

CITY OF GERING

PLANNING COMMISSION MEETING AGENDA



A REGULAR MEETING OF THE CITY OF GERING PLANNING COMMISSION WILL BE HELD ON **TUESDAY APRIL 16, 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. Approval of Minutes of the February 20, 2024 regular Planning Commission meeting
4. Current Business:
 - A. Consider the Preliminary Plat of Lots 15 Through 19, Block 9 and Lots 7 Through 11, Block 11, Westwood Estates, City of Gering, NE
 - B. Consider the Final Plat of Lots 15 Through 19, Block 9 and Lots 7 Through 11, Block 11, Westwood Estates, City of Gering, NE
5. City Engineer report
6. Adjourn

**CITY OF GERING PLANNING COMMISSION MEETING
February 20, 2024**

A regular meeting of the City of Gering Planning Commission was held in open session on February 20, 2024 at 6:00 p.m. in the Gering City Hall Council Chambers at 1025 P Street, Gering, NE. Present were Vice Chair Shimic and Commissioners Taylor, Crews, Palm, Kaufman, Keener (6:02) , Hauck and Alvizar. Absent was Miles. Also present were City Engineer Annie Folck, City Administrator Heath 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.

1. Call to Order and Roll Call

Vice-Chair Shimic called the meeting to order at 6:00 p.m.

2. Pledge of Allegiance

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

Vice-Chair Shimic 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.

4. Approval of Minutes of the December 5, 2023, regular Planning Commission meeting

Motion by Commissioner Palm to approve the minutes of the December 5, 2023, regular Planning Commission meeting. Second by Commissioner Taylor. There was no discussion. The Clerk called the roll. "AYES": Taylor, Crews, Palm, Shimic, Kaufman, Keener, Hauck, Alvizar. "NAYS": None. Abstaining: Palm. Absent: Miles. Motion carried.

5. Current Business:

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

i. Election of Chairman

Vice-Chair Shimic entertained nominations for Chairperson. Commissioner Taylor nominated Commissioner Miles. Engineer Folck stated that she spoke to Jody Miles and he would accept the nomination if he was to be re-elected as Chair. There were no other nominations for Chairperson. Vice-Chair Shimic asked if the Commissioners still needed to vote by ballot. Engineer Folck replied yes, then decided that they could vote by voice (roll call). Vice-Chair Shimic then asked the Secretary to call the roll.

The Clerk called the roll. "AYES": Taylor, Crews, Palm, Shimic, Kaufman, Keener, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Miles. Motion carried.

Vice-Chair Shimic stated that Jody Miles is the new Chairperson of the Planning Commission.

ii. Election of Vice-Chair

Vice-Chair Shimic entertained nominations for Vice-Chair. Commissioner Hauck nominated Jana Shimic. Commissioner Shimic stated she has a conflict of time issue and is going to step down.

Vice-Chair Shimic then nominated Commissioner Taylor.

Commissioner Alvizar nominated Commissioner Crews. Commissioner Crews stated he is not ready to accept the position at this time.

Commissioner Hauck nominated Commissioner Kaufman. She said her schedule would not permit her to do that. Commissioner Hauck then nominated Commissioner Alvizar.

With no other nominations, Vice-Chair Shimic entertained a motion to cease nominations.

Motion by Commissioner Palm to cease nominations. Seconded by Commissioner Kaufman. There was no discussion. The Clerk called the roll. "AYES": Taylor, Crews, Palm, Shimic, Kaufman, Keener, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Miles. Motion carried.

The Commissioners voted by ballot. Secretary Martin read the ballots aloud; five votes for Commissioner Taylor and three votes for Commissioner Alvizar. Vice-Chair Shimic named Commissioner Taylor as the new Vice-Chairperson of the Planning Commission.

iii. Appointment of Planning Commission Secretary

Motion by Commissioner Taylor to appoint Carol Martin as Planning Commission Secretary. Seconded by Commissioner Palm. There was no discussion. The Clerk called the roll. "AYES": Taylor, Crews, Palm, Shimic, Kaufman, Keener, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Miles. Motion carried.

- b. Public Hearing to Consider a Zone Change from RM Medium Density Residential to RH High Density Residential for a property located in the SW ¼ of Section 1, Township 21 N, Range 55 W of the 6th P.M., City of Gering, Scotts Bluff County, Nebraska, as described in Instrument Number 2023-4951**

Vice Chair Shimic opened a public hearing to Consider a Zone Change from RM Medium Density Residential to RH High Density Residential for a property located in the SW ¼ of Section 1, Township 21 N, Range 55 W of the 6th P.M., City of Gering, Scotts Bluff County, Nebraska, as described in Instrument Number 2023-4951 at 6:09 p.m.

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

To:	Planning Commission	Date:	2/20/24
From:	Planning & Community Development	Zoning:	C-3
Subject:	Recommendation & Report – Zone Change RM Medium Density to RH High Density	Property Size:	29.75
Location:	SW ¼ of Section 1, Township 21 N, Range 55 W, as described in Instrument #2023-4951,	#Lots/Parcels:	3

	generally located between D Street and K Street and between 5 th Street and Pappas Boulevard		
Owner:	OIKOS Development Corporation	City Council Public Hearing:	N/A

Public Notice: This Public Hearing was noticed meeting City Zoning and Subdivision Regulations and according to Nebraska State Statutes.

Public Hearing

The property owners of the property located within the SW ¼ of Section 1, Township 21 N, Range 55 W of the 6th P.M., City of Gering (see map), have requested a rezone from RM, Medium Density Residential, to RH, High Density Residential. A portion of the property (1.6 acres) is already zoned RH. This request would change the remainder of the property to RH as well. The purpose of the zone change is to allow for development of the property into residential duplex and quadplexes. This would provide for workforce housing at a lower price point than single family residential.

The City’s Comprehensive Plan designates this area as District 4, the East Gering Neighborhood District. Under Future Desired Characteristics, the Plan states, “As new neighborhoods are developed, inclusion of a variety of housing types and densities at various price points should be prioritized. The district has a considerable amount of vacant land providing opportunities for new housing, which should include a compatible mix of single family on different lot sizes, as well as townhomes, condominiums, and apartments that are designed to fit the context of nearby housing and neighborhoods serving a mix of incomes.” The Future Places map for District 4 designates this particular property as one that would be suitable for higher density residential (see Comprehensive Plan Excerpts attached).

Staff recommends that the proposal is in accordance with the Comprehensive Plan and recommends approval of the zone change.

Recommendation

Approve

Make a POSITIVE RECOMMENDATION to City Council for the rezone of a portion of the SW ¼ of Section 1, Township 21 N, Range 55 W of the 6th P.M., City of Gering, Scotts Bluff County, Nebraska, as described in Instrument #2023-4951 from RM Residential Medium Density to RH Residential High Density for the following reasons:

Deny

Make a NEGATIVE RECOMMENDATION to City Council for the rezone of a portion of the SW ¼ of Section 1, Township 21 N, Range 55 W of the 6th P.M., City of Gering, Scotts Bluff County, Nebraska, as described in Instrument #2023-4951 from RM Residential Medium Density to RH Residential High Density for the following reasons:

Table

Table making a recommendation to City Council for the rezone of a portion of the SW ¼ of Section 1, Township 21 N, Range 55 W of the 6th P.M., City of Gering, Scotts Bluff

County, Nebraska, as described in Instrument #2023-4951 from RM Residential Medium Density to RH Residential High Density for the following reasons:

Engineer Folck stated that the City received an application for a rezone. The map of the area is shown on the screen. Most of the property is currently zoned RM. There is an area in the northwest portion of the property that is already zoned RH, High Density Residential. The remainder of it is RM; the applicant is proposing a rezone to High Density Residential.

The request is due to the fact that the developer (looking at developing housing there) would like to do duplexes and fourplexes - what would be considered more of a town home style housing. A lot of people have had a lot of interest in what that might look like. She showed some pictures (on the overhead screens) from projects the developer has done in other communities. What was shown would be similar to the fourplexes. They would each have their own garage. There might be a mix of duplexes as well. The pictures give an idea of what is proposed here (in Gering).

Whenever the City considers a zone change within the community, by state statute, zone changes are to be in conformance with what is outlined in the City's Comprehensive Plan. In looking to the Comprehensive Plan for guidance, there are a lot of different things that reference this. Engineer Folck pointed out Principal 3.1 in the Comprehensive Plan that shows that our community *will create neighborhoods that offer a variety of housing options, tailored to individual cycles in life and income levels.*

She stated that she has had a lot of phone calls on this proposal; one of the questions that she has gotten is why can't this be done as single-family housing. When the City went through the process of the Comprehensive Plan, one of the things that was heard repeatedly from realtors, homeowners and residents was that Gering has a lot of single-family housing currently. Gering does not have a lot of housing that is necessarily tailored to people who are in different stages of life. Young professionals, people that maybe haven't started a family yet and young couples don't typically need, and sometimes don't want, the full single-family home with the yard, three bedrooms and two baths. A lot of times something smaller, something that they can rent, is more appealing. Additionally, there is another age group of people who are empty nesters. Their kids are grown and gone; they are also not necessarily looking for something that is a single-family home. When the City did the Comprehensive Plan, it made it very clear that there is a need for more diversity in housing than what Gering currently has. It talks a lot about the need for this type of housing.

Additionally, in looking at where that housing should go, the Comprehensive Plan also has some recommendations. This property is located within East Gering District. When looking at the details on what that is describing, this is what the Comprehensive Plan envisions for that area. It talks about the district having a *"considerable amount of vacant land, providing opportunities for new housing"*. This (housing project) would be what that is referencing, this is a large parcel that is currently vacant. And it talks about how that should include a *"compatible mix of single family, on different lot sizes, as well as townhomes, condominiums and apartments, that are designed to fit the context of the nearby housing and neighborhoods, serving a mix of incomes"*.

In thinking back to the pictures shown earlier in the public hearing, she thinks all of those definitely fit the context of similar housing that is in that area. She doesn't think there is anything there that is going to be largely different than what there is surrounding that vacant property. It goes further and talks about what zoning is appropriate in that area. It shows that the future land use should be residential. In the areas that are hatched (on the map) those are the areas that should be higher density residential. It's looking at more of the multi-family and high density residential. All

of that vacant property, that the applicant is currently requesting a rezone for, is shown as not only appropriate for residential but specifically appropriate for high density residential.

Based on the recommendations of the Comprehensive Plan, staff is strongly recommending this rezone to the Planning Commission and Council because it does fit exactly with what the Comprehensive Plan describes as Gering needing and it's what was found through the planning process and meeting with residents, realtors and others. This is what Gering needs for housing. Actually, staff thinks this does fill a need for the community. It fills a need that Gering certainly has at the moment.

