

**CITY OF GERING PLANNING COMMISSION MEETING
July 16, 2024**

A regular meeting of the City of Gering Planning Commission was held in open session on July 16, 2024, at 6:00 p.m. in the Gering City Hall Council Chambers at 1025 P Street, Gering, NE. Present were Commissioners Taylor, Crews, Shimic, Palm, Miles, Kaufman, Keener, Hauck and Alvizar. Absent None. 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 June 4, 2024, regular Planning Commission meeting

Motion by Commissioner Palm to approve the minutes of the June 4, 2024 regular Planning Commission meeting. Second by Commissioner Alvizar. There was no discussion. The Clerk called the roll. "AYES": Taylor, Crews, Palm, Kaufman, Hauck. "NAYS": None. Abstaining: Shimic, Miles, and Keener, Alvizar. Absent: None. Motion carried.

4. Current Business:

- A. Public Hearing to consider changes to the Zoning Code to add a definition for Veterinary Clinic-Limited, and to amend the Land Use Table to add the uses of Veterinary Clinic-Limited**

Chairman Miles opened a public hearing to consider changes to the Zoning Code to add a definition for Veterinary Clinic-Limited and to amend the Land Use Table to add the uses of Veterinary Clinic-Limited at 6:04 P.M.

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

To:	Planning Commission	Date:	7/16/24
From:	Planning & Community Development	Zoning:	
Subject:	Change to Zoning Code: Add Definition for Veterinary Clinic- Limited and Add to Land Use Table	Property Size:	
Location:		#Lots/Parcels:	

Owner:	N/A	City Council Public Hearing:	8/12/24
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Public Notice: This Public Hearing was noticed meeting City Zoning and Subdivision Regulations.

Public Hearing

Our zoning code is meant to be a living document that can be changed over time as needed to better fit the needs of the community. We have had interest recently in locating a veterinary clinic in our downtown (C-2) zone. Currently veterinary clinics are only allowed in heavy commercial (C-3), or light industrial zone (ML), due to the potential for impacts on neighboring properties. These impacts include noise from barking dogs, smells from animal waste (particularly if large animals are held outside), and traffic that includes pickups and stock trailers. Most of these impacts comes from treating large animals or from overnight boarding. After visiting with some of the interested parties, staff is recommending adding a definition to the zoning code called "Veterinary Clinic- Limited", which would be a clinic that would only treat small animals on site. Horses, cows, pigs, sheep, etc., would not be allowed on site. This definition would also prohibit boarding of animals. This will help distinguish a small-animal clinic from a traditional vet clinic.

Once the use is defined, we have to determine where within the community it can be allowed. Staff recommends allowing it as a conditional use in the C-2 zone (downtown). The reason for a conditional use is because there could still be some impacts on neighboring properties from barking, and each proposal should be reviewed on a case-by-case basis, as the distance from neighboring properties will make a big difference. Attached buildings on main street may need additional noise mitigation to prevent issues with neighboring properties, whereas freestanding buildings may not have as many issues.

This was discussed at the June meeting, and it was determined that due to concerns over parking, particularly parking of pickups with stock trailers, that it should be tabled for the time being. After reviewing the issue, staff is recommending adding additional parking requirements to address that concern. The attached draft ordinance includes the additional requirements, which would require 1.5 parking spaces per 1000 square feet of clinic space. In the draft ordinance, it specifies that public and on-street parking cannot count towards the required parking spots. This should preclude the attached buildings in the core of the downtown from being used in this manner.

Engineer Folck stated that this is a continuation of the discussion from the last meeting. Not one, but two different entities have approached the City that are considering a veterinary clinic somewhere within Gering. There are a lot of buildings available that are zoned C-2, which is the Downtown Zone; it goes all the way from the railroad tracks clear down to D Street along 10th Street and covers a wide area. It's the core downtown with all the attached buildings, but there are a lot more buildings as well. Staff looked at this and have some concerns about allowing it in the core downtown with some of the attached buildings because typically vet clinics are a fairly intensive use. There is typically noise from barking, there could be smells, it is not necessarily something that is wanted in the main downtown. What they are proposing was a more limited vet clinic, they would not do any large animals, they would not have any larger vehicles going in and out. It would only be small animals like dogs, cats, reptiles, birds and things of that sort. They wanted to know, if it was more limited like that, if staff would consider allowing it in the C-2 Zone. At the public hearing last time, one of the veterinarians who is interested in doing this

spoke and said that even if Gering doesn't allow large animals, if someone comes and wants to treat their large animals (with a pickup and trailer), he would do so. He also said that he can't control his clients, that if they're stopping to pick up some medications and they're in town at the sale barn, they're going to show up whether they're supposed to be there or not.

Engineer Folck said because of those concerns, Planning Commission chose not to make a recommendation and to table it to consider it further. She thinks that was a good decision and in further discussions with this individual, she believes that he now has a better understanding of the standards the City has for its downtown and what the concerns were. He has since come back and made it very clear that he would not be treating any large animals if this were to pass.

To address the concerns about parking, like a pickup and stock trailer, she did add into the recommended definition that the clinic must have off-street parking, which vet clinics already are required to have parking, but currently our code is written so that on-street parking and public parking lots can count towards those requirements. For any use, if they were to put in a restaurant downtown somewhere, then they could consider the fact that there is plenty of parking up and down the street and wouldn't necessarily have to have their own parking lot. She said because of the concerns about people stopping in with a pickup and stock trailer, she has in there that no public parking or on-street parking could count towards those requirements. She thinks this would help alleviate some of the concerns about doing it in some of the core downtown area with the attached buildings because typically those are built out to the lot lines and do not have additional off-street parking.

