

**AMENDED
CITY OF GERING
PLANNING COMMISSION MEETING AGENDA**



A REGULAR MEETING OF THE CITY OF GERING PLANNING COMMISSION WILL BE HELD ON **TUESDAY NOVEMBER 19th, 2024 AT 6:00 P.M.** IN THE GERING CITY HALL COUNCIL CHAMBERS, 1025 P STREET, GERING, NEBRASKA.

All agenda items are for discussion and action will be taken as deemed appropriate.

Call to Order and Roll Call

1. Pledge of Allegiance
2. 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 or Vice-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. Appointment of Planning Commission Secretary, Valerie Van Winkle
4. Approval of Minutes of the **OCTOBER 15th, 2024** regular Planning Commission meeting
5. Current Business:
 - A. Consider an Ag Estate Dwelling Site located at 150785 CR 22, Tract in the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 13, Township 21 North, Range 55 West of the 6th P.M. Scotts Bluff County
6. City Engineer report
7. OPEN COMMENT: Discussion or action by the Planning Commission regarding unscheduled business will not take place. This section is for citizen comment only.
8. Adjourn

Amended November 13, 2024 at 12:40 p.m.

Agenda item added: #3 Appointment of Planning Commission Secretary, Valerie Van Winkle

**CITY OF GERING PLANNING COMMISSION MEETING
October 15, 2024**

A regular meeting of the City of Gering Planning Commission was held in open session on October 15, 2024, at 6:00 p.m. in the Gering City Hall Council Chambers at 1025 P Street, Gering, NE. Present were Commissioners Taylor, Crews, Keener, Miles, Kaufman, Palm, Hauck and Alvizar. Absent Shimic. 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

Commissioner 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 September 17, 2024, regular Planning Commission meeting

Motion by Commissioner Hauck to approve the minutes of the September 17, 2024 regular Planning Commission meeting. Second by Commissioner Palm. There was no discussion. The Clerk called the roll. "AYES": Crews, Keener, Miles, Kaufman, Palm, and Hauck. "NAYS": None. Abstaining: Taylor and Alvizar. Absent: Shimic. Motion carried.

4. Current Business:

A. Public Hearing to consider Conditional Use Permit for storage units to be located on Lot 3A, Block 3, Red Barn Subdivision, City of Gering, located at the corner of Country Club Road and Red Barn Drive

Chairman Miles opened a Public Hearing to consider a Conditional Use Permit for storage units to be located on Lot 3A, Block 3, Red Barn Subdivision, City of Gering, located at the corner of Country Club Road and Red Barn Drive at 6:02 p.m.

**THE FOLLOWING STAFF REPORT WAS PROVIDED TO PLANNING COMMISSION PRIOR
TO THIS MEETING**

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

To:	Planning Commission	Date:	10/15/24
From:	Planning & Community Development	Zoning:	C-3
Subject:	Recommendation & Report – Conditional Use Permit for Storage Units in the C-3 Zone	Property Size:	
Location:	Block 3 Lot 3A, Red Barn Subdivision (corner of Red Barn Drive and Country Club Road)	#Lots/Parcels:	1
Owner:	Magnet Solutions, Inc.	City Council Public Hearing:	N/A

Public Notice: This Public Hearing was noticed meeting the requirements of Nebraska State Statutes and City of Gering Zoning Regulations.

Agenda Item Summary

A Conditional Use Permit Application has been submitted for Storage Units to be located on Block 3, Lot 3A, Red Barn Subdivision, which is located on the corner of Red Barn Drive and Country Club Road (see attached map). The property is currently vacant. (Note: the application states that the property has a shop building, but the shop is actually located on an adjacent property owned by the same property owner)

The proposed storage units would consist of a 40'X80' steel building. It would meet all setback requirements and building codes.

By code, there are several criteria that must be considered in order to grant a Conditional Use Permit. The criteria and information relevant to the application are as follows:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

- The ingress and egress for the storage units is to be located on Red Barn Drive. Because this is not a high traffic use, and it is not a high traffic roadway, staff has no concerns about ingress or egress.

2. Off-street parking and loading areas where required, with particular attention to the noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district.

-This use does not require any off-street parking. The lot is sufficiently large to allow for loading and unloading without unduly affecting surrounding properties.

3. Refuse and service areas.

-The offices in the shop on the adjacent property will monitor for any trash and remove it as needed. There will be daily monitoring from the office location.

4. Utilities, with reference to locations, availability, and incompatibility.

- No utilities will be available in the proposed storage building

5. Screening and buffering with reference to type, dimensions, and character.

-No screening is proposed for the property

6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.

-No signage is proposed as part of this application

7. Required yards and other open spaces.

-There will be a 25' front yard setback in keeping with the requirements of the C-3 zone. Because this is a corner lot, there will be an additional 12.5' setback for the secondary front yard.

8. General compatibility with adjacent properties and other property in the district.

-The proposed steel building would be similar in character to other buildings in the vicinity.

