

CITY OF GERING PLANNING COMMISSION MEETING

January 21, 2025

A regular meeting of the City of Gering Planning Commission was held in open session on January 21, 2025, at 6:00 p.m. in the Gering City Hall Council Chambers at 1025 P Street, Gering, NE. Present were Commissioners Taylor, Keener, Shimic, Miles, Kaufman, Hauck and Alvizar. Absent: Crews. 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:

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

Chairman 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. Approval of Minutes of the December 3, 2024, regular Planning Commission meeting

Motion by Commissioner Taylor to approve the minutes of the December 3, 2024 regular Planning Commission meeting. Second by Commissioner C. Kaufman. There was no discussion. The Secretary called the roll. "AYES": Taylor, Keener, Miles, Kaufman, Hauck, Alvizar. "NAYS": None. Abstain: Shimic. Absent: Crews. Motion carried.

4. Current Business:

A. Oath of Office – Tony Kaufman

Chairman Miles administered the Oath of Office to Tony Kaufman.

B. Planning Commission Organizational Meeting per City Code 32.002 (E)

i. Election of Chairman

Chairman Miles entertained nominations for Chairperson. Commissioner Shimic nominated Commissioner Miles. Motion seconded by T. Kaufman. There were no other

nominations for Chairperson. Commissioners voted by roll call vote. Chairman Miles then asked the Secretary to call the vote.

There was no discussion. The Clerk called the roll. "AYES": Taylor, Keener, Shimic, Miles, C. Kaufman, T. Kaufman, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Crews. Motion carried.

ii. Election of Vice-Chair

Chairman Miles entertained nominations for Vice-Chair. Chairman Miles nominated Commissioner Taylor. Motion seconded by C. Kaufman. There were no other nominations for Vice Chairman. Commissioners voted by roll call vote. Chairman Miles then asked the Secretary to call the vote.

There was no discussion. The Clerk called the roll. "AYES": Taylor, Keener, Shimic, C. Kaufman, T. Kaufman, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Crews. Motion carried.

iii. Appointment of Planning Commission Secretary

Motion by Commissioner Miles to appoint Carol Martin as Planning Commission Secretary. Seconded by Commissioner Hauck. There was no discussion. The Clerk called the roll. "AYES": Taylor, Keener, Shimic, Miles, C. Kaufman, T. Kaufman, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Crews. Motion carried.

C. Public Hearing to consider Conditional Use Permit for storage units to be located on Lot 2, Block 9, Red Barn Subdivision, City of Gering, located at the corner of Country Club Road and 12th Street.

- A. Chairman Miles opened a public hearing to consider Conditional Use Permit for storage units to be located on Lot 2, Block 9, Red Barn Subdivision, City of Gering, located at the corner of Country Club Road and 12th Street at 6:08 P.M.

CITY OF GERING PLANNING COMMISSION RECOMMENDATION AND REPORT

To:	Planning Commission	Date:	1-21-25
From:	Planning & Community Development	Zoning:	C-3
Subject:	Recommendation & Report - Conditional Use Permit for Storage Units in the C-3 Zone	Property Size:	

Location:	Block 9, Lot 2, Red Barn Subdivision, City of Gering, located on the west side of 12 th Street north of Country Club Road	#Lots/Parcels:	1
Owner:	Michael and Aubrey Beebe	City Council Public Hearing:	N/A

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 for a conditional use permit for storage units to be located in the C-3 zone. The project site is located at 2905 12th Street, which is located on the corner of 12th Street and Country Club Road (see attached map). The original proposal was to utilize shipping containers for storage units, but the applicant has been informed that Section 5.1.1.F restricts the use of shipping containers in commercial zones to one per lot. The applicant has stated that

The following criteria are required to be considered by Planning Commission when deciding whether or not to grant the CUP:

Access/Fire Safety: The property has adequate access off of 12th Street

Off Street Parking and Loading Areas: N/A, there will be very few vehicles on site at any given time.

Refuse and Service Areas: There are existing dumpsters available in the alleyway

Utilities: Electric is already available to the lot. No water or sewer will be necessary for this use.

Screening and Buffering: N/A

Signs and Exterior Lighting: Security lighting will be installed. A sign will be added to the existing Big Mac HVAC sign on the adjacent lot. No signage will be added to the lot itself.

Required Yards and Open Spaces: The front yard setback will be accommodated in accordance with zoning regulations. The proposed site plan will have to be adjusted accordingly.

General Compatibility: This proposal is similar in character and appearance to other properties in the nearby vicinity.

Staff recommends approval of the Conditional Use Permit with the condition that the storage units are similar in construction and appearance to other storage units in the same zoning district.