Engineer Folck stated that staff recommends approval. The applicant was present to talk about their proposal and what the City might be able to expect from this development.

Vice-Chair Shimic stated that anyone who wished to address the Planning Commission would have five minutes to speak and would need to state their name and address and also write it down on the pad provided.

Michael Snodgrass, President and CEO of a non-profit called Oikos Development Corporation, addressed the Planning Commission. He stated that he is based in Kansas City but they have offices pretty much all over the place. He was born and raised in Nebraska, so the chance to come to Nebraska again to do affordable housing, workforce housing is exciting to him. He stated that he's very excited to be here and to bring this forward. This project is probably going to be multi-phased. They don't anticipate building it all at once because the funding mechanisms are of such nature that it necessitates it. They're asking for a zoning change only because they want to do the fourplexes. They like the fourplexes with the solar on them to keep the energy usage down and that necessitates this zoning change. They do want duplexes too, and there may be some areas on the overall site that they do more duplexes than fourplexes and mix it up a little bit more. Like this project that the Planning Commission sees before them, this has a little bit of everything in terms of income ranges. There is no restriction in terms of someone making too little or too much to live there, but the key is to keep it affordable. Even for those folks that are at market rate and maybe on a fixed income. That's why they search for different funding sources. They work a lot with the USDA and Farm Labor with the sugar. They are doing some Farm Labor down in Florida right now with the sugar there. They were thinking sugar beets so it would work well here as well. They're very excited to be here and start developing and think they can possibly put together a project yet this year and get going fairly quickly. The only reason they necessitated this zoning change is so they can maybe do the fourplexes, which they really like a lot.

The outside units are three-bedroom, the inside are two-bedroom. 1100 square-foot to 900 square foot. Every one they build has a garage. He doesn't like apartment buildings per se with hallways and the problems they may bring about. This is what they intend to build and he hopes for the Commission's support.

Councilman Hauck asked if they are the constructor of the streets. Are they going to be wide enough for the cars parked on the street? Is a fire truck going to be able to get through there? Mr. Snodgrass replied that is why they do the garages. Usually that would be necessitated by working with the fire department. In this particular case, only guests could possibly park there. The actual residents will have to park in the driveways. There's usually enough car space to put two cars in the driveway, as well as one in the garage. Every place is different, but yes, they will be wide enough. Engineer Folk added that typically for them to just move forward after this zone change, the streets would all have to be to City standards and that would come through the platting process. Or, if they want to do narrower streets (like at Heritage Estates) they'd have to

go through a development review plan which would have the fire department and everyone else involved in those approvals. And that would come back to the Planning Commission as well.

Commissioner Crews asked if all the units in the fourplexes are two-level or are any of the designs for single-level homes, and/or are any handicap accessible type buildings. Mr. Snodgrass replied they're required by state law to have so many handicap accessible units. It's pretty impossible to have a two-story be ADA. That's why they do the duplexes. They actually have full ADAs on the site, both the two-bedroom and the three-bedroom versions are full ADA duplex. Again, it gets down to how many units they're putting in each phase. There will be a lot of duplexes out there, but they will have some non-ADA duplexes; but it just makes more sense to do the full ADA.

Commissioner Alvizar asked if these locations will be for sale. Mr. Snodgrass replied that these will be rented. Commissioner Alvarez asked if they will all have the solar panels. Mr. Snodgrass replied that they will all have the solar panels. Commissioner Alvarez asked about HOA fees. Mr. Snodgrass replied no HOA fees.

Commissioner Keener asked how many units they're proposing to build. Mr. Snodgrass replied that they don't know right now. Each phase will be different; it just depends on the funding source. Referencing the development shown on the screen, Mr. Snodgrass stated, this is 76 units. These being a Section 42 tax credits, along with some home funds from the City (in which the on-screen development was located). The ones they just did in Garden City was 86 units of Farm Labor. But it's a comparable size project in Garden City because it's 40 acres. There'll eventually be 300 units there, but he doesn't anticipate this will be quite the same. There's more need for Farm Labor; Tyson is right there with 4,000 employees, so all those employees qualify. But then it gets down to if they do more duplexes, there'll be fewer units.

Commissioner Hauck asked if they are going to have basements. Mr. Snodgrass replied that these will not have basements. One of the things they have done in Kansas is they have storm shelters inside. The lower level has the full storm door, FEMA-approved door, for any kind of storm. They haven't heard any feedback if that is a big concern here or not, but if it is that's what they'll do here, too.

Commissioner Alvizar asked if they are considered the Landlord. Mr. Snodgrass replied that they would be considered the owners. They'd have to find a local property manager. Property management is the key - how they are maintained. But they're active owners so that means they visit the sites, they talk to the people. They understand if there are issues, they will want to know about those at all times. He said it's easy to get a hold of him.

Commissioner Palm asked Engineer Folck if we rezone this to RH, would that allow apartment complexes by zoning? Engineer Folck replied, yes. Commissioner Palm asked Mr. Snodgrass if the rentals are long-term rentals or what's the term of the lease? Mr. Snodgrass replied that these will be long-term rentals. They (his company) will be a long-term owner. Anytime they go into a community, they're there usually 40 to 50 years. It's called a LURA, a Land Use Restriction Agreement, so they are definitely long-term owners. That is required by both USDA and different funding sources. Commissioner Palm asked the duration of a typical lease. Mr. Snodgrass replied usually at least a year at a minimum. It's going to be typical to what most leases would be. But these are not going to be month to month. These will be a minimum of a year. He doesn't know that they can do more than a year at a time, based on the different funding sources. If they'd let him, he would.

Curt Richter, 495 2nd Street, Gering (just south of the proposed location), stated that he has a couple concerns that might be directed more toward Engineer Folck. There's a large open storm drain running along D Street - what are the plans for closing that in? What streets are going to be interconnected to get traffic in and out of this large area? With the electrical issues the City is addressing with the electric study - he's assuming since they're on solar, these will be all electric. Is the City prepared to handle that? Having been on the Planning Commission years ago, is it still a possibility to put a restriction on this rezone? A conditional rezoning to limit to fourplexes and smaller if this were to go forward so we don't have the large apartment complexes with the drug problems that seem to follow some of those in Gering, and things of that nature. That definitely could affect the property values of the folks that live in that neighborhood.

Engineer Folck replied as far as the large drain along D street, there are no plans to enclose that. The City does not actually control that. That is jointly controlled by the NRD, Gering Irrigation, Gering/Fort Laramie Irrigation, and Scotts Bluff County. It's all part of the Gering Valley Drain Project, which is an Army Corps of Engineers project. She really doesn't think there are any plans to ever enclose that. She doesn't think the City could if it wanted to. Gering doesn't have the jurisdiction for that.

She went on to say that there will be no access on D Street because of that drain. That being said, there are several accesses into this property. She showed on the overhead screen where the access would be in the initial phase. J Street and 2nd Street would be extended, that would create a little loop. I Street would also come through on either side and there would be some access, and then there's Pappas Boulevard - she thinks H is also stubbed in. That is one of the ideal things about this property, that there's very good access from multiple points. Once it's all developed, it shouldn't overload any one street, there should be several different accesses in and out of this property.

Engineer Folck stated that as far as electrical, Gering does have the capacity there. Actually, in this portion of town, there is a substation that virtually has no loading on it at all. She thinks there is more than enough electrical capacity for this development. As far as property values, that's hard to say. There are some multi-family areas that probably do have some issues. That being said, Gering has some single-family neighborhoods that are every bit as much of a problem. To say that just the zoning alone is going to be enough... Heritage Estates is multi-family and Buffalo Ridge is another very nice area that is multi-family. To say that multi-family zoning alone brings down property values, she doesn't think that correlation can be made.

Mr. Richter stated that his concern would be the larger apartment complexes in that area. If the duplexes and quadplexes could be limited - for him, as a nearby neighbor and property owner, that would be something he would prefer to see. Down the road, they may decide to pull out and sell those properties to someone else. For him personally, he'd prefer that they have some restrictions on that.

Engineer Folck stated for clarification for the Planning Commission regarding the zone change, it is correct that it would open it up to larger apartment complexes. There is no way on a zone change to put conditions on it, they are virtually not enforceable. That being said, they've talked to a lot of large apartment developers, and to her knowledge, they're typically not interested in developing in Gering. She's not saying it can never happen, but she doesn't see that as being overly likely.

Justin Allred, 2265 17th Street, Gering stated that he grew up on Pappas, however his family has been there since 1993. They've seen a lot of issues, some from the City, and specifically with

drainage. And part of that is the field, it doesn't have a lot of places to go. It's supposed to go into the drain that goes along D Street but he has been at his parents' home, both when he lived there and then as recent as four years ago, with four to eight inches of water in his parents' yard because that water is not going anywhere. That's an issue that obviously has to be looked at. His concern is for his parents, as they are getting older. At some point, he'll have to address the property that his parents are currently living on, and that's been a part of town that's been difficult to maintain. Gering has enforcements, right? They poured a sidewalk in front of his parents' house this year, as required by the City Inspector. While there are sidewalks all along the area, they are dilapidated. Why are certain places targeted versus others? That's a concern. The concern is how big of an area they're considering to begin with. Where are these people coming from? Even if it's 75 units or 50 units, is there a need for that in Gering? He heard the term farm labor; that's low income. Mr. Allred stated "sorry, I'm going to say it like it is". Farm labor is low income and the only other people that are going to look for rentals in this specific area aren't going to be the kind to keep up with their yards and fencing. They're not going to be the kind that don't park on the street. We don't have a law enforcement to knock on the doors and enforce and put tickets on 17 cars because they're going to rent out an 1100 square-foot space to somebody who isn't a young professional. They're going to be young families with three or four kids, sometimes older kids, and there'll be three or four vehicles, and there will be two spots to park a car. And there's no HOA, which means there is no enforcement of where people are parking, so that will become a potential problem. He, like Mr. Richter, thinks that maybe even reducing the amount of space that is being rezoned, or maybe a smaller area to begin with, which then would restrict how many units can be built. He thanked Engineer Folck for the time she and the other City staff have put into this because he knows this is a lot of planning and should be good for the City of Gering. But there are concerns for his parents and the other neighbors that are present, for property values. And if the City can't limit duplexes versus quadplexes, then what's to say that the container homes aren't next, or a trailer park, like seen at the top of the map. That's the next largest RH zone in Gering - the trailer park which is also RH.

Engineer Folck replied that trailer courts, mobile home courts and container home communities, all still have to go through a Planning and Development Process. They can't just go in and build. They would still have to go through the Planning Commission and the Council for approval, before they can relocate in any RH Zone.