Staff recommends that the application as proposed is consistent with the surrounding properties and recommends approval of the application. Staff is not currently recommending any conditions for the approval of the permit, but if Planning Commission wishes to impose conditions, they may.

Motion and Vote

Approve

Approve Resolution PC 10-1-24 granting a Conditional Use Permit for storage units to be located on Lot 3A, Block 3, Red Barn Subdivision, City of Gering, with the following conditions:

Deny

Deny Resolution PC 10-1-24 granting a Conditional Use Permit for storage units to be located on Lot 3A, Block 3, Red Barn Subdivision, City of Gering for the following reasons:

Table

Table consideration of Resolution PC 10-1-24 granting a Conditional Use Permit storage units to be located on Lot 3A, Block 3, Red Barn Subdivision, City of Gering for the following reasons:

End of Staff Report

City Engineer Annie Folck stated staff received an application for a Conditional Use Permit for the property on Red Barn Drive. The map that is in the packet shows the location just off of 10th street. Folck pointed to Country Club Road and Red Barn Drive on the overhead screen. Folck explained that when they get an application for a conditional use permit, the zoning code is pretty straightforward. It has all the different criteria needed to be considered and all the information matches up with what is on the CUP application. Folck referred to the map on the overhead screen and said they are looking at building a 40' by 80' building which will be storage units. The main reason a CUP is used for storage units is, depending on where it is within a C3 zone, they want it to be similar to the surrounding properties. With that said, there is a lot of variation in that C3 zone. Typically, with storage units, the main thing that is looked for is traffic in and out. Sometimes there are people coming in and out at odd hours. Typically, with self-storage, people have their own key so they can come and go whenever they want. Trash can sometimes be an issue when people clean out their units and leave things everywhere. Sometimes the appearance of them can be at odds with surrounding properties. Folck then showed on screen the rendering of the building that was included in the packet. She stated that it may not be those colors, but it is basically what they are planning to build and will be similar to what is shown in the picture.

Folck then started going through the criteria from the application, starting with access. She stated that this is a corner lot with access from Country Club Road and Red Barn Drive. It would be accessed more off Red Barn Drive, which would be their main driveway. This is better since Country Club is a little busier road. They do have ingress and egress from the site and it's not high traffic use. Staff doesn't think that's going to be an issue. Off street parking is not applicable. Typically, people don't stop and stay, they are loading and unloading and then they leave. It's rare to have more than 1 or 2 people there at a time. Refuse and service areas are sometimes a bigger concern, but the applicant says they have an office on the same lot (which is actually a separate lot, both owned by the applicant). On this adjacent lot, there is a staffed office building so they will be monitoring for trash removal. If something is left there, they will get it cleaned up in a timely manner. Applicant does not need any utilities; that's another criterion. Screening and buffering goes along with the character of the surrounding area; that will not be applicable. They are not screening and buffering but if that is something that concerns planning commission that is certainly a condition they could put on this permit. Applicant is not planning on any signage. In that zone there is a required 25-foot front yard setback requirement they will have to meet. That will be required through the building permit process. The last one is general compatibility with adjacent properties in the district. There are other properties nearby that are similar steel buildings. Folck showed the office

building area on the overhead screen to show that there are other steel buildings to the north, northwest, and across the street to the east in addition to a concrete block building. So, because of what's surrounding it, she does think that what they are proposing is in keeping with the general character of the neighborhood. Staff is recommending approval of the proposal with no conditions. If there are any conditions that planning commission would like to put on them, they can certainly do so; that just needs to be part of the motion.

Chairman Miles asked if there is a fence around the property. Engineer Folck responded there is not an existing fence and she doesn't believe they're planning on putting a fence up. Chairman Miles said that answered his question of whether or not the fence had to be inside and set back. Annie said the fence can be on the property line it just can't be as tall in the front yard. Just like in residential you can't have a six-foot fence in the front yard. Chairman Miles responded he was just curious.

City Engineer Annie Folck stated there is a representative from the applicant in attendance if there are any questions.

Chairman Miles asked if there was anyone wishing to speak regarding this application; if so, stand at the podium, state your name and address.

Allen DeHaven, employed with Magnet Solutions, 2409 Ave C

Commissioner Keener asked if 'no utilities' means there won't be any lights in or around the building. DeHaven responded that he has been over there in the evenings and the only lighting there, is just what's on the streets and the neighborhood. He said he's looked over the plans and at this time there is nothing in there that has additional lighting. DeHaven stated it seems pretty well lit in general. When he's there, he's just getting something out of the office building. There's no direct lighting in the area. Commissioner Kaufman said she was thinking that too, and clarified that in the middle of the night there would be no lighting. DeHaven confirmed, there will be no lighting on or in the building, just the existing street lighting.

