

CITY OF GERING

PLANNING COMMISSION MEETING AGENDA



A REGULAR MEETING OF THE CITY OF GERING PLANNING COMMISSION WILL BE HELD ON **TUESDAY DECEMBER 3, 2024 AT 6:00 P.M.** IN THE GERING CITY HALL COUNCIL CHAMBERS, 1025 P STREET, GERING, NEBRASKA.

All agenda items are for discussion and action will be taken as deemed appropriate.

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Open Meetings Act - Neb. Rev. Stat. Chapter 84, Article 14, 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 or Vice-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.
4. Approval of Minutes of the **NOVEMBER 19th, 2024** regular Planning Commission meeting
5. Current Business:
 - A. Consider the Preliminary Plat of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska
 - B. Consider the Final Plat of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska

- C. Public Hearing for changes to zoning code regarding drive through restaurants.
 - D. Preliminary discussion on zoning code changes regarding food trucks.
6. City Engineer report
 7. **OPEN COMMENT:** Discussion or action by the Planning Commission regarding unscheduled business will not take place. This section is for citizen comment only.
 8. Adjourn

**CITY OF GERING PLANNING COMMISSION MEETING
November 19, 2024**

A regular meeting of the City of Gering Planning Commission was held in open session on November 19, 2024, at 6:00 p.m. in the Gering City Hall Council Chambers at 1025 P Street, Gering, NE. Present were Commissioners Taylor, Crews, Miles, Kaufman, Palm, Hauck and Alvizar. Absent Keener and Shimic. Also present were City Engineer Annie Folck, Carol Martin, Administrative Secretary and Secretary Valerie VanWinkle Engineering Secretary. 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:

Chairman Miles 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 Miles 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. Appointment of Planning Commission Secretary, Valerie Van Winkle

Motion by Commissioner Taylor to approve the appointment of Planning Commission Secretary, Valerie VanWinkle. Second by Commissioner Alvizar. There was no discussion. The Secretary called the roll. "AYES": Taylor, Crews, Miles, Kaufman, Palm, Hauck, Alvizar. "NAYS": None. Absent: Keener, Shimic. Motion Carried.

4. Approval of Minutes of the October 15, 2024, regular Planning Commission meeting

Motion by Commissioner Palm to approve the minutes of the October 15, 2024 regular Planning Commission meeting. Second by Commissioner Crews with one correction of the spelling of his name. There was no discussion. The Secretary called the roll. "AYES": Taylor, Crews, Miles, Kaufman, Palm, Hauck, Alvizar. "NAYS": None. Absent: Keener, Shimic. Motion carried.

5. Current Business:

- A. Consider an Ag Estate Dwelling Site located at 150785 CR 22, Tract in the South ½ of the Southwest ¼ of Section 13, Township 21 North, Range 55 West of the 6th P.M. Scotts Bluff County**

**THE FOLLOWING STAFF REPORT WAS PROVIDED TO PLANNING COMMISSION PRIOR
TO THIS MEETING
CITY OF GERING**

PLANNING COMMISSION RECOMMENDATION AND REPORT

| | | | |
|------------------|---|-------------------------------------|------------|
| To: | Planning Commission | Date: | 11/19/2024 |
| From: | Planning & Community Development | Zoning: | |
| Subject: | Recommendation & Report – AEDS | Property Size: | 5.26 Acres |
| Location: | 150785 CR 22, Tract in the South ½ of the Southwest ¼ of Section 13, Township 21 North, Range 55 West of the 6 th P.M. Scotts Bluff County | #Lots/Parcels: | 1 |
| Owner: | Victor Jerger Farms Inc./ Jeremy Jerger | City Council Public Hearing: | 11/25/2024 |

Agenda Item Summary

The City has received an application for an Ag Estate Dwelling Site (AEDS) Subdivision in the AG zone (Agricultural District). The proposed Ag Estate Dwelling is an existing farmstead located at 150785 CR 22. The applicants would like to divide 5.26+- acres off from the remainder of the farm. The property is situated in unplatted lands, tract in the South ½ of the Southwest ¼ of Section 13, Township 21 North, Range 55 West of the 6th P.M. Scotts Bluff County. The property is outside of Gering City limits, but within the City’s extraterritorial zoning jurisdiction. The surrounding property is zoned AG.

According to the City’s zoning code, for each AEDS, the owner shall reserve the balance of 80 acres of vacant or agricultural district land. When the 5.26+- acres is divided off, there will be only 68.14 acres remaining of the farm which will be held in reserve for agricultural uses only, until or unless the property is rezoned. While this doesn’t strictly meet the 80-acre requirement, section 5.203 of the zoning code also states, “The City Planning Commission and the City Council of the City of Gering, Nebraska, may permit the creation of an AEDS out of less than 80 acres of reserved land, in certain situations, in the event that the intent of this subsection is maintained.” The stated intent of the AEDS subsection of code is “not to encourage the creation of a large number of agricultural estate dwelling sites (AEDS), but such intent is to allow ‘subdivision’ or sale, of a portion of a larger tract of land, whereby the smaller parcel created is to be used primarily for dwelling site purposes.” Because this is an existing farmstead that is being split off from the remainder of the farm, and this parcel is to be used for dwelling purposes, staff recommends that this AEDS does meet the intent of this subsection of code, and thus recommends approval of the AEDS.

