

**PLANNING COMMISSION MEETING
December 6, 2022**

A regular meeting of the City of Gering Planning Commission was held in open session at 6:00 p.m. in the Gering City Hall Council Chambers at 1025 P Street, Gering, NE, on December 6, 2022. Present were Chairwoman Bowman and Commissioners Miles, Kautz, Kaufman, and Hauck. Absent were Commissioners Shimic, Keener and Alvizar. Also present were Engineering Technician Sergio Rodriguez, City Engineer Annie Folck, and Planning Commission 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

Chairwoman Bowman called the meeting to order at 6:01 p.m.

1. Pledge of Allegiance

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

Chairwoman Bowman 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 Chairwoman. 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. Oath of Office – Karen Palm

4. Approval of Minutes of the November 15, 2022, regular Planning Commission meeting.

Motion by Commissioner Miles to approve the minutes of the November 15, 2022, regular Planning Commission meeting. Second by Commissioner Hauck. There was no discussion. The Clerk called the roll. "AYES": Miles, Kautz, Bowman, & Hauck. "NAYS": None. Abstaining: Kaufman. Absent: Shimic, Keener & Alvizar. Motion carried.

5. Current Business:

A. Public Hearing for the purpose of reviewing and obtaining comments on a Redevelopment Plan submitted by B & C Steel Corporation for the B & C Steel Expansion Project

Chairwoman Bowman opened the public hearing for the purpose of reviewing and

obtaining comments on a Redevelopment Plan submitted by B & C Steel Corporation for the B & C Steel Expansion Project at 6:05 pm.

City Engineer Folck stated we received a TIP application from B & C Steel. The applicant is looking at expanding and adding another building at their existing location in the northwest corner. The building would be used primarily for their retail steel which would allow them to separate their different operations and expand. The applicant is looking at increasing the number of employees by 4-5 full time positions and looking at adding approximately \$350,000.00 dollars' worth of value to the property by adding this warehouse area. This would generate approximately \$118,500.00 dollars of TIF funds that would be available. All of the TIF funds will be used for this project and primarily for this some of the improvements that are required. By fire code and the size of the building and location, there is no fire hydrant close enough. The fire hydrant coverage is not very good in that part of town. Another fire hydrant was added when the Weborg Hotel was built but that is farther away than preferred. With that, the applicant will have to add water line and a fire hydrant. There is also some site work and different things that need done and some TIF funds were added that could be used for some sidewalks because they do not have continuous sidewalks in front of the facility. The property owners are requesting that the entire \$118,500.00 of TIF funds as part of this project.

Engineer Folck said that by state statute, the Planning Commission doesn't need to review the numbers, the cost benefit analysis or things that the CDA or City Council look at, Planning Commission by standard of review, needs to determine whether or not the project as a whole conforms to the City's Comprehensive Plan. TIF is a valuable incentive that we use to try to help businesses or any development within the City of Gering. We need to make sure that when we encourage that development using incentives like TIF, that is in line with the stated goals of our Comprehensive Plan and our community as a whole.

Engineer Folck stated that our Comprehensive Plan and looking at the memo in your packet from legal, the project is zoned ML, Light Industrial District, it is appropriate for the area and permitted use by right for the manufacturing that they do there. The project is located in the 10th Street Commerce and Industry District which long term we see that as staying industrial and is in line with the stated goals for that district. The new warehouse and expanded industrial activities will be located to the rear of the site. The Comprehensive Plans mentions making improvements to the front of the frontages and along the streets. New sidewalks will help with the appearance and functionality of transportation along the front of the site.

Engineer Folck stated that additionally there are other policies in the Comprehensive Plan that support the project, including Policy 2.1.F which supports the creation and growth of local businesses, Policy 3.2.D which encourage infill development on vacant and underutilizes sites, particularly within the downtown area. Engineer Folck said this is an area that has been underutilized and will be a good infill area, Policy 3.2.E which promote compatible infill and redevelopment that fits Gering's neighborhoods and is consistent with the desired future character of the area.

Staff recommend that the Redevelopment Plan as proposed does conform to the City's Comprehensive Plan.

Engineer Folck asked if there are any questions.

Commissioner Hauck wanted clarification about the sidewalk along 10th Street. Engineer Folck said there is a portion of the sidewalk that does meet the standards but there is some concrete that is too steep and does not meet current ADA standards and there is a portion that does not have any sidewalk at all. The goal eventually would be to get the entire sidewalk to ADA standards.