Commissioner Palm said she drove by the property today and wanted to know if the alley way that's on the north side of Finish Line and Red Barn Drive will be affected by this build. DeHaven said no in fact they foresee that a lot of people may enter the property from that alley way. It's actually the most favorable. There's a drive over curb off Country Club Road, but DeHaven thinks more people are likely to use the alley way because it is a little smoother of a curb. Commissioner Palm then asked if there is a possibility that the owner could sell the lot and if they did would that impact the trash, trash pickup, and management of the storage facility. DeHaven said the owners plan to own this lot for a very long time. Engineer Folck referred commissioners to the map on the overhead screen to show exactly where the alley way is and stated that it would be unaffected by the building because they would have to be back from the property line. Commissioner Palm asked if the front yard would be off Red Barn. Folck said that since it's a corner lot, they can choose if they want Country Club or Red Barn to be their front yard.

Commissioner Hauck asked if customers will have regulations on what they can do with their unit and what they can and cannot store in the units. DeHaven replied he doesn't anticipate there being any items not allowed. Commissioner Hauck clarified that he was thinking of flammable items like gasoline. DeHaven said it has not been communicated to him that there will be items not allowed in the units.

Commissioner Taylor shared that his biggest concern is security. Often places that don't have lights and security cameras have break-in issues all the time. He would want to make sure there are extra lights at least required. Commissioner Crews asked Folck if that's something she can provide clarification on as to whether it's required by zoning. Folck said zoning does not require lighting, but because this is a CUP, the Commission can add it as a condition if they choose to. Chairman Miles asked if Folck could point out the street lights around that corner area. Folck pointed out the closest one on the northwest side of the street. This is adjacent to the property, but the City does have LED lighting in Gering, which is very directed. It doesn't spill back onto the property like some of the older style lights did. Chairman Miles said he feels if Commission tries to make lighting a condition, they would have to be pretty specific as to what the applicant has to light up. He asked Folck if she has dealt with similar sites and addressed that issue. Folck replied that there are different ways do it, but there should probably be a minimum of a wall pack on each side. That's what most of these buildings will have; it'll just be mounted on the side of the building and it'll be an LED light and they can really light a large area. That would require them to put in electricity, which they weren't planning on. That's another expense she wasn't sure the applicant would consider. Commissioner Alvizar asked if anyone knows what the storage units on 10th street are like just north of the train tracks. Folck said she wasn't sure what they have over there. Commissioner Crews said he is not necessarily looking to require it as a conditional use; he just wasn't sure if that would be a public safety issue in that part of town. Commissioner Crews continued to say that lighting should be considered and he recommends it be looked into by the applicant for security purposes for both the tenants and the liability on the property. Folck responded that most of our zoning requirements with regard to lighting tend to be about limiting lighting, more so than requiring extra lighting. Commissioner Taylor said the storage units behind Toco Johns just down the road from this proposed build, where he has a unit, is lit on all sides and units in addition to security cameras and fenced in sections.

Chairman Miles asked if there were any other questions or comments. With no further questions the public hearing closed at 6:18 p.m.

- i. Take action on Resolution PC 10-24-1, a Resolution to grant a Conditional Use Permit for storage units to be located on Lot 3A, Block 3, Red Barn Subdivision, City of Gering, located at the corner of Country Club Road and Red Barn Drive. Motion by Commissioner Taylor to approve the Conditional Use Permit with the condition of lights on every side.**

Discussion: Commissioner Cruz asked Commissioner Taylor to clarify if he is proposing lights around each side of the building or every side of the property. Commissioner Taylor said he thinks

there should be a light on each side of the building so it's visible for all visitors at night. Chairman Miles said he agrees with that but doesn't think it should be a requirement unless it becomes an issue. Folck said the reason staff didn't recommend anything about lighting is because that would be something that impacts the applicant and their property; it wouldn't be as much of an issue to neighboring properties. If it does become an issue for the applicant, she'd assume they would want to add lighting. If this is a concern, planning commission could add it to the requirements. Commissioner Miles said if they start having vandalism and can't get tenants in there because they don't have lights, that's going to force them to look at lighting it up. Commissioner Kaufman said she agrees that the applicant should look into lighting but Commission should not make them do it.

Chairman Miles asked if there is a second to Commissioner Taylor's motion. There was not a second. Taylor's motion was stricken. Chairman Miles asks for another motion.

Motion by Commissioner Keener to approve Resolution PC 10-24-1, a Resolution to grant a Conditional Use Permit for storage units to be located on Lot 3A, Block 3, Red Barn Subdivision, City of Gering, located at the corner of Country Club Road and Red Barn Drive. Seconded by Commissioner Kaufman. There was no discussion. The Clerk called the roll. "AYES": Taylor, Crews, Keener, Miles, Kaufman, Palm, Hauck and Alvizar. "NAYS": None. Abstaining: None. Absent: Shimic. Motion carried.

B. Public Hearing to consider ordinance to make changes to the Zoning Code, Section 3.7.2, Agricultural Estate Dwelling Site Designation (AEDS)

Chairman Miles opened a Public Hearing to make changes to the Zoning Code, Section 3.7.2, Agricultural Estate Dwelling Site Designation (AEDS) at 6:23 p.m.