Motion and Vote

Approve

Make a POSITIVE RECOMMENDATION for City Council to approve the Ag Estate Dwelling Site located on 150785 CR 22, Tract in the South ½ of the Southwest ¼ of Section 13, Township 21 North, Range 55 West of the 6th P.M. Scotts Bluff County Nebraska, with the following conditions:

Deny

Make a NEGATIVE RECOMMENDATION to City Council to approve the Ag Estate Dwelling Site located on 150785 CR 22, Tract in the South ½ of the Southwest ¼ of Section 13, Township 21 North, Range 55 West of the 6th P.M., Scotts Bluff County, for the following reasons:

Table

Table making a recommendation for City Council to approve the Ag Estate Dwelling Site located on 150785 CR 22, Section 13, Tract in the South ½ of the Southwest ¼ of Section 13, Township 21 North, Range 55 West of the 6th P.M. Scotts Bluff County, for the following reasons:

END OF STAFF REPORT

City Engineer Annie Folck shared the vicinity map on the overhead screen to explain that an application was received for an Ag Estate Dwelling for the property shown south of town. This is an existing farmstead; they are splitting off a little more than 5 acres so that meets all of the requirements. It's big enough for a well and septic, everything that's needed for a farm stead like that. Once this is done there is roughly 65 acres left, which is less than the 80 acres that is required in reserve, but the code is flexible enough to allow that. Folck noted the ordinance change clarifying that this is appropriate in the case of existing farmsteads will go to City Council Monday, so it's not in place yet. However, the way the code is currently written does allow Planning Commission to approve this because it has language about circumstances that still meet the intent of the code. With this being an existing farmstead, there is no population being added to the area and staff recommendation is still approval.

Commissioner Palm asked how far Planning Commission's jurisdiction is outside the City. Folck responded they are authorized up to 2 miles out and it's mapped by ordinance. It hasn't been looked at in a while and that's something to look at in the future. She can send out a map showing exactly where the boundary is because it follows parcel lines to avoid having parcels half way in and half way out. As the City grows that should be looked at periodically.

Motion by Commissioner Crews to approve the Ag Estate Dwelling located at 150785 CR 22, Tract in the South ½ of the Southwest ¼ of Section 13, Township 21 North, Range 55 West of the 6th P.M. Scotts Bluff County. Seconded by Commissioner Palm. No discussion. The Secretary called the roll. "AYES": Taylor, Crews, Miles, Kaufman, Palm, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Keener, Shimic. Motion carried.

6. City Engineer Report

City Engineer Annie Folck stated that the City has a couple more applications including a preliminary and final plat. There is also proposed code changes for some potential things happening in Gering. There will be a meeting in December and after sending an email to Planning Commission December 3rd worked best. Commissioners Crews, Keener, Shimic and Alvizar have

done their three-year terms. Commissioners Crews, Keener, and Alvizar are all going to fulfill another term. Shimic had concerns about being able to stay consistent and will move to the alternate position. Palm is also leaving because she's moving out of Gering. One of these positions will be filled by Tony Kaufman. There is still one more open seat to fill.

7. Open Comments: Discussion or action by the Planning Commission regarding unscheduled business will not take place. This section is for citizen comment only. None.

8. Adjourn

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

The meeting adjourned at 6:13 p.m.

Jody Miles, Chairman

ATTEST:

Valerie VanWinkle, Secretary

CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT

| | | | |
|------------------|---|------------------------------|-------------------------------|
| To: | Planning Commission | Date: | 12/3/2024 |
| From: | Planning & Community Development | Zoning: | MH- Manufacturing Heavy |
| Subject: | Recommendation & Report – Preliminary Plat, of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska | Property Size: | 12.73 ACRES |
| Location: | | #Lots/Parcels: | 2 |
| Owner: | Julie Anne Morrison | City Council Meeting: | 12/9/2024 |

Agenda Item Summary

The City has received an application for a Preliminary Plat, of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska. The property is located on the corner of U Street and 7th Street (see attached vicinity map). The property currently has access from both 7th Street and U Street. With the new subdivision, Lot 1 would continue to have access on both streets, while Lot 2 would have access only from 7th Street. Both lots are currently served by City water, which is located along 7th Street and U Street. Lot 1 is served by City sewer, which is available on U Street. Lot 2 would need to have sewer extended to it in order to meet City subdivision requirements. While the City’s subdivision requirements do allow for a septic in cases where the City’s sewer system is not reasonably available, staff recommends that because the sewer is currently available to the property, it should be considered reasonably available to the new lot that is being created. An additional utility easement has been provided along 7th Street on the plat in order to allow for appropriate separations between the water and sewer lines. Staff recommends approval of the preliminary plat.

