

**THE OFFICIAL PROCEEDINGS OF THE CITY OF GERING  
PLANNING COMMISSION MEETING  
May 18, 2021**

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 May 18, 2021. Present were Commissioners Alexandre, Bowman, Kaufman, Marietta, Rajewich, Rechsteiner, Shimic. Absent: Hauck and Miles. Also present were Secretary Lindhorst, Engineering Technician Rodriguez.

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.

Chairman Rechsteiner called the meeting to order at 6:01 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 Chairman or Vice Chairman.**
4. **Approval of Minutes from February 2, 2021**

**Motion by Commissioner Bowman to approve the minutes of the February 2, 2021 meeting. Second by Commissioner Kaufman. There was no discussion. The Clerk called the roll. "AYE": Alexandre, Bowman, Kaufman, Rechsteiner, Shimic. "NAY": None. Absent: None. Abstain: Marietta, Rajewich. Motion carried.**

5. **Current Business**

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

i. **Election of Chairman**

Chairman Rechsteiner entertained nominations for Chairman: Commissioner Rechsteiner nominated Commissioner Rajewich. Commissioner Rajewich passed on nomination. Commissioner Marietta nominated Commissioner Bowman. Commissioner Alexandre nominated Commissioner Rechsteiner. With no other nominations, Commissioner Rechsteiner entertained a motion to cease nominations.

**Motion by Commissioner Rajewich to cease nominations. Seconded by Commissioner Kaufman. There was no discussion. The Clerk called the roll. "AYE": Alexandre, Bowman, Kaufman, Marietta, Rajewich, Rechsteiner, Shimic. "NAY": None. Absent Hauck and Miles. Abstain: None. Motion carried.**

The Commissioners voted by ballot. Secretary Lindhorst read the ballots aloud; four votes for Commissioner Bowman and three votes for Commissioner Rechsteiner.

Chairman Rechsteiner entertained motion to approve the nomination of Commissioner Bowman as Chairman of the Planning Commission.

**Motioned by Commissioner Rajewich to approve the nomination of Commissioner Bowman as Chairman. Second by Commissioner Kaufman. There was no discussion. The Clerk called the roll. "AYE": Alexandre, Bowman, Kaufman, Marietta, Rajewich, Rechsteiner, Shimic. "NAY": None. Absent Hauck and Miles. Abstain: None. Motion carried.**

ii. Election of Vice-Chairman

Chairwoman Bowman entertained nominations for Vice Chairman. Commissioner Alexandre nominated Commissioner Rechsteiner. With no other nominations, Chairwoman Bowman entertained a motion to cease nominations.

**Motion by Commissioner Kaufman to cease nominations. Seconded by Commissioner Rechsteiner. There was no discussion. The Clerk called the roll. "AYE": Alexandre, Bowman, Kaufman, Marietta, Rajewich, Rechsteiner, Shimic. "NAY": None. Absent: Hauck and Miles. Abstain: None. Motion carried.**

Chairwoman Bowman entertained a motion to approve the nomination of Commissioner Rechsteiner as Vice-Chairman of the Planning Commission.

**Motion by Commissioner Kaufman to approve the nomination of Commissioner Rechsteiner as Vice-Chairman of the Planning Commission. Seconded by Commissioner Rajewich. There was no Discussion. The Clerk called the roll. "AYE": Alexandre, Bowman, Kaufman, Marietta, Rajewich, Shimic. "NAY": None. Absent Hauck and Miles. Abstain: None. Motion carried.**

**5b. The City of Gering Planning Commission will consider an Ag Estate Dwelling Survey (AEDS). The property is 4.23 Acres, and is an existing farmstead located at 140180 County Road 22. The property is situated in unplatted lands, PT E ½ of the NE ¼ of S11-T21N-R55 W of the 6th P.M., Scotts Bluff County**

Chairwoman Bowman stated that the City of Gering Planning Commission will consider an Ag Estate Swelling Survey (AEDS). The property is 4.23 Acres, and is an existing farmstead located at 140180 County Rd 22.

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

<b>To:</b>	Planning Commission	<b>Date:</b>	5/18/21
<b>From:</b>	Planning & Community Development	<b>Zoning:</b>	AGG
<b>Subject:</b>	Recommendation & Report – AEDS	<b>Property Size:</b>	4.23 Acres
<b>Location:</b>	140180 County Road 22, East ½ of the NE ¼, S11-T21N-R55W of the 6 <sup>th</sup> P.M.	<b>#Lots/Parcels:</b>	1
<b>Owner:</b>	Kevin & Karla Sandberg	<b>City Council Public Hearing:</b>	5/18/21

**Public Notice:** This agenda item was properly noticed in the Star-Herald, meeting the City Zoning and Subdivision Regulations.

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 4.23 Acres, and is an existing farmstead located at 140180 County Road 22. The property is situated in unplatted lands, PT E ½ of the NE ¼ of S11-T21N-R55 W of the 6<sup>th</sup> 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, except to the east where properties are zoned RH. Also note, this boundary is being amended from an existing AEDS which has now been vacated.

