

**THE OFFICIAL PROCEEDINGS OF THE GERING CITY PLANNING COMMISSION**  
**MEETING JANUARY 23, 2020**

The Gering City Planning Commission of Gering, Nebraska was held in open session at 5:30 p.m. in the Gering City Council Chambers. Present were Commissioners Allen, Bowman, Hauck, Marietta, Rajewich and Rechsteiner. Absent: Kaufman, Miles\* and Shimic. Also, present Dave Knopick from d'Planet, City Engineer Annie Folck, and Secretary Bruntz - Secretary to the Planning Commission.

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

Chairman Rechsteiner called the meeting to order at 5:35 p.m., roll call was taken and the Pledge of Allegiance was recited; also reviewed were the Nebraska Revised Statutes Chapter 84, Article 14, which requires at least one copy of the Open Meetings Act be posted in the meeting room and the time limit for public comment.

Chairman Rechsteiner asked for a motion to approve or disapprove the minutes from the December 17, 2019 meeting. Commissioner Hauck made the motion to approve the minutes and Commissioner Rajewich seconded. On roll call vote, the following voted "AYE": Allen, Hauck, Marietta, Rajewich and Rechsteiner. "NAY": None. Absent: Kaufman, Miles and Shimic.

Current business:

5a. Planning Commission Organizational Meeting per City Code 32.02 (E)

i. Election of Chairman

Chairman Rechsteiner asked for nomination(s) for Chairman. Commissioner Hauck nominated Rechsteiner. There were no more nominations. Motion was made by Commissioner Rajewich and seconded by Commissioner Bowman. On roll call vote, the following voted "AYE": Allen, Bowman, Hauck, Marietta, Rajewich and Rechsteiner. "NAY": None. Absent: Kaufman and Shimic.

ii. Election of Vice-Chairman

Chairman Rechsteiner asked for nomination(s) for Vice Chairman. Commissioner Marietta nominated/nominated Bowman. There were no more nominations. Motion was seconded by Commissioner Hauck. On roll call vote, the following voted "AYE": Allen, Bowman, Hauck, Marietta, Rajewich and Rechsteiner. "NAY": None. Absent: Kaufman, Miles and Shimic.

Commissioner Miles arrived at 5:39 p.m.\*

5b. Work session on zoning code review – this is a general discussion by Annie and Commissions along with Dave Knopick about the draft document.

Annie began by stating the draft that the Commissioners are reviewing has been reorganized. The black sections are from the old code and red sections are the changes (some minor and some major). She would like to discuss Airbnb and tiny homes since they are not in the current code.

There will be new definitions (Airbnb or short-term rentals).

New verbiage was added for micro-brewery.

Conditional use Permit procedure is changed. State statute says the PC can have authority to act on CUP. CUP does not have to go to CC. After public comment on this, the process will be streamlined to make things more business friendly and easier. They are proposing PC is the final say.

Dwelling, single family – need to note about tiny homes.

Exceptions are going to be referred to as conditional uses; exceptions - perceived as negative.

Tiny home definition added.

Definitions #72-75, the diagram is not included – need to include.

Non-conforming - was changed prior, can rebuild after one year, changed language to be cleaner, clearer and easier to read. Question regarding public enemy on 1.7.3 #2 - Public enemy refers to terrorism. Should there be a time limit for completion? Annie feels it could read - must be diligently continued till completion. Dave added that sometimes it is out of the control of the property owner. Possibly should be monitored.

Site plan review process will be to provide a certain amount of relief from building requirements. Discussion was about the percentages in this section. Flexibility is important and what will work for the community.

Administrative site plan review is done every time a permit application is submitted. This procedure will now be put into code explaining criteria that is required - spelling it out in the code. 2.1.6 #3 strike out.

Site plan review is for staff said Dave, this is where administrative discretion will come into play and will be an ongoing process.