Recommendation

Approve

Make a POSITIVE RECOMMENDATION for City Council to approve the Preliminary Plat of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska

Deny

Make a NEGATIVE RECOMMENDATION to City Council to approve the Preliminary Plat of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska for the following reasons:

Table

Table making a recommendation on the Preliminary Plat of of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska for the following reasons:

PRELIMINARY PLAT
LOTS ONE AND TWO, BLOCK ONE,
WESTERN SUGAR COOPERATIVE SUBDIVISION
A REPLAT OF BLOCK ONE, WESTERN SUGAR
COOPERATIVE SUBDIVISION
AN ADDITION TO THE CITY OF GERING,
SCOTTS BLUFF COUNTY, NEBRASKA

SITUATED IN THE SOUTHWEST QUARTER OF SECTION 36,
 TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M.,
 SCOTTS BLUFF COUNTY, NEBRASKA

LEGAL DESCRIPTION

LOTS ONE AND TWO, BLOCK ONE, WESTERN SUGAR COOPERATIVE SUBDIVISION,
 a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of
 Gering, Scotts Bluff County, Nebraska situated in the Southwest Quarter of Section 36,
 Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska.

GENERAL NOTES

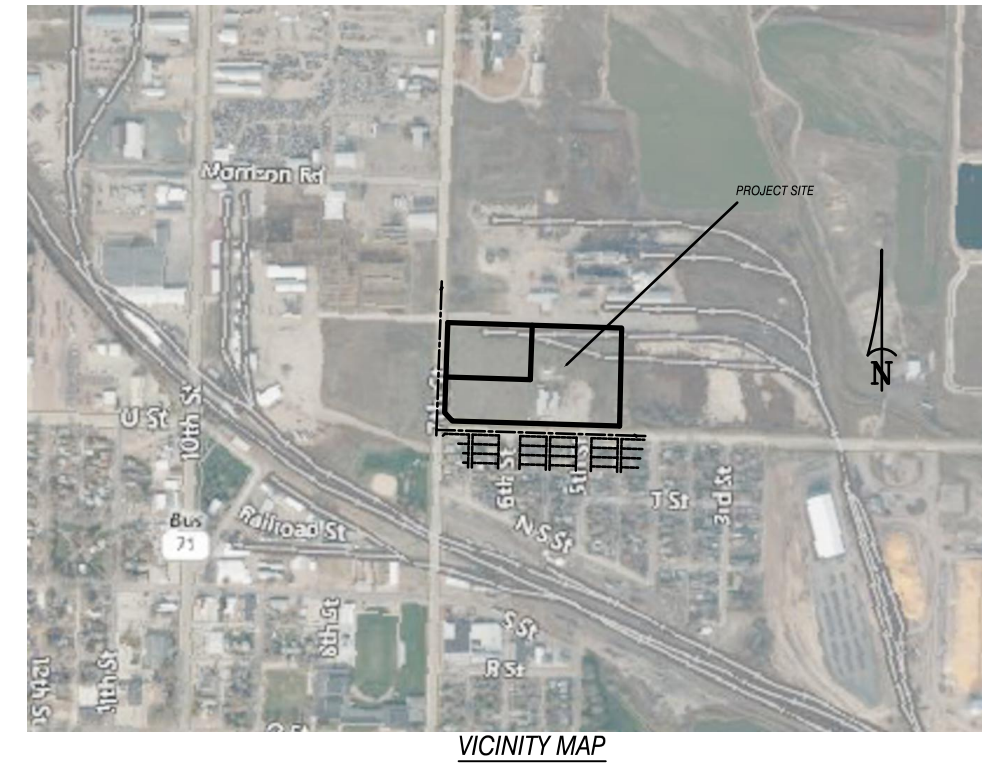
- Underground utilities shown are based on previous surveys, GIS information, and utility locates from the Nebraska One-Call system, and may or may not represent the true location of shown utility, or the presence of all buried existing utilities.
- Flood Plain Information: This property is located in the Flood Plain Zone C, as shown on FIRM Map, Community Panel No. 310371-0005-A, effective date February 15, 1979, Zone C refers to area of minimum flooding.
- Zoning Information: This property is zoned MH (Heavy Industrial District) in the City of Gering, Nebraska. The Building Setback requirements as per zoning designation is as follows:

SETBACK REQUIREMENTS FOR ZONE MH (HEAVY INDUSTRIAL DISTRICT)

