it easier to improve properties as well as to start and operate businesses in Gering.

Policy 2.3.D: Encourage local entrepreneurial opportunities and support existing small entrepreneurial businesses.

Policy 2.3.E: Provide incentives for business development to reduce the need for out-of-town shopping trips.

In summary, the development of the Comprehensive Plan highlighted the need for the City of Gering to better address the needs of its business community. One approach to achieving this is by introducing more flexibility into future land use zoning guidelines. In contrast to the previous Plan which relied on rigid classifications and treated residential designations as final with limited opportunity for reevaluation, the new direction encourages a more adaptable framework.

When developing this comprehensive plan, one of the goals was to demonstrate a more business-friendly environment. To do that, you build in greater flexibility because in reality, development doesn't always develop according to plan. Plans need to adapt as conditions and opportunities evolve. There is not always one right answer as to what a property should be. For example, the area that is now Buffalo Circle was originally envisioned to be commercial, but eventually developed as residential. There is usually more than one appropriate use for certain properties.

This property in particular, under the City's current Comprehensive Plan, talks about it being in District 1, which is the Northwest Monument Neighborhood District. It states that the predominant use of this area is residential, but it also states that small footprint lower scale commercial uses that act to support the neighborhood may be appropriate in higher traffic areas such as the intersection of U Street and Five Rocks Road. Commercial uses should be consistent with the character of the area in scale and design.

This area is considered a residential area. Because this area is on the edge of the residential area, it is adjacent to two arterials and additional traffic would not go through the residential area, not by anyone's driveway, nor anyone's houses, it would be in accordance with what the Comprehensive Plan envisions for that area. It would be considered an appropriate place to put commercial. If you were talking about commercial being further down Country Club Road past all the homes, that would be much more concerning. Being that this is at the intersection, it would be in accordance with what the Comprehensive Plan recommends.

In addition, the kind of commercial has to be looked at. The Comprehensive Plan says C-1 neighborhood could be appropriate. C-2 and C-3 would not be appropriate at this location. Based on the table provided in the packet, C-1 shows as far more restrictive than C-2 or C-3. There have been some comments and concerns received about this being a truck stop. A truck stop would not be permitted at this location; that would be permitted in C-3 but not C-1. C-1 is designed to be compatible with residential. She noted 3.9.1.A. INTENT. The C-1 *Neighborhood Commercial District is intended primarily for the provision of retail and personal service facilities to satisfy the convenience-goods needs of the consumer relatively close to his/her place of residence.*

Businesses that could go in this location with the rezone include beauty shops, retail stores, medical facilities, restaurants with no drive through, and music/dance studios. These are permitted uses by right. These would be considered less impact and less traffic. Other uses that have potential to generate more traffic or parking such as banks, funeral homes, and drive through restaurants could potentially go there but only after going through a conditional use permit process where they would have to go before the Planning Commission, go over the specifics of their proposal and show their plan for addressing traffic and any noise or anything else that could be generated by that use. The more intensive uses like industrial services, automobile repair shops and truck stops would never be allowed here under this zoning. The Zoning Code table referenced at this hearing is available online.

Another concern raised was the potential obstruction of views of the Monument. The current zoning allows for a maximum building height of 35 feet, and the proposed zoning area maintains that same 35-foot height limit.

Staff is recommending approval of the zone change for the following reasons:

- The size of the property being rezoned is small enough that the development will be restricted to "small footprint lower scale commercial uses" such as what the Comprehensive Plan describes as being appropriate for the area. This space isn't suitable for a Walmart or any large-scale, high-traffic development.
- The location is at the intersection of two of the City's arterials, which should carry that traffic very well. The timing of this proposal is somewhat challenging, as there are currently traffic issues at that intersection due to bridge construction. That bridge typically carries over 13,000 vehicles a day, and while not all of that traffic is being diverted to Five Rocks Road, a significant portion is. However, by the time this project is built and operational, the expectation is the bridge will be completed and back in service, which should help alleviate the current traffic concerns.
- The zone requested is the least intensive of the commercial zones and is intended to provide services relatively close to residential areas.

Commissioner Crews asked if there are two parcels currently at RR Rural Residential, and if the one to the west of the current application would remain Rural Residential. Engineer Folck confirmed there are currently two parcels and it would remain Rural Residential.

Commissioner Alvizar asked if they are just looking at the zoning and not what the applicant is wanting to specifically develop. Engineer Folck stated that ultimately the need is to make sure the rezone is appropriate for anything that could go in that zone. The specifics of the current proposal should not be the focus, because whether development happens a year from now or 50 years down the line, plans can and often do change. What matters is the zoning itself. If there is anything permitted under the C-1 Zone

that they believe would be completely inappropriate for this area, something they would not want to see at any point, then they need to seriously reconsider whether this is the right zoning designation. The decision should be about the long-term implications of the zoning, not any one proposed project.

