

**THE UNOFFICIAL PROCEEDINGS OF THE CITY OF GERING
PLANNING COMMISSION MEETING
September 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 September 6, 2022. Present were Chairperson Bowman and Commissioners Miles, Kaufman, Keener, Hauck, Alvizar. Absent were Commissioners Kautz, Shimic and Holliday. Also present were City Engineer Annie Folck, Engineering Technician Sergio Rodriguez 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

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

1. Pledge of Allegiance

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

Chairperson 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 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.

3. Approval of Minutes of the July 19, 2022 regular Planning Commission meeting.

Motion by Commissioner Hauck to approve the minutes of the July 19, 2022 regular Planning Commission meeting. Second by Commissioner Alvizar. There was no discussion. The Clerk called the roll. "AYES": Miles, Bowman, Kaufman, Keener, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Kautz, Shimic and Holliday. Motion carried.

4. Approval of Minutes of the August 16, 2022 regular Planning Commission meeting

Motion by Commissioner Miles to approve the minutes of the August 16, 2022 regular Planning Commission meeting. Second by Commissioner Hauck. There was no discussion. The Clerk called the roll. "AYES": Miles, Kaufman, Hauck, Alvizar. "NAYS": None. Abstaining: Bowman, Keener. Absent: Kautz, Shimic and Holliday. Motion carried.

5. Current Business:

a. Review and take action on Resolution PC9-22-1 regarding a recommendation of the Redevelopment Plan for Pumpkin Creek Meat Co., LLC

PC RESOLUTION 9-22-01

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF GERING,
NEBRASKA:**

Recitals:

a. Pursuant to the Community Development Law, NEB. REV. STAT. §

18-2101 *et seq.*, a redevelopment plan titled *Pumpkin Creek Meat Processing Facility* (the “Redevelopment Plan”) has been submitted to the Planning Commission.

b. The Planning Commission has reviewed the Redevelopment Plan as to its conformity with the City’s Comprehensive Plan (the “Comprehensive Plan”).

Resolved:

1. The Planning Commission finds that Redevelopment Plan conforms to the Comprehensive Plan and recommends approval of the Redevelopment Plan to the Gering Community Development Agency and City Council.

2. All prior resolutions of the Commission in conflict with the terms and provisions of this Resolution are repealed to the extent of such conflicts.

3. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on _____, 2022

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

ATTEST:

By:

Chair

By: _____ Recording Secretary

City Engineer, Annie Folck, stated that the City received a TIF application for the Pumpkin Creek Meat Packing Facility. This is the same one for which the Planning Commission approved a Conditional Use Permit earlier this summer. It will be located at 2605 North 7th Street. The applicant has requested a little over \$2,000,000 in TIF revenues to use for eligible expenses. The total estimated project is just a little over \$9,000,000. The exact dollar amounts are in the Redevelopment Plan. The Planning Commission’s standard of review is simply determining whether or not the project itself fits with the goals as stated in the Comprehensive Plan. The Planning Commission’s main job is to make sure we’re not using City incentives to help move a project along that is in conflict with the goals for the City as stated in the Comp Plan. She noted a memo that was included in the packet. Staff recommends that it does meet all of the goals of the 10th Street Commerce and Industry District (the area in which it is located) which talks about industrial development being suitable as long as there is some landscaping to help mitigate some of the impacts to the adjacent properties, which is exactly what this proposal does. They plan to make this an attractive facility which staff feels is going to be a major improvement on the existing site. There are also goals in the Comp Plan that talk about creation and growth of local businesses focusing on commercial development in areas that have good transportation and encouraging local entrepreneurial opportunities and supporting existing entrepreneurial businesses, in-fill development, and more. Staff’s recommendation is that the Planning Commission approve the resolution which would provide a positive recommendation to the City Council and the CDA.

Chairperson Bowman asked if there were any questions for the applicant.

