

**THE OFFICIAL PROCEEDINGS OF THE CITY OF GERING
PLANNING COMMISSION MEETING
June 7, 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 June 7, 2022. Present were Chairperson Bowman and Commissioners Miles, Shimic, Keener, Kaufman, Hauck, Alvizar. Absent were Commissioners Kautz and Holliday. Also present were 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.

Chairwoman Bowman called the meeting to order at 6:00 p.m.

- 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. 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 Planning Commission determines that the matter requires emergency action.**

4. Oath of Office (Steve Alvizar)

Chairperson Bowman administered the Oath of Office to new Planning Commissioner, Steve Alvizar.

5. Approval of Minutes of the January 18, 2022 regular Planning Commission meeting.

Motion by Commissioner Miles to approve the minutes of the January 18, 2022 regular Planning Commission meeting. Second by Commissioner Kaufman. There was no discussion. The Clerk called the roll. "AYES": Miles, Shimic, Keener, Kaufman, Hauck, Bowman. "NAYS": None. Abstaining: None. Absent: Holliday and Kautz. Motion carried.

6. Approval of Minutes of the February 15, 2022 regular Planning Commission meeting

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

7. Current Business:

- 1. Consider a Conditional Use Permit for meat packing, located on Tax Lot 6, situated in the S ½ of the SE ¼ of the SE1/4 of the NE ¼ of Section 35, Township 22N, Range 55 W of the 6th P.M.**

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

To:	Planning Commission	Date:	6/7/22
From:	Planning & Community Development	Zoning:	MH
Subject:	Recommendation & Report – Conditional Use Permit	Property Size:	4.75 Acres
Location:	Tax Lot 6, located in the South 1/2 of the Southeast ¼ of the Southeast ¼ of the Northeast ¼ of Section 35, Township 22 N, Range 55 West of 6 th P.M. AKA 2305 N 7 th Street	#Lots/Parcels:	1
Owner:	Paul and Adam, LLC	City Council	6/27/22

		Public Hearing:	
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Chairperson Bowman opened the public hearing to Consider a Conditional Use Permit for meat packing, located on Tax Lot 6, situated in the S ½ of the SE ¼ of the SE1/4 of the NE ¼ of Section 35, Township 22N, Range 55 W of the 6th P.M. at 6:07 p.m. City Engineer Folck presented the Staff Recommendation and Report.

Public Notice: This Public Hearing was noticed meeting City Zoning and Subdivision Regulations.

Public Hearing

The City has received an application for a Conditional Use Permit for a meat packing facility to be located on Tax Lot 6, located in the South ½ of the Southeast ¼ of the Southeast ¼ of the Northeast ¼ of Section 35, Township 22 N, Range 55 W of the 6th P.M., also known as 2605 North 7th Street. The property is currently zoned MH, Heavy Industrial, and meat packing is a conditional use in the MH zone. Additionally, as outlined in section 3.10.2.D of the City's zoning code, "Due to the nature of the processing, and the rendering and disposal of both useable and un-useable (waste) byproducts the following use is subject to City Council review and approval with the Planning Commission serving in a review and recommending capacity: Meat and poultry packing, slaughtering, eviscerating and skinning; and the rendering of by-products of slaughtering and killing animals or poultry." Thus, for this Conditional Use Permit, the Planning Commission will be making a recommendation to Council, who will be responsible for the final decision to approve or deny the Conditional Use Permit.

The facility will be sized to process 40 head of cattle per day, five days per week, for a total of approximately 800 head per month. Cattle will be brought in primarily by pickup and stock trailer. There will be around 15-20 employees at the facility. The facility is to be USDA inspected.

The neighboring property to the west is zoned ML, Light Industrial. The property to the north and south of this property is zoned MH, and properties to the east are zoned MH and AG (see attached map). The property was formerly the site of Packerland, a meat packing facility that closed in the 2000s. Due to its history as a former meat packing location, all of the needed utilities are available at the site to handle the needs of the facility.

The review process for a conditional use permit requires the following criteria to be addressed, if applicable: Access, Parking, Refuse and Service Areas, Utilities, Screening, Signs, Yards, and Compatibility. With regard to each of these criteria, staff recommends the following:

Access: Traffic to the facility should be minimal, typically consisting of 15-20 employees, 5-10 customers, and a few pickups and trailers per day. The facility is located on 7th Street, which is a truck route, and has access from both 7th Street and Lockwood Road. These accesses should be sufficient for the expected traffic.