THE FOLLOWING STAFF REPORT WAS PROVIDED TO PLANNING COMMISSION PRIOR TO THIS MEETING

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

To:	Planning Commission	Date:	10/15/24
From:	Planning & Community Development	Zoning:	AG
Subject:	Recommendation & Report – Ordinance to make changes to the Zoning Code, Section 3.7.2., Agricultural Estate Dwelling Site (AEDS)	Property Size:	N/A
Location:	AG zoning	#Lots/Parcels:	N/A

Owner:	N/A	City Council Public Hearing:	11/12/24
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Currently the City's zoning code for Agricultural Estate Dwellings requires that in order to split an Ag Estate Dwelling, 80 acres of agricultural land must be held in reserve, and cannot be used for anything else. The code also allows for less than 80 acres to be held in reserve as long as it still meets the intent of the code. This allows a lot of discretion on the part of the City to determine whether or not any proposed application with less than 80 acres reserve meets the intent of the zoning code. Typically, staff has interpreted the intent of the code to allow more leeway with existing farmsteads than is allowed for new building sites, primarily because splitting off existing farmsteads does not change the character of the agricultural zone, whereas subdividing new building sites would add population to the agricultural zone, changing the character. Council has requested that staff consider changing the code to make it less open to interpretation to ensure consistency in enforcement over time, regardless of staff changes. The proposed language is intended to clarify that it is acceptable to approve an Ag Estate Dwelling Site for existing farmsteads even if there is less than 80 acres that can be held in reserve, as long as it still meets the intent of the code.

End of Staff Report

City Engineer Annie Folck said about a year ago this was discussed quite a bit. The City had two different ag estate dwellings come up. One was for an existing farmstead and one was for a new build site and neither of them had quite the 80 acres in reserve as required by code. The reason code requires 80 acres to be reserved as agriculture is because the goal of the ag estate dwellings is truly more for existing farmsteads. The goal is specifically stated to not create a large number of them. The best way to not create a large number of them is to say that people can only do one every 80 acres; the rest of it has to be held as ag land. This keeps people from using it as a way to circumvent the requirements for a rural residential subdivision because applicants can't just do several ag estate dwellings all next to each other. Folck continued: When this came up previously, both of them had about 50 acres that could be used in reserve. One was an existing farmstead; one was a new build site. Staff recommended for the existing farmstead and against the new build site and the reason for that was there were some concerns about the character of the district when adding to the population. Another big concern was the residential wells out there. She said she believes it was Commissioner Kaufman, the commissioner that lives in Gering's extra territorial zone jurisdiction, who brought up the fact that sometimes when the neighbor's well kicks on, they'll have draw-down in their own well. Therefore, there is concern about adding a lot more residences out there. Back then, there were some concerns from Council in particular that we couldn't approve one and not the other because it was a judgment call and they were concerned about setting a precedent. What staff is trying to do here is clean up the code a little bit and distinguish the difference between an existing farmstead and a new build site. Folck stated that she thinks that the requirements for an existing farmstead should be a little more lenient because they're not drilling new wells, they're not adding population, and they're not

changing the character of the zone. That's basically the purpose of the ordinance as written. What is being proposed are some changes that clean this up a bit. There is no rush to get it approved tonight, but Folck requested feedback so that it can be approved in the near future.

In making some changes, Folck stated that the city attorney suggested keeping it as simple as possible and staff did leave quite a bit of leeway in there which can be good or bad. Folck said she likes to write code to rely on people's judgment and being able to consider individual situations and not being completely black and white because in the real-world things aren't always nice and neat and black and white. She said we need to use good planning judgment and make our best determinations. The way it is re-written would change just this section (shown on overhead screen). Folck continued to share that someone pointed out it doesn't state what "AEDS" stands for, that's because this is just an exception. They aren't making changes to 3.7.1, which gives the definition of an ag estate dwelling site, so that's all going to stay the same. The only section changing is the portion that says 'may permit the creation of an AEDS of less than 80 acres of reserved land when there is an existing farmstead site on the subject property which predates the adoption of this ordinance'. Whenever this is adopted by Council, and someone is questioning whether or not they can do it with less than 80 acres, staff would look on the assessor site and see when the house was built. If it was built before the date this is approved and it was an existing farmstead when this ordinance was adopted, then the City can allow them to split it off with less than 80 acres and this should be simple and easy for staff. The next part of the code that staff left in there is 'and in other circumstances where the intent of the subsection is maintained' which is similar to how it's written now. Folck stated they didn't want to tie everyone's hands too much because sometimes there are situations where it makes a lot of sense to have a little flexibility there. That being said, she knows at least one of the Council members had concerns about the fact that staff can change and interpretations can change, so leaving it open to interpretation can make it challenging. Folck said she very much respects that view as well because she may not always be the person sitting there.