Recommendation

Approve

Approve Conditional Use Permit for Storage Units at Block 9, Lot 2, Red Barn Subdivision, City of Gering, with the following conditions:

Deny

Deny Conditional Use Permit for Storage Units at Block 9, Lot 2, Red Barn Subdivision, City of Gering, for the following reasons:

Table

Table considering Conditional Use Permit for Storage Units at Block 9, Lot 2, Red Barn Subdivision, City of Gering, for the following reasons:

Engineer Folck stated that the City received an application for a Conditional Use for storage permits for Lot 2, Block 9, Red Barn Subdivision. She stated that it is actually just on the other side of the block from the one that was previously approved back in October. She brought a map of the area up on the screen and pointed out the lot in question. She stated that the original application that was submitted was fairly vague so staff had to have a lot of discussions with the applicant. She brought up their site plan on the screen. Originally the application did say they were planning on using shipping containers for storage units but City code only allows one shipping container per lot, and only as an accessory use, so that really doesn't work for the C3 zone. After talking to the applicant they did agree that they would be okay with putting in stick built buildings instead. The one condition that staff is adding on this application just to make sure things are crystal clear on what the City's expectations are, which is that the storage units should be of similar construction and appearance to other storage units in that C3 zone. There are few in that C3 zone that they would be like: the ones that are behind Taco John's over on Lyman Drive and the ones over by the bowling alley. This is just to make sure that it's understood that these do need to be stick built and that they need have the metal doors. That seems to be completely in line with what the applicant was thinking about for their plan B since the shipping containers are not acceptable. With that condition the staff is recommending approval of the application. There are several criteria, but most of those aren't going to apply to this application. It is zone C3 but it's probably one of our more industrial looking C3 zones that we have. If this were along 10th street or in somewhere closer to the Taco John's area, that type of C3, and in that area staff would have more concerns with compatibility with other properties in the neighborhood. But because this is in the Red Barn district where it's a little more industrial in appearance, we think that it should be acceptable, as proposed, with that condition. The applicant also owns Big Mack HVAC, so on their existing sign at Big Mack HVAC they are going to add some additional

signage there for the storage units as well. Then they will have some lighting and just exterior security lighting. They do need electrical but other than that they don't need any other utilities. Staff is recommending approval, with the suggested condition regarding the appearance and construction.

Chairman Miles asked if there was anyone in the Council Chambers wishing to speak regarding the public hearing and noted the five-minute time limit. With no further comments, the public hearing was closed at 6:13 p.m.

Review and take action on Resolution PC8-24-1 regarding a recommendation on the Redevelopment Plan for the Integrity Developments Housing Project

**RESOLUTION PC 1-25-1
CONDITIONAL USE PERMIT
FOR STORAGE UNITS**

RECITALS

1. Pursuant to Gering Zoning Regulations, Article 2, a Conditional Use Permit application for storage units has been submitted by Michael Beebe, to be located at Lot 2, Block 9, Red Barn Subdivision, City of Gering, Scotts Bluff County, Nebraska.
2. The Planning Commission has reviewed the application as to its conformity with the 2020 City of Gering Comprehensive Plan.
3. The Planning Commission has reviewed the application as to its conformity with the City of Gering Zoning Regulations.

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF GERING NEBRASKA:

1. The Planning Commission finds the Conditional Use Permit application for storage units to be located at Lot 2, Block 9, Red Barn Subdivision, City of Gering, Scotts Bluff County, Nebraska conforms to the City of Gering 2020 Comprehensive Plan and the City of Gering Zoning Regulations.
2. The Planning Commission imposes the following conditions for approval:
The storage units shall be of similar construction and appearance as other storage units in the C-3 zone.
3. Such use shall be reviewed as to its status one year after the date this Resolution becomes effective.
4. All prior resolutions of the Commission in conflict with the terms and provisions of this Resolution shall be repealed to the extent of such conflicts.

5. This resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on

**PLANNING COMMISSION OF THE CITY
OF GERING, NEBRASKA**

By: _____
Chairman

By: _____
Recording Secretary

- i. **Motion by Commissioner Keener to approve Resolution PC 1.25.1, a Resolution to grant a Conditional Use Permit for storage units to be located on Lot 2, Block 9, Red Barn Subdivision, City of Gering, located at the corner of Country Club Road and 12th Street with conditions outlined by Engineer Folck. Seconded by Commissioner Alvizar. No discussion. The Secretary called the roll. "AYES": Taylor, Keener, Shimic, Miles, C. Kaufman, T. Kaufman, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Crews. Motion carried.**