Parking: The entire lot is 205,976 square feet. The building footprint is currently designed to take up 12,000 square feet, leaving ample room for employee and customer parking. Proposed parking areas are shown on the attached site plan.

Refuse and Service Areas: The facility will not be rendering blood or offal onsite. They will have an outside contractor pickup and dispose of all biological waste.

Utilities: The existing utilities are all appropriately sized for the needs of the facility. Wastewater is of particular concern for this type of a facility. The property was formerly the site of a meat packing plant, which was still in use when the City did its most recent wastewater treatment plant upgrade. Due to the previous packing plant, the City's wastewater treatment plant was designed and built to handle loadings much higher than what is anticipated from this facility. Before wastewater enters the City's sewer system, it will be clarified internally by utilizing a retention and aeration system. This will ensure that a controlled and equalized effluent flows back to the City. They are estimating around 10,000 gallons per day of flow, and the pretreatment process should ensure that loadings are well within City requirements. Wastewater will be sampled daily to ensure that loadings do not exceed allowable amounts.

Screening: The applicant proposes a landscape plan that would include perennials, grasses, deciduous, and evergreen trees to offer four seasons of interest. See site plan for general locations of proposed landscaping.

Signs: Signage will be a monument sign that will be placed within the landscape area.

Required Yards and Open Spaces: N/A

General Compatibility with Adjacent Properties and Other Properties in the District: The property is located in a highly industrial area. The proposed use is very compatible with surrounding uses, and the proposed site plan indicates that the property will be well landscaped, improving the overall appearance of the area. Cattle will be held outside the facility while waiting to be processed, but not for more than one day at a time and for a minimum of two hours (to calm them down); they will be processed in a timely manner. This is very similar to the sale barn that is located within the same industrial district, but with far fewer cattle than the sale barn typically holds outside.

According to the Comprehensive Plan, this property is located within District 9, the 10th Street Commerce and Industry District. Under the section *Future Desired Characteristics*, the Plan states the following: "While industrial development is suitable throughout the district, individual lots should have landscaping to mitigate impacts to adjacent uses of lower intensity and provide appropriate buffering along highly traveled roadways."

The proposed project is a heavy industrial use, which is appropriate in this district and in the MH zone. Additionally, the proposed landscaping will improve the look of the 7th Street Corridor and mitigate impacts to neighboring properties.

Engineer Folck noted that when the comprehensive plan was being developed, one of the struggles with this area is that it is an area very much in transition. We wanted to make sure that we were being fair to all of our longtime businesses that are very industrial such as the sale barn, salvage yard, B&C Steel; some of those businesses are anchors of our community. At the same time, it was recognized that this area is in transition. We've started seeing new uses like the Weborg Center, a conference center the Weborg Hotel. Some of these things that are more attractive will potentially be some of our big anchors in the future. The compromise within that plan and within that district is saying that we understand this is an industrial area, but we can have some landscaping and we can require some things of these industrial uses to make sure that we are still keeping it open and not making it unattractive for redevelopment to continue to happen.

This proposal is also supported by several policies from the Comprehensive Plan:

- Policy 2.1.F: Support the creation and growth of local businesses
- Policy 2.3.D: Encourage local entrepreneurial opportunities and support existing small entrepreneurial businesses
- Policy 3.2.E: Promote compatible infill and redevelopment that fits Gering's neighborhoods and is consistent with the desired future character of the area
- Policy 3.2.H: Improve the appearance of the community

It is staff's recommendation that if the CUP is granted, there be a limit on the number of cattle that can be processed at this facility. Staff recommends this limit to be 1000 per month. This will provide assurance that the facility will not continue to grow indefinitely without having to seek additional approvals from the City. Planning Commission can recommend a limit that is higher or lower than staff's recommendation, or recommend approval without any limit at all.

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

- No more than 1000 cattle per month may be processed at this facility
- All wastewater discharges will meet all requirements of Nebraska Department of Environment and Energy Title 119, Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System
- Wastewater discharges will be metered. The flow meter will be maintained by the applicant.
- Wastewater sampling will be conducted as required by the City. The applicant will work with City personnel to design a sampling station that is safe for City employees.
- The applicant shall work with the City to make improvements to the existing water service from the City's main line. Costs shall be the responsibility of the developer.
- Landscaping areas will conform generally to those shown on the submitted site map. Landscaping plan, including plant selection, must be approved by City staff prior to installation.