Chairman Miles asked for clarification, asking that if there are 40 acres prior to this adoption that has a homestead on it, can they carve that out. Folck replied yes. Chairman Miles continued asking if it could be 10 or 5 acres. Folck clarified it has to be a minimum of 2 acres because that's code. Folck continued to say that's about the smallest you can get and still have your well and septic have appropriate separations. Chairman Miles said he thinks the other statement is pretty vague and he could see the Commission getting in trouble with interpretations. He asked Commissioner Kaufman to weigh in since she lives on a homestead and he does not. Commissioner Kaufman asked Folck if it could be 40 acres if there's an existing homestead. Folck said if there was a 40 or 50-acre farm that had an existing farmstead on it, they could split off that farm and hold the remaining 38 or 48, (however many acres are remaining) in reserve as ag. So, they could only do it once for that parcel. Even though they don't own a full 80 acres they could still split off the farmstead. Commissioner Kaufman asked if another home could be put on it. Engineer Folck said no, because it would be held in reserve as ag, so you couldn't build a house. Commissioner Kaufman said she's just trying to keep from having more wells

dropped because there's no water. There is no water on the west side of 71. There are all kinds of water on the east side, but right now the well she's had for 50 years is about to dry up. They just can't have anybody else dropping wells on the west side, there's no water.

Commissioner Crews asked how many properties are in the current city limits. Engineer Folck asked if he is asking about the ETJ (extraterritorial Jurisdiction). Commissioner Crews said yes, and asked if this would affect it if our city limits grow. Annie did not have a number on how many existing farmsteads there are. She said staff was doing a lot of these a few years ago and it slowed down because she thinks there aren't a lot out there that haven't been split off yet. However, Crews is correct that as we grow and annex our extraterritorial zoning district will grow accordingly.

Commissioner Taylor said his concern is that 80 acres seems like quite a bit. He says he lives on Robidoux and has two houses on the property. One house, he wants to demolish more than likely in the next 10 years, and build another house. This makes it so he can't because it would be a new dwelling even though there was an existing dwelling there. Folck asked if he was going to be subdividing the property to do it?

Commissioner Taylor said that was the plan, with his father-in-law getting done with farming, being able to separate, being able to still have their same yard without being controlled by things that are already there. He already has houses there; it would change and influence that lot. Folck said the farmsteads don't have to be held in reserve as ag. You can do whatever you want with your farmstead. If you have an existing farmstead and you split it off and decide to tear down the house or build a new one that won't affect it but it's the remainder of the property you're splitting it off from that then has to be held in reserve as ag. Commissioner Taylor said in other words with an existing building, if he tore that down and didn't build there for five years, he would have to make sure to get it split off before tearing it down. He continued to say that feels wrong by the fact that there had already been a building there and it would be right at almost 65 to 70 acres.

Folck said you can't write code that's going to fit every situation which is why she personally favors the version that leaves in there 'in other circumstances where the intent of the subsection is maintained' because that's kind of a catchall that allows staff and planning commission and council to use their best judgment for situations like that, which may not fit perfectly within an existing farmstead versus not a new building site.

Chairman Miles said he couldn't think of a situation until it was just now presented so thank you.

Commissioner Palm asked for clarification using an example stating that if she goes out and buys a half pivot or pivot and it's 100 acres. Does this pertain to her building a building site on the corner of that. Folck said you can still build on there; you can't split it off. Folck said after the date of this ordinance you can't use that to split it off with less than your 80 acres. Commissioner Palm said that's how she understood it but she wanted to make sure. Folck said that's correct.

Commissioner Taylor said he forgets about the well stuff, like what Commissioner Kaufman brought up, but the fact is this doesn't keep people from still building houses and putting more wells in. This is just keeping them from splitting lots and building houses. City Engineer Folck said she does think in a majority of situations, due to financing they're going to be splitting it off if they're building a new house unless they're paying cash and while there are some cases where people pay cash, she thinks it's in the minority. Commissioner Taylor said he wanted to mention, even though Folck just said she thinks it's in the minority but he's seen three properties in the same area that have been bought out by people in California. Those are the only houses he's seen sold in the last 3 years. Folck said, that's true but we can't stop people from having a farmstead on an agricultural parcel; that's a permitted use in the agricultural area. Therefore, unless we say you can't live in the ag zone anymore, which is not a road we want to go down, there's no way to stop that. Commissioner Taylor said that's what he was getting at, if that can't be stopped why are they trying to stop someone from doing what feels like the right thing to do: create a new dwelling, split off the property to do it. It seems like the correct way do it. How he sees it this person may not be able to do this because of this restriction.

Commissioner Kaufman said they better check into the water well situation before they do, because they're going to drop a well and they are not going to have any water. She said she is going to be searching now, and might have to go a mile across the road into her other property a mile away. She continued to say who wants to build a home and not have a well? That's what they're going to have on that side of the highway.