Motion by Commissioner Keener to approve Resolution PC9-22-1 stating that the Redevelopment Plan conforms to the Comprehensive Plan and recommending approval to the Gering Community Development Agency. Second by Commissioner Miles.

Discussion: Commissioner Miles noted that the resolution (in the packet) references PC8. Engineer Folck apologized and stated that it should be PC9. They're numbered based on the month in which they're approved.

Commissioner Hauck asked if the slaughter number per month is still the same as it was at the beginning. The applicant, Mr. Lerwick, replied roughly 800. The CUP was approved for 1000 head a month, roughly 50 per day. They're planning on five days a week. What the plant is being sized for currently will be around 800, which is 40 head per day. Most of the meat will be coming from the general area. They are looking at how much is going to be custom processing for individuals or contract kill for grocery stores. Right now, they're looking at about 80% being custom versus 20% for contract.

The Clerk called the roll. "AYES": Miles, Bowman, Kaufman, Keener, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Kautz, Shimic and Holliday. Motion carried.

b. Discussion of AG Estate Dwelling requirements

Engineer Folck stated the Planning Commission has had some in-depth discussions on this recently. Just today she received three more applications for Ag Estate Dwellings. City Council has requested that the Planning Commission talk about this again to see if there is any room to compromise a little bit on this item rather than sticking hard and fast to the 80-acre requirement. As previously discussed, she has some reservations about allowing less than that, but if the City were to have any give on that it would potentially be to go from 80 acres of reserve required to 70 or 75 acres. There are a lot of 80-acres farms out there that when two, three, four or five acres are split off, there would still be 70-75 acres in reserve. That may be a consideration rather than dropping it all the way down to 40 or a lower number. When we look back at several of the applications that have been approved, all but one that she can think of - if the requirement had been 70 acres, then it (the reserve) would have been met with no issue. That wouldn't have helped with the two applications that were considered most recently; they only had about 40 acres in reserve. For a lot of these, and for the three upcoming, they're all going to be in the same situation where they're just shy of that 80-acres.

Ms. Folck stated she would be comfortable if Planning Commission is comfortable with proposing some language which would lower that requirement to either 70 or 75 acres. Based on the typical parcel sizes we see, where property when it was originally platted or originally laid out, surveyed and homesteaded, was done in quarter and half sections. A half of a quarter section is 80 acres - that's a pretty typical farm size.

The other consideration is that in the Comp Plan, everything was broken into districts. One of the districts is in the area where the last two AEDS were proposed; in the Five Rocks Agricultural Residential District. It does specifically say that if the City is going to have Rural Residential Subdivisions (a bunch of three-acre lots together) that that would be the area to do it because that will probably be about the last area that we get utilities to - if and when that happens. If the City were to allow for some smaller parcels to be split off or more parcels to be split off, that would be the area to do it and leave the rest of the City's Extraterritorial Zoning Jurisdiction as is or maybe to that 70 or 75-acre requirement so the areas where we see ourselves growing, over time, we're reserving that, but still having an area for these more rural-residential subdivision-type uses.

Ms. Folck opened it up for discussion. She invited the Planning Commission's opinion and input; if the Commission would like to make some changes, she can get some language together for the next meeting. Chairperson Bowman asked if there would be a special requirement for that particular zone. Annie replied, yes. In the zoning code, different areas could be specified, as defined by the Comprehensive Plan. It could be specified, for example, 80 acres (or 70 acres) unless it is located in an area specially designated by the Comp Plan as being appropriate for Rural Residential Subdivisions – and that's the only one that is.

Commissioner Kaufman asked if a map could be provided to show where that district is. Engineer Folck pulled up a zoning map and pointed out District 5 and noted that that area is growing out more towards the Monument. She pointed out the areas that are most likely to develop with utility connections. The City has to provide for all uses and cannot say it's never going to allow any rural residential subdivisions. That being said, that was contained to a relatively small area so we don't have to worry about that choking off the growth of the City.