Recommendation:

Approve: Make a POSITIVE RECOMMENDATION for City Council to approve the Conditional Use Permit for a Meat Packing Facility to be located at Tax Lot 6, situated in the South ½ of the Southeast ¼ of the Southeast ¼ of the Northeast ¼ of Section 35, Township 22N, Range 55 W of the 6th P.M. with the following conditions:

Deny: Make a NEGATIVE RECOMMENDATION to City Council for a Conditional Use Permit for a Meat Packing Facility to be located at Tax Lot 6, situated in the South ½ of the Southeast ¼ of the Southeast ¼ of the Northeast ¼ of Section 35, Township 22N, Range 55 W of the 6th P.M., for the following reasons:

Table: Table making a recommendation on the Conditional Use Permit for the Conditional Use Permit for a Meat Packing Facility to be located at Tax Lot 6, situated in the South ½ of the Southeast ¼ of the Southeast ¼ of the Northeast ¼ of Section 35, Township 22N, Range 55 W of the 6th P.M., for the following reasons:

Commissioner Hauck asked for further explanation regarding wastewater, specifically “a retention and aeration system.” He asked if the water will be stagnant, causing mosquitoes to multiply and will the aeration cause a smell. The question was directed to Frank Papenberg, Engineer for IST (present by Zoom). Mr. Papenberg replied that there will be a bank that will handle all of the water; that water will be retained until it is treated. The way it is treated is through diffused air filtration. They don’t anticipate using chemicals to treat that water because they are planning to build a 10,000-gallon containment. There will be no outside bins or open bodies of water. There will be no smells that come from it because that water will be continually siphoned. All that water will have the ability to have about 24 hours of retention. The goal is to capture the water and the particulates that might be in it, use the diffused air to float those solids to the top, skim those off and send the clarified effluent to the City to meet all permits and regulations. That water is generally contained within the facility or facility building; there is nothing outside or open to the air. They are not rendering the material, so there is no cooking or pressing; there is no type of atmospheric discharge that comes from that process. It’s just the skimming and floating of solids in a water basin so they can skim those solids off to make sure they are well under the wastewater permits the City of Gering has provided today.

Commissioner Hauck asked, regarding the monument sign, does that mean it is a certain size? Ms. Folck replied, no, it just means it’s going to be a ground-based sign; it’s not up on a big pole.

Commissioner Miles asked what the plan is for the fence that is currently around that lot. Engineer Folck replied, they have not discussed that. Mr. Papenberg stated that one of the things that’s important to them is that they maintain security at the site as they’re building – up until the point of completion of the facility and they turn the facility over to its ownership. They want to make sure they can maintain entry and exit from the facility. Eventually the fence will be removed in its entirety. However, they will provide security in that area until the building is completed.

Commissioner Shimic asked how many head they plan to unload at any given time. They’re going to be out there for two hours; where will they be put, and will there be pens? Mr. Papenberg replied, there will be a covered area where the animals will be contained as they come in. They will come in in lots. One lot may be three or four animals coming from a trailer, another lot may be five, six or seven animals. They will be contained separately at the back of the building. The reason for separation is because they want to make sure they maintain those lots relative to customers. The reason for the rest time is because they want to reduce the stress of the animal from the travel. The rest time can cause negative meat quality attributes; they want to make sure they’re well-rested before they go into the harvesting process. They are adamant that they don’t want to have over-night lairage. When they are done for the day, those lairage areas will be empty. They will be cleaned and ready for in-coming animals for processing the next day.

Commissioner Shimic asked if they are private sector; can the public use this facility to sell to them as well? The owner of the facility, Dean Lerwick, addressed the Planning Commission and stated that he and his brother, Jared, are the applicants. There are two options. They will be opening some of the slots up to the general public (custom). They will also have some contract kill where they have contracts with grocery stores (where animals will be bought from local producers).

Commissioner Hauck asked about processing wild game such as deer, antelope, etc. Mr. Lerwick replied, not at this facility. It will be strictly cattle because of the USDA inspection.

Commissioner Keener asked about the USDA inspection process – is it monthly, annually, quarterly? Are those reports public? Mr. Lerwick replied, USDA inspection means that anytime an animal is being killed or the meat is being cut, there is a USDA employee on-site. They will be there to inspect the animals to make sure that they're healthy before they are killed and they will also inspect the meat cutting process to make sure their health standards are according to specs. Mr. Papenberg added that he thinks there will probably be at least two inspectors on site each day. One will be a Rubbing Inspector and the other inspector will be in line inspecting and doing palpitation of viscera, checking glands and inspecting for any pathological conditions or contamination conditions that might exist. In addition, there are not only regulations once the building goes into effect, but there are regulations related to how the building is constructed such as materials, drainage, cooling. The building will be pre-inspected and pre-certified by the USDA (which will be District 15 out of Denver) to make sure it meets all the regulations of the USDA Handbook. The on-site inspectors will monitor the Food Safety Program Policies and Procedures that will exist within the facility that the company has set and predetermined, signed-off and approved by the USDA. Regarding the humane handling aspect, when customers drop animals off, they will be inspected on how the off-loading was handled. They will be inspected in the stunning and harvesting process and they will inspect the meat all the way through the process. It's quite comprehensive; they will be under scrutiny at all times.