City Engineer Folck said she would like to add that the way this is currently written is not actually more restrictive than what they are proposing, it just clarifies a little more what the intent is and that the existing farmsteads in particular should be granted more leeway. Commissioner Keener said he likes the way it is worded here. Our goal is for Gering to grow. We want people to move here from either out of state or be able to build a home but you know what we have to figure out is the 'how' rather than just saying no we can't allow this. I think it's clear. Before you build a house obviously, you're going to drill some wells and see what's down there for water that's just up to them. I think this outlines the purpose well.

Chairman Miles asked if there is anyone in the council chambers wishing to speak regarding the application, if so, step to the podium and state your name and address.

Chairman Miles asked if there were any other questions or comments. With no further questions the public hearing closed at 6:40 p.m.

i. Make recommendation to Council regarding proposed ordinance

Motion by Commissioner Palm to recommend an ordinance to make changes to the Zoning Code, Section 3.7.2, Agricultural Estate Dwelling Site Designation (AEDS). Seconded by Chairman Miles. There was no discussion. The Clerk called the roll. "AYES": Crews, Keener, Miles, Kaufman, Palm, and Alvizar. "NAYS": Taylor, Hauck. Abstaining: None.

Absent: Shimic. Motion carried.

5. City Engineer Report

City Engineer Annie Folck stated that the City has another application for an ag estate dwelling so there will be a November meeting. There are a handful of Planning Commissioners whose terms are expiring: George, Levi, Steven, and Jana are all going to be done at the end of December so she asked that they let her know if they would want to serve another term. She also stated that Karen is going to be stepping down; she is moving out of Gering so she can't legally stay on the Commission. So, if any of the Planning Commissioners know of anyone that's interested in serving, please let staff know as well. Additionally, it was discussed at the last meeting that the City would be hiring another staff member. Folck introduced Valerie VanWinkle, the new hire. Folck stated that Carol would still be with the city, but having Valerie on board would help to try to keep up with some of the minutes and some of the other things that have been a lot for existing staff. With that Folck thanked the Planning Commissioners for all that they do.

6. Open Comments: Discussion or action by the Planning Commission regarding unscheduled business will not take place. This section is for citizen comment only. None.

7. Adjourn

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

The meeting adjourned at 6:45 p.m.

Jody Miles, Chairman

ATTEST:

Carol Martin, Secretary

CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT

To:	Planning Commission	Date:	11/19/2024
From:	Planning & Community Development	Zoning:	
Subject:	Recommendation & Report – AEDS	Property Size:	5.26 Acres
Location:	150785 CR 22, Tract in the South ½ of the Southwest ¼ of Section 13, Township 21 North, Range 55 West of the 6 th P.M. Scotts Bluff County	#Lots/Parcels:	1
Owner:	Victor Jerger Farms Inc./ Jeremy Jerger	City Council Public Hearing:	11/25/2024

Agenda Item Summary

The City has received an application for an Ag Estate Dwelling Site (AEDS) Subdivision in the AG zone (Agricultural District). The proposed Ag Estate Dwelling is an existing farmstead located at 150785 CR 22. The applicants would like to divide 5.26+- acres off from the remainder of the farm. The property is situated in unplatted lands, tract in the South ½ of the Southwest ¼ of Section 13, Township 21 North, Range 55 West 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 AG.

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 5.26+- acres is divided off, there will be only 68.14 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.

Motion and Vote

Approve

Make a POSITIVE RECOMMENDATION for City Council to approve the Ag Estate Dwelling Site located on 150785 CR 22, Tract in the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 13, Township 21 North, Range 55 West of the 6th P.M. Scotts Bluff County Nebraska, with the following conditions:

Deny

Make a NEGATIVE RECOMMENDATION to City Council to approve the Ag Estate Dwelling Site located on 150785 CR 22, Tract in the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 13, Township 21 North, Range 55 West of the 6th P.M., Scotts Bluff County, for the following reasons:

Table

Table making a recommendation for City Council to approve the Ag Estate Dwelling Site located on 150785 CR 22, Section 13, Tract in the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 13, Township 21 North, Range 55 West of the 6th P.M. Scotts Bluff County, for the following reasons:

CITY OF GERING

APPLICATION FOR AG ESTATE DWELLING SITE

The following application for an Ag Estate Dwelling Site (AEDS) is made in accordance with the requirements in Section 3.7.2 of the City of Gering Zoning Code.