Commissioner Hauck asked about if the alley is City property or who owns that? Engineer Folck stated that is something that the City will work with B & C Steel with. The City has some property back there but technically it is not an alley, it is not right-of-way but it is deeded property because it used to be a rail spur that the City now owns. We are looking at having that dedicated as an alley way and we do have the property to put that as an alley way that the City owns. The City will have to move the alley way back over on City property and not on theirs. Commissioner Hauck asked if it would affect the neighbors on either side if they go over the alley. Engineer Folck stated no, and they will meet all setbacks that are required for that zone.

Commissioner Kaufman asked for clarification of what the new warehouse would be used for. Engineer Folck said they do a lot of retail steel and they fabricate buildings. Everything they do is in the same area and the goal is to separate that out so when people come to purchase steel, they can go to that designated building which will help with the traffic flow and give them more space for their retail building area and help them expand.

Commissioner Hauck wanted to know if it would be beneficial to have it indoors so it does not get rusty. Engineer Folck said yes.

Chairwoman Bowman asked if there was anyone in the Council Chambers wishing to speak in regards to this application? With no further comments we will close the public hearing at 6:09pm.

- i. Review and take action on Resolution PC 12-22-1 regarding a recommendation on the Redevelopment Plan for the B & C Steel Expansion Project.**

Motion by Commissioner Miles to approve the Resolution PC 12-22-1 regarding a recommendation on the Redevelopment Plan for the B & C Steel Expansion Project. Seconded by Commissioner Kaufman. There was no discussion. The Clerk called the roll. "AYES": Miles, Kautz, Palm, Bowman, Kaufman & Hauck. "NAYS": None. Abstaining: None. Absent: Shimic, Keener & Alvizar. Motion carried.

- B. Public Hearing to consider a Conditional Use Permit for an Auto Repair Facility to be located on the West 150' of Tax Lot 20, Section 2, Township 21, Range 55 West of the 6th P.M., aka 790 M Street, Gering, Nebraska**

Chairwoman Bowman opened the public hearing for a Conditional Use Permit for an Auto Repair Facility to be located on the West 150' of Tax Lot 20, Section 2, Township 21, Range 55 West of the 6th P.M., aka 790 M Street, Gering, Nebraska, at 6:15 pm.

Engineer Folck received an application for a Conditional Use Permit for an Auto Repair Facility that is located at 790 M Street at the corner of 8th Street and M Street. It is zoned C2, Central Business District. Auto repair is a conditional use in that zone. The applicant is proposing that all auto work will be done indoors. All parking of cars that are to be worked on or have been worked on will be located in the fenced area to the rear of the property. By code we go through the following criteria for every conditional use permit to review and make sure that the project as proposed will not become a nuisance to any of the surrounding properties.

- ❖ **Access/Fire Safety:** The property has good access off of both M Street and 8th Street.
- ❖ **Off Street Parking and Loading Areas:** There is plenty of space for off street parking to the rear of the building. This will allow plenty of space for the vehicles they will be working on or have worked on. They are not planning on having a large volume of cars that they will be working on.
- ❖ **Refuse and Service Areas:** Existing City dumpster will be sufficient.
- ❖ **Utilities:** All utilities are existing.
- ❖ **Screening and Buffering:** There is an existing fence surrounding the area (see picture). This will screen vehicles being worked on from view of the surrounding neighborhood. The fence is in need of some repair.
- ❖ **Signs:** No signage is proposed
- ❖ **Required Yards and Open Spaces:** No are required yards in the C-2 zone.
- ❖ **General Compatibility:** This is an existing property. No new structures will be built. If vehicles being worked on are properly screened from view of the neighborhood, then the property use will be compatible with the surrounding neighborhood. There is a lot of residential in this area and we recommend the condition that the cars be parked in the area will they will be screened from the view.

Staff would also like to note that from the street view and the arial view, the current property owner and applicant has cleaned this property up considerably from its former condition. The proposed use is a big improvement over the previous status of the property. Staff feels that they will run a very nice facility there and it will be a big improvement from what was there previously.

Staff recommends approval of the Conditional Use Permit with the following conditions:

1. All repair work is to be conducted inside the building.
2. All vehicles that have been worked on or will be worked on must be parked to the rear of the building, inside of the fenced area.
3. All automotive waste (used oil, batteries, etc.) must be disposed of in accordance with local, state, and federal requirements.

Chairwoman Bowman noted that the applicant was present.

The applicant, Rick Kinnaman stated that he has some concerns regarding the application. He stated he is retired from the school. He got this shop for his own use and it will not be an auto repair facility, it will not be a business. Mr. Kinnaman was unaware that an application was needed and it is \$150.00. Mr. Kinnaman also stated a concern that he gets charged \$30 a month for a security light. On the north west corner of his property by the alley, the security light faces his building and it does not provide security at all. There is also concern with the sanitation costs. He won't be in the shop much and does not generate a lot of trash and will pay twice as much as the residents that use the same dumpster. Mr. Kinnaman stated he does not feel that he is being treated fairly.