- D. **Consider the Preliminary Plat of Block 1 Boyd Subdivision situated on the Southeast Quarter of the Northwest Quarter of Section 11, T21N, R55W of the 6th P.M. Scotts Bluff County, Nebraska**

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

To:	Planning Commission	Date:	1-21-25
From:	Planning & Community Development	Zoning:	RL
Subject:	Recommendation & Report – Preliminary Plat Block 1 Boyd Subdivision situated on the Southeast Quarter of the Northwest Quarter of Section 11, T21N, R55W of the 6th P.M. Scotts Bluff County, Nebraska	Property Size:	22.28 ACRES
Location:	140386 S 14 th Street	#Lots/Parcels:	1
Owner:	William and Vickie Brashear	City Council Public Hearing:	

Agenda Item Summary

The City has received an application for a Preliminary Plat for Block 1 Boyd Subdivision. The property is primarily made up of ag land, with an existing home on the northeast corner. The property cannot be subdivided as an Ag Estate Dwelling due to the fact that it is not zoned as Ag.

The intent of the subdivision is to split off the existing home from the remainder of the property. The home is currently served by a well and septic. The well is on the portion of the property that will be split off, so an easement has been drawn up in order to ensure that the home retains the right to utilize the well.

When looking at future expansion in the area, it appears that the closest location to tie in to water and sewer is to the Kimberly Park Subdivision which is directly north of the property. The City has requested an easement to allow for future utility expansion into the property. The property owner would prefer not to put a utility easement through the property they are subdividing, but has stated that they would be willing to grant a utility easement through an adjacent parcel which they also own. The easement should be for the East 20' of Block 1, Wiley Addition. Staff recommends approval of the preliminary plat conditional on that easement being granted.

Recommendation

Approve

Make a Positive Recommendation for City Council to approve the Preliminary Plat of Block 1 Boyd Subdivision situated on the Southeast Quarter of the Northwest Quarter of Section 11, T21N, R55W of the 6th P.M., Scotts Bluff County, Nebraska with the following conditions:

Deny

Make a Negative Recommendation for City Council to approve the Preliminary Plat of Block 1 Boyd Subdivision situated on the Southeast Quarter of the Northwest Quarter of Section 11, T21N, R55W of the 6th P.M., Scotts Bluff County, Nebraska for the following reasons:

Table

Table making a recommendation on the Preliminary Plat of Block 1 Boyd Subdivision situated on the Southeast Quarter of the Northwest Quarter of Section 11, T21N, R55W of the 6th P.M., Scotts Bluff County, Nebraska for the following reasons:

City Engineer Folck said staff received an application, this one is a little bit interesting, as it looks a little more like what you would normally expect to see from more of an Ag Estate dwelling. It's a large area of agricultural land, a little over 20 acres, and there is an existing farmstead that they are looking to split off. She then brought up the preliminary plat on screen for reference. She pointed out the existing farmstead that's in the northeast corner of the property that they are requesting to be split off from the rest of the property. The remainder of the property would remain unplatted. She stated that code requires the preliminary and final plat because it's not zoned AG because we can't do it as an Ag

estate dwelling. And additionally, with it being so close, actually right on City limits, it is important to provide for future expansion of utilities and eventual development of the entire property. No one knows when that will happen but it's easier to look at that now than to wish we had some years in the future. There are utilities to the North in this alley way (she indicated the alleyway on the southern edge of the Kimberly Park Addition). There are also utilities to the west, but after the engineering firm that put this together looked at elevations, it looks like the most logical place for them to tie into water and sewer would be to the north through that alley way. So staff has talked to with the applicant about granting the City an easement. They did not want to grant an easement through the property that they are splitting off, but they also own the property just to the west., and said they would be willing to grant the City a 20 foot utility easement that would go through that property, so that the remainder of the parcel could be served by water and sewer at some point in the future, if and when it were to be developed. The recommendation from staff is that the preliminary plat would be approved, contingent on that utility easement being granted to the City.

Commissioner Hauck asked Engineer Folck about the septic tank, "The septic tank is that, did I read in there, where if it fails they have to hook up to city sewer?" Engineer Folck said "Yes, because they are within 300 feet of the city sewer. They would have to hook into city sewer if their septic were ever to fail."

Motion by Commissioner Taylor to approve the Preliminary Plat with the recommendations from staff that the Preliminary Plat would be approved with the condition of a utility easement established. Seconded by Commissioner C. Kaufman. No discussion. The Secretary called the roll. "AYES": Taylor, Keener, Shimic, Miles, C. Kaufman, T. Kaufman, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Crews. Motion carried.