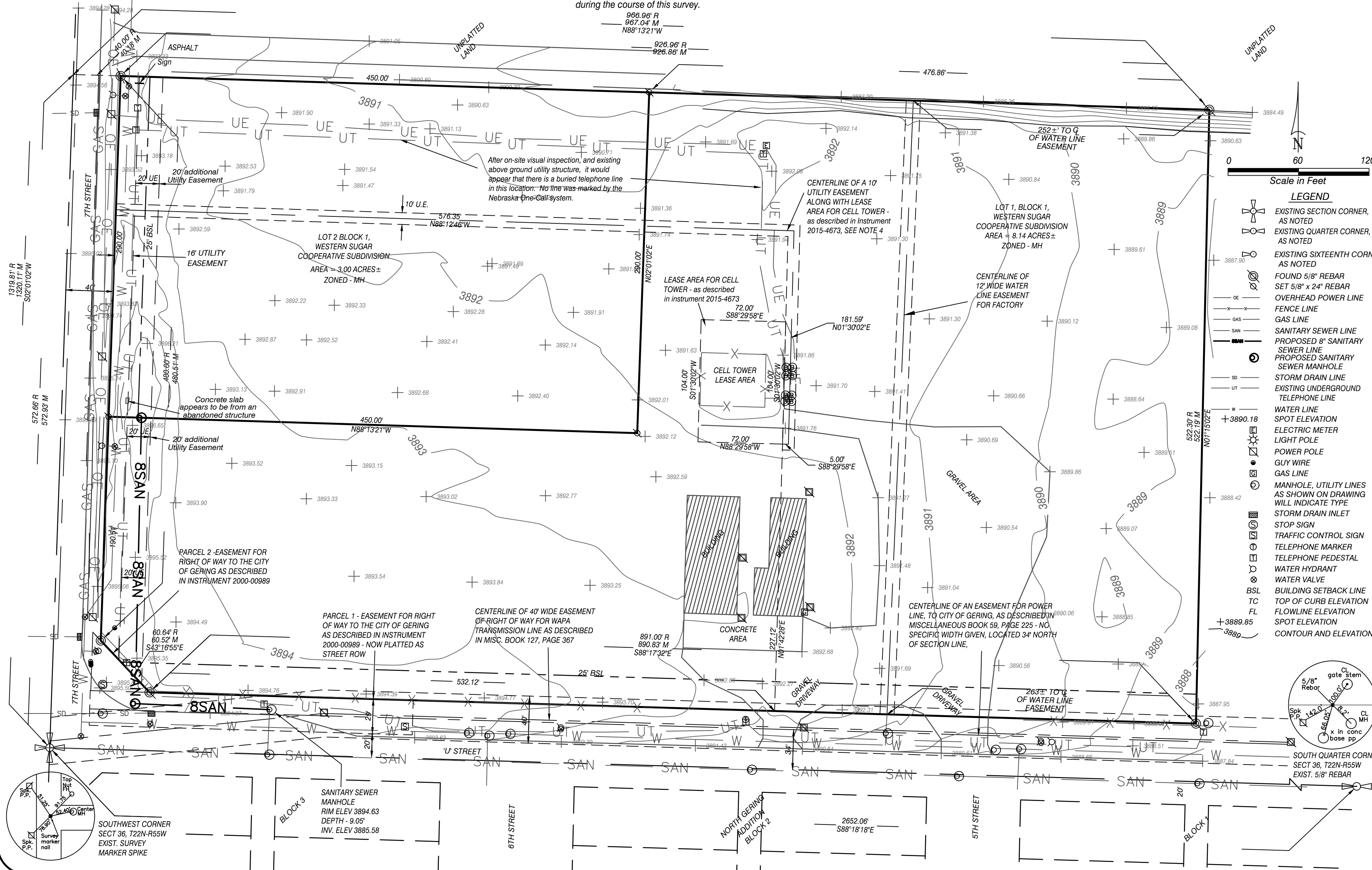
- Front yard setback - 25 feet
- Rear yard setback - None, except the minimum rear yard abutting a Residential District or a residential use shall be twenty-five (25) feet.
- Side yard setback - None, except the minimum side yard abutting a Residential District or residential use shall be ten (10) feet.
- Accessory Structure Location: The placement of accessory structures is further regulated by Section 5.1.1. of the zoning regulations.

The minimum height of building allowed - 100 feet
 (source: City of Gering Zoning Regulations Revised September 26, 2022, Article 3.10.2)

- The 10 foot easement described in Instrument 2015-4673 does not match existing utilities discovered during the course of this survey.



VICINITY MAP



M. C. SCHAFF & ASSOCIATES, INC.
818 SOUTH BELTLINE HIGHWAY EAST
SCOTTSBLUFF, NEBRASKA 69361

ENGINEERS ♦ PLANNERS ♦ DESIGNERS ♦ LAND SURVEYORS

PH: 308-635-1926 FAX: 308-635-7807 INTERNET: WWW.MCSCHAFF.COM

PROJECT: PRELIMINARY PLAT,
LOTS ONE AND TWO,
BLOCK ONE, WESTERN
SUGAR COOPERATIVE
SUBDIVISION
GERING, NEBRASKA

CLIENT: JULIE MORRISON

PROJECT NUMBER:
 RM240284-00
PROJECT DATE:
 OCTOBER 18, 2024
PROJECT MGR:
 D.P.S.
PROJECT TEAM:
 DB-TD-DS

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| DATE | REVISION |
| | |

SHEET 1 OF 1
P-1

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

| | | | |
|------------------|--|-----------------------------|-------------------------------|
| To: | Planning Commission | Date: | 12/3/2024 |
| From: | Planning & Community Development | Zoning: | RM Residential Medium Density |
| Subject: | Recommendation & Report – Final Plat of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska | Property Size: | 12.73 ACRES |
| Location: | | #Lots/Parcels: | 2 |
| Owner: | Julie Anne Morrison | City Council Meeting | 12/9/24 |

Agenda Item Summary

The City has received an application for a Final Plat, of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska.