Chairwoman Bowman stated that is not something that the Planning Commission sets but appreciates his concerns.

Chairwoman Bowman asked if there was anyone in the audience that would like to speak in regards to this application.

Commissioner Hauck asked about proper ventilation inside. Mr. Kinnaman stated he has been in the auto repair business and he is still breathing.

Tom Cozad stated he was the previous owner of that property and tried previously to get it cleaned up. Mr. Cozad stated he sold it to Mr. Kinnaman and that Mr. Kinnaman needs to be commended about how he has cleaned up the property.

Commissioner Kautz asked what he plans to do with all the used oil. Mr. Kinnaman stated he has appropriate measures in place for disposal of oil.

Chairwoman Bowman asked if there was anyone in the Council Chambers wishing to speak in regards to this application? With no further comments the public hearing closed at 6:25pm.

i. Review and take action on Resolution PC 12-22-2, a Resolution for a Conditional Use Permit for an Auto Repair Facility to be located on the West 150' of Tax Lot 20, Section 2, Township 21, Range 55 West of the 6th P.M., aka 790 M Street, Gering, Nebraska.

Motion by Commissioner Kaufman to approve the Resolution PC 12-22-2

Conditional Use Permit for an Auto Repair Facility to be located on the West 150' of Tax Lot 20, Section 2, Township 21, Range 55 West of the 6th P.M., aka 790 M Street, Gering, Nebraska with the conditions. Seconded by Commissioner Palm. Commissioner Hauck asked Mr. Kinnaman if he is familiar with the conditions. Mr. Kinnaman stated he was. There was no discussion. The Clerk called the roll. "AYES": Miles, Kautz, Palm, Bowman, Kaufman & Hauck. "NAYS": None. Abstaining: None. Absent: Shimic, Keener & Alvizar. Motion carried.

C. Blight and Substandard Determination Study for the Southeast Gering Residential Area. The property affected is generally described as properties and tracts of land generally located east of Kimball Avenue, north of Highway 71, west of Pappas Blvd., and south of J Street, all located in southeast Gering.

i. Public hearing for the purpose of reviewing and obtaining comment on the question of whether the area described in the Blight and Substandard Determination Study for the Southeast Gering Residential Area is substandard and blighted according to the Nebraska Community Development Law.

Chairwoman Bowman opened the public hearing Blight and Substandard Determination Study for the Southeast Gering Residential Area at 6:27pm. The property affected is generally described as properties and tracts of land generally located east of Kimball Avenue, north of Highway 71, west of Pappas Blvd., and south of J Street, all located in southeast Gering.

City Engineer Folck stated that the city had a Blight and Substandard study conducted for this area of town. We had just received an application for TIF and in order to use TIF as a tool to help offset some of the development or redevelopment costs, an area by the city first has to be determined as blighted and substandard. This designation does not show up anywhere except for the maps that the City keeps on file, it does not affect your properties and tax levy, and most people do not know what areas are blight and substandard. Often people are concerned that a blight study will affect their property value but it does not. An area must be declared blighted and substandard in order to go forward with a TIF project. This is an area that the City has been looking at for a while for redevelopment. There are some areas within this that are concerning. The entire study includes about 125 acres within southeast Gering. In order for an area to be declared blighted and substandard it needs to meet the definition of state statute of what is considered blighted and substandard. The state statute defines both blighted and substandard as two separate things. In order to be declared as such it needs to meet the both definitions of blighted and substandard. The state statute defines the substandard area as one in which there is a predominance of buildings or improvements which is conducive to ill health, transmission of disease, conditions which endanger life or property by fire and other causes, or other criteria. The study found that there are stacks of flammable materials such as pallets that pose a concern for fire risk, other materials that

are concerning for fires and a lot of storage. There is a lot of debris accumulation and areas that had overgrowth and vegetation. It can make it difficult not only because of the fuel that it provides but also the difficulty that the fire department can have access to those areas if there was a fire.

Additionally, there is another condition that can qualify as substandard and that is the age, of the buildings. By statute, buildings over 40 years old can be considered substandard due to obsolescence (age). There are 84% of the structures within the study area that are over 40 years old, with an average age of 63 years.