Commissioner Tony Kaufmann asked if there was anyone in the Council Chambers wishing to speak regarding this application and noted the five-minute time limit. Those speaking were asked to state their name and address for the record.

Jean Bauer, 14 Toluca Lane, asked where the entrance would be to this lot, off of Five Rocks Road or Country Club Road? Engineer Folck responded that the entrance would be off of Country Club Road. Jean Bauer followed with another question of how far in from the intersection? (Staff did not answer at this time but noted the question(s) would be addressed following the public's opportunity to speak). Jean Bauer continued stating she does not have problem with the use of it; she doesn't think it would generate a lot of traffic. She does have a huge concern with the height because there is an excellent view off the deck and a building 35 feet high would block that view entirely.

Eric Reichert, Reichert Construction, 1302 19th Avenue, Scottsbluff, representing the owners, shared the intent of the proposed property. He noted the goal with this facility is to create a four-suite professional, medical type plaza. The specifics could always change but the intent currently is to have a physical therapy suite, a gym suite (do not know the hours), a medical massage type facility and then possibly a coffee shop which would have a drive-through if allowed by the City. They can get into details how that would affect traffic but the intent would be no traffic backed up on Country Club Road, rather self-contained on the property itself. With regard to the physical therapy business, they are currently anticipating there will only be 20-25 clients per day that would be entering and existing over an 8-hour period. There will be three other suites doing something similar but anticipate minimal impact. As far as access, traffic would not be getting off of Five Rocks Road. The State will require the entrances to be "x" amount of feet away. The State already has the numbers on how that is going to impact that intersection. It will likely be on the west end of that property to enter. Engineers will design that part with the City ordinances and State requirements in mind. As for height restriction, it will be a single-story building; elevation is not known as drawings have not yet started at this point.

Commissioner Hauck asked about the coffee shop drive through. Will it be a drive-in coffee shop like Scooters? Mr. Reichert responded yes, noting that is the intent but he did not have the details at this time; it is unknown if it will be a franchise or local coffee shop. The hope is to provide a drive through coffee shop for the community. They will not use other property driveways; it will be their own.

Commissioner Alvizar asked if the height will be at a minimum? Mr. Reichert responded yes, expecting a 10-foot clear span inside the buildings and probably around 14-16 feet high outside depending on the design phase. The look/height will be comparable to the buildings on Country Club and 10th. They will be trying for a more contemporary look, more wall, less roof, and should be shorter than those examples.

Commissioner Crews asked after hearing what the vision is for the property, and since looking at the property for future plans, is there any way to estimate the number of businesses or buildings that could be in that space given the current zoning? Engineer Folck responded there is about four acres available so there could be potentially several units. She pointed out that it is difficult to confirm not knowing what type of businesses, as some need more parking than others. The site is somewhat limited, as it is only four acres in size. Given the layout, expanding to include additional businesses would be challenging unless they are added as part of the same business park. Subdividing the property to accommodate separate developments would be difficult due to the site's configuration. Additionally, stormwater retention will be required, which further limits usable space.

Commissioner Crews inquired if the potential four or five-unit plaza could potentially max out the usable space. Engineer Folck pointed out that while there may be a small amount of additional space available, the site is a long, narrow property with limited street frontage. She noted the frontage along Five Rocks Road cannot be utilized, as it is State-owned right-of-way. The State typically does not grant access to individual developments from that road—only when a formal city street is extended into the area. So, while some space may technically exist, the site's layout presents significant constraints that limit the potential for further development.

Peggy Fegler, 120 Buffalo Circle, shared that she has been out of town for a number of months, and only just learned of this meeting yesterday. In looking back in time to eight years ago, she printed out what she wrote then and noted that some of it isn't applicable any longer because the Comprehensive Plan has changed. What she thought was important was the history of Country Club Road. Fifty years ago, it was originally Scottsbluff Country Club then moved over once the Monument expanded and was sold to Gering and Gering has slowly expanded. Over the years, the City of Gering has really felt that it should be a residential neighborhood. It was noted that in 1995, the development of this area should however be monitored by strict design standards to ensure development will not compromise the integrity of the Monument and that it should be for future housing. It didn't say anything about Commercial 1. Her concern was when she thinks about planning; planning is when you want to put the commercial together. She knows Gering wants to develop their commercial downtown area and streets around there. So this has made her question why they want to put a commercial thing completely at the edge of the town, not drawing people into the town. Her other question was if you look at the diagram, the road into Buffalo Ridge is right across from Schaneman's driveway. It will probably be very close how they all get into where they live and where the mail is delivered. She worries of backing up because what will the distance be where their driveway will be going into Five Rocks. If you have someone slowly going in and someone coming out of that parking area and having to head down towards Five Rocks, when cars are going up, you could have some backing up. Her house does face it and will face the driveway. Her main concern was it was never meant to be there. She stated commercial business needs to be promoted in Gering, but not there. She doesn't know if there are any other commercial properties on Five Rocks or anywhere near there. She expressed she doesn't understand the logic to it. If there is going to be a gym, what are the hours going to be? There are gyms that are open 24 hours. It's also on a pathway. People ride their bikes up and down that street, especially in the summer. People go walking there. Her husband and she ride their bikes down there. What will that do for the traffic for those bicycling on the trail?

