

CITY OF GERING
PLANNING COMMISSION MEETING AGENDA



A REGULAR MEETING OF THE CITY OF GERING PLANNING COMMISSION WILL BE HELD ON **TUESDAY JANUARY 21 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 December 3, 2024 regular Planning Commission meeting
4. Current Business:
 - A. Oath of Office (Tony Kaufman)
 - B. Planning Commission Organizational Meeting per City Code 32.002 (E)
 - i. Election of Chairman
 - ii. Election of Vice-Chairman
 - iii. Appointment of Acting Planning Commission Secretary

- C. Public Hearing to consider Conditional Use Permit for storage units to be located on Lot 2, Block 9, Red Barn Subdivision, City of Gering, located at the corner of Country Club Road and 12th Street
 - i. Approve or Deny Resolution PC 1-25-1
 - D. Consider the Preliminary Plat of Block 1 Boyd Subdivision situated on the Southeast Quarter of the Northwest Quarter of Section 11, T21N, R55W of the 6th P.M. Scotts Bluff County, Nebraska
 - E. Consider the Final Plat of Block 1 Boyd Subdivision situated on the Southeast Quarter of the Northwest Quarter of Section 11, T21N, R55W of the 6th P.M. Scotts Bluff County, Nebraska
5. City Engineer report
 6. OPEN COMMENT: Discussion or action by the Planning Commission regarding unscheduled business will not take place. This section is for citizen comment only.
 7. Adjourn

**CITY OF GERING PLANNING COMMISSION MEETING
December 3, 2024**

A regular meeting of the City of Gering Planning Commission was held in open session on December 3, 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 Valerie VanWinkle Engineering Secretary. 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 November 19, 2024, regular Planning Commission meeting

Motion by Commissioner Taylor to approve the minutes of the November 19, 2024 regular Planning Commission meeting. Second by Commissioner Alvizar. There was no discussion. The Secretary called the roll. "AYES": Taylor, Crews, Keener Miles, Kaufman, Palm, Hauck, Alvizar. "NAYS": None. Absent: Shimic. Motion carried.

4. Current Business:

- A. Consider the Preliminary Plat of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska**

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

To:	Planning Commission	Date:	12/3/2024
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From:	Planning & Community Development	Zoning:	MH- Manufacturing Heavy
Subject:	Recommendation & Report – Preliminary Plat, of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska	Property Size:	12.73 ACRES
Location:		#Lots/Parcels:	2
Owner:	Julie Anne Morrison	City Council Meeting:	12/9/2024

The City has received an application for a Preliminary Plat, of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska. The property is located on the corner of U Street and 7th Street (see attached vicinity map). The property currently has access from both 7th Street and U Street. With the new subdivision, Lot 1 would continue to have access on both streets, while Lot 2 would have access only from 7th Street. Both lots are currently served by City water, which is located along 7th Street and U Street. Lot 1 is served by City sewer, which is available on U Street. Lot 2 would need to have sewer extended to it in order to meet City subdivision requirements. While the City’s subdivision requirements do allow for a septic in cases where the City’s sewer system is not reasonably available, staff recommends that because the sewer is currently available to the property, it should be considered reasonably available to the new lot that is being created. An additional utility easement has been provided along 7th Street on the plat in order to allow for appropriate separations between the water and sewer lines. Staff recommends approval of the preliminary plat.

Recommendation

Approve

Make a POSITIVE RECOMMENDATION for City Council to approve the Preliminary Plat of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska

Deny

Make a NEGATIVE RECOMMENDATION to City Council to approve the Preliminary Plat of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff

County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska for the following reasons:

Table

Table making a recommendation on the Preliminary Plat of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska for the following reasons:

City Engineer Folck referred to the overhead screen to show the vicinity of the property. It is within city limits and on the corner of U Street and 7th Street. The property is currently platted so this would be a replat. The property owner is requesting to split off the northwest corner, which is about 3 acres, to sell off separately. The streets are already in place so the Northwest lot would have access off of 7th street and the remaining lot would still have access off of 7th and U Street. Water is available to both properties along 7th and U Street. There is a sewer line on U Street, but no sewer currently available to the northwest corner property. Since the property line is within 300 feet of the City sewer system, they are not allowed to use a septic. According to Chapter 52 of the City Waster Water Code, it is required to tie into the sewer system. Staff is requiring the applicant to install sewer. In order to do that, an additional utility easement is needed. This provides enough separation between the water and sewer lines because the state requires a minimum of 10ft between those. When talking about the final plat, the responsibility of the costs will be discussed. Staff recommends approval of the preliminary plat and the current property owner was present to answer questions.

Chairman Miles asked for clarification on the location. Folck responded the property is surrounded by the old sugar factory, which is still owned by the sugar factory. Commissioner Taylor asked if there is sewer on the side of the old sugar factory. Folck said the closest sewer aside from U Street is farther north, so staff thinks the utilities will be coming from the south.

Motion by Commissioner Palm to approve the Preliminary Plat, of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska. Seconded by Commissioner Taylor. No discussion. The Secretary called the roll. "AYES": Taylor, Crews, Keener, Miles, Kaufman, Palm, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Shimic. Motion carried.

B. Consider the Final Plat of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska

CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT

To:	Planning Commission	Date:	12/3/2024
From:	Planning & Community Development	Zoning:	RM Residential Medium Density
Subject:	Recommendation & Report – Final Plat of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska	Property Size:	12.73 ACRES
Location:		#Lots/Parcels:	2
Owner:	Julie Anne Morrison	City Council Meeting	12/9/24

The City has received an application for a Final Plat, of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska.

The lots currently have access to the City’s street system and water system, but Lot 2 still needs to have sewer extended to it in order to meet the City’s subdivision requirements. The Final Plat dedicates additional easement area to allow for the sewer to be installed. Staff recommends approval of the final plat with the condition that a Developer’s Agreement is passed that would ensure that the developer would be responsible for the costs to install the sewer, stormwater retention, and any other necessary improvements.

Recommendation

Approve

Make a POSITIVE RECOMMENDATION for City Council to approve of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 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 of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska for the following reasons:

Table

Table making a recommendation of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska for the following reasons:

Folck said the sewer needs to be extended to the area of the final plat. The final plat is just the document that gets recorded at the register of deeds, allowing for it to be conveyed separately and have a clear title. Before doing the final plat, staff is recommending a development agreement that would spell out what needs to be done as far as sewer and that the developer is responsible for that cost, not the City. Additionally, a time frame for that to be done should also be in the agreement. Staff’s recommendation to the Planning Commission is to make their recommendation conditional on that agreement being executed before this final plat is approved by City Council so everyone knows who is paying for what moving forward.

Motion by Commissioner Alvizar to approve the Final Plat with the condition set forth by City Engineer Annie Folck, of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situation in the Southwest Quarter of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska. Seconded by Commissioner Crews. No discussion. The Secretary called the roll. “AYES”: Taylor, Crews, Keener, Miles, Kaufman, Palm, Hauck, Alvizar. “NAYS”: None. Abstaining: None. Absent: Shimic. Motion carried.

C. Public Hearing for changes to zoning code regarding drive through restaurants

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

To:	Planning Commission	Date:	12/3/2024
From:	Planning & Community Development	Zoning:	
Subject:	Recommendation and Report - Ordinance changes regarding drive through restaurants.	Property Size:	N/A
Location:		#Lots/Parcels:	N/A
Owner:	N/A	City Council Meeting	1/13/24

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

After reviewing the zoning code, there are a couple of areas that need to be adjusted. One of these is the requirements for drive through restaurants. Drive through restaurants are currently

not permitted at all in the C-1, Neighborhood Commercial zone. While the zoning code was originally written this way because of the amount of traffic that a drive through restaurant can generate, not all drive through restaurants are the same, and additional traffic can be mitigated for by providing additional queueing areas and ensuring that the access is along a major arterial. By allowing it as a conditional use in the C-1 zone, the Planning Commission will have the ability to review each proposal on a case-by-case basis to determine if it is appropriate or not.

Recommendation

Approve

Make a POSITIVE RECOMMENDATION for City Council to adopt an ordinance allowing drive throughs as a conditional use in the C-1 zone

Deny

Make a NEGATIVE RECOMMENDATION for City Council to adopt an ordinance allowing drive throughs as a conditional use in the C-1 zone

Table

Table making a recommendation regarding an ordinance allowing drive throughs as a conditional use in the C-1 zone

Chairman Miles opened the public hearing at 6:12 p.m. Engineer Folck stated that this is a very preliminary discussion but there is a possibility to change the C1 zone to allow drive through restaurants. Currently C1 is labeled 'neighborhood commercial' and doesn't allow drive through restaurants at all because that's supposed to be the least intensive commercial district. After reviewing this and what might be proposed eventually, staff recognized that not all drive through restaurants are created equally. A drive through could potentially be side by side with a residential area if managed correctly. Therefore, staff is recommending allowing drive through restaurants as a conditional use in a C1 zone, where it is currently not permitted. This allows the City to have the oversight and make sure things are thought through. She shared an example of Runza in Scottsbluff having brick walls around the drive thru to block headlights from becoming an issue for people driving by, not just for decoration.

Commissioner Alvizar asked if there is currently a proposal that prompted this change. Folck stated there aren't any yet but staff wanted to make sure that people thinking about it know they won't run into a brick wall because of the City's zoning code. Chairman Miles said he's wondering about Runza in Gering because they're surrounded by residential. Folck said that Runza is in zone C2 so this wouldn't affect them. There is nothing zoned C1 yet. This is for certain areas that have been designated as areas that could be appropriate for commercial by the Comprehensive Plan, for example intersections along Five Rocks Rd. The Comp. Plan talks about how these areas would be appropriate for neighborhood commercial, not heavy commercial. Julie Morrison, 60 O Street Gering, NE, asked what some of the places are zoned now. Folck said they are all residential. Morrison asked if all the residential areas fall under this proposal, then. Folck said no and explained that the Comprehensive Plan goes into detail about specific areas that could work for certain commercial uses if someone were to have a good plan. She continued to explain that in areas like Lincoln and Omaha, a residential development will be put up but then on the other end of it, closest to the high traffic street, they might put a restaurant or a gym that people enjoy being able to walk to or get to quickly. This change brings the zoning code into more modern times and allows the ability to do things that people of the City have said they would like available.

With no further comments, Chairman Miles closed the public hearing at 6:21 p.m.

Motion by Commissioner Kaufman to make a positive recommendation to the City Council to adopt an ordinance allowing drive through restaurants as a conditional use in the C1 Zone. Second by Commissioner Palm. No discussion. The Secretary called the roll. “AYES”: Crews, Keener, Miles, Kaufman, Palm, Hauck, Alvizar. “NAYS”: Taylor. Abstaining: None. Absent: Shimic. Motion carried.

D. Preliminary discussion on zoning code changes regarding food trucks.

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

To:	Planning Commission	Date:	12/3/2024
From:	Planning & Community Development	Zoning:	
Subject:	Recommendation and Report – Preliminary discussion on zoning code changes regarding food trucks.	Property Size:	N/A
Location:		#Lots/Parcels:	N/A
Owner:	N/A	City Council Meeting	

Staff has been asked to consider changes to the zoning code regarding food trucks. Currently staff classifies food trucks as a restaurant, and they are allowed in any area that restaurants are allowed. This is to be a preliminary discussion about whether it would be appropriate to allow food trucks in any areas that do not currently allow restaurants, primarily residential zones.

Folck said that this topic came up out of a Council Committee meeting that was held to talk about a new food truck ordinance. The discussion pertained to food truck regulations that are on city property and safety inspections, which is beyond the purview of the Planning Commission. However, in the discussion the topic of where food trucks are allowed was brought up. Currently food trucks are seen as restaurants; if a restaurant is not allowed, neither is a food truck. Traditionally, food trucks are not allowed in residential areas. A question was brought up about food trucks in parks. After visiting with legal, their opinion is that parks are a permitted use and food trucks are an accessory use. It’s expected that a park has a lot of activity so the food trucks become an accessory use to the parks. Staff is looking for opinions and thoughts from Planning Commission on whether this is something that should be looked at more. The main issues with food trucks are traffic and parking.

Commissioner Taylor asked if setting a limit on how many times food trucks can operate in residential areas. Folck said that’s possible but it would be difficult to enforce. Commissioner Alvizar asked if Scottsbluff has an ordinance for residential zones because he knows of a food truck that is always parked outside his house. Folck said food trucks are not allowed to operate on city property at all unless it’s a permitted special event. Commissioner Kaufman asked if a food truck can set up to cater at someone’s house. Folck said she would like to get a better definition of catering in the zoning code because a situation where a food truck is catering to one

house, is different from being open to anyone in the neighborhood. Folck believes catering should be an allowable use in a residential zone. Commissioner Crews asked if food trucks would be a permitted use or a conditional use in a C1 zone. Folck said that is something that can be looked into if Planning Commission is interested. Commissioner Hauck said he's been to auctions that have food trucks there and asked if that is allowed. Folck said technically no, that is not allowed. Commissioner Hauck then asked if food trucks must have a health inspection of some kind. Folck said yes, the state requires an inspection, the City has nothing to do with that part but they do handle the safety inspections. Commissioner Keener asked if there have been any complaints about food trucks being in residential areas. Folck responded there have not been any complaints other than from vendors that want to operate in residential zones and currently cannot. Commissioner Keener continued to ask if the ice cream truck that goes down his neighborhood is considered a food truck. Folck said that is not yet defined. Julie Morrison asked if someone could operate their food truck on M street. Folck said if they are along the side that is zoned as commercial they can. Morrison shared her concern about the public safety aspect that could arise with the traffic. Folck said that falls under the Safety Committee's regulations. Discussion followed regarding possible ways to allow food trucks in residential areas.

Folck said she's hearing that Planning Commission would be interested in trying to make clarifications in the zoning code about how food trucks differ from catering and research how and if food trucks should be allowed in residential zones. Planning Commission agreed.

5. City Engineer Report

Engineer Folck said there is another application for a preliminary and final plat so there will be a January meeting. The City has received a grant agreement for the Safe Streets For All Grant. This is a planning grant through FHWA and the goal is to put together a plan that would include improvements for the streets but also making things better for pedestrians and cyclists. Once an engineer is procured there will be public input processes and staff would like Planning Commission members to be part of that process because they have good input and ideas regarding what is best for the community. Folck thanked Karen Palm for her service on the Committee as this is her last meeting. She also thanked Crews, Keener, and Alvizar for renewing their terms. Tony Kaufman will start at the January meeting.

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 Secretary 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 6:40 P.M.

Jody Miles, Chairman

ATTEST:

Carol Martin, Administrative Secretary

CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT

To:	Planning Commission	Date:	1-21-25
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 9, Lot 2, Red Barn Subdivision, City of Gering, located on the west side of 12 th Street north of Country Club Road	#Lots/Parcels:	1
Owner:	Michael and Aubrey Beebe	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.

Agenda Item Summary

The City of Gering has received an application for a conditional use permit for storage units to be located in the C-3 zone. The project site is located at 2905 12th Street, which is located on the corner of 12th Street and Country Club Road (see attached map). The original proposal was to utilize shipping containers for storage units, but the applicant has been informed that Section 5.1.1.F restricts the use of shipping containers in commercial zones to one per lot. The applicant has stated that

The following criteria are required to be considered by Planning Commission when deciding whether or not to grant the CUP:

Access/Fire Safety: The property has adequate access off of 12th Street

Off Street Parking and Loading Areas: N/A, there will be very few vehicles on site at any given time.

Refuse and Service Areas: There are existing dumpsters available in the alleyway

Utilities: Electric is already available to the lot. No water or sewer will be necessary for this use.

Screening and Buffering: N/A

Signs and Exterior Lighting: Security lighting will be installed. A sign will be added to the existing Big Mac HVAC sign on the adjacent lot. No signage will be added to the lot itself.

Required Yards and Open Spaces: The front yard setback will be accommodated in accordance with zoning regulations. The proposed site plan will have to be adjusted accordingly.

General Compatibility: This proposal is similar in character and appearance to other properties in the nearby vicinity.

Staff recommends approval of the Conditional Use Permit with the condition that the storage units are similar in construction and appearance to other storage units in the same zoning district.

Recommendation

Approve

Approve Conditional Use Permit for Storage Units at Block 9, Lot 2, Red Barn Subdivision, City of Gering, with the following conditions:

Deny

Deny Conditional Use Permit for Storage Units at Block 9, Lot 2, Red Barn Subdivision, City of Gering, for the following reasons:

Table

Table considering Conditional Use Permit for Storage Units at Block 9, Lot 2, Red Barn Subdivision, City of Gering, for the following reasons:



RECEIVED DEC 06 2024

City of Gering
1025 P Street
P.O. Box 687
Gering, NE 69341
Phone (308) 436-6800
Fax (308) 436-2184

Application for Conditional Use Permit

Date Filed: Dec 6, 2024 Hearing Date: Jan 21, 2025

Applicant's Name: Michael Beebe Phone: 308-765-4363

Address: 2905 12th St.

Present Owner: Michael Beebe Present Zoning: _____

Property Description or Location: Subdivision _____
Other Description: _____ Block No.: 2 Lot No.: 9

Present Use of Property: open lot / bullpen
Desired Use of Property: Storage units

Reasons for request: would like to put storage containers on the lot for rental

Additional data or comments submitted: (site plan required) _____

MBC
Applicant's Signature

*****PLEASE FILL OUT FOLLOWING PAGE AND TURN IN WITH APPLICATION*****

ARTICLE 2 REGULATION ADMINISTRATION

SECTION 2.2: PLANNING COMMISSION

2.2.2.D 1. ACCESS: 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.

Applicant proposal: Access off of 10th

2.2.2.D 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.

Applicant proposal: N/A

2.2.2.D 3. Refuse and service areas.

Applicant proposal: Dumpsters available in alley

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

Applicant proposal: Electric is already available to lot. No water or sewer necessary

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

Applicant proposal: N/A

2.2.2.D 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.

Applicant proposal: Security lighting, signage will be added to ^{existing} sign on adjacent lot

2.2.2.D 7. Required yards and other open spaces.

Applicant proposal: Front yard setback will be accommodated in accordance with zoning regulations

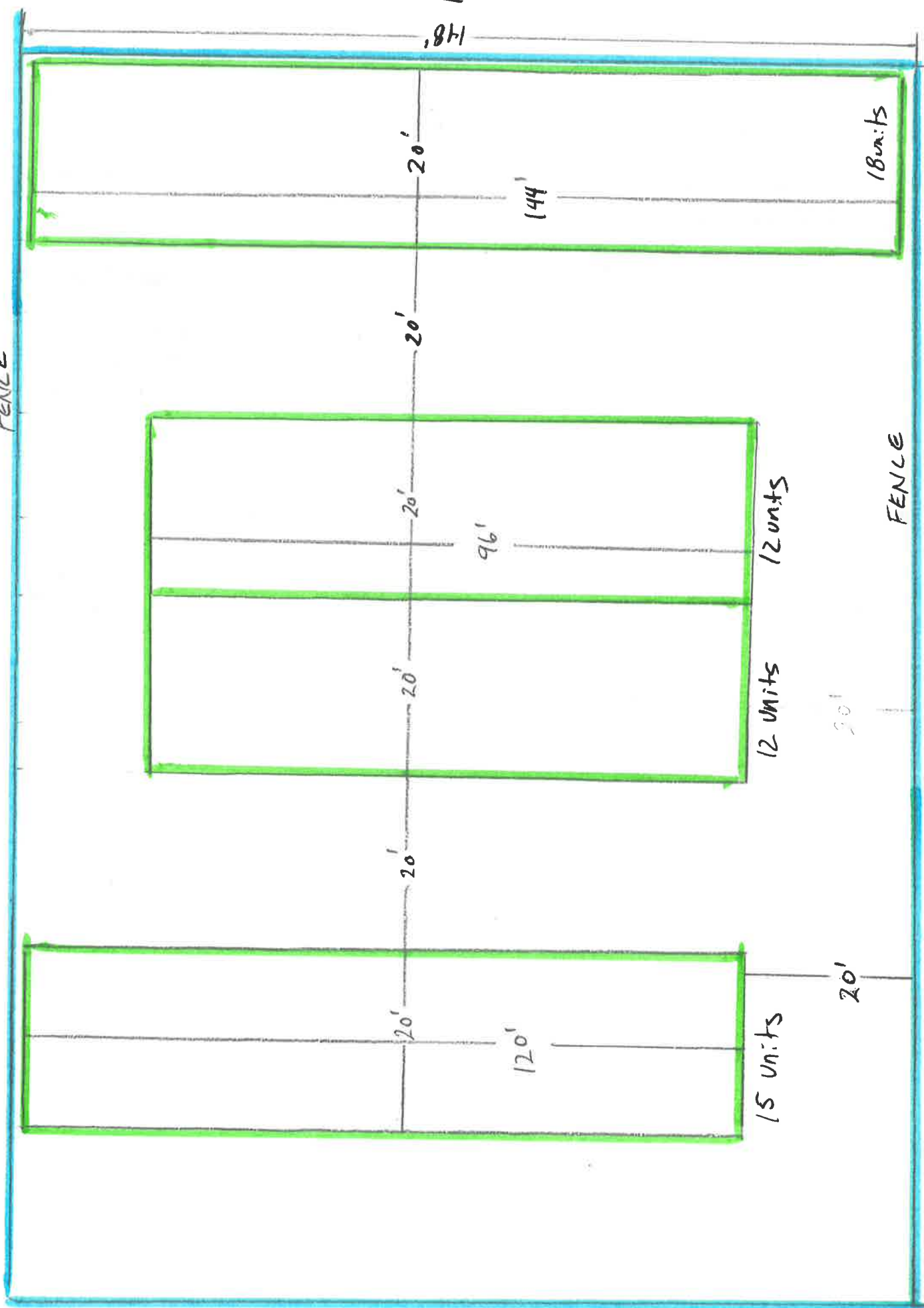
2.2.2.D 8. General compatibility with adjacent properties and other property in the district.

Applicant proposal: Similar to surrounding properties

LOT SIZE 20,424

W ALLEY

FENCE



138'

12th St.

S

CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT

To:	Planning Commission	Date:	1-21-25
From:	Planning & Community Development	Zoning:	RL
Subject:	Recommendation & Report – Preliminary Plat Block 1 Boyd Subdivision situated on the Southeast Quarter of the Northwest Quarter of Section 11, T21N, R55W of the 6th P.M. Scotts Bluff County, Nebraska	Property Size:	22.28 ACRES
Location:	140386 S 14 th Street	#Lots/Parcels:	1
Owner:	William and Vickie Brashear	City Council Public Hearing:	

Agenda Item Summary

The City has received an application for a Preliminary Plat for Block 1 Boyd Subdivision. The property is primarily made up of ag land, with an existing home on the northeast corner. The property cannot be subdivided as an Ag Estate Dwelling due to the fact that it is not zoned as Ag.

The intent of the subdivision is to split off the existing home from the remainder of the property. The home is currently served by a well and septic. The well is on the portion of the property that will be split off, so an easement has been drawn up in order to ensure that the home retains the right to utilize the well.

When looking at future expansion in the area, it appears that the closest location to tie in to water and sewer is to the Kimberly Park Subdivision which is directly north of the property. The City has requested an easement to allow for future utility expansion into the property. The property owner would prefer not to put a utility easement through the property they are subdividing, but has stated that they would be willing to grant a utility easement through an adjacent parcel which they also own. The easement should be for the East 20' of Block 1, Wiley Addition. Staff recommends approval of the preliminary plat conditional on that easement being granted.

Recommendation

Approve

Make a Positive Recommendation for City Council to approve the Preliminary Plat of Block 1 Boyd Subdivision situated on the Southeast Quarter of the Northwest Quarter of Section 11, T21N, R55W of the 6th P.M., Scotts Bluff County, Nebraska with the following conditions:

Deny

Make a Negative Recommendation for City Council to approve the Preliminary Plat of Block 1 Boyd Subdivision situated on the Southeast Quarter of the Northwest Quarter of Section 