The lots currently have access to the City’s street system and water system, but Lot 2 still needs to have sewer extended to it in order to meet the City’s subdivision requirements. The Final Plat dedicates additional easement area to allow for the sewer to be installed. Staff recommends approval of the final plat with the condition that a Developer’s Agreement is passed that would ensure that the developer would be responsible for the costs to install the sewer, stormwater retention, and any other necessary improvements.

Recommendation

Approve

Make a POSITIVE RECOMMENDATION for City Council to approve of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska with the following conditions:

Deny

Make a NEGATIVE RECOMMENDATION to City Council to approve of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska for the following reasons:

Table

Table making a recommendation of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska for the following reasons:

**APPLICATION FOR SUBDIVISION PLAT
PRELIMINARY AND FINAL PLAT**

Date: _____ Plat-File No.: _____ PC/CC Meeting Date: _____

1. Julie Anne Morrison 640 O Street Gering, NE 69341
Property Owner Address Phone No.

2. MC Schaff & Associates 818 S. Beltline Hiway E. Scottsbluff, NE 308-635-1926
Sub-divider Address Phone No.

3. MC Schaff & Associates 818 S. Beltline Hiway E. Scottsbluff, NE 308-635-1926
Engineer Address Phone No.

4. Proposed Name of Addition: Lots 1 & 2, Block 1, Western Sugar Cooperative

5. Legal Description by Quarter-Quarter Section, Township and Range: _____
SW ¼ of the SW ¼ of Section 36, T22N, R55 W of the 6th P.M. Scotts Bluff County, NE

6. Existing Zoning District: MH-Manufacturing Heavy Requesting change to: no change

7. A brief description of existing or available utilities: _____
Water Storm drain, and Electric

8. A brief description of proposed utilities: _____



Signature of Sub-Divider

Signature of Zoning Administrator

CITY OF GERING
PLAT PROCEDURES
(Preliminary and Final)

1. Applicant fills out the application
2. Collect fee of \$150.00
3. Applicant supplies two (2) copies of the preliminary & final plat, supplemental material and a written opinion of an attorney as to the ownership of the land to be subdivided at least twenty-eight (28) days before a meeting.
The proof of ownership shall be in one of the following forms or a combination of them: (Ord. 1615, 5/26/98)
 - a. A written opinion of an attorney at law licensed to practice law under the laws of the State of Nebraska.
 - b. A photocopy of a title insurance policy or alternatively a commitment for title insurance issued in either case by a title insurance company authorized to do business in the State of Nebraska.
 - c. A certificate of a registered abstracter duly authorized as such according to the laws of the State of Nebraska (Ord. 1488, 12/14/92)
4. Advertise public hearings for Planning Commission and City Council
5. Notify Board(s) of Education, NRD, County Planning Commission if within the extraterritorial subdivision jurisdiction being exercised by the City of Gering within the County

WARNING: The designated Beneficiaries are personally liable, to the extent of the value of the property transferred, to account for Medicaid reimbursement to the extent necessary to discharge any such claim remaining after application of the assets of the Transferor's estate. The designated Beneficiaries may also be personally liable, to the extent of the value of the property transferred, for claims against the estate, statutory allowances to the Transferor's surviving spouse and children, and the expenses of administration to the extent needed to pay such amounts by the personal representative.

WARNING: The Department of Health and Human Services may require revocation of this deed by a Transferor, a Transferor's spouse, or both, a Transferor and the Transferor's spouse, in order to qualify or remain qualified for Medicaid assistance.


We, Matthew J. Turman and Brandi Ward, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Grantor and Transferor signs and executes this Transfer on Death Deed to transfer his interest in the described real property; that he signs it willingly or willingly directs another to sign for his; that he executes it as his free and voluntary act for the purposes therein expressed; that each of us, in the presence and hearing of the Grantor and Transferor, hereby signs this deed as witness to the Grantor and Transferor's signing and, that to the best of his knowledge, the Grantor and Transferor is eighteen years of age or older, or is not at this time a minor, and the Grantor and Transferor is of sound mind and under no constraint or undue influence.


Witness


Witness

STATE OF NEBRASKA, COUNTY OF SCOTTS BLUFF: ss.

SUBSCRIBED, SWORN TO, AND ACKNOWLEDGED before me on this 5th day of June, 2022, by Julie Anne Morrison, the Grantor and Transferor, known to me personally, or who has produced satisfactory evidence of identification to me.