Patsy Sterkel, 3030 Eagle Pointe, stated that she understands the City of Gering would like to have all the money they can; they want to grow. In 2017, when Gering went through this, they talked a lot about spot zoning. And to her, this is spot zoning. She stated there is no commercial up there. It is all residential. As far as one can see, it's residential. Up Country Club Road, a group of homeowners probably give the City of Gering more in taxes than anyone else in the city. She expressed concern if they are inundated with commercial now and commercial traffic... She talked about the bike trail, if one ever comes up, stops at the stop light, and turns on Country Club Road. The first thing one sees is Country Club going like this; you don't have to speed but you have to rev it up to get moving because you are going up hill. She continued, ask anyone that goes for a walk there every day. They are going up hill. They don't want to have to go up hill and see if a car is coming out; they come out that same street. They don't come out continually all day long. She noted that if it is a physical therapy place and they only have 25 cars through a day, they aren't going to be successful. She believes this because she goes to physical therapy twice a week. They would need to have at least 50, if not more a day, into their establishment. They are low-balling the amount of traffic they are going to have. She would just ask everyone, would you like to have anything commercial in your backyard?

Kari Foreman, 3020 Monument Shadows, noted there is only one way out and that is the only road out. If there would ever be an emergency and all had to get out, that is her concern.

Janie Scanlan, 2720 Applewood Road, shared her concern is the traffic at the corner and the number of kids that use the bike path. Lots of people come up there and use that road. When you talk about commercial establishments, you really don't know how many will use it...even a small gas station with limited amounts of pumps. She would love to have the convenience but questions at what cost to a quiet neighborhood. That was why they bought (a house) up there. They don't want the traffic and sitting up there at the light and having to wait for people trying to get out or in. That's a problem. They also have a very quiet neighborhood and there is plenty of property further down the highway. What about M street? What about developing the nasty looking U Street on the highway? There are places over there that need to be cleaned up and look nice. She does agree in development of the downtown; it would be better to do something there. For example, what used to be where the Runza is, that could be developed more. That's where more people would go. Why take a nice neighborhood area and change it into something that's commercial? Doesn't make sense to her. She loves the idea of convenience but it is not worth it to her or to those she has talked with in the neighborhood. They don't want that in their neighborhood.

LaRita Van Boskirk, 2805 Grandview Road, stated that she would like the Planning Commission to think very seriously about rezoning it to any kind of commercial. She reiterated some of what others have said. They are a very lovely, quiet residential area and would like to keep it that way. They would like to keep it safe. They like the walkers and bicyclists to be safe. They do have only one road in and out. With regard to the traffic, they understand it's not going to be a highway but are concerned there will be more than what's been indicated here. If there's a physical therapy place and three or four other spots, even if they are only dealing with 20 or 25 folks, she's inclined to agree with Patsy Sterkel, they'll need to deal with a lot more folks than that to be successful. That's a lot of traffic right there. If you said there are 25 cars for four businesses; that's 100 cars in and 100 cars out. That's a lot of traffic in an 8-10 hour timeframe. If there's a gym, a lot of gyms are open at 5 a.m. until 10 or 11 p.m. There will be some entering and going by some of the houses on Buffalo Circle. If something should happen on the corner, she would encourage the Planning Commission and Mr. Schaneman to keep looking at residential. Buffalo Circle is a lovely area. Do some more of that kind of thing right there. The convenience, as Janie Scanlan mentioned, would be nice but there is vacancy down on Country Club Road, just a few blocks down...NTC is trying to sell a building. That would be pretty convenient. There are empty buildings throughout town that could be used. She would encourage the Planning Commission to think seriously about how they draw people to downtown Gering rather than how do they have a few businesses in lots of different places. She thinks safety is probably the key thing. The traffic that will come throughout the neighborhood that isn't there now...she thinks it will change the complexion in a way that in the future could turn out to be a dangerous thing for them.

Mike Loftsgard, 2600 Country Club Road, asked if there will be a transcript of this meeting. Engineer Folck responded there will be no transcript but there will be official minutes. Mr. Loftsgard further asked about the project involving ingress and egress from Country Club Road into that building/lot and off of Five Rocks. Who makes those decisions if you can get an idea if it will be feasible? His concern was that it's going to get choked somewhere or they won't do anything off of Five Rocks. Because right now, based on the paint job the State or the City of Gering did on Five Rocks, if a cop were to sit there, they could write tickets all day long. When you turn off, because of the way that it's painted, will there be enough room to make that turn if all these vehicles come into play? He directed a question to Mr. Reichert: Is it correct that the person who's looking at buying this property gave you the 20-25 patients figure? Mr. Reichert responded, yes.