Commissioner Kaufman asked if the services include water. Ms. Folck replied, yes. If they have all City services, that would include water, sewer, electricity and a paved street. Some of that area is not covered by the City of Gering. Over time, as the City grows out there, the City would have to purchase the infrastructure from Roosevelt in order to get power from the City of Gering, otherwise they would be on Roosevelt.

Discussion followed about the border of the district. Annie stated that the south border of District 5 is Robidoux. That is the extent of Gering's Extraterritorial Zoning Jurisdiction. Chairperson Bowman asked if staff are thinking that's the area that's going to grow to residential (out that way). Ms. Folck replied, not necessarily very much residential growth. If people come to the City and say they want to do a large-lot subdivision with three to five-acre lots, no paved streets, everyone on well and septic, that's the area she would put them. If we're going to have a typical residential area that has paved streets, City water and sewer, then she would put them more in some of the other areas that have been identified. Districts 3 and 4 would be the ones more for that kind of use as they grow, along with some in-fill in some of the other areas.

Commissioner Kaufman said there's no ground water there; she has a xeriscaped yard. Ms. Folck said that can be a consideration, too. Commissioner Kaufman stated their well can run for 20 minutes and then it's sucking air.

Commissioner Miles said he would probably be in favor of dropping the requirement to 70 acres. He thinks 40 acres totally changes the meaning of the rule. He understands where the 80 acres came from now, he understands where parting off just for one house would be an issue, then you end up with less. It makes sense to accommodate that, but he doesn't live there either. Commissioner Kaufman said she agrees, she thinks 70 acres would be good. She wouldn't want it to be dropped down to 40 or 50 or anything like that. Commissioner Miles asked if the City would be talking about rezoning that area. Engineer Folck replied, no. It would basically be identifying within our Zoning Code that Ag Estate Dwellings could be done with fewer acres in that zone. City utilities can be extended anywhere, it's a matter of how much someone wants to spend. The issue with this area is that it's out of the City's water service area; one or maybe multiple booster stations would be needed depending on location and elevation. Can it be done? Yes. Does she see it being done in the next 10 to 20 years? Probably not, just because it is going to be very difficult and expensive to get utilities to that point.

Commissioner Kaufman stated that knowing what she knows about the water, if we're talking about carving that up into smaller sections and having a lot of people out there, she doesn't think

it would work in that area; they're going to have to do wells. There is someone near her and if he turns it on and uses it, hers could go dry – that's how close it is. Is that what we want? That's not going to work if there are five to 10 acres and a house on every one of those and a well dropped; that's not going to work.

Chairperson Bowman asked about dropping it in that particular zone to 40 acres. Ms. Folck replied, that's what this would be for the Ag Estate Dwellings. The City hasn't had any proposals for Rural Residential Subdivisions; if we did, that would be one of things that would have to be discussed. Commissioner Kaufman stated she thinks until somebody comes up with something like that, it could probably be 70, like everything else. When the City gets someone that wants to do something like that out there, then it will have to be addressed.

Discussion followed about the number of acres in this particular district; Engineer Folck determined roughly 1600 acres.

Chairperson Bowman stated just in terms of the burden on the City, by carving this rural/residential zone out, if we said 40 acres, what would be the impact to the City? Annie said to clarify, just because we allow it to be done on 40 acres, doesn't mean we'll get one every 40 acres. It makes it so that if they leave it in Ag and they don't rezone it, they do not have any more than one per 40 acres. As far as the impact on the City, in her lifetime probably no impact. Further down the road, potentially yes. Again, that is probably going to be the slowest of anywhere to grow. In the Comp Plan, it does say that *"the area remain undeveloped for a long period of time and would not be expected to be served by utilities so lots should be large enough to accommodate wells and septic."* That was her reasoning when Council indicated they would like to see some sort of a compromise. If it's going to be done anywhere, this is the place to do it – if it's going to be allowed on smaller lots.