Date: September 24, 2024

1. Victor Jerger Farms Inc./Jeremy Jerger 150785 CR 22, Gering, NE 69341 308-672-2697
Property Owner Address Phone No.

2. MC Schaff & Associates 818 S. Beltline Highway E. 308-635-1926
Surveyor Address Phone No.

3. Address of Property (if existing): 150785 CR 22, Gering, NE

4. Legal Description by Quarter-Quarter Section, Township and Range: _____
See Attached

6. Acreage of AEDS (must be 2-25 acres): 5.26+- Acres

7. Acreage of land to be held in reserve as AG: 68.14 Acres

7. Is this an existing farmstead? yes

8. A brief description of existing or proposed utilities, to include well and septic if water and sewer are not available at the site: _____

Utilities are existing. No proposed utilities

Jeremy Jerger
Signature of Owner

Signature of Zoning Administrator

A TRACT OF LAND SITUATED IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 21 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 13, THENCE NORTHERLY ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 13, ON AN ASSUMED BEARING OF N01°56'16"E, A DISTANCE OF 966.24 FEET, TO THE POINT OF BEGINNING, THENCE CONTINUING NORTHERLY ON SAID SECTION LINE, BEARING N01°56'16"E, A DISTANCE OF 329.05 FEET, THENCE EASTERLY, BEARING S88°45'43"E, A DISTANCE OF 713.70 FEET, THENCE BEARING S01°47'57"W, A DISTANCE OF 312.71 FEET, THENCE BEARING S89°55'43"W, A DISTANCE OF 714.85 FEET, AND THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 5.26 ACRES, MORE OR LESS.

Nebraska Secretary of State



Receipt of Filing Information

 Print this receipt

Due to the high volume of submissions at this time it is taking approximately a week for you to receive an email back regarding your filing status. Select the button below to start a new filing.

If you have finished filing, you are now logged out, so you may safely close the browser window.

Filing 1 - Change of Registered Agent/Office

Order Id: 76595446

Date Submitted: 2023/02/11 14:19:04

Entity Name and Principal Office Address

VICTOR JERGER FARMS, INC.
1450 5TH ST
GERING, NE 69341-0000

Filing Information

Date Effective:
Effective When Filed
Document:
[view document](#)

Registered Agent

Registered Agent:
JEREMY JERGER
150785 CR 22
GERING, NE 69341

Filing Fees

Change of Registered Agent/Office

\$25.00

Statutory Fee:

\$25.00

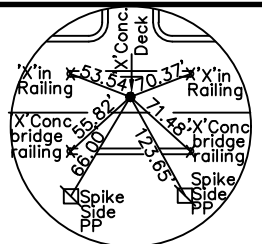
Cost to file through Nebraska.gov:

\$27.00

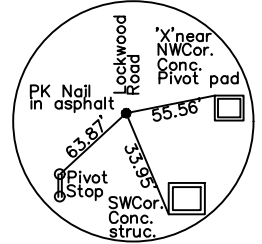
Total Filing Costs: \$27.00

TRACT IN SOUTH HALF OF THE SW1/4 OF SECTION 13, T21N-R55W SCOTTS BLUFF COUNTY, NEBRASKA JOB# RM240244-00

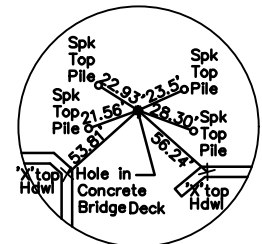
NORTH QUARTER CORNER Section 13, T21N-R55W Found 'X' in concrete bridge deck



EAST QUARTER CORNER Section 13, T21N-R55W Found Survey Marker Nail



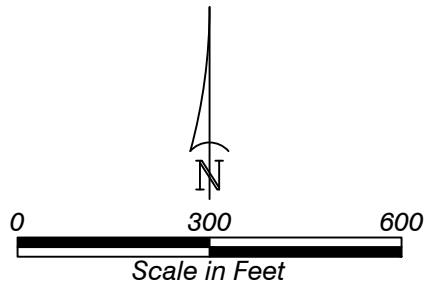
WEST QUARTER CORNER Section 13, T21N-R55W Found Rebar



CENTER OF SECTION Section 13, T21N-R55W Corner lands in Gering Drain, no monument set

LEGEND

- EXISTING SECTION CORNER, AS NOTED
- EXISTING QUARTER SECTION CORNER, AS NOTED
- EXISTING SIXTEENTH SECTION CORNER, AS NOTED
- EXISTING REFERENCE CORNER, AS NOTED
- SET 5/8" X 24" REBAR W/CAP
- EXISTING FENCELINE
- STRUCTURES
- ROW RIGHT OF WAY
- R RECORD
- M MEASURED
- W WELL



SURVEYOR'S CERTIFICATE
 I, DENNIS P. SULLIVAN, NEBRASKA REGISTERED LAND SURVEYOR NO. 562, DULY REGISTERED UNDER THE LAND SURVEYOR'S REGULATION ACT, HEREBY CERTIFY I, OR UNDER MY DIRECT SUPERVISION, HAVE SURVEYED AND LOCATED A TRACT OF LAND SITUATED IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 21 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