Mr. Loftsgard also asked who decides shrubbery, trees, that sort of thing on the entrance and exit when thinking of line of sight. Is that decided by the City? Engineer Folck responded, yes. Mr. Loftsgard

continued with a question about winter time and plowing. Where will the snow go after being plowed? He asked this specifically because down the road, that could be an issue in regards to line of sight. A number of people have been talking about what if, what if...Mr. Loftsgard would like to know and have validated numbers they could look at and make a logical decision and maybe even challenge where those numbers came from.

Tom Swan, 3005 Monument Shadows, shared an example. He used to take his daughter to Gering High School every morning and when he came back and tried to turn left on Country Club Road, it only allowed two cars in the left turn lane so you have traffic backing way up or you have to wait or you break the law and go down the middle and if someone pulls out in front of you, it's going to be your fault for doing that. He once had made a suggestion to a gentleman (not sure if it was the State), that if you happen to repaint that, it would be nice if you could extend that so four or five more cars could be in there. They repainted but it did not change and still only allows two cars and thus creates a backup and you could go through two or more lights before being allowed to turn left at this point in time. The other concern he expressed was it's the only way they have to get up in that neighborhood. He noted he was leaving one day and they were working on that pump station and had problems. Water was shooting straight up and nobody could get out. He ended up going around the neighborhood to be able to get out. He commented that he doesn't know if the City has a plan to try to get another one on the other end. He knows there's nothing over there and suggested it could go through the golf course, but noted that golf balls might be a problem. That's a concern. He stated that is the only way out of that area and it can be a problem sometimes. In summary, in just trying to extend that lane, someone listened but nothing happened. Maybe it takes the State to get involved.

Peggy Fegler, 120 Buffalo Circle, spoke again and noted they have ridden their bikes into Gering from where they live and when they go home up the hill on Country Club Road, it takes a heck of a lot of energy and to go on the pathway. She was just thinking of all the people who use that in the summer and the spring, what's going to happen as far as safety? She stated they see kids on skateboards and bicycles and parents...it's going to happen. She believes that putting a driveway almost across from their driveway into Buffalo Ridge, it's going to get congested. How are they going to turn out of there when they're finished going in? Is that going to back up? How many car lengths is it from Five Rocks Road up to where the driveway is? It could easily get congested with the cars.

Lana Payne, 2820 Applewood Road, noted many concerns have been addressed by the neighbors: safety is certainly an issue; traffic is an issue. The fact that it is a residential neighborhood, it is not a commercial neighborhood...There's nothing else commercial on that stretch from the bottom north just as you pass the railroad tracks all the way south. She commented why there would be a need to put anything commercial there; doesn't make any sense. And by doing so, you eventually make something that's probably going to become a blighted area. You'll put something in with nice intentions, and over time as that fails, then you'll have all kinds of other businesses trying to get in and out of there that never intended to be there. Noting if she understood correctly, the adjacent property to the west that is in the green, could conceivably become available at some point for the same kind of use. She doesn't think any of them there want an expansion of what might possibly be a commercial designation. A lot of points have been brought up that are truly valid in terms of the people that live in that neighborhood. They do probably provide more money to the City of Gering than any other community. It is an approach to an historical sight. There are a lot of bikers. She and her husband spent 30 years in Scottsbluff, and moved to Gering because they were driving to Gering two and three times a week just to hike and bike the Monument. They live just at the base of it. Their neighbors across the street back up to federal property. It's a tourist destination. Why would you want people coming to your community driving down the highway passing through a residential area to be randomly coming across commercial sites when others have pointed out there are so many other possibilities for commercial sites in the community. It's not that she or others don't want business and business to be successful, but business should be maintained. It

shouldn't just be sprawling in these little pockets here and there. It doesn't make any sense. And it's not good use of the land. She thanked all the people that spoke at the meeting. They have all spoken to the same kinds of concerns that she has.

Commissioner Alvizar asked the Engineer Folck if there have been any studies that show the traffic during the summer, during golfing season and the restaurant up there.

Engineer Folck noted that no specific traffic studies have been conducted during peak hours for this location. However, they have reviewed available data from the State. On the west side of Five Rocks Road and Country Club Road, the average daily traffic (ADT) is around 1,100 vehicles, based on counts from the most recent data—which is a few years old. East of Five Rocks Road, the ADT was significantly higher, exceeding 3,000 vehicles. While current traffic patterns have been impacted by the bridge construction project, there haven't been any notable issues at that intersection. Based on this, it's believed the intersection could accommodate quite a bit more traffic without creating significant problems.