Notary Public





2022-3230

RECORDED
SCOTTS BLUFF COUNTY, NE

Date 6-15-22 Time 11:45am

Inst. 2022 3230
Jean A. Bauer

NUM PAGES 2
DOD TAX _____ PD _____ CHG _____ RET _____
FEES 16.00 PD CHG _____ RET _____
TOTAL 16.00 CK 64.00
REC'D Edison, Kovarik & Turman
RET

COMPUTER *JH*
PICTURED *C*
IMAGED _____

REGISTER OF DEEDS

Return to: Ellison, Kovarik & Turman Law Firm, P.O. Box 340, Gering, NE 69341

TRANSFER ON DEATH DEED

KNOW ALL MEN BY THESE PRESENTS: That I, **Julie Anne Morrison a/k/a Julie A. Morrison**, a single person, as Grantor and Transferor, transfers on death to my son, **Clark Lindstrom**, as Grantee Beneficiary; the following described real estate situated in Scotts Bluff County, Nebraska, to-wit:


Block One, Western Sugar Cooperative Subdivision Situated in the SW/4SW/4 of Section 36, Township 22 North, Range 55 West of the 6th P.M., Assessor parcel #0010343555, known as 570 E U St., Gering, Nebraska,

subject to easements, reservations, covenants, and restrictions of record.

This Transfer on Death Deed is revocable and it does not transfer any ownership until the death of the owner. It revokes all prior beneficiary designations by this owner for this interest in real estate effective the date set forth below.

I, **Julie Anne Morrison**, the Grantor and Transferor, sign my name to this instrument this 15th day of JUNE, 2022, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this Transfer on Death Deed to transfer my interest in the described real property, and that I sign it willingly or willingly direct another to sign for me; that I execute it as my free and voluntary act for the purposes therein expressed; that I am eighteen years of age or older, or am not at this time a minor, and that I am of sound mind and under no constraint or undue influence.

Dated this 15th day of JUNE, 2022.


Julie Anne Morrison, Grantor/Transferor

WARNING: The property transferred remains subject to inheritance taxation in Nebraska to the same extent as if owned by the Transferor at death. Failure to timely pay inheritance taxes is subject to interest and penalties as provided by law.

SURVEYOR'S CERTIFICATE

I, Dennis P. Sullivan, Nebraska Registered Land Surveyor No. 562, duly registered under the Land Surveyor's Regulation Act, hereby certify I, or under my direct supervision, have surveyed and prepared a plat of LOTS ONE AND TWO, BLOCK ONE, WESTERN SUGAR COOPERATIVE SUBDIVISION, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situated in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska.

That the accompanying plat is a true delineation of said survey drawn to a scale of 100 feet to the inch. That all monuments found or set are marked as shown. That all dimensions are in feet and decimals of a foot. That the boundary of the plat is shown with a heavy solid line with dashed lines being for orientation purposes only. That said survey, to the best of my knowledge and belief is true, correct and in accordance with the Land Surveyor's Regulation Act in effect at the time of this survey.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 2024.
FOR THE FIRM OF M. C. SCHAFF AND ASSOCIATES, INC.

Dennis P. Sullivan, Nebraska Registered Land Surveyor, L. S. 562

OWNER'S STATEMENT

We, the undersigned, being the owners of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situated in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska as described in the foregoing "Surveyor's Certificate" and shown on the accompanying plat have caused such real estate to be platted as LOTS ONE AND TWO, BLOCK ONE, WESTERN SUGAR COOPERATIVE SUBDIVISION, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situated in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska.

That the foregoing plat is made with the free consent and in accordance with the desires of the undersigned owners.

Dated this _____ day of _____, 2024.

OWNER: BLOCK ONE

By: _____
Julie Morrison, Owner

LOTS 1 AND 2, BLOCK 1,
WESTERN SUGAR
COOPERATIVE SUBDIVISION
GERING, NEBRASKA
SHEET 2 OF 2
JOB# RM240284-00

ACKNOWLEDGEMENT

STATE OF NEBRASKA)
COUNTY OF SCOTTS BLUFF)

Before me, a Notary Public, qualified and acting in said County, personally came Julie Morrison, Owner, to me known to be the identical person whose signature is affixed to the foregoing "Owner's Statement" and acknowledged the execution thereof to be her voluntary act and deed.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 2024.

Notary Public

My Commission Expires _____

APPROVAL AND ACCEPTANCE

The foregoing plat of LOTS ONE AND TWO, BLOCK ONE, WESTERN SUGAR COOPERATIVE SUBDIVISION, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situated in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska is hereby approved by the Mayor and City Council, by resolution duly passed this _____ day of _____, 2018.