Justin Allred stated one more point of clarification, on the fact that this is a large area and it should be developed at some point because a field in the middle of town with corn stalks and everything else blowing around all winter long is a nuisance that the farmer is not required to pay attention to. Literally eight and ten-foot drifts of corn stalks in these neighborhoods. He said they built a home in the City of Gering; they love the City of Gering. He has spent most of his life here and served on the Gering City Council, so he wants good things for Gering. But when they closed on their house and got their Certificate of Occupancy in December, they were the 11th home that year. He's not sure where anyone is going to get the occupants or jobs for these folks. He thanked the Commission.

Kim Graslie, 985 5th Street, stated that she's about 300 feet from this proposed area. She has a major concern because she's going to be one where traffic comes down and right now her neighborhood is kind of an elite little neighborhood, where they have hardly any traffic and a variety of people there, anywhere from retired to starting new families. And then they have housing developments with families that have kids in our school system and elementary. The traffic is a big deal for her on this huge of a development. Another thing is they were deeded three parcels of land and deeded 37.35 acres. On the proposed application, they want to rezone 29.75 acres. 1.6 acres is already high density in there. That only totals up to 31.75; what are they going to do

with these other six acres. She has no clue because that's not part of their fourplex - two-plex thing. She got the City Codes for RH and RM and went through and compared RH and RM. RM already allows the duplexes and will allow the fourplexes, but they do have to have Council approval. They can get the fourplexes with Council approval with RM, if one reads it that way. If it goes to RH, then it's opened up. If the developer does decide to sell out, and a new developer comes in, then this application of duplexes and fourplexes goes out the window. She's a little concerned what the new developer would want to put in there. When she looked up the company, they are a 501(c)(3) company. They build affordable houses for low income. And then they're going to all be rentals. She's a little old school - if there are people coming in and out, how do they become vested in the community? Information she looked up on the internet says that people who rent will stay anywhere from one and a half to three years. Does that mean they come to a house in our community or do they go somewhere else? How vested do they become in the City of Gering to make Gering successful? Homeowners will last like twelve years. So that means they are investing some time and money into the community. She hopes the City will keep it RM because the developer can get the fourplexes. She thanked the Commission for their time.

Engineer Folck stated for the record, in the discussion with the developer's designers, they did discuss the possibility of keeping it RM. One of the issues is, typically they'll have a shared green space for the area, but then they don't have particularly large yards. In the RM zone, Gering only allows 40% lot coverage and expect a fairly large yard. In RH, Gering allows 70% lot coverage which gives a lot more flexibility in their design and not having to have large yards for each individual unit.

Kim Graslie stated that RH has a "P" by it for mobile home, wouldn't that just be a permit? Engineer Folck replied that it is but in looking further into the zone, and the definition of a single-family home - a mobile home has to go in a mobile home community. In the Planned Development section, a mobile home community has to be approved. Ms. Graslie clarified that they have to be approved by the City, they can't just get a permit. Engineer Folck replied, no.

Commissioner Alvizar asked, for clarification, that today's purpose is to approve or deny the zoning. Engineer Folck replied, correct. Commissioner Alvizar stated that he knows there can't be contingencies placed on the size. Engineer Folck replied right, it's not like a conditional use permit where conditions can be attached to the approval. With a zone change, the City cannot attach conditions to the approval. The City either changes the zoning or they don't. Commissioner Alvizar stated if it is changed then it opens it up, like has been mentioned, and the City can't go back on that. Engineer Folck replied, correct.

Curt Richter asked if they are RM and allow for the exception of quadplexes, could they allow for a higher lot coverage as well and still keep it RM? Engineer Folck replied potentially, it would go through another Planned Development process.

Commissioner Shimic stated if it's rezoned and then it comes back to a plan, then that's when all the conditions come into play. They would still have to come in and approve what they're building. Engineer Folck replied that it depends what they're planning. If they put each individual apartment on an individual lot, like one would typically see, then that would not have to go through the Planning Commission and Council. If they wanted to do multiple buildings on one lot, like a large-scale apartment complex, then that would become a Planned Development and they would have to come through the Planning Commission.

Jordan Diedrich, 1370 J Street, Gering, stated that he is the Executive Director of Twin Cities Development, which is the economic development organization in Western Nebraska and

supports the City of Gering. One of the biggest barriers they face for economic development in Gering, in Nebraska, in the country, is housing. Housing is a huge issue. WNED, Western Nebraska Economic Development, did a housing study within the last two years. The housing study showed that in our area, Scotts Bluff County alone needs 500 houses within the next five years. Putting that into perspective, that's 100 houses a year and that's not necessarily possible with the capacity. TCD does business retention and expansion visits with businesses in Gering and in other areas, but Gering specifically. One thing that comes up over and over again is housing. It's hard to retain employees. It's hard to attract new employees when there's no housing that's affordable for the workforce to live in. There is an opportunity here with Mr. Snodgrass to be able to do that, to be able to help our current businesses that are here with housing their employees, housing their staff. He hears from school districts, where they have a teacher move in for a year and they can't find anywhere to live, so they move the next year. There are a lot of different examples. And it's really hard to find developers. TCD has been working for the last two years, at least with the City of Gering, on trying to find developers. A lot of developers that used to build houses (that are already here) have retired or are no longer here. TCD has worked hard going to expos and doing different things to try to meet developers like Mr. Snodgrass to bring some developers here to be able to create housing that's needed in the City of Gering. It's a matter of do we want to grow or do we want to do the opposite? He feels it's very important to invest in Gering, to bring housing here, to support our current businesses. And also with business attraction, when they find a company that's potentially interested in moving here, they do their research and they look at if there's enough housing and enough workforce. Housing always comes up as an issue so it's hard to bring in new companies and attract new businesses when Gering does not have the housing to support the workforce needed to be able to build those businesses. He definitely thinks it's a good idea for the City of Gering to invest in housing. He thinks this looks like a great project. He saw the pictures; they look like nice houses and nice units. He actually did use to live in this neighborhood a couple years ago with his family and he thinks it's a good project.

Engineer Folck stated that along with that, the first phase is Farm Labor Housing, but it wouldn't be the entire 30-some acres. Mr. Snodgrass replied yes there are multiple phases that will happen and none of them will be that big. There will be 40 units, maybe 44 at a time, and they will be kind of mix and match depending on the needs of the community. Some will be farm labor, some will be workforce, some will maybe be senior. They're going to look at the overall needs (as they go) with the funding sources that are available. To clarify a question somebody asked concerning why they didn't buy all of the parcel. Western Nebraska Development Association kept a little square to do single family he thinks in the future, so they did not acquire all the land from that non-profit organization at that time. For further clarification, the homes they're putting in are very nice. They put in granite counter tops and solar. These are built on Natural Green Built Standards (NGBS). They go by HERS rating (Home Energy Rating System) which tells how much energy consumption is used. They're putting in very nice units that will actually outperform probably almost everything in the area in terms of energy consumption, in terms of longevity. Because again, there isn't an HOA, however there is a property manager. They are the owners. If they see a problem on the street, if somebody is parking on the street where they're not supposed to be, they can evict those people. They have that ability to police those units if it's necessary. That's really going to be up to the property manager at the point. And if they get complaints, they will address them. They're very accessible. They look forward to this project. He'll clarify anything else that needs clarified.

Commissioner Crews asked if anybody can apply to rent with them, are there certain conditions that have to be met? Mr. Snodgrass replied it'll really depend on the funding source. The Farm Labor they're doing in Garden City, for example, is for anybody that works at Tyson, anybody that

works in meat packing, anyone that works in a farm-related industry. It used to be to qualify for Farm Labor you had to be a farmer. That's not quite the case anymore. The starting wage for Tyson is \$35 an hour, so they're not low income. These are moderate-income workforce housing people. There's a long list of what qualifies for a farm labor person. If someone doesn't qualify for that, they're going to have other units that will be available. They have something for everybody. In Garden City, if you're farm labor, not farm labor, low income, market rate, workforce somewhere else, senior - they have something for everybody. Because that's the only way to make a development of this size work long-term is to have a mix of income streams and have a mix of unit types. He doesn't want these to all be fourplexes. He wants to have some duplexes. If they could find a way to keep it affordable on the single-family side, they'd probably do some single-family. But single-family construction right now is through the roof to keep it affordable for people. But they will have something for everybody.

Commissioner Kaufman stated that she is a farmer and was wondering what "farm labor" would be, but she sees now that he has a real broad definition of that, but we don't have any Tyson here. Mr. Snodgrass stated that sugar beet laborers count, anybody that works at the mill, grinding pulp. Commissioner Kaufman stated there's a lot of labor there, but (regarding the Aulick meeting) she doesn't see anything happening with those container homes for their people and they are desperate to get housing, so this would be perfect.

Commissioner Taylor stated that he knows as a community we've kind of gone stale. We want to bring more industry into this area, but all he hears all the time is we don't have enough people to work. He knows of at least two companies in town right now that are looking for specialized labor and they can't get anyone to move here because we are either too small and there's no housing. The rest of the people can't afford to build a house; it is so costly.

Commissioner Keener asked Mr. Snodgrass if Oikos has ever done a project like this and then sold it off. Mr. Snodgrass replied no, he tells everyone that once they enter a community they're married, for better or worse, they're here for a long term. Commissioner Keener asked if Oikos invests in communities. Mr. Snodgrass replied they are members of the team. They become part of the community.

Quen Zabel, 865 Pappas Blvd, Gering stated that when he first saw the pictures on the screen, he was actually on board with it, but once it was mentioned that it's just rental units, that's where he grew concerned for a number of different reasons. Mainly the fact that this area doesn't really have enough people to support these units. Based on the experience he has in other areas with the apartment complex to the north of this area, is they become run down and dilapidated pretty quickly. There is a huge difference between people who own their homes and people who rent their homes, especially when there aren't enough people to rent and fill these units. Renters become desperate to keep them filled and the clientele goes down. This is a big piece of land, it looks like a slow burn in order to develop that much property here just based on the evidence of how slowly houses have developed. Another thing is the frustration for the folks that live on Pappas Boulevard, there are a number of younger families in that area and there is no access to a park. He understands there's one on the southwest corner but there's no safe way to get there, you have to go through the industrial park or walk all the way around, which is over a mile. He definitely wants to continue to see development in this area and is excited to see interest in the land there. But seeing a whole bunch of rentals is not the correct way to go about it. He thanked the Commission.

Commissioner Keener asked Mr. Zabel to clarify what he means by "there's a big difference between people who rent their home and people who own their home." Mr. Zabel replied, for

example, the apartment complex on the north side of where he currently lives, on the side of K Street. The alley is filled with couches and sofas and beds and all that garbage blows right down the alley up against the fence and runs along the west side of Pappas Boulevard. The siding is falling off the buildings. The lawns are not taken care of. It just looks like junk. He understands these will look nice and neat when it's first built, but that only lasts for so long when there are renters who are not taking care of the property.