Jean Bauer, 14 Toluca Lane, commented that there have been a lot of great points stated. She wanted to share that her daughter lives on Toluca Lane and even before the bridge was out, getting out at 7:30 to 7:45 a.m. there would be cars backed up five deep on Toluca Lane to get out onto Country Club Road and with the closure of the bridge, it's gotten much worse. With that traffic being rerouted because of the bridge closure, she doesn't know what the traffic would look like on the west side of 71 with a commercial business there. She expressed it's pretty bad on the east side of Five Rocks Road and that was before the bridge closure.

Lana Payne, 2820 Applewood Road, noted the traffic and the golf course. There are golf carts out there all day long and many are being driven by teenagers. Their safety needs to be considered as well with cars coming and going. The golf course is the drawing factor up there and because of that, there will be that kind of traffic as well, golf carts on the road itself.

Thom Van Boskirk, 2805 Grandview Road, stated he is in the same housing development that most of the people are at this meeting. He asked of the audience, for the benefit of the Planning Commission, that all the people not wanting this particular project to go through to raise their hand to give an idea to the Commission what their thoughts are. He would say their opposition should be well documented before the Planning Commission. He thinks all of them have a lot of value in their properties in that neighborhood and are not wanting to see anything change as far as that value. He purchased up there for a reason, because it was not surrounded by properties that would deplete or reverse the direction of that neighborhood. He hoped the Commission would keep that in mind when making a decision in regards to this project. He thanked the Commission.

Tom Swan, 3005 Monument Shadows, asked that if this project does go through, would they make a right-hand turn lane coming onto Country Club Road? He has heard of people getting tickets when it's backed up there. Engineer Folck responded that they would certainly evaluate the intersection, and if adjustments are needed, such as modifying the traffic signal timing or extending the turn lane, those are changes that can be made.

Commissioner Taylor shared some statistics based on his and his wife's restaurant. They own a coffee shop and restaurant on 10th Street. They have consistently 30-50 vehicles show up within two hours every morning. That is the coffee shop side. If there happens to be a Buffalo Wild Wings go in next to a Dunkin Donuts right there, they could be looking at 200-300 cars a day.

Commissioner Keener added on that same note, could a Buffalo Wild Wings or a Texas Roadhouse go into the golf course restaurant as well? Engineer Folck confirmed yes, it could. If they have a drive through, it would require a conditional use permit. But just for the restaurant, they could go in there.

Additionally, Engineer Folck noted they do have some letters to read into the record as well once everyone has had the opportunity to speak. Commissioner Tony Kaufman paused to extend his appreciation to everyone for the civility demonstrated during this process.

Pat Fulmer, 100 Buffalo Circle, located on the corner right behind the City sign for the Monument Grill, shared that she lives close enough that she hears tires squealing, the speedsters night after night. She commented that what really worries her is the number of ambulances that have had to come into Buffalo Circle since she has lived there which is eight years. There are ambulances running by a lot on Five Rocks Road from Heritage and the blockage of those people getting around from the various accidents out south of town, police cars night and day, it's noisy over there. She did note that the police do not turn on their sirens after they are asleep. She continued that she worries about adding more confusion. On the positive side of this project, she would love to see the lot developed as there are so many prairie dogs and gophers that dig it up and come across the road and have a heyday. She would love it if someone would build houses across there and put in streets.

Commissioner Keener asked if that neighborhood is already noisy. Ms. Fulmer responded that it is noisy on the corner where she lives. She likes to have her windows open in the summer time and the noise gets awful, weekend nights are especially awful. Also, with the traffic it's not safe to walk out on the street when there's a golf tournament going on. With teenagers and older people driving the golf carts, it is not safe.

Engineer Folck read the letters that were received regarding this application.

Letter from Lucas Benzel, 2720 Monument Valley Drive

"The Planning Commission: My apologies for being unable to attend in person. My name is Lukas Benzel. I am a lifelong resident of Gering and the Panhandle and currently reside at 2720 Monument Valley Drive up near the monument. I am writing as a very concerned member of this community regarding rezoning the property in question on the Northwest Corner of Country Club Road and Five Rocks Road (Hwy 71). There are concerns that would most likely extend beyond my time or writing here, but the main one begins with the location of this property regarding residential areas and traffic flow. I understand that an individual is purchasing this property with the intention of putting a business or multiple businesses here. This has always been a residential area, and I believe it needs to be maintained as such. If this were being developed into a property like the Buffalo Court just across Country Club, I don't think there would be any concern. However, the sheer amount of chatter I have heard compared to other issues of this kind tells me clearly that our neighborhood and community feel very strongly that although we support growth and business, this is simply not the spot.