Mayor

ATTEST:

City Clerk

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

| | | | |
|------------------|--|-----------------------------|-----------|
| To: | Planning Commission | Date: | 12/3/2024 |
| From: | Planning & Community Development | Zoning: | |
| Subject: | Recommendation and Report - Ordinance changes regarding drive through restaurants. | Property Size: | N/A |
| Location: | | #Lots/Parcels: | N/A |
| Owner: | N/A | City Council Meeting | 1/13/24 |

Public Notice: This Public Hearing was noticed meeting the requirements of Nebraska State Statutes and City of Gering Zoning Regulations.

Agenda Item Summary

After reviewing the zoning code, there are a couple of areas that need to be adjusted. One of these is the requirements for drive through restaurants. Drive through restaurants are currently not permitted at all in the C-1, Neighborhood Commercial zone. While the zoning code was originally written this way because of the amount of traffic that a drive through restaurant can generate, not all drive through restaurants are the same, and additional traffic can be mitigated for by providing additional queueing areas and ensuring that the access is along a major arterial. By allowing it as a conditional use in the C-1 zone, the Planning Commission will have the ability to review each proposal on a case-by-case basis to determine if it is appropriate or not.

Recommendation

Approve

Make a POSITIVE RECOMMENDATION for City Council to adopt an ordinance allowing drive throughs as a conditional use in the C-1 zone

Deny

Make a NEGATIVE RECOMMENDATION for City Council to adopt an ordinance allowing drive throughs as a conditional use in the C-1 zone

Table

Table making a recommendation regarding an ordinance allowing drive throughs as a conditional use in the C-1 zone

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, TO AMEND THE ZONING ORDINANCE, ARTICLE 3, SECTION 3.11 TO ADD RESTAURANTS, DRIVE-IN/DRIVE-THRU AS A CONDITIONAL USE IN THE C-1 ZONE, AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

Be it ordained by the Mayor and City Council of the City of Gering, Nebraska, that:

Section 1. The City of Gering Zoning Ordinance, Article 3, Section 3.11, Land Use Table, shall be amended, to add Restaurants, Drive-in/Drive-Thru, as a Conditional Use in the C-1 Zone as shown in Exhibit A.

Section 2. All other ordinances and parts of ordinances in conflict herewith are repealed. Provided, however, this Ordinance shall not be construed to effect any rights, liabilities, duties, or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 3. The Mayor and Council of the City of Gering, Nebraska, find and determine that all procedural requirements for Amendment of the City of Gering Zoning Ordinance have been satisfied.

Section 4. This Ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS _____ DAY OF _____, 2025

Kent Ewing, Mayor

(Seal)

ATTEST:

City Clerk

Exhibit A

| USES | ZONING DISTRICTS | | | | | | | | | |
|---|------------------|-----|----|------------|-------|----------|----------|-------------------------------|----|----|
| | AG | RR | RL | RM | RH | C-1 | C-2 | C-3 | ML | MH |
| | AGG / AEDS | RRE | RL | (RM + RML) | (RMH) | BNC(C-1) | BCB(C-2) | (BHC(C-3)+ BTS(C-4) +BEC(C-5) | ML | MH |
| AGRICULTURAL | | | | | | | | | | |
| Agricultural Produce Stand | P | P | | | | | | | | |
| Agricultural Production | P | P | | | | | | | | |
| Agricultural Service | C | | | | | | | | | |
| Animal Husbandry | P | P | | | | | | | | |
| Bulk Grain Storage / Grain Elevator | P | | | | | | | | P | P |
| Feed Lots (1st / 2nd / 3rd Class) | C | | | | | | | | | |
| Livestock Auction / Sales Barn | | | | | | | | | | P |
| NATURAL RESOURCE | | | | | | | | | | |
| Gas / Oil Wells | C | | | | | | | | | C |
| Natural Resource Extraction / Processing | C | | | | | | | | | C |
| RESIDENTIAL | | | | | | | | | | |
| Boarding and Rooming Houses / Bed and Breakfasts | C | P | C | C | C | | P | | | |
| Convalescent / Nursing / Rest Homes | | | | | P | P | | | | |
| Group Home | | C | C | C | C | | | | | |
| Group Shelters / Transitional Housing | | C | | | C | | C | P | | |
| Home Occupation | P | P | P | P | P | | | | | |
| Independent and Assisted Living Center | | | | | P | P | | | | |
| Live Work / Loft (Residential / Commercial) Dwelling (not in 1st / ground / basement level) | | | | | | P | P | | | |
| Mobile / Manufactured Home Park | | | | | P | | | | | |
| Multi-Family Dwellings - General | | | | | P | | | | | |
| Muti-Family Dwellings - Limited (6 units or less) | | | | C | P | | | | | |
| Short-term Residential Rental | P | P | P | P | P | P | P | | | |
| Single-Family Dwellings (attached) | | | C | C | P | P | P | | | |
| Single-Family Dwellings (dettached) | P | P | P | P | P | | | | | |
| Accessory Dwelling Unit | P | P | | C | P | | | | | |
| Tiny Homes / Tiny Home Community | | | | | P | | | | | |
| Two-Family Dwelling (Duplex) | | | C | P | P | | | | | |
| CIVIC / PUBLIC ASSEMBLY / SEMI-PUBLIC / UTILITY | | | | | | | | | | |
| Airports / Landing Strips / Heliports | C | | | | | | | C | C | C |
| Cemetaries | C | C | C | C | C | | | | | |
| Communication Equipment / Structures | | C | | | C | C | P | P | P | P |
| Communication Towers | C | C | C | C | C | C | C | C | C | C |
| Community / Cultural / Educational Facilities | C | C | C | C | C | C | C | P | P | |
| Golf Course | C | C | C | C | C | | | | | |
| Government / Public Service Administrative Facilities | | | | C | C | P | P | P | | |
| Government / Public Service Yards | | | | | | C | C | P | P | P |
| Hospital | | | | C | C | P | P | P | | |
| Libraries | | | | C | C | P | P | P | | |