Commissioner Hauck stated that staff recommend conditions. He asked if the applicants think the conditions are acceptable – if they went to another town, would it be the same way? Mr. Lerwick replied, different towns may have different conditions, but yes, they've been working with the City for quite some time developing this plan and they are in agreement with the conditions.

Chairperson Bowman asked if there was anyone from the public who would like to speak.

Laura Johnson addressed the Planning Commission and stated she lives south of town. She would encourage the Council to approve this. She thinks it would be great for the community. It's a great opportunity for local and smaller feedlots in the area and upcoming feedlots. She has a small farm, roughly 80 acres; they are not a huge operation and can't compete with some of the big growers. It's really encouraging for smaller operations to have this opportunity to come into the area; it's a really good idea. Also, with the growing and changing eyes on agriculture today, it's really important that we support small packing plants. China and other places are taking over our facilities – some of the bigger packing plants are being taken over. It's really encouraging that the younger generation coming up can see that we can do this; we are Americans and we need to bring this all back to America and support our local growers and local community and encourage the youth of today to go forward. It's sad to see that some of the bigger corporations are being taken over. She appreciates the Planning Commission thinking about this; it would be great for our town.

Commissioner Kaufman commented on Ms. Johnson's comments. When her family goes to the facility they go to now, it can be months before they get to them and get some beef. She thinks this is really needed in this area and it sounds like it's going to be really well run.

Chairperson Bowman asked if there were any other comments or questions. With no further comments, the public hearing was closed at 6:40 p.m. She then entertained a motion to approve, deny or table the Conditional Use Permit for meat packing.

Motion by Commissioner Kaufman to make a positive recommendation for the City Council to approve a Conditional Use Permit for a meat packing facility located on Tax Lot 6, situated in the S ½ of the SE ¼ of the SE1/4 of the NE ¼ of Section 35, Township 22N, Range 55 W of the 6th P.M. with all of the conditions. Seconded by Commissioner Miles.

Discussion: Commissioner Shimic asked if the fencing would come back to the Planning Commission for approval. Engineer Folck replied that the fencing would only be there during construction, and then it would be removed.

The Clerk called the roll. "AYES": Miles, Shimic, Keener, Kaufman, Hauck, Bowman, Alvizar. "NAYS": None. Abstaining: None. Absent: Kautz and Holliday. Motion carried.
i. Approve, deny or table approval of Resolution PC 6-22-1 Pumpkin Creek Meat Co LLC Conditional Use Permit for meat packing

**RESOLUTION PC 6-22-1
CONDITIONAL USE PERMIT FOR MEAT PACKING**

RECITALS

1. Pursuant to Gering Zoning Regulations, Article 2, a Conditional Use Permit application for a Meat Packing Facility has been submitted by Pumpkin Creek Meat Co, LLC, to be located at Tax Lot 6, situated in the S ½ of the SE ¼ of the SE ¼ of the NE ¼ of Section 35, Township 22N, Range 55 W of the 6th P.M., aka 2605 N 7th Street.
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 a Meat Packing Facility to be located at 2605 N 7th Street conforms to the City of Gering 2020 Comprehensive Plan and the City of Gering Zoning Regulations and recommends approval of the Conditional Use Permit to the Gering City Council.
2. The Planning Commission imposes the following conditions for approval:
 - No more than 1000 cattle per month may be processed at this facility
 - All wastewater discharges will meet all requirements of Nebraska Department of Environment and Energy Title 119, Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System
 - Wastewater discharges will be metered. The flow meter will be maintained by the applicant.
 - Wastewater sampling will be conducted as required by the City. The applicant will work with City personnel to design a sampling station that is safe for City employees.
 - The applicant shall work with the City to make improvements to the existing water service from the City's main line. Costs shall be the responsibility of the developer.
 - Landscaping areas will conform generally to those shown on the submitted site map. Landscaping plan, including plant selection, must be approved by City staff prior to installation.
3. This resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on June 7, 2022

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

By: _____
Chair

ATTEST:

By: _____
Recording Secretary

Commissioner Hauck asked how they came up with the name "Pumpkin Creek". Mr. Lerwick replied that he and his brother run a small beef business – he's a rancher and lives south of town on Stegall Highway. The head waters of the Pumpkin Creek are on their ranch. When they started developing their brand of beef line, they took the name Pumpkin Creek; that's where that comes from.