I believe this issue arose for another individual in the past, one of whom I admire and support strongly, but the decision was made at that time not to rezone. That is still the right decision. The area near the monument is becoming more and more of a commodity for real estate, quiet living, and a point of pride for the community. The golf course, Country Club, and Monument Marathon are all significant reasons this area is sought after and should be protected. Sticking businesses here, in the midst of residential, not only looks out of place for our community but causes many issues, including traffic flow and safety. I think we've all seen increased traffic and traffic issues, regardless of the bridge being out. Adding traffic right off a highway that includes a pathway, a large amount of foot traffic, and a one-way in-and-out road for residents is concerning. Even if this property is utilized for what is initially being considered, a PT Office, possible Med Spa, and Coffee Shop (also possibly adding enormous amounts of traffic and

congestion), who is to say someday we wouldn't end up with something much more troublesome for traffic and safety, like a gas station or truck stop that requires more vehicles, even large semis, to come in and out constantly. Whether the entry is on Country Club or the highway, it is a problem. Also concerning for those of us with children and current or upcoming drivers is the traffic concern that will arise. Not to mention the already heavy traffic presented daily by the start and dismissal of nearby Northfield Elementary and the safety of those students crossing the highway, riding bikes, or riding buses to school.

I could speak on and on, but another plea I have is that you hear the voices of your residents. Again, we support this town and business, but in the right spots for the community. Over the years, we have already seen the results and banter on poorly placed businesses, housing, storage units, etc. Let's plan better and put the businesses where they belong and can succeed. People move to this neighborhood and area because it is residential, scenic, quiet, and safe for their families. Property values are already a concern, and people don't want to leave the community or their houses, but I have heard many residents say they are close to that point. Don't make something like this the tipping point with a controversial decision that doesn't need to be made now after years of this property being kept from residential purchase. I cannot speak to the reasons or speculate as to why this happened and what is happening now, but please consider all of these things.

There are many things the community has done that are great and many areas for growth. Rather than try to alter the zoning of this property, I suggest that you look at what we can do to keep the town up to snuff. Items like addressing road concerns (Country Club alone has more cutouts than most can count and a rougher path), finally finishing striping U Street from the highway to the school, fixing the eyesore that is underpass by the railroad, or better maintaining other areas that desperately lack attention. In closing, I simply ask that you hear the residents' voices, not just the business owners. Bringing money to the community has always been a topic that has been discussed, but like in the past, let's make sure it's the right decision for our residents. I would highly encourage any and all of you to call me if you have questions from the perspective of a lifelong resident and father of children who deserve to see their neighborhood remain safe, quiet, and accessible for all."

Letter from Cheryl Page, 2835 Club House Drive

"Do NOT set the stage for a large commercial development at Country Club and Avenue I. This area is already very congested due to the golf course and the bike path. There are many times when it is very difficult to cross there."

Letter from Steve & Kathy Carillo

"To Planning Commission: We are writing to let you know that we oppose the rezoning of the property located on the corner of 5 Rocks Road and Country Club Road. We don't know if we will be able to make it to the meeting on April 1st and appreciate that Ms. Folck has offered to read to you our opposition and concerns on this rezoning.

There are several concerns we have with this rezoning:

1. Adding a commercial site will take away from the beauty we enjoy in this residential area of homes that owners take pride in maintaining their property. As well as enjoying the beautiful back drop of the majestic Scottsbluff Monument.
2. We all know a commercial site may look good for the first year, but after that the area isn't maintain and soon looks run down. It will become an eyesore and will only bring down our property values.
3. Commercial convenience sites also bring undesirable activities. Drug deals, litter, noise, and loitering, etc. We don't want this kind of activity or the people that create these issues in our neighborhoods.

4. Traffic problems. This is already a busy intersection and to add a commercial site will only increase traffic which in turn increases the number of accidents. You know people will make inappropriate turns into the site which will inevitably cause an accident. And traffic problems will only get worse.

This is a Residential area and should remain as such! It would be sad to know that our city leaders are going to put gaining additional tax money from a commercial site over looking out for the citizens enjoying their homes and neighborhood.

There are several vacant lots and buildings in the existing commercial areas of Gering. Why don't the city leaders use incentives to encourage businesses to use those locations? This would not only bring in revenue from that location but also help other local businesses by bringing in more customers into the area. It would also improve our commercial areas with new or renovated buildings.

Please don't ruin our residential area with a commercial site! No to rezoning!!!!

Letter from Craig & Julie Landers, 2655 Country Club Road

"Dear Planning Commission members: Please register our opposition to the proposed rezoning. We're concerned about the additional traffic load on an already overburdened intersection & roadway. With Country Club Road being the only in/out road to access all the existing neighborhoods, compounded by the traffic to/from the Monument Shadows complex, it's simply too much to handle. And that's the case for the proposed businesses alone, not to mention any additional future businesses that could move in."

Commissioner Tony Kaufman asked Engineer Folck to address the issue of potential spot zoning.