| USES | ZONING DISTRICTS | | | | | | | | | |
|--|------------------|-----|----|------------|-------|----------|----------|-------------------------------|----|----|
| | AG | RR | RL | RM | RH | C-1 | C-2 | C-3 | ML | MH |
| | AGG / AEDS | RRE | RL | (RM + RML) | (RMH) | BNC(C-1) | BCB(C-2) | (BHC(C-3)+ BTS(C-4)+BEC(C-5)) | ML | MH |
| Kennels - indoor | P | | | | | | | P | P | P |
| Kennels - outdoor | C | | | | | | | C | P | P |
| Laundries / Dry Cleaning - self service or pick-up / drop off activities only | | | | | | P | P | P | P | P |
| Liquor Stores | | | | | | | P | P | P | |
| Manufacturing / Fabrication / Assembly | | | | | | | | | P | P |
| Manufacturing / Fabrication / Assembly - limited | | | | | | C | C | P | P | P |
| Meat Locker | | | | | | | | P | P | P |
| Meat and poultry packing, slaughtering, eviscerating and skinning; and the rendering of by-products of slaughtering and killing animals or poultry. | | | | | | | | | | C |
| Medical / Health Facilities | | | | | | P | P | P | P | |
| Microbrewery | | | | | | C | P | P | P | P |
| Mini / Self- storage Rental Buildings / Units | | | | | | | | C | P | P |
| Music / Dance Studios | | | | | C | P | P | P | P | |
| New / Used Automobile Sales | | | | | | | C | P | P | P |
| New / Used Automobile Sales with limited repair services | | | | | | | | P | P | P |
| Office / Office Buildings business and professional | | | | | | P | P | P | P | P |
| Parking Lot (stand alone - public or private) | | | | | | P | P | P | P | P |
| Parcel Delivery Services | | | | | | | P | P | P | P |
| Pharmacy | | | | | | C | P | P | P | |
| Printing Shops | | | | | | | P | P | P | P |
| Recreational Vehicle Parking Area | | | | | | | | P | P | P |
| Recreational Vehicle Sales / Service / Rentals / Repair | | | | | | | | P | P | P |
| Repair Services - Automobile | | | | | | | | P | P | P |
| Repair Services - Automobile Limited | | | | | | | C | P | P | P |
| Restaurants - Drive-in / Drive-thru | | | | | | C | C | P | P | |
| Restaurants / Cafes | | | | | | P | P | P | P | |
| Retail Stores / Shops | | | | | | P | P | P | P | |
| Service / Gas Stations - Automobile (with or without minor repair services and/or carwash) | | | | | | | C | P | P | P |
| Service / Gas Stations - Automobile Limited | | | | | | C | P | P | P | P |
| Storage / Warehouse | | | | | | | | | P | P |
| Storage / Warehouse - limited | | | | | | P | P | P | P | P |
| Tattoo Parlor / Body Piercing / Permanent Cosmetics and Branding | | | | | | | P | P | P | P |
| Truck Fueling / Repair Services (not including truck / trailer washing facilities) | | | | | | | | P | P | P |
| Truck Fueling / Repair Services (truck / trailer washing facilities) | | | | | | | | | P | P |
| Trucking / Distribution | | | | | | | | | P | P |
| Veterinary Clinic Limited | | | | | | | C | P | P | P |
| Veterinarian or animal hospitals, provided any such building, kennel, or exercise runway is located at least one hundred (100) feet away from any "R" District boundary. | C | | | | | | | P | P | P |

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

| | | | |
|------------------|--|-----------------------------|-----------|
| To: | Planning Commission | Date: | 12/3/2024 |
| From: | Planning & Community Development | Zoning: | |
| Subject: | Recommendation and Report – Preliminary discussion on zoning code changes regarding food trucks. | Property Size: | N/A |
| Location: | | #Lots/Parcels: | N/A |
| Owner: | N/A | City Council Meeting | |

Staff has been asked to consider changes to the zoning code regarding food trucks. Currently staff classifies food trucks as a restaurant, and they are allowed in any area that restaurants are allowed. This is to be a preliminary discussion about whether it would be appropriate to allow food trucks in any areas that do not currently allow restaurants, primarily residential zones.