Engineer Folck said her recommendation is that this would be proposed to Council. She entertained thoughts and concerns from the Planning Commission and asked if it seemed like a reasonable compromise. She stated that some of the other stipulations include:

- The size of animals (nothing large such as cattle, horses, pigs, sheep).
- No boarding; it doesn't mean no overnight stays but "*overnight stays shall be limited to short-term care incidental to the clinic use.*" If they're spaying a dog and need to keep them overnight, something like that, they can keep them overnight; but no overnight boarding just because people are on vacation. That gets into the noise as one of the concerns, because kennels can be very loud.
- Waste management, they have to make sure that everything is disposed of properly.
- No outdoor activity - even if people are dropping off their animals for later appointments or surgery, no dog runs outside whatsoever. Nothing outdoors because of smell and noise.
- Distance from residential - this is to be consistent with the current vet requirements where the City does not allow the building to be within 100 feet of any residential district boundary.
- Requirement for off-street parking.

Engineer Folck stated that it's still fairly restrictive and for even a little more comfort level, staff are proposing that if it's allowed, it be allowed only as a conditional use, not a permitted use. That would give Planning Commission the opportunity to review (not just to say they can go into the downtown), but it would give the opportunity to review this on a case-by-case basis based on the particular site that they're considering before they get the go ahead to locate there.

Chairman Miles asked if she could add a legend on there so they know what the acronyms are when looking at it. Engineer Folck replied, yes; this is an excerpt from the Zoning Code.

Chairman Miles had a question on number 5 regarding residential district boundary. He referenced the Downtown C-2 area and asked if it was one block off of main and what is that boundary. Engineer Folck showed on the overhead screens the lighter pink area (which is the C-2 Zone) and stated that it goes typically about a half a block past 11th Street. All the buildings on

the west side of 11th Street are in the C-2 zone and the alleyway would be the divider; anything on that side would be residential. It does go out a little farther in spots but for the most part that's the boundary. The same thing on 9th Street. Basically, the properties that front onto 11th Street and 9th Street are going to be C-2 and the ones across the alley from those are going to be residential. She pointed out that the property doesn't have to be 100 feet from a residential zone but the building on the property has to be 100 feet. She said just because it borders a residential zone doesn't mean they can't do it there; it just means that the building has to be more than 100 feet away from the Residential Zone.

Commissioner Alvizar asked if there was an identified exact location at the moment. Engineer Folck replied not that she knows of.

Commissioner Palm said she talked to Dr. Van Anne to try to get a feeling for what he was doing. One of the things he expressed to her is that he owned the parking lot behind the Cobblestone Hotel. She took the opportunity before she came to the meeting to drive by there. The buildings on downtown are empty, basically. She understands what he is trying to do and she thinks this tightens it up enough that she is more comfortable than she was at the last meeting.

Commissioner Crews shared a question that he proposed to Engineer Folck prior to the meeting in an email. He noted a couple locations that have off-site parking such as Subway, Stooges and even the Mixing Bowl. He asked in the email if those locations satisfied the parking requirements as proposed in the revisions to this definition and she indicated that all three of those locations do satisfy the parking, so that gives a visual to go off of. That's somewhat helpful in trying to think of placement of such options.

Commissioner Alvizar asked if there was anything in there regarding after-hour emergencies in regards to the noise level or if the noise level definition covers services at anytime of the day or after hours. Engineer Folck said she did not put anything in there for after-hours mainly because in the downtown zone, hours aren't necessarily the issue. There are several bars and several things that would be open late at night. She doesn't know if the hours are as much of a concern as some of the other intensities there.

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 closed at 6:16 p.m.

i. Make recommendation to City Council

Motion by Commissioner Taylor to recommend adding a definition for Veterinary Clinic-Limited and adding it to the Land Use Table with stipulations including it being a conditional use. Seconded by Commissioner Keener. There was no discussion. The Clerk called the roll. "AYES": Taylor, Crews, Shimic, Palm, Miles, Kaufman, Keener and Alvizar. "NAYS": Hauck. Abstaining: None. Absent: None. Motion carried.

5. City Engineer Report

Engineer Folck stated there are a few meetings coming up. There is a TIF for a housing project south of Dome Rock Manor; there will be a Planning Commission meeting on August 6. Staff also had a request from the casino group for August 20th. They think within the next couple of months, the Racing and Gaming Commission is going to be accepting applications for new casinos. They were granted a Conditional Use Permit initially, then got a one-year extension; after two years they couldn't continue getting extensions. They went through the process again and were granted a one-year permit and are now coming up on the one year. They are requesting another extension so when they submit their application to the Racing and Gaming Commission,

it can be along with the application showing they got the zoning in place through the City along with that permit application. She wanted to make sure that there would be quorums for both meetings before staff moves ahead. Discussion followed. Engineer Folck stated neither meeting should be overly long. She will be out for the August 6th meeting, but Sergio and John Selzer, the TIF attorney, will be present and able to answer any questions about the project.

6. Adjourn

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

The meeting adjourned at 6:22 p.m.



Jody Miles, Chairman

ATTEST:



Carol Martin, Secretary