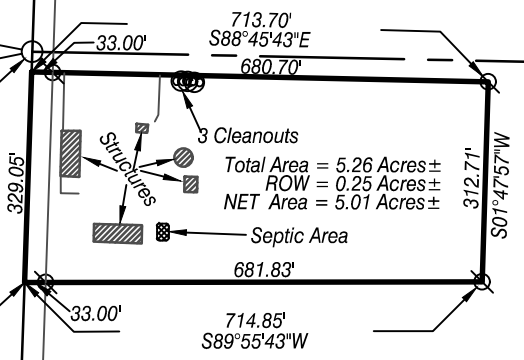
COMMENCING AT THE SOUTHWEST CORNER OF SECTION 13, THENCE NORTHERLY ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 13, ON AN ASSUMED BEARING OF N01°56'16"E, A DISTANCE OF 966.24 FEET, TO THE POINT OF BEGINNING, THENCE CONTINUING NORTHERLY ON SAID SECTION LINE, BEARING N01°56'16"E, A DISTANCE OF 329.05 FEET, THENCE EASTERLY, BEARING S88°45'43"E, A DISTANCE OF 713.70 FEET, THENCE BEARING S01°47'57"W, A DISTANCE OF 312.71 FEET, THENCE BEARING S89°55'43"W, A DISTANCE OF 714.85 FEET, AND THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 5.26 ACRES, MORE OR LESS.

THAT THE ACCOMPANYING PLAT IS A TRUE DELINEATION OF SAID SURVEY DRAWN TO A SCALE OF 300 FEET TO THE INCH. THAT ALL MONUMENTS FOUND OR SET ARE MARKED AS SHOWN. THAT ALL DIMENSIONS ARE IN FEET AND DECIMALS OF A FOOT. THAT SAID SURVEY, TO THE BEST OF MY KNOWLEDGE AND BELIEF IS TRUE, CORRECT AND IN ACCORDANCE WITH THE LAND SURVEYOR'S REGULATION ACT IN EFFECT AT THE TIME OF THIS SURVEY.

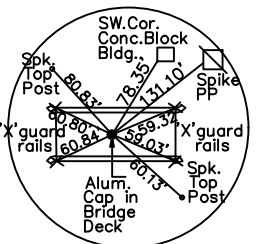
WITNESS MY HAND AND SEAL this ____ day of _____, 2024.
 FOR THE FIRM OF M. C. SCHAFF AND ASSOCIATES, INC.

Dennis P. Sullivan, Nebraska Registered Land Surveyor, L. S. 562

SOUTH SIXTEENTH CORNER Section 13, T21N-R55W -found by intersection of quarter section lines

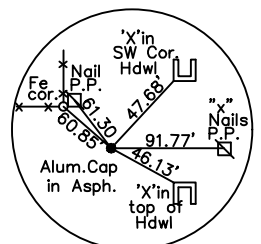


CENTER SOUTH SIXTEENTH CORNER Section 13, T21N-R55W -found by intersection of quarter section lines -Corner lands in Gering Drain, no monument set



SOUTH QUARTER CORNER Section 13, T21N-R55W Found Aluminum Cap in bridge deck

SOUTHWEST CORNER Section 13, T21N-R55W Found Cap



2654.28' N01°56'16"E (Assumed)

1327.14'

966.24'

2627.16' S88°55'23"E

5231.70' N88°45'28"W

5297.95' N01°47'57"E

1323.32'

1323.32'

2651.31'

2611.06'

1327.14'

329.05'

33.00'

312.71'

714.85'

1327.14'

966.24'

2623.90' N88°50'26"W

1323.32'

DOMESTIC CHANGE OF REGISTERED AGENT and/or OFFICE

Robert B. Evnen, Secretary of State
P.O. Box 94608
Lincoln, NE 68509
www.sos.nebraska.gov

The following corporation, pursuant to the laws of the state of Nebraska, does hereby wish to change its Registered Agent and/or Registered Office.

Name of Corporation Victor Jerger Farms, Inc.

Previous:

Registered Agent: Gary Jerger
Registered Office: 1450 5th St. Gering NE 69341
Street Address and Post Office Box (if any) City Zip

New:

Registered Agent: Jeremy Jerger
Registered Office*: 150785 CR 22 Gering NE 69341
Street Address and Post Office Box (if any) City Zip

* The street address of the registered office and the street address of the registered agent must be identical.

DATED 02/10/2023

Jeremy Jerger
Signature
Jeremy Jerger / President
Printed Name/Title

NOTE: Every filing must be signed by the chairperson of the board of directors, the president, or one of the officers of the corporation. If the corporation has not yet been formed or directors have not yet been selected, the filing shall be signed by an incorporator. If the corporation is in the hands of a receiver, trustee, or other court appointed fiduciary, the filing shall be signed by that fiduciary. **Signing a false document which is filed or attempted to be filed with the Secretary of State is a Class I Misdemeanor, subject to up to one year imprisonment or a \$1000 fine, or both.**

Registered Agent: Please check A (current agent) or B (new agent) below and sign

- A. I hereby state that the above named corporation has been notified of the change in address of my registered office.
- B. I hereby consent to act as registered agent for the above named corporation.

Jeremy Jerger
Signature of Registered Agent

FILING FEE: \$30.00 (In-Office) / \$25.00 (Online)