Chairperson Bowman asked, if it was allowed on a smaller lot, that wouldn't automatically obligate the City to provide water? Ms. Folck replied no, because they would be required to have wells and septic. If and when the City annexes them, that would be another story, but that would be a long time down the road.

Commissioner Keener asked if the district has to be that size. Ms. Folck replied no, it wouldn't have to be. Her thought was to use an existing district because it's already in the Comp Plan, but another area certainly could be identified. The Comp Plan and Zoning Code are both living documents, amendments can be made as needed. Commissioner Keener said if anything he would shrink it and move it further east. Annie replied that could be done and asked where he would suggest starting that. Commissioner Miles asked if they're talking about reducing the amount of area that's allowable for a two to three to five-acre house or if they're about a 40-acre because even in the current framework we have there, it doesn't allow for that many 40-acre areas. He stated he's not sure what size they're wanting to get in this smaller area. Ms. Folck stated we're talking somewhere in the neighborhood of 1600-1800 acres. If you divide that up by 40, there's not a lot that could be done out there.

Chairperson Bowman asked if it's the case that there are some Ag Estate Dwellings that are already established that if the City says they have to have 70 acres in reserve, then there are some that may not meet that. Ms. Folck replied that it won't affect any of the existing ones. The ones that have been approved, according to past regulations, will remain in effect the way they were previously. The only thing it will affect is going forward when people bring new applications. Chairperson Bowman cited, going back, a homestead where someone wanted to create an Ag Estate Dwelling designation but it would not have met the 80-acre requirement but it was an

existing dwelling. Ms. Folck replied, correct. With regard to the most recent applications, the difference is that they already had 120 acres, they split off one of them and held 80 in reserve. They had a remaining 40 and wanted to split off another one. The Planning Commission made a negative recommendation for it. Going forward, if that was dropped to 40, it would allow them to do that second one on the same parcel, but it wouldn't affect the existing one that has already been split off.

Commissioner Miles stated it would be roughly 45 dwellings in that area; that's more than he thought (with a 40-acre reserve). Ms. Folck reiterated that the estimated number of acres is very rough.

Engineer Folck stated she's hearing that the Commission is comfortable with dropping the requirement to 70 acres (also to accommodate all the existing 80-acre parcels) but the preference would be to leave it alone with regard to having a specific area lowered. She asked if that's where the Planning Commissioners are falling on this. Commissioner Hauck said that it sounded good to him; he doesn't know if it's good or not, but it's a solution. Commissioner Kaufman stated it's good with her. Ms. Folck replied that's probably what she's most comfortable with. Commissioner Miles stated that if there was somebody wanting to approach that, staff's guidance would be to look at that area and then have a more in-depth talk (with Planning Commission) on whether that makes sense or not. Engineer Folck agreed. She stated if it was a Rural Residential Subdivision, one of the things they would have to demonstrate is that they have water as well, before it's allowed for them to start splitting everything off.

c. Discussion and Recommendation to Council on Shipping Container Ordinance

City Engineer Folck stated that there are two ordinances to be considered by the Planning Commission. The first is just a clarification of the existing shipping container ordinance. The current ordinance was developed in 2019 and does not allow shipping containers in residential areas except for moving or construction. It does allow shipping containers in commercial and industrial areas for storage as an accessory use, but does not allow them to be used for the primary use of the property. They are not allowed to be hooked to utilities. Folck stated that when the new zoning code was adopted, the shipping container ordinance was not incorporated into it, so she is proposing that we incorporate it into Article 5, Accessory Uses. This will make it easier to find.