- E. Consider the Final Plat of Block 1 Boyd Subdivision situated on the Southeast Quarter of the Northwest Quarter of Section 11, T21N, R55W of the 6th P.M. Scotts Bluff County, Nebraska**

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

To:	Planning Commission	Date:	1-21-25
From:	Planning & Community Development	Zoning:	RL
Subject:	Recommendation & Report – Final Plat Block 1 Boyd Subdivision situated on the Southeast Quarter of the Northwest Quarter of Section 11, T21N, R55W of the 6th P.M. Scotts Bluff County, Nebraska	Property Size:	22.28 ACRES

Location:	140386 S 14 th Street	#Lots/Parcels:	1
Owner:	William and Vickie Brashear	City Council Public Hearing:	

Agenda Item Summary

The City has received an application for the Final Plat of Block 1, Boyd Subdivision. This is an existing residence which is currently served by well and septic. The well is located on a separate parcel. An easement will be granted to provide the home use of the existing well.

The City's subdivision requirements require that all new subdivisions be served with City water and sewer, unless it is not reasonably available. There is water and sewer available adjacent to the property on the north. Because the existing home already has a well and septic, staff recommends that they would not have to tie in to existing utilities at this time, but that if in the future the well or septic were to fail, at that point they would be required to tie in to the City's utilities. Additionally, the property owner should be responsible for extending utility access to the portion of the property that is being subdivided off. This would not have to be done immediately, but should be done before the property is further subdivided or built upon. Staff recommends approval of the Final Plat with the condition that a Development Agreement is enacted that would ensure all of these requirements are met.

Recommendation

Approve

Make a Positive Recommendation for City Council to approve the Final Plat of Block 1 Boyd Subdivision situated on the Southeast Quarter of the Northwest Quarter of Section 11, T21N, R55W of the 6th P.M., Scotts Bluff County, Nebraska

Deny

Make a Negative Recommendation for City Council to approve the Final Plat of Block 1 Boyd Subdivision situated on the Southeast Quarter of the Northwest Quarter of Section 11, T21N, R55W of the 6th P.M., Scotts Bluff County, Nebraska

Table

Table making a recommendation on the Final Plat of Block 1 Boyd Subdivision situated on the Southeast Quarter of the Northwest Quarter of Section 11, T21N, R55W of the 6th P.M., Scotts Bluff County, Nebraska for the following reasons:

City Engineer Folck stated that the one thing that's a little different from the final plats and preliminary plats is that before the City final plats something, it is important to be very clear on who is responsible for any utility improvements that may be needed for the property. And so again, this is something of a unique situation. Typically, a lot would not be allowed to be split from the remainder of the property to built upon without having utilities to that lot. Because it's an existing property and existing farmstead that already

had well and septic there, that might be excessive. So staff is recommending is that a development agreement should be drawn up, just making it clear, to not just the current owners but to any future owners, , that the city is not responsible for extending the utilities to those properties; that will be whoever owns the land at the time. This is because as time goes by and ownership changes, sometimes people will come to the city and say that they have a substandard lot and they should have equal right to have utilities as everyone else. It's extremely helpful in those situations to be able to trace that back to when it was subdivided and show that the costs for those improvements really does go back to the property owner. So, staff's recommendation is for approval of the final plat, conditional on having a development agreement drawn up that specifies that the responsibility for those utilities should be the responsibility of the property owner. Staff have been working with legal and they have drawn up a pretty simple agreement that should be acceptable to the property owner as well. That agreement will go to Council, not to Planning Commission, but we are asking for that to be part of the recommendation to Council.

Motion by Commissioner Alvizar to approve the Final Plat with the condition that a development agreement be executed to address utility improvements. Seconded by Commissioner Keener. No discussion. The Secretary called the roll. "AYES": Taylor, Keener, Shimic, Miles, C. Kaufman, T. Kaufman, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Crews. Motion carried.

5. City Engineer Report

Folck stated that the Casino project was still on hold, but that the applicant was hoping to have their license considered by the Nebraska Racing and Gaming Commission on January 30th. She also said that NPZA would not be doing their annual Panhandle Planning Workshop this year, but asked if any of the Planning Commissioners would be interested in doing some training on a regular Planning Commission meeting night when there is no other business to be discussed. Some of the Planning Commissioners stated that they would be interested, so she said that they could tentatively plan to do a training on February 18th. This would not be a regular meeting and would not be mandatory, just an opportunity for newer members to learn a little more about planning and zoning.

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

7. Adjourn

Commissioner Keener moved to adjourn. Commissioner Taylor seconded

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

The meeting adjourned at 6:32 P.M.



Jody Miles, Chairman

ATTEST:



Carol Martin, Administrative Secretary