Commissioner Keener asked Mr. Snodgrass if these properties will get a face-lift every ten or twenty years, are they kept in a modern state? Mr. Snodgrass replied that they're required to have a pretty hefty replacement reserve as well as reserves for operating and maintenance. As things happen, which they inevitably do, the funds are there to replace and repair. In addition, typically if it's a tax credit, they go back every 15 years and do everything on it, make it like new again. The ownership will be with them. They are responsible for the lawn mowing, the upkeep, trash removal - making sure that gets done. They're there making sure it's maintained. The renters are not taking care of anything. The renters are there renting a unit. In Garden City they put a Head-Start Community Center in the middle, along with a park. Again, it gets back to funding. They haven't done much research, but he's been told that it's needed here – bringing in a daycare or Head-Start. And that's part of it – they were able to do that with the Farm Labor, and they don't have to be kids from just farmers either, it can be anybody within the community. So yes, there's enough land there; they can map this out, or they could do it as part of their Farm Labor application - to do something like that as well. Again, their funders are not going to allow this to get run down. They're in it for the long haul as well. He's the son of a fifth-generation farmer. His brother's a sixth-generation farmer. His nephew is now seventh. He understands the community. He knows what they need to do to maintain and make sure this is a high-quality project. No place that they've ever gone has said to him later that they wished he'd never come.

Commissioner Taylor asked for clarification. From what he's hearing tonight and everything he has interpreted, eventually this property is going to get developed. It's not if-and, it's going to be when. By choosing these people to do it, they have enough restrictions in place with USDA, being a 501(C)(3), that if Gering had to choose somebody, they (the applicant) are probably the least likely to have issues. Is that correct? Mr. Snodgrass replied that from his standpoint, doing this for thirty some years, he would say he'd have to absolutely agree. But they're a little bit different and knows some have been trying to recruit for-profit developers. They're not in it for the money. Of course, they have to have money to keep staff afloat and things like that. They're in it for the community - "we're here for you". They're here to try to make this the best project Gering's ever had and they're going to be here long term. He has business cards with his name and cell phone. Anybody that ever wants to get ahold of him, can.

Commissioner Palm stated that Mr. Snodgrass talked about owning it and having a manager. She asked if he intends to have local management. Mr. Snodgrass replied yes, they'll find local property management and that's always the key. When they hear about problems with other apartment complexes, it's always about property management and/or ownership. It's not necessarily the tenant, it's the actual property management. They will do their best to vet the best property manager they can find in the area. Sometimes they may be here, sometimes they may not, but they'll have a site-manager and maintenance people on site every day. This will be highly maintained.

Carrissa Zabel, 865 Pappas, stated that she's representing the School District. She's a secretary at Geil Elementary. Something to consider is they're already busting at the seams. They have a hard time hiring teachers and para-professionals and there's just not a lot of room for multi-duplexes with children.

Brittany Parker, 885 Pappas Boulevard, stated that she's married and has a son that's five. She mentions that because along with Ms. Graslie, they also live at the end of Pappas where there's a dead end. Her "selfish" perspective is that having a young family and living next to other families with young children it's very nice to not have that through traffic coming in; they feel safer in that neighborhood. Her "selfish" perspective is by allowing that street to be open and allowing the flow of traffic, that is going to change the safety of their neighborhood - that's her opinion personally. Additionally, this is a large area to be developed. She feels that pretty quickly with the fourplexes that would be coming up, and like Carrissa mentioned, with the schools - especially with Geil not being able to handle the influx that is going to happen right away. They're going to be filling those fourplexes with families with a lot of school-age children, what plans are in place to also support the schools, add another park? It seems very forced, like a lot of change happening at one time with the volume of people that they'd be having coming at one time. That's a concern of hers. She asked the average rent for these units. She's in agriculture as well and runs payroll for a couple different agricultural companies; she knows what they make. That makes a difference when looking at renting, especially when someone's bringing a family with them. She would be curious to know what that number actually looks like and if that makes sense for our area and if it's affordable for our town.

Mr. Snodgrass replied that it varies from year to year, as far as incomes fluctuation from year to year. The Farm Labor requirement is that no tenant will pay more than 30% of their income for rent and utilities. Typically, on a tax payer program it's the same. They had some (in Prairie Brook) that ranged from \$500 to \$1400. But again, that's Johnson County, Kansas which was a little bit higher, and that's why the funding sources kind of dictate. The goal is that their tenants pay no more than 30%. And in some places, it has gotten out of control and that's why some get called in, if they are paying a lot more than 30%. It's going to be in that range, but it really depends on the family, the person. There may be some children, there may be individuals; it's going to vary wildly. But it's going to be based on their income.

Commissioner Hauck asked if they're going to pay property taxes on the housing. He thinks that should lower his property tax because there's more paying taxes, right? Mr. Snodgrass replied that it depends on how your city uses their property taxes.

Kim Graslie addressed the Planning Commission again and stated that Mr. Snodgrass said that when they develop, and the people they have come in and there's an application and they have to be like farmers and if they don't meet that, they have to be other things - she asked if they have a balance or a percentage of what type of tenants they would have in that area. Mr. Snodgrass replied that they don't want to overbuild to any particular demographic. They want to be careful. They don't want 300 Farm Labor housing units that can't be filled. The typical size of each phase will probably be in that 40-unit range. The first Farm Labor will be about 40 units. It will probably be about nine fourplexes and two duplexes to hit the ADA requirements. There's no magic. For example, with 40 units, they had six of them that were single family, ten that were just for seniors, another piece of 16 that were Farm Labor and six or eight for another demographic. It's a mix, but they all look the same in terms of the design.

Kim Graslie asked about the six acres and the parcels that Western Nebraska Housing deeded. Mr. Snodgrass replied no, they'd deeded over the other parcels. Kim Graslie stated that he has a total of 37.35 acres right now, but he's looking to rezone a total of 29.75 and then there's that 1.6 that's already high density. Engineer Folck replied that they'll double check these numbers. Ms. Graslie stated that somewhere there are six acres that she doesn't know what... If they go high residential that's not in this application to do duplexes and fourplexes. Engineer Folck stated they

can double check that and have that information prior to the City Council meeting. Ms. Graslie asked if on RM, could they build six-plexes if they go through Council. Engineer Folck replied yes, but again they'd have to have 40% lot coverage which means very large yards.

Brittany Parker, 885 Pappas Boulevard, thanked Mr. Snodgrass for the information about the rental rates. With this specific development group being non-profit and being willing to work with basically any applicant that applies for a rental unit, the screening process (the standards of a renter) seem to be maybe not as high. You're saying you'll work with anybody of any income level. It sounds like that would be Section 8 or some other subsidy that helps them be able to rent these units. That is a concern for her and her family living there next to them with higher crime and all the things that come with that. She would be concerned about the screening of applicants because if anybody can rent these units, because somehow it's going to work out with them being able to pay rent "who are you renting to?" Mr. Snodgrass clarified that he's talking about income levels. There's always going to be a screening process; they're not going to let felons rent. They're not going to let certain things... If somebody comes up with a Section 8 voucher and has good credit, and is able to support, they have no problem accepting that because that is a need that is still out there. But that doesn't mean the tenant is a bad tenant. The screening process that the property manager will have is the credit report is pulled, the crime stats are pulled, all those things that typically go into screening a tenant are still in place. It's just that they will have rent levels and be able to rent at any income level. He wanted to clarify that.

Allen Fisher, 1320 M street, asked Administrator Heath, what kind of problems is the City going to have delivering water, sewer, and the police department with this big of an increase. Administrator Heath replied that actually on the water side, there is water surrounding that site. Water lines are stubbed up to the property line on the west, east and north side. As far as the sanitary sewer, there's actually a sewer trunk main that runs east-west through the property. He showed on the map where there's a 15-inch sewer line that flows through there. He said it's more than adequate to handle a number of homes in there - 120 homes. Gering has the capacity for both water and sewer. Mr. Fisher asked with the state of the City's infrastructure the way it is, with things being replaced, is it going to be able to handle the extra pressure that'll be put on it? Administrator Heath replied yes, it will. Most of that was installed in the 70's, late 70's. There are some areas where there's hot soil to the west - 5th and 6th Streets, H and I Streets on the west end of this development. Actually 5th Street is one that the City has marked for infrastructure replacement.

Vice Chairperson Shimic made a last call for all public comments. Justin Allred stated that there are several places on the map already zoned RH. Is there a reason why the City isn't targeting those areas first? Engineer Folck replied that they're not vacant, currently. Mr. Allred stated he would address the smaller elephant in the room. What are we missing as the City of Gering residents when we're talking about farm labor and 44 more new units? What's coming to town? What are we planning on? What are we hoping for? Is there something or is this all speculation? Engineer Folck replied no, there's nothing in the works what-so-ever. One of the reasons that they were considering our community is because there's an existing sugar factory that has over 300 workers that are eligible for this type of housing. Additionally, all of our other farm services. To her knowledge, there are no proposals to the community.

Mr. Allred thanked everyone for their patience and time. He asked "If your home was across the alley from where this potential rezone is happening, and your home is a \$240,000 home, maybe up to \$300,000, and the person behind you is going to get subsidized to pay \$400 or \$500 a month in rent. What do you really think that's going to do to your property values?" He said it's not making your taxes go down. Regardless of property value, taxes have never gone down.

Commissioner Taylor replied that for him, it would be an understanding that if the area is developed, he doesn't have any control about what goes there. And he would understand if he had a house beside it. If he wanted to control that, he would have bought it. Mr. Allred replied that there was an auction held a year ago. Did anybody really have an option to buy that? One guy came and bought the whole thing and then suddenly this group owns it. Cahoots happen, and that to him isn't planning ahead. It's not whether he should have bought it and control it. We can control it by limiting how much we rezone to RH and potentially do a test area. That whole area isn't needed to put in four units. Commissioner Taylor stated that the thing he's trying to clarify is the fact that even if it stays Residential Medium, somebody could come in and put all single-family dwellings and make it all Section 8, and there's nothing anybody could do about it. Because that's already included in the current (zone).

Mr. Allred replied right, but we're closer to that if we plan for it. We're already planning for... Commissioner Taylor replied that he feels we've already planned for this, that's why Gering had the Comprehensive Plan put into motion multiple years ago. Mr. Allred replied that the land just sold less than two years ago. Commissioner Taylor replied that the area was already planned Residential High or Residential Medium and to continue this growth in the area. It was bought up during the whole meeting at the Civic Center that this was the plan for it.