Motion by Commissioner Miles to approve Resolution PC 6-22-1 regarding Pumpkin Creek Meat Co. LLC Conditional Use Permit for meat packing. Second by Commissioner Kaufman. There was no discussion. The Clerk called the roll. "AYES": Miles, Shimic,

Keener, Kaufman, Hauck, Bowman, Alvizar. "NAYS": None. Abstaining: None. Absent: Kautz and Holliday. Motion carried.

2. Consider an application for Ag Estate Dwelling Site located in the SE ¼ of the NE ¼ of Section 6, Township 21, Range 54 W of the 6th P.M.

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

To:	Planning Commission	Date:	6/7/2022
From:	Planning & Community Development	Zoning:	AGG
Subject:	Recommendation & Report – AEDS	Property Size:	3.00 acres
Location:	230734 Crow Road, East ½ of the NE ¼, S6-T22N-54W of the 6 th P.M.	#Lots/Parcels:	1
Owner:	RPK Farm, LLC	City Council Public Hearing:	6/27/2022

Engineer Folck presented the Staff Recommendation and Report:

Mr. Chairman and Commission Members,

This is a recommendation and report to consider an application for an Ag Estate Dwelling Site in the AGG zone (General Agricultural District). The property is 3.00 Acres, and is an existing farmstead located at 230734 Crow Road. The property is situated in unplatted lands, E ½ of the NE ¼ of S6-T22N-R54 W 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 AGG. Also note, this AEDS boundary is being amended from an existing parcel that was subdivided prior to the City's subdivision regulations.

The proposed Ag Estate Dwelling Site Survey meets all the requirements of the City's zoning code. When the 3.00 acres is divided off (additional two acres actually), the remaining 95.61 acres of farm will be held in reserve for agricultural uses only, until or unless the property is rezoned. This exceeds the minimum 80 acre required by the City's zoning code. Staff recommends approval of the AEDS.

Recommendation

Approve

Make a POSITIVE RECOMMENDATION for City Council to approve the Ag Estate Dwelling Site located on 230734 Crow Road, situated in the East ½ of the Northeast ¼ of Section 6, Township 22 North, Range 54 West of the 6th Prime Meridian, Scotts Bluff County, with the following conditions:

Deny

FAIL TO RECOMMEND to City Council to approve the Ag Estate Dwelling Site located on 230734 Crow Road, situated in the East ½ of the Northeast ¼ of Section 6, Township 22 North, Range 54 West of the 6th Prime Meridian, Scotts Bluff County, for the following reasons:

Table

Table making a recommendation for City Council to approve the Ag Estate Dwelling Site located on 230734 Crow Road, situated in the East ½ of the Northeast ¼ of Section 6, Township 22 North, Range 54 West of the 6th Prime Meridian, Scotts Bluff County, for the following reasons:

Chairperson Bowman asked if the applicants were present; they were not. She then entertained a motion regarding the AEDS.

Motion by Commissioner Kaufman to make a positive recommendation regarding an Ag Estate Dwelling Site located in the SE ¼ of the NE ¼ of Section 6, Township 21, Range 54

W of the 6th P.M. Second by Commissioner Keener. There was no discussion. The Clerk called the roll. "AYES": Miles, Shimic, Keener, Kaufman, Hauck, Bowman, Alvizar. "NAYS": None. Abstaining: None. Absent: Kautz and Holliday. Motion carried.

8. City Engineer report

Engineer Folck stated that the Planning Commission will be having a meeting on July 5th to consider a request for an extension for the Casino's CUP and to consider a couple of other items. She asked the Planning Commissioners to put that meeting date on their calendars.

9. Adjourn

Motion to adjourn by Commissioner Alvizar. Seconded by Commissioner Hauck. There was no discussion. The Clerk called the roll. "AYES": Miles, Shimic, Keener, Kaufman, Hauck, Bowman, Alvizar. "NAYS": None. Abstaining: None. Absent: Kautz and Holliday. Motion carried.

The meeting adjourned at 6:49 p.m.



Mary Bowman, Chairwoman

ATTEST:



Carol Martin, Secretary