Engineer Folck explained that spot zoning is not a legal term and cannot legally be used as opposition. In a court case, they're not going to say it's only one lot, you can't zone it that way. What people usually mean when they talk about spot zoning is that you're zoning just one lot and it's completely out of context with everything that is surrounding it. If there were a lot, for example somewhere up on Applewood (or in that neighborhood) that was vacant, and someone wanted to make that commercial - to her that would be spot zoning. There would be no rationale for it, it would not make sense to send traffic through the neighborhood; that would be spot zoning. But where the Comprehensive Plan talks about the fact that an area along arterial roadways, particularly the intersection of two arterial roadways, would be appropriate for commercial uses. To her, that is not spot zoning. That is in accordance with some good guiding principles from the Comprehensive Plan. Additionally, the size of the lot has to be looked at as well. This lot could potentially be broken into more than one lot. There could even be a street in there, a cul-de-sac, or something like that. There could be multiple lots there. Just the fact that it's one lot doesn't necessarily mean it's inappropriate to have a rezone there. The technical, legal term is arbitrary and capricious. Is this an arbitrary decision that does not have any guidance in the Comprehensive Plan? She thinks the answer to that would be no; the Comprehensive Plan does foresee potential situations like this and does say that they could be appropriate.

Commissioner Tony Kaufman reiterated that this is a meeting for the Commissioners but they want to be as neighborly as they possibly can in this process. If anyone has a question that hasn't been asked, he would permit it so it can be added to the list of questions for Engineer Folck to answer.

Janie Scanlan noted she is hearing in this discussion that Country Club Road is an artery. She stated they don't have an exit at the top of Country Club Road; it doesn't go anywhere else. She asked why is that considered an artery? To her, that is not an artery as it doesn't go anywhere. It's a dead end. It doesn't seem like an artery.

Engineer Folck addressed the questions that were asked throughout the public hearing.

There was a question as to where would the entrance would be? Access would definitely have to come off Country Club Road, as Five Rocks Road is State right-of-way and access from there wouldn't be allowed. City staff would require the entrance to be placed as far west as possible along Country Club Road to create more distance from the traffic light and help traffic flow more safely and efficiently.

There was a question asked about who makes the decision about ingress and egress on that roadway? That decision would ultimately be made by her, as the City Engineer, and it would be based on sound engineering practices.

There were questions about a turn lane along Country Club Road. Again, there is the ability to make adjustments to that intersection if necessary. Modifications can be made to the timing of the traffic light, extending the turn lanes, and making other improvements as needed. The City would likely set up traffic counters to gather data, which will help them determine the best timing and adjustments for smooth traffic flow.

Question about line of sight for landscaping: As part of the site plan when issued the building permit, they would be required to comply with the site triangle requirements. This ensures that nothing over 30 inches is placed within that area, allowing for clear visibility of traffic. Additionally, there are rules in place to prevent things like piles of snow or other obstructions from being placed in that space to maintain safety and visibility.

Question regarding Country Club being arterial: Streets are classified into different types, such as arterials, collectors, and local streets. Arterial roads typically have a wider right-of-way. For example, Country Club Road has a wider right-of-way compared to other streets because it's an arterial, which allows for more space curb-to-curb. This makes it easier to add turn lanes if needed, something that wouldn't be as feasible on local roads like Applewood or Grandview, which are narrower. Additionally, parking is generally not allowed along arterial roads, unlike local streets where parking is more common. In the street classification system, Country Club Road is designed and categorized as an arterial, not a local road, which reflects its design and intended use.

There was a question asked as to how does the bike lane fit into the plan? The bike lane is considered part of that roadway.

The question was asked, what is the distance from Five Rocks Road to the west edge of the property? The concern was that it's going to be right across from their property and they worry about people leaving that property and wanting to make a left-hand turn onto Country Club Road; it's going to get very backed up. Engineer Folck explained the distance is approximately 275 or 280 feet. There would be room for close to 10 cars to stack up there. Inaudible comments were made from the audience.

Commissioner Crews asked with it being Rural Residential right now, how many residential lots can fit in there under current zoning? Engineer Folck responded looking at rough numbers, probably twice the area of Buffalo Circle (12 homes), maybe 24; depends on the size of the home. Ten per acre is a good rule of thumb for Medium Density Residential. Commissioner Crews clarified that he meant as it's currently zoned. Engineer Flock replied currently it's zoned Rural Residential which there is a minimum lot of three acres so they can't have more than one lot there so they can only have one home there.

With no further comments, the public hearing was closed at 7:25 p.m.

i. Make recommendation to City Council

Commissioner Tony Kaufman entertained a motion regarding the proposed zone change. Engineer Folck

clarified that the Commission cannot pass a positive recommendation to the Council without four votes minimum.