2.1.7 Administrative Adjustments is new. It is for a deviation from the standard, such as on a setback. There is reasonable justification on certain circumstances. Staff will have the ability to approve at the review level and it won't have to go to PC or BOA. Dave added that the code will stay the same even though staff changes. Annie asked the PC if they are comfortable giving these decisions to the staff/city engineer (zoning administrator)/or designee and what do you think about the percentages. This will be a way to show justification on how/why the decision was made when a yearly code review is done, Dave said this documentation may warrant a code change if there are many requests for the same thing. Commissioner Marietta said in his opinion, double the percentages. There are too many homes built too close to the lot line. Dave said to PC members, how much confidence do you have with staff discretion on making these decisions. Nothing would be gained at the current proposed percentages said Commissioner Miles. The request would not come to PC unless it goes over the decided percentages.

Section on the PC roles are minimal.

Section 2.2.1.c – PC recommendation, Commissioner Bowman said this doesn't follow recommendations that are currently made, for example failure to recommend. Change the language in this section.

Page 23 after item #8 rephrase regarding property values of neighboring properties.

There are big changes on 2.2.3 for site plan and design review section (b) - adjustments allowed. The percentages will be only if plans are to deviate significantly from code, this would allow for further discuss by the PC to determine approval (allowed) that they are meeting the intent of the code. Annie asked the Commissioners if they want to make these types of decisions, it is to provide relief for the applicant so they don't have to go to PC or BOA – build flexibility in the zoning code. Commissioner Marietta said this is the way to proceed – save time for applicant on a decision. If the percentages are raised for staff, percentages would be raised for PC and then onto CC for final approval. Commissioner Miles said the PC should see most of these deviations from code. Adjustments to the percentages would be reviewed by CC to make sure they are comfortable with how much discretion to give staff and PC added Dave. PC will make the recommendation to the deviations to CC. With this process and percentages in place, this will be the last stop for the submitted application. Commissioner Bowman said currently with no process in place, there are no exceptions; Annie replied yes, the applicant is told no. Annie said the zoning regulations need to support the comp plan. Responses (when the comp plan was reviewed) was the need for the community to be more business friendly (easier to work with & build) with flexibility.

2.2.4 Development Plan Review will be for applicants that go beyond the set percentages, PC will review/recommend and CC will have the last say.

Change percentages on staff discretions - 10% setbacks & 15% landscaping/parking.

Dave said there will not be any changes to the zoning map, keeping or combining districts that will mean residents will be keeping or getting more rights. GCE district will only be recognized on the map, it will not be used in the future; instead, planned development process will be used. There will be changes in the districts: AEDS will be removed (it is a subsection of AG); combined multi-family districts; traveler services & employment center are combined with highway general commercial district; the word 'manufacturing' was eliminated from Light Industrial & Heavy Industrial (manufacturing is allowed in both districts) and RRE minimum lot size was increased to accommodate a well & septic to be put on a property (minimum lot size was changed to 8,000 to cover gaps that existed in the old regs and districts).

Land use table is a big change – no longer a list, it is in table form. C = conditional use, P = permitted use. Residential - lists short term rental which is for Airbnb and will be allowed in residential zone (review if it should be C or P). When writing definition for this consider: limiting the number of people staying in the residence and parking issues. What is a short-term rental or a long-term rental? Define and have a cap on number of occupants. There are several Airbnb operating in the City with no complaints or issues.

Landscape table changed – old regs were too restrictive.

Screening stays the same.

Parking regulations – Annie feels currently there is way more parking spaces than what is needed. It also takes away from the footprint of a building stated Commissioner Miles. Parking reduction section is new. Downtown parking can be reduced by 40%. There is a credit for bicycle parking. Shared parking is new.

Proposal is to treat tiny homes the same as a mobile home. Two types of tiny homes 1) on wheels to be portable, it would be treated the same as an RV and would have to be in an RV park (temporary), 2) permanent would go into a tiny home community that is designed for tiny homes. This should be a planned development that will be in the multifamily district and will go through the planned development review process.

The Commission was asked to review the draft plan and email any changes/concerns to Annie within the next two weeks. Next the draft will be made available for the public for comment. A finalized form will come back to the PC for approval and then for approval of the CC.

Currently there is nothing on the agenda for the February meeting, Annie said there will probably not be a meeting.

6.City Engineer report: No report

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

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

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

Adjourn 7:29 p.m.



---

Jeremy Rechsteiner, Chairman



---

Brenda Bruntz, Secretary