Mr. Allred stated, going back to his original question, how many (of you) live within the southeast part of Gering? He asked, "And you're for this?" Vice-Chair Shimic stated that they will take a vote at a later time. Mr. Allred replied that he understands that. He's asking a rhetorical question because... Commissioner Crews stated that his house also abuts the back end of the proposed Aulick development where there is potentially a whole row of mini homes. So yes, a lot of issues that affect all of us. But they (Planning Commission) have to follow the rules the best they understand, how they've been written. Mr. Allred stated "You guys write the rules. You guys are here to approve or make a recommendation to Council or not." Vice-Chair Shimic stated to Mr. Allred that his time was up. He thanked the Commission.

Vice-Chair Shimic stated with no further comments, the public hearing would close at 7:20 p.m. She entertained a motion for a recommendation to the City Council regarding a zone change from RM Medium Density Residential to RH High Density Residential for a property located in the SW ¼ of Section 1, Township 21 N, Range 55 W of the 6th P.M., City of Gering, Scotts Bluff County, Nebraska, as described in Instrument Number 2023-4951.

i. Make recommendation to City Council

Motion by Commissioner Keener to make a positive recommendation to the City Council regarding a Zone Change from RM Medium Density Residential to RH High Density Residential for a property located in the SW ¼ of Section 1, Township 21 N, Range 55 W of the 6th P.M., City of Gering, Scotts Bluff County, Nebraska, as described in Instrument Number 2023-4951. Seconded by Commissioner Kaufman.

Discussion: Commissioner Hauck clarified that the City Council makes the final decision. Planning Commission just makes a recommendation. Engineer Folck replied, that's correct.

The Clerk called the roll. "AYES": Taylor, Crews, Palm, Shimic, Kaufman, Keener, Hauck. "NAYS": Alvizar. Abstaining: None. Absent: Miles. Motion carried.

c. Public Hearing to Consider a Conditional Use Permit for Storage Units at 1125 D Street

Vice-Chair Shimic opened a public hearing to Consider a Conditional Use Permit for Storage Units at 1125 D Street at 7:22 p.m.

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

To:	Planning Commission	Date:	2/20/24
From:	Planning & Community Development	Zoning:	C-3
Subject:	Recommendation & Report – Conditional Use Permit for Storage Units	Property Size:	2.49 Acres
Location:	1125 D Street	#Lots/Parcels:	1
Owner:	Todd Hoke	City Council Public Hearing:	N/A

Public Notice: This Public Hearing was noticed meeting City Zoning and Subdivision Regulations and according to Nebraska State Statutes.

Public Hearing

The property owner at 1125 D Street has applied for a Conditional Use Permit to build storage units. These units would be rented out to the public. They are proposing between 32-36 units, with the buildings to be built around the perimeter of the property. This would allow the storage units to screen the rest of the property from public view. The storage units would be 24’ deep, with a unit that would be approximately 200’ long on the west side and another unit that would be between 200-240’ on the north side (see attached site plan).

Motion and Vote

Approve

Approve the Conditional Use Permit for Storage Units to be located at 1125 D Street with the following conditions:

Deny

Deny the Conditional Use Permit for Storage Units to be located at 1125 D Street for the following reasons:

Table

Table the Conditional Use Permit for Storage Units to be located at 1125 D Street for the following reasons:

Engineer Folck stated the City has received an application for a Conditional Use Permit for a storage unit located at 1125 D Street. The property is currently where Hoke Welding is - they are a licensed tire dealer; they do have some tires there. It’s kind of an Industrial area that runs through D Street. They are interested in adding between 32 to 36 storage units. They would be

looking at putting those around the perimeter of the property. She showed D Street (referencing map on screen), and stated they would have some along the left side, and there will have to be another area for access and then some more to the west side. Their plan would be to build something similar to this as proposed with siding and wainscoting. The access to them would be inward facing. The property is fenced. The access would be inward facing so the site that would be visible from the street would actually be the back side. Part of the purpose of doing it this way (with the storage units on the perimeter) is so it would actually screen the rest of the facility from view, from the public. And there are storage units just to the west. Storage units are an allowable use under the C-3 Zoning District. With that, there is not a lot of guidance as far as with the Comp Plan, but it is an allowable use. Staff does recommend approval pending making sure that when they get to the building permit process, the City makes sure that there is access for fire and everything else. Staff's recommendation would be to approve the Conditional Use Permit. The applicant is present if there are questions for them.

Vice-Chair Shimic asked if there was anyone that would like to speak in regards to this application.

Commissioner Hauck asked if it's all going to be concrete around the storage buildings or is it going to be gravel. Todd Hoke, 1125 D Street, stated that he bought a thousand tons of asphalt millings to pack in there, hopefully they're going to try to tie things and see if they can make solid roads out of it. If not, then they'll put gravel on top of that. He has space on the perimeters that he'll have to have between the fence and the doors themselves. They'll be rock also for weed control. For weed control he's got to address some drainage because they've got a lot of water that comes from the bowling alley; that's a big thing there.

Commissioner Hauck clarified that there won't be any bare dirt. Mr. Hoke replied that it'll be gravel. He stated he has accumulated a bunch of boulders and stuff just recently for the landscaping to go with it, too. When he says boulders, he means something to make it more aesthetically pleasing.

Commissioner Crews asked, in terms of access, is it going to remain gated? Mr. Hoke replied that it'll end up with a 24/7 security gate; individual access. It's pretty well-lit with the City's new security lights. They'll have CCTV's if that's a concern. It's a hundred percent fenced now. Commissioner Crews clarified that it's not going to create a lot of additional traffic along the way. Mr. Hoke replied that he wouldn't imagine. There's not a lot of come and go traffic from most renters. His stuff is more geared to the car people. The bigger units are deeper. He's got property and a lot of people are probably going to want to park on that side, it makes sense.

Commissioner Taylor asked if this possibly includes larger units also for campers and vehicles of that type. Mr. Hoke replied in time - if the cash flow is good, because there's a need for that too. But it's not the most cost-efficient way to take a swing at it. This is a minimal investment and they'll see where it goes. This property is fenced, it's in kind of an odd spot. He's surrounded by commercial now. He doesn't see anybody building a hotel there.

Commissioner Taylor stated that he also noticed there is property for sale; would this change Mr. Hoke's opinion about selling it? Mr. Hoke stated that it'll still be for sale. It's not selling. He's not going to give it away. He thinks it's pretty reasonable for where he's at. He has a long-term plan if they end up staying there; if not, that's okay too. The original purchaser was going to do the same thing, only on a much bigger scale. He has since backed out.

Vice-Chair Shimic asked if there were any other questions or comments. With no further questions the public hearing closed at 7:29 p.m.

i. Approve or deny Conditional Use Permit

Motion by Commissioner Taylor to approve the Conditional Use Permit at 1125 D Street, Gering, Nebraska. Seconded by Commissioner Palm.

Discussion: Commissioner Hauck asked (while the roll was being called) if the City Council will make the final decision. Engineer Folck replied no, the Planning Commission is making the decision right now.

The Clerk called the roll. "AYES": Taylor, Crews, Palm, Shimic, Kaufman, Keener, Hauck, and Alvizar. "NAYS": None. Abstaining: None. Absent: Miles. Motion carried.

6. City Engineer Report

Engineer Folck stated that as of right now, she doesn't have any applications for a March meeting; most likely the Planning Commission will not meet in March unless she gets something by the ends of the week. Most likely they'll meet in April. She added that the City appreciates all they do.

7. Adjourn

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

The meeting adjourned at 7:30 p.m.

Jody Miles, Chairman

ATTEST:

Carol Martin, Secretary

CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT

To:	Planning Commission	Date:	4/16/24
From:	Planning & Community Development	Zoning:	RM Residential Medium Density
Subject:	Recommendation & Report – Preliminary Plat, Lots 15 through 19, Block 9 and Lots 7 through 11, Block 11, Westwood Estates, Gering, Nebraska	Property Size:	3.37 Acres
Location:	20 th Street between D Street and Oregon Trail Boulevard	#Lots/Parcels:	10
Owner:	Infinity Construction, Inc.	City Council Meeting:	May 13, 2024

The City has received an application for a Preliminary Plat for unplatted property that is part of the Westwood Estates subdivision. This is the last portion of Westwood Estates to be developed. Because the streets and utilities have been stubbed into the property, the plat is very straightforward. 20th Street will be completed. The preliminary plat shows proposed locations of utilities. All lots will be provided sewer to the rear of the properties, in the alley. The water line will be provided in the street, and will eliminate two dead end mains, looping it properly. Lots are well above the minimum size and dimensions for the RM zone. The street is designed to match the existing streets to the north and south of the property. Staff recommends approval.

Recommendation

Approve

Make a POSITIVE RECOMMENDATION for City Council to approve the Preliminary Plat of Lots 15-19, Block 9, and Lots 7-11, Block 11, Westwood Estates, Gering, Nebraska

Deny

Make a NEGATIVE RECOMMENDATION to City Council to approve the Preliminary Plat of Lots 15-19, Block 9, and Lots 7-11, Block 11, Westwood Estates, Gering, Nebraska for the following reasons:

Table

Table making a recommendation on the Preliminary Plat of Lots 15-19, Block 9, and Lots 7-11, Block 11, Westwood Estates, Gering, Nebraska for the following reasons:

**APPLICATION FOR SUBDIVISION PLAT
PRELIMINARY AND FINAL PLAT**

Date: 2/22/2024 Plat-File No.: _____ PC/CC Meeting Date: _____

1.

<u>Infinity Construction, Inc.</u>	<u>PO BOX 2453 Scottsbluff, NE 69361</u>	<u>308-632-3800</u>
Property Owner	Address	Phone No.

2.

<u>Aldo A. Gonzalez</u>	<u>522 5th Ave. Scottsbluff, NE 69361</u>	<u>308-632-3800</u>
Sub-divider	Address	Phone No.

3.

<u>MC Schaff & Assoc. Inc</u>	<u>818 S Beltline Hwy E Scottsbluff, NE 69361</u>	<u>308-635-1926</u>
Engineer	Address	Phone No.

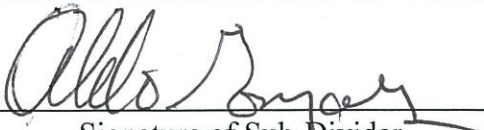
4. Proposed Name of Addition: Lots 15-19, Block 9 And Lots 7-11, Block 11, Westwood Estates

5. Legal Description by Quarter-Quarter Section, Township and Range: Situated in the
Southwest Quarter of the Southwest Quarter of Section 2, T21N, R55W of 6th P.M.

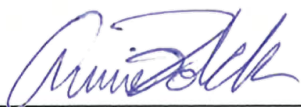
6. Existing Zoning District: RM Requesting change to: _____

7. A brief description of existing or available utilities: Existing utilities have been located
and shown on the Preliminary plat. The existing utilities will need to be extended to
the proposed lots.