- A. Motion by Commissioner Keener to make a positive recommendation for approval of the zone change from RR Rural Residential to C-1 Neighborhood Commercial for Lot 1, Block 2, Pappas Northwest Addition, City of Gering, Nebraska because he feels it fits in with the City Comprehensive Plan. Seconded by Commissioner Cathy Kaufman. There was no discussion. The Clerk called the roll. "AYES": Keener, Cathy Kaufman, and Tony Kaufman. "NAYS": Taylor, Crews and Alvizar.**

Commissioner Hauck stated he lives in that neighborhood and felt he needed to abstain. Commissioner Tony Kaufman questioned whether he could abstain or not. Engineer Folck clarified that if a Commissioner doesn't feel they can make an impartial decision, then they can recuse themselves.

Abstaining: Hauck. Absent: Shimic and Miles. The vote was tied.

Commissioner Tony Kaufman explained that with a tied vote, the Commission can go through the process again. If the outcome is the same, then the motion would die for a lack of a positive recommendation. Engineer Folck clarified that it will still go to City Council either way. The Planning Commission can make a positive recommendation, a negative recommendation, or no recommendation. Commissioner Tony Kaufman asked the Planning Commission if they were comfortable with the decision "as is" to send to City Council. He added he is comfortable to send it as is. His personal opinion, it's a tough decision and he totally understands the public and neighborhoods' reasoning. To him, it's property rights and we live in America. He added that it fits within the Comprehensive Plan. He is comfortable to move this forward to the Council or if the Planning Commission thinks otherwise, they can go through and see if there is one more vote or if anyone changes their mind. This hearing has been a good reflection of what the community feels and ultimately, it's the Council's decision.

Commissioner Hauck asked when the City Council meets, will the public still be able to express their opinions? Commissioner Tony Kaufman responded absolutely, there will be another public hearing for the Council. This was the Planning Commission piece.

Commissioner Keener asked if they need another motion to take it as is. Commissioner Kaufman responded the City Council would receive the meeting minutes for their record. No additional vote was taken.

5. City Engineer Report

Engineer Folck did not provide an Engineer's Report.

6. Open Comments: Discussion or action by the Planning Commission regarding unscheduled business will not take place. This section is for citizen comment only.

Patsy Sterkel, 3030 Eagle Pointe, thanked everyone for listening to their plea and appreciated the time spent. She wished she had known of the big plan that has been talked about so the residents of the city could have had more input on what the city would look like. She would have thought persons of residence of the city would have more input on how the Comprehensive Plan was developed. Engineer Folck responded there were more than 400 residents of Gering out of 8,500 involved in the Comprehensive Plan process. This number is well above the standard for public input. It was publicized and the Comprehensive Plan is available online.

Etta Taylor, 3065 Monument Shadows, commented that you could not have made that little tiny sign any smaller that was on the piece of property. She drove by it for a week and had no clue it was there and was just shocked. You couldn't drive by and read what that said. You would have had to stop your car, gotten out, walked over there to read what it said. She thinks that is ridiculous because there are a lot of people in their area who did not even know what was going on. She thinks the City ought to reconsider the size of a sign like that. That was a very important sign for their area of where they live. When will it go to the City Council? Engineer Folck responded the next City Council meeting is April 28. They will be changing the date on the sign and additional notice letters will be going out to those within 300 feet.

Janie Scanlan, 2720 Applewood Road, commented that nothing has been addressed with the property values up there when something like this happens. Their properties are worth a lot of money and their taxes are pretty high. What will be going on with their property values? Is it time to sell? She would like that to be considered also.

Lana Payne, 2820 Applewood Road, commented that she's aware of the Comprehensive Plan, and it's good there is a plan, but just because there's a plan and this technically fits the definition of that plan, doesn't make it a good fit. She thinks you need to consider everyone's concerns/comments along with the work that has been done. No one is arguing about the plan itself, they are just concerned about is this a good thing to put in this place or could this business still thrive in another location in Gering and be successful and give back to the community in a way that the business person plans. She would like everyone to think about that and note that historically this area has been a residential area. Make the Comprehensive Plan so that things fit, not put something because it fits the definition of the Comprehensive Plan.

Peggy Fegler, 120 Buffalo Circle, commented that they are not too far from the entrance to Buffalo Ridge. When you look at their entrance and the entrance the other place will have, they're going to be very, very close. You go up that street thinking of people turning left, they're going up and turning left to their place and people going right into the other one and vice versa leaving; it's going to be a mess. There needs to be other places out. She doesn't think there's room for 10 cars between them and the road. When you go in the morning when kids are going to school, she's sure when there are five cars you are fairly far up. And you have certain people leaving at certain times. She thinks there is no way to leave that property with that many people going in and out and them leaving also.

7. Adjourn

Commissioner Keener moved to adjourn. Commissioner Crews seconded the motion. There was no discussion. The Secretary called the roll. "AYES": Taylor, Crews, Keener, Tony Kaufman, Cathy Kaufman, Hauck and Alvizar. "NAYS": None. Abstaining: None. Absent: Shimic and Miles. Motion carried.

The meeting adjourned at 7:39 P.M.



Jody Miles, Chairman

ATTEST:



Carol Martin, Administrative Secretary