According to the City’s zoning code, for each AEDS, the owner shall reserve the balance of 80 acres of vacant or agricultural district land. When the 4.23 acres is divided off, there will be only 74.98 acres remaining of the farm which will be held in reserve for agricultural uses only, until or unless the property is rezoned. While this doesn’t strictly meet the 80-acre requirement, section 5.203 of the zoning code also states, “The City Planning Commission and the City Council of the City of Gering, Nebraska, may

permit the creation of an AEDS out of less than 80 acres of reserved land, in certain situations, in the event that the intent of this subsection is maintained.” The stated intent of the AEDS subsection of code is “not to encourage the creation of a large number of agricultural estate dwelling sites (AEDS), but such intent is to allow ‘subdivision’ or sale, of a portion of a larger tract of land, whereby the smaller parcel created is to be used primarily for dwelling site purposes.” Because this is an existing farmstead that is being split off from the remainder of the farm, and this parcel is to be used for dwelling purposes, staff recommends that this AEDS does meet the intent of this subsection of code, and thus recommends approval of the AEDS.

**Recommendation:**

**Approve:** Make a POSITIVE RECOMMENDATION for City Council to approve the Ag Estate Dwelling Site located at 140180 Country Road 22, situated in the East half of the north east quarter of section 11, township 21 north, range 55 west, with the following conditions:

**Deny:** Make a NEGATIVE RECOMMENDATION for City Council to approve the Ag Estate Dwelling Site located at 140180 Country Road 22, situated in the East half of the north east quarter of section 11, township 21 north, range 55 west, for the following reasons:

**Table:** Table making a recommendation on the Ag Estate Dwelling Site located at 140180 Country Road 22, situated in the East half of the north east quarter of section 11, township 21 north, range 55 west , for the following reasons:

Engineering Technician, Sergio Rodriguez, stated that the City received an application for an Ag Estate Dwelling. As the Commission is aware, from the City’s zoning code, an AEDS (or Ag Estate) is a way for owners of farm property to split off a parcel that is either an existing farmstead or a marginal usage land that could be used for a farmstead and/or house. The property is in an area on the southern end of Gering (a vicinity map was provided). It is located just outside city limits on County Rd 22. The owner is proposing to split off 4.23 acres at the farmstead location. This would leave a remainder of 74.98 acres which will be held in reserve for agricultural uses only. 74.98 acres is less than the required 80 acres, however, it is still allowed if the intent of the AEDS is being followed. The frontage width and other size requirements meet the intent of the code. Staff recommends that this AEDS meets the intent of the code and recommends approval.

Commissioner Bowman asked if the applicants were present. AEDS Applicant, Kevin Sandberg, was present to answer questions.

**i. Recommend approving, denying to the Gering City Council, or table**

Commissioner Bowman entertained a motion for a recommendation to approve, deny or table an AEDS (Ag Estate Dwelling Survey) application, on a parcel of land known as 140180 County Road 22. The property is situated in unplatted lands, Part of the East half of the Northeast quarter of Section 11 - Township 21 North, Range 55 West of the 6<sup>th</sup> Principal Meridian, Scotts Bluff County.

**Commissioner Rajewich made a motion for a positive recommendation to the City Council to approve the Ag Estate Dwelling site located at 140180 County Road 22, situated East half of the Northeast quarter of Section 11 - Township 21 North, Range 55 West with no conditions. The motion was seconded by Commissioner Kaufman. There was no discussion. The Clerk called the roll. “AYE”: Alexandre, Bowman, Kaufman, Marietta, Rajewich, Rechsteiner, Shimic. “NAY”: None. Absent Hauck and Miles. Abstain: None. Motion carried.**

**5c. Planning Commission to consider a Preliminary Plat on Lots 1 and 2, Block 3A, Gering Fourth Industrial Tracts, Section 12, Township 22 North, Range 55 West, Scotts Bluff County, Nebraska.**

Chairwoman Bowman stated that the Planning Commission will now consider a Preliminary Plat on Lots 1 and 2, Block 3A, Gering Fourth Industrial Tracts, Section 12, Township 22 North, Range 55 West, Scotts Bluff County, Nebraska



Commissioner Bowman asked if the applicant was present. Applicant, Terry Jessen, was present to answer questions.

**i. Recommend approving, denying to the Gering City Council, or table**

Commissioner Bowman entertained a motion for a recommendation to approve, deny or table a Preliminary Plat application for Lots 1 and 2, Block 3A, Gering Fourth Industrial Tracts, Section 12, Township 22 North, Range 55 West, Scotts Bluff County, Nebraska.

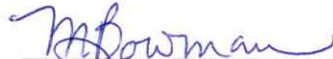
**Commissioner Kaufman made a motion for a positive recommendation to the City Council to approve the Preliminary Plat for Lots 1 and 2, Block 3A, Gering Fourth Industrial Tracts with no conditions. The motion was seconded by Commissioner Shimic. There was no discussion. The Clerk called the roll. "AYE": Alexandre, Bowman, Kaufman, Marietta, Rajewich, Rechsteiner, Shimic. "NAY": None. Absent Hauck and Miles. Abstain: None. Motion carried.**

Chairwoman Bowman stated that there isn't an Engineer's Report. Mr. Rodriguez stated that City Engineer, Annie Folck, will be back by June 1.

**6. Adjourn:**

**Motion to adjourn by Commissioner Rechsteiner. Second by Commissioner Kaufman. There was no discussion. The Clerk called the roll. "AYE": Alexandre, Bowman, Kaufman, Marietta, Rajewich, Rechsteiner, Shimic. "NAY": None. Absent Hauck and Miles. Abstain: None. Motion carried.**

The meeting adjourned at 6:27 p.m.

  
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Mary Bowman, Chairwoman

ATTEST:

  
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Ashley Lindhorst, Secretary