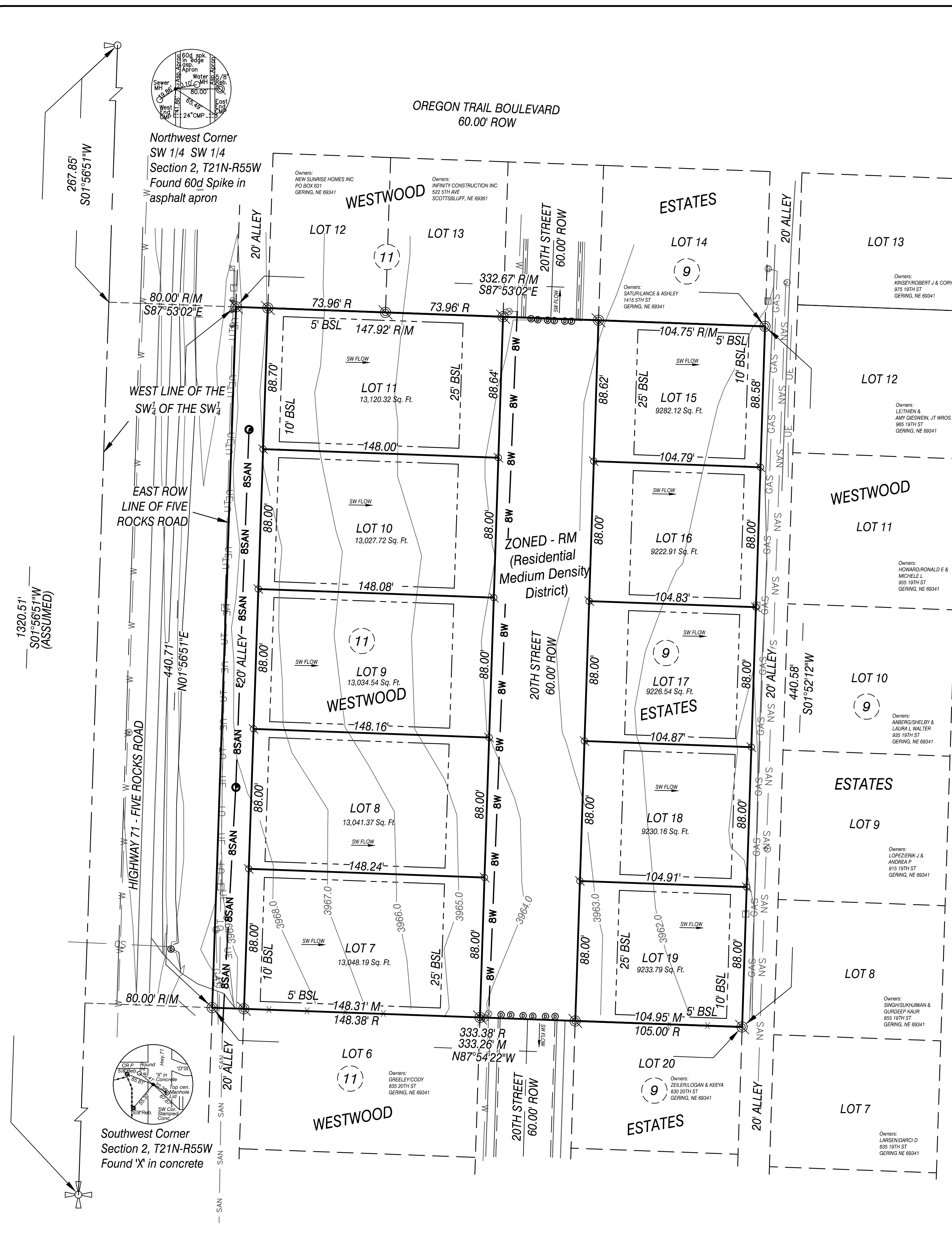
8. A brief description of proposed utilities: The waterline on 20th St. to be extended North
to the existing waterline on Oregon Trail Blvd. The sanitary line on the west side of
existing Block 11 to be extended North. There is existing sanitary in alley East of Block 9.



Signature of Sub-Divider



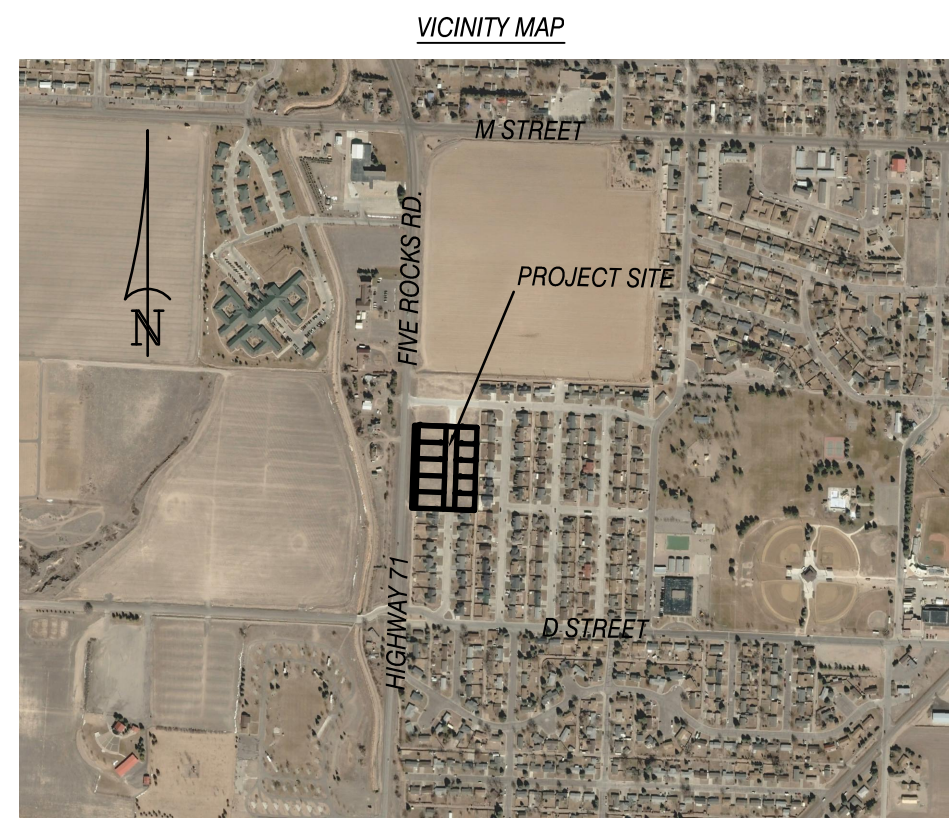
Signature of Zoning Administrator



PRELIMINARY PLAT

**LOTS 15 THROUGH 19, BLOCK 9 AND
LOTS 7 THROUGH 11, BLOCK 11,
WESTWOOD ESTATES**

AN ADDITION TO THE CITY OF GERING, SCOTTS BLUFF COUNTY, NEBRASKA
SITUATED IN THE SOUTHWEST QUARTER OF THE
SOUTHWEST QUARTER OF SECTION 2,
TOWNSHIP 21 NORTH, RANGE 55 WEST
OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA



LEGAL DESCRIPTION

LOTS 15 THROUGH 19, BLOCK 9 AND LOTS 7 THROUGH 11, BLOCK 11, WESTWOOD ESTATES, AN ADDITION TO THE CITY OF GERING, SCOTTS BLUFF COUNTY, NEBRASKA SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 21 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 2, THENCE SOUTHERLY ON THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 2, ON AN ASSUMED BEARING OF S01°56'51"W, A DISTANCE OF 267.85 FEET, TO THE POINT OF INTERSECTION WITH THE WESTERLY EXTENSION OF THE SOUTH RIGHT OF WAY LINE OF A 20 FOOT WIDE ALLEY AS PLATTED IN INSTRUMENT 2020-2199, IN THE SCOTTS BLUFF COUNTY REGISTER OF DEEDS OFFICE, THENCE BEARING S87°53'02"E, ON SAID WESTERLY EXTENSION LINE, A DISTANCE OF 80.00 FEET, TO THE SOUTHWEST CORNER OF SAID 20 FOOT WIDE ALLEY, SAID CORNER BEING THE POINT OF BEGINNING, AND SAID CORNER BEING ON THE EAST RIGHT OF WAY LINE OF FIVE ROCKS ROAD, THENCE CONTINUING ON BEARING S87°53'02"E, ON THE SOUTH RIGHT OF WAY LINE OF SAID 20 FOOT WIDE ALLEY AND EASTERLY EXTENSION THEREOF, A DISTANCE OF 332.67 FEET, TO THE SOUTHEAST CORNER OF LOT 14, BLOCK 9, WESTWOOD ESTATES, THENCE BEARING S01°52'12"W, ON THE WEST RIGHT OF WAY LINE OF A 20 FOOT WIDE ALLEY AS PLATTED IN INSTRUMENT 2003-2728, A DISTANCE OF 440.58 FEET, TO THE NORTHEAST CORNER OF LOT 20, BLOCK 9, WESTWOOD ESTATES, THENCE BEARING N87°54'22"W, ON THE NORTH LINE OF SAID LOT 20, BLOCK 9, WESTWOOD ESTATES, AND WESTERLY EXTENSION THEREOF, A DISTANCE OF 333.26 FEET, TO THE NORTHWEST CORNER OF A 20 FOOT WIDE ALLEY, AS PLATTED IN INSTRUMENT 2003-9121, SAID CORNER ALSO BEING ON THE EAST RIGHT OF WAY LINE OF FIVE ROCKS ROAD, THENCE BEARING N01°56'51"E, ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 440.71 FEET, TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 3.37 ACRES, MORE OR LESS.

- The Flood Zone Classification for this portion of unplatted land as shown in Community-Panel Number 310473 0175A, Effective Date June 18, 1990.
Flood Zone X, areas determined to be outside 500-year flood plain.
- Zone classification taken from Section 3.8.3, Gering Zoning Regulations:

ZONE RM (Residential Medium-Density District)
Minimum lot requirements - Single Family Dwelling - 6,000 Sq.Ft.
Two Family Dwellings - 10,000 Sq.Ft. (5,000 sq.ft. per dwelling)

Building Setbacks for Principal structures:
Front Yard - 25 Feet
Rear Yard - 10 feet
Side Yard - 5 feet
Side Yard adjacent to a street on a corner lot - one half the distance of the front yard setback or 12.5 feet.

Maximum height 35 feet for principal structure and 18 feet for accessory building
Building Setbacks for Accessory Structures - See Section 5.1.1 of the Gering Zoning Regulations.