The list of conditions that can qualify an area as blighted and at least one of these conditions by state statute must be met in order for the area to be designated as such. Two of these conditions that apply are the existence of defective or inadequate street layout, and faulty layout in relation to size, adequacy, accessibility or usefulness. On page 25 of the Study, the map shows lots that have no street frontage at all, they are totally landlocked and that is a concern with the street layout and platting that has obvious problems. There is no access to those lots and that can be a contributing factor. Another criteria that can qualify a property as blighted is the existence of conditions which endanger life or property by fire or other causes. Some of these overlap with the substandard definitions. The area does not have site access due to no public alleys or easements and everything that is stored there is a fire concern. The average age of buildings as well can help with the definition of blighted.

Engineer Folck said these are the concerns for the area and this would be an excellent redevelopment area at some point. There are quite a few acres that are currently vacant and are over grown. There are some problem properties that we often get calls on for code enforcement for that area. Some of them have rodent and snake infestations that are a concern to the neighborhood.

Engineer Folck said that when you move further east, we did include some areas that are currently underdeveloped. The goal of that is to try to spur development by getting growth going so that as you grow and make public improvements and hopefully add value to spur development. There are some areas that were included that do not have those same problems but we wanted to add that in hopes of getting more development in the future.

Engineer Folck said that the Pathfinder addition was also looked at. Looking at the houses in that area, the houses look in pretty good shape. The street layout is much better and it is easy to access and didn't have any concerns with that area. It would not benefit for TIF.

One of the other things that we look at while we are doing a blight study is making sure we don't have too much of the City declared as blighted and substandard. By state statute, no more than 35% of the community can designated as blighted and substandard. Engineer Folck said that can be challenging trying to determine which areas should qualify as TIF and which shouldn't because if they are not designated as that then they cannot get those incentives. We do feel this is a good area to add to our blighted and

substandard but one thing to know is that we currently have approximately 30.7% as designated to that. If the study is approved, then 33.8% of the city will be designated as blighted and substandard. Engineer Folck said that by looking at the map there are a couple of areas that potentially we could deed blight if there are no active TIF in an area then you can remove them from the blight designations. There is one by the golf course and a couple I do not foresee that will be used for TIF. At some point we can look at removing them our listing but at this point there is no reason to.

Engineer Folck said that it is the opinion of staff that the study substantiates the presence of both blighted and substandard conditions within the study area, and that the area should be designated as blighted and substandard.

Engineer Folck asked if anyone had any questions.

Commissioner Miles stated that by designating that area where there are residential houses north of D Street, does that require the city to create access points there or does that blight the area and allowing a developer to come in. Engineer Folck said there is no requirement for the City to correct any of these factors that qualify it as blighted. If a developer did want to develop that area, the City would require them by fire code and building code, to add access to those areas and having the area designated as blighted and substandard would allow them to apply for TIF to pay for the costs of these improvements.

Chairwoman Bowman asked if there were any other questions.

Chairwoman Bowman asked if there was anyone in the Council Chambers wishing to speak in regards to this application. With no further comments the public hearing closed at 6:38pm.

Chairwoman Bowman entertained a motion to review and take action on Resolution PC12-22-3 recommending that Council designate as substandard and blighted the property described in the Blight and Substandard Determination Study for the Southeast Gering Residential area.

C. Motion by Commissioner Kautz to approve Resolution PC12-22-3 recommending that Council designate as substandard and blighted the property described in the Blight and Substandard Determination Study for the Southeast Gering Residential area. Seconded by Commissioner Palm. There was no discussion. The Clerk called the roll. "AYES": "AYES": Miles, Kautz, Palm, Bowman, Kaufman. "NAYS": Hauck. Abstaining: None. Absent: Shimic, Keener & Alvizar. Motion carried.

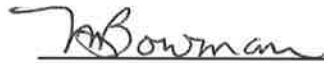
6. City Engineer report

Engineer Folck said as of now there are not any applications for the January meeting. That could change and we could potentially have a meeting for the third Tuesday in January but for that to happen we have to get something in within the next two weeks.

Engineer Folck said we did change our requirements for shipping container homes a few months ago and we now have a developer that is interested in doing that. We will be seeing a plan for that and actually have a prototype that they have built in their shop. If there are any Planning Commissioners interested in doing a walk through, we can make arrangements to take a tour of the prototype. That application will be forthcoming. If it is not the January meeting then it may be in February.

Commissioner Kaufman moved to adjourn the meeting. Commissioner Miles seconded the motion. There was no discussion. The Clerk called the roll. "AYES": "AYES": Miles, Kautz, Palm, Bowman, Kaufman & Hauck. "NAYS": None. Abstaining: None. Absent: Shimic, Keener & Alvizar. Motion carried.

The meeting adjourned at 6:42 p.m.



Mary Bowman, Chairwoman

ATTEST:



Carol Martin, Secretary