Folck also stated that at the time this ordinance was approved, there was some discussion about whether or not shipping container homes should be addressed. At the time, there were no container homes proposed, and it was decided that if something should be proposed, the City would consider making changes to the ordinance then. Folck stated that the time has now come, and there is currently a container home community that has been proposed for the City of Gering. Aulick Industries has proposed a housing development that would be made up of container homes. Over the next 3-5 years, they believe they could produce 40-50 units. Folck showed some pictures of container homes, and stated that while they can look very attractive, they can also look very unattractive. For this reason, she does not recommend allowing container homes to be placed on a single lot in the middle of an existing neighborhood. Instead, she stated that if the City is to allow something like this, she recommends that the container homes be required to be placed in container home communities, in groupings. The City's existing process for a planned development could be utilized for container home communities. This would require a minimum of 2 acres, and would also require proposed communities to go through Planning Commission and

Council for approval. This process would require them to show what they would look like, how they would be grouped, parking, green space, etc.

Commissioner Hauck asked if this would put container homes in the same category as a mobile home park. Folck stated yes, it would be similar to the requirements for a tiny home community or mobile home park. Commissioner Keener asked if staff knew of any other communities that have anything similar, and how many units would be in the proposed development? Folck stated that she is unaware of any similar container communities in Nebraska, and they are looking at up to 50 units. Initially they would be installing about 1 per month, so 36 over the first 3 years. The developer would be required to install streets, sewer, and water. Folck emphasized that the proposed ordinance that was being discussed at this meeting should be considered with regard to how it would address any such development that comes forward, not just the one that is currently anticipated. This is why utilizing the Development Plan Review process that is outlined in Section 2.2.4 would work well. This would require the developer to provide a plan that would show the appearance, location, height, and arrangement of the container homes, along with landscaping, parking, sewer, water, etc. If the project is to be phased, that information would have to be included as well. Planning Commission and Council would have a chance to weigh in on all of these criteria, and to determine if the overall planned development would fit in with the surrounding area.

Commissioner Hauck asked if there would be easy access for the fire department and ambulances. Folck stated yes, that would be part of the development plan review process, to make sure that the layout would allow for such access. She also stated that staff has looked into building codes, and while it is not strictly required, the code strongly recommends that communities require a licensed architect to stamp all container home plans. She recommends making this a requirement to make sure that everything meets code and is safe structurally. This requirement is included in the ordinance that is before the Planning Commission for consideration. Additionally, the ordinance grants relief from the requirements for a single-family dwelling, which would require a minimum of 900 square feet and a pitched roof. Some of these units could be put together for duplexes or multi-family units, however anything that has more than two units would have to be approved by the state fire marshal's office and may have to be sprinklered.

Commissioner Miles moved to make a positive recommendation to Council to pass the two ordinances related to shipping containers as presented. Commissioner Kaufman seconded the motion.

Discussion: Commissioner Alvizar asked for a clarification: even though this kind of development would be on private property, would the City still be able to have a say in the appearance of the container homes? Folck stated yes, that is part of the planned development process. Miles asked if this would be similar to a trailer park where residents would own the container homes and pay lot rent. Folck stated that for the one currently proposed, the developer would own the property and the container homes and rent them out individually.

The Clerk called the roll. "AYES": Miles, Bowman, Kaufman, Keener, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Kautz, Shimic and Holliday. Motion carried.

6. City Engineer report

City Engineer Folck stated that the City has received three applications for Ag Estate Dwellings that will be considered in October. In addition, she will bring a draft ordinance with the proposed

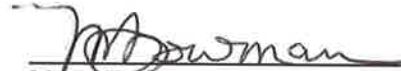
changes for Ag Estate Dwelling requirements that was discussed tonight, and she is also hoping to have a draft ordinance addressing downtown sidewalks that would allow for things like planters and benches to be placed in the City's right of way.

She also stated that attendance has become a concern, as evidenced by the lack of a quorum at the August meeting, and that staff would be speaking with the members who had a high number of absences to see if they are still able to commit to being on the Planning Commission. She thanked the members who were in attendance for their time and commitment. She also stated that staff would be attending the NPZA conference in Kearney later this month, and there would be another local planning and zoning workshop held in January. Commissioners will get information on that when it becomes available.

7. Adjourn

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

The meeting adjourned at 7:09 p.m.



Mary Bowman, Chairwoman

ATTEST:



Carol Martin, Secretary