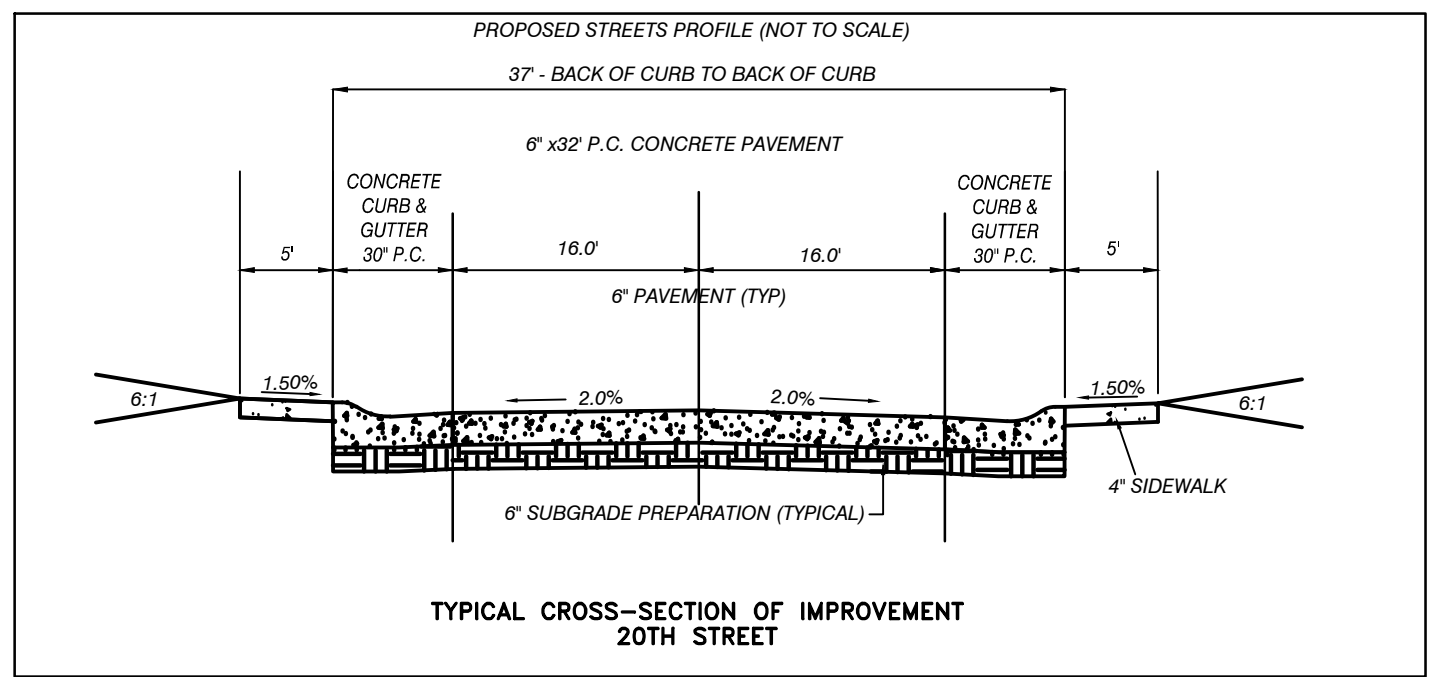
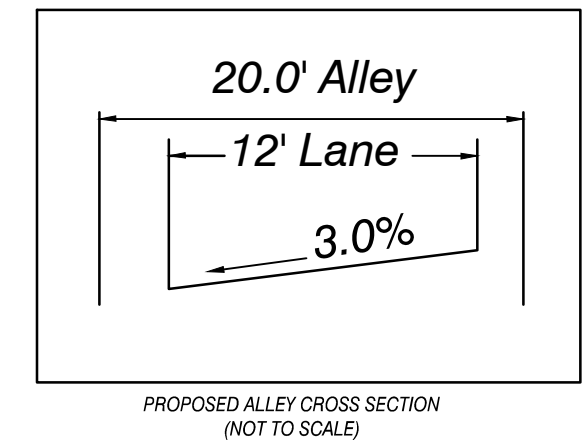
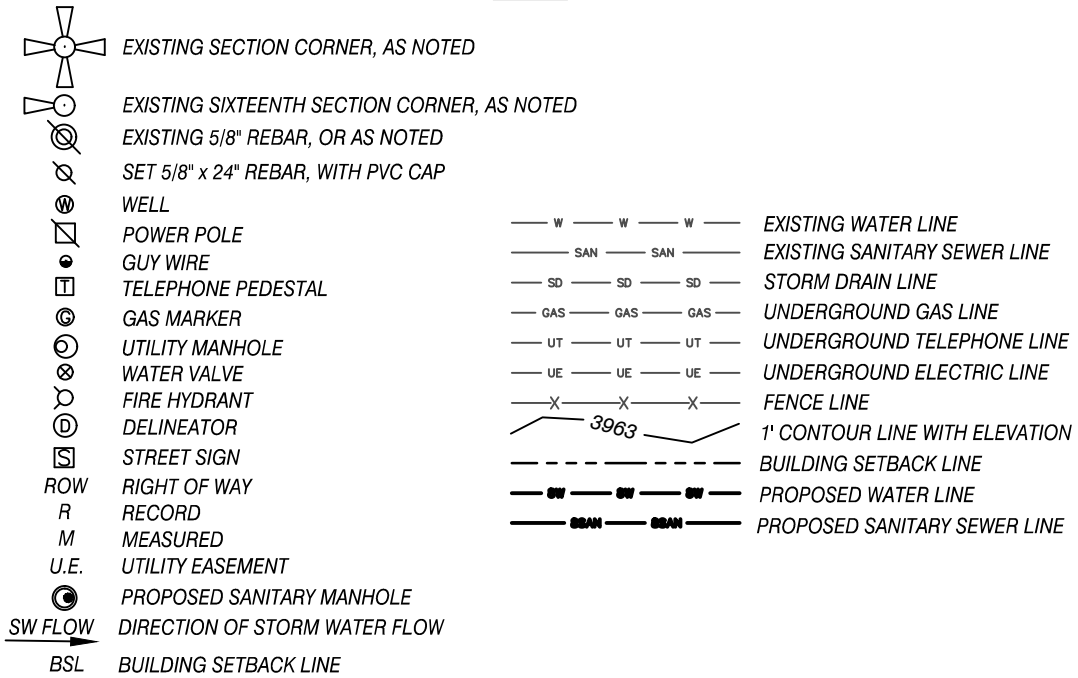
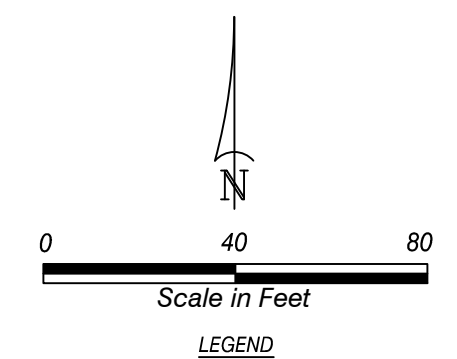
- Soil Type - Based upon our previous experience near the development site, the area soils are a loose to medium dense silty (ML) soil to a depth of between 20 and 25 feet below ground surface. The silty soil contains a calcareous binder that cause the soil to exhibit a moderate strength when dry, and suffer severe loss of strength when they become wetted. The silty soil has a dry unit weight between 80 and 90 pounds per cubic foot and a moisture content between 15 and 25 percent.

Storm Water detention pond to be directed to an off site retention area. The design shall be coordinated between the owner and the City of Gering, as discussed previously.

- Surface water on the existing site currently flows to the East.

Alley Profile - 3% slope to the west to direct surface water into the ditch on Highway 71 / Five Rocks Road.

- There shall be a 10 foot minimum distance between future sewer and water utilities.



Developer:
Infinity Construction, Inc.
522 5th Avenue
Scottsbluff, NE 69361

M. C. SCHAFF & ASSOCIATES, INC.
818 SOUTH BELTLINE HIGHWAY EAST
SCOTTSBLUFF, NEBRASKA 69361

ENGINEERS ♦ PLANNERS ♦ DESIGNERS ♦ LAND SURVEYORS
PH: 308-635-1926 FAX: 308-635-7807 INTERNET: WWW.MCSCHAFF.COM

PROJECT: PRELIMINARY PLAT
LOTS 15-19, BLOCK 9 AND
LOTS 7-11, BLOCK 11
WESTWOOD ESTATES
GERING, NEBRASKA

CLIENT: INFINITY CONSTRUCTION

PROJECT NUMBER:
RM240037-00
PROJECT DATE:
2-10-2024
PROJECT MGR:
DB
PROJECT TEAM:
DB-TD

SEAL	

DATE	REVISION

CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT

To:	Planning Commission	Date:	4/16/24
From:	Planning & Community Development	Zoning:	RM Residential Medium Density
Subject:	Recommendation & Report – Preliminary Plat, Lot 15 through 19, Block 9 and Lots 7 through 11, Block 11, Westwood Estates, Gering, Nebraska	Property Size:	3.37 Acres
Location:	21 st Street between D Street and Oregon Trail Boulevard	#Lots/Parcels:	10
Owner:	Infinity Construction, Inc.	City Council Meeting	May 13, 2024

The City has received an application for a Final Plat for unplatted property that is part of the Westwood Estates subdivision. This is the last portion of Westwood Estates to be developed. The dimensions of the lots and Right-of-Way all meet City standards. There is currently sewer available in the alleyway to the east of the property, but additional sewer will need to be installed to serve the west lots, a waterline will be needed to serve all lots, and a street will need to be constructed. Staff is recommending approval of the Final Plat conditional on a Development Agreement being executed that will specify that the developer is responsible for installing the necessary infrastructure for the lot before a building permit can be granted for the site.

Recommendation

Approve

Make a POSITIVE RECOMMENDATION for City Council to approve the Final Plat of Lots 15-19, Block 9, and Lots 7-11, Block 11, Westwood Estates, Gering, Nebraska

Deny

Make a NEGATIVE RECOMMENDATION to City Council to approve the Final Plat of Lots 15-19, Block 9, and Lots 7-11, Block 11, Westwood Estates, Gering, Nebraska for the following reasons:

Table

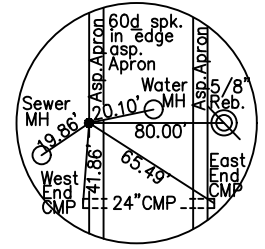
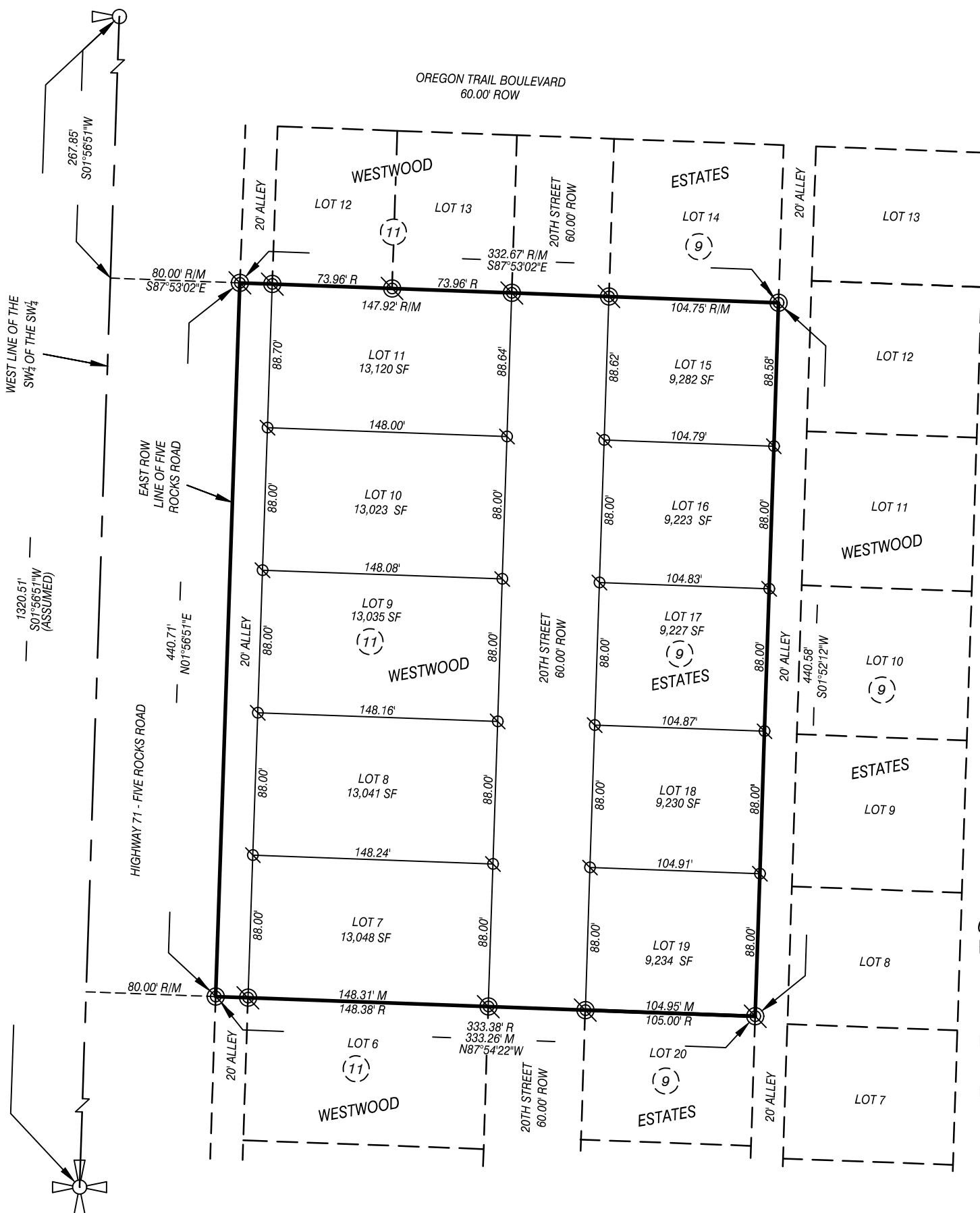
Table making a recommendation on the Final Plat of Lots 15-19, Block 9, and Lots 7-11, Block 11, Westwood Estates, Gering, Nebraska for the following reasons:

FINAL PLAT

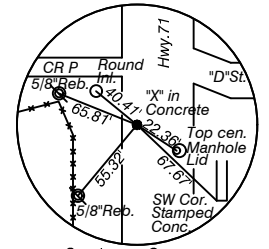
LOTS 15 THROUGH 19, BLOCK 9 AND LOTS 7 THROUGH 11, BLOCK 11, WESTWOOD ESTATES

**AN ADDITION TO THE CITY OF GERING,
SCOTTS BLUFF COUNTY, NEBRASKA**

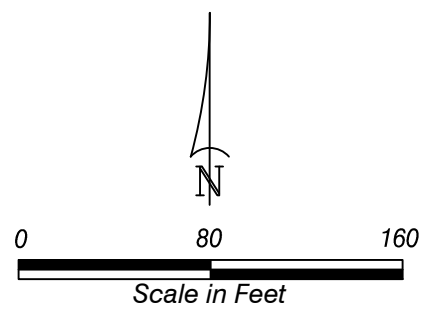
SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2,
TOWNSHIP 21 NORTH, RANGE 55 WEST OF THE 6TH P.M.,
SCOTTS BLUFF COUNTY, NEBRASKA



Northwest Corner
SW 1/4 SW 1/4
Section 2, T21N-R55W
Found 60d Spike in
asphalt apron



Southwest Corner
Section 2, T21N-R55W
Found 'X' in concrete



- LEGEND**
- EXISTING SECTION CORNER, AS NOTED
 - EXISTING SIXTEENTH SECTION CORNER, AS NOTED
 - EXISTING 5/8" REBAR
 - SET 5/8" x 24" REBAR WITH PVC CAP MEASURED
 - RECORD
 - RIGHT OF WAY
 - BLOCK NUMBER

NOTE: All easements, restrictions and other documents that may affect these platted lots, that are of record or not of record, may not be shown on this plat.

SURVEYOR'S CERTIFICATE

I, Dustin L. Beaudette, Nebraska Registered Land Surveyor No. 799, duly registered under the Land Surveyor's Regulation Act, hereby certify I, or under my direct supervision, have surveyed and prepared a plat of **LOTS 15 THROUGH 19, BLOCK 9 AND LOTS 7 THROUGH 11, BLOCK 11, WESTWOOD ESTATES, AN ADDITION TO THE CITY OF GERING, SCOTTS BLUFF COUNTY, NEBRASKA SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 21 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA**, more particularly described as follows:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 2, THENCE SOUTHERLY ON THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 2, ON AN ASSUMED BEARING OF S01°56'51"W, A DISTANCE OF 267.85 FEET, TO THE POINT OF INTERSECTION WITH THE WESTERLY EXTENSION OF THE SOUTH RIGHT OF WAY LINE OF A 20 FOOT WIDE ALLEY AS PLATTED IN INSTRUMENT 2020-2199, IN THE SCOTTS BLUFF COUNTY REGISTER OF DEEDS OFFICE, THENCE BEARING S87°53'02"E, ON SAID WESTERLY EXTENSION LINE, A DISTANCE OF 80.00 FEET, TO THE SOUTHWEST CORNER OF SAID 20 FOOT WIDE ALLEY, SAID CORNER BEING THE POINT OF BEGINNING, AND SAID CORNER BEING ON THE EAST RIGHT OF WAY LINE OF FIVE ROCKS ROAD, THENCE CONTINUING ON BEARING S87°53'02"E, ON THE SOUTH RIGHT OF WAY LINE OF SAID 20 FOOT WIDE ALLEY AND EASTERLY EXTENSION THEREOF, A DISTANCE OF 332.67 FEET, TO THE SOUTHEAST CORNER OF LOT 14, BLOCK 9, WESTWOOD ESTATES, THENCE BEARING S01°52'12"W, ON THE WEST RIGHT OF WAY LINE OF A 20 FOOT WIDE ALLEY AS PLATTED IN INSTRUMENT 2003-2728, A DISTANCE OF 440.58 FEET, TO THE NORTHEAST CORNER OF LOT 20, BLOCK 9, WESTWOOD ESTATES, THENCE BEARING N87°54'22"W, ON THE NORTH LINE OF SAID LOT 20, BLOCK 9, WESTWOOD ESTATES, AND WESTERLY EXTENSION THEREOF, A DISTANCE OF 333.26 FEET, TO THE NORTHWEST CORNER OF A 20 FOOT WIDE ALLEY, AS PLATTED IN INSTRUMENT 2003-9121, SAID CORNER ALSO BEING ON THE EAST RIGHT OF WAY LINE OF FIVE ROCKS ROAD, THENCE BEARING N01°56'51"E, ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 440.71 FEET, TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 3.37 ACRES, MORE OR LESS.

That the accompanying plat is a true delineation of said survey drawn to a scale of 80 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 the boundary of the plat is shown with a heavy solid line with dashed lines being for orientation purposes only. 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.

Dustin L. Beaudette, Nebraska Registered Land Surveyor, L. S. 799

OWNER'S STATEMENT

We, the undersigned, being the owners of unplatted lands situated in the Southwest Quarter of the Southwest Quarter of Section 2, Township 21 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, as described in the foregoing 'Surveyor's Certificate' and shown on the accompanying plat have caused such real estate to be platted as **LOTS 15 THROUGH 19, BLOCK 9 AND LOTS 7 THROUGH 11, BLOCK 11, WESTWOOD ESTATES, AN ADDITION TO THE CITY OF GERING, SCOTTS BLUFF COUNTY, NEBRASKA, SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 21 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA.**

That the foregoing plat is made with the free consent and in accordance with the desires of the undersigned owners. We hereby dedicate the street right of way and alley right of way shown on the plat to the use and benefit of the public.

Dated this _____ day of _____, 2024.

Infinity Construction, Inc.,
a Nebraska Corporation

By: _____

Aldo A. Gonzalez, President

STATE OF NEBRASKA)
COUNTY OF SCOTTS BLUFF)

ACKNOWLEDGEMENT

Before me, a Notary Public, qualified and acting in said County, personally came Aldo A. Gonzalez, President, Infinity Construction, Inc., a Nebraska Corporation, to me known to be the identical person whose signature is affixed to the foregoing 'Owner's Statement' and acknowledged the execution thereof to be his voluntary act and deed, and the voluntary act and deed of Infinity Construction, Inc.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 2024.

Notary Public

My Commission Expires _____

APPROVAL AND ACCEPTANCE

The foregoing plat of **LOTS 15 THROUGH 19, BLOCK 9 AND LOTS 7 THROUGH 11, BLOCK 11, WESTWOOD ESTATES, AN ADDITION TO THE CITY OF GERING, SCOTTS BLUFF COUNTY, NEBRASKA SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 21 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA** is approved and accepted by the Mayor and City Council of the City of Gering, Scotts Bluff County, Nebraska,

dated this _____ day of _____, 2024.

Mayor Kent Ewing

Attest: City Clerk Kathi Welfl

LOTS 15-19, BLOCK 9,
LOTS 7-11, BLOCK 11,
WESTWOOD ESTATES
GERING, NEBRASKA
SHEET 2 OF 2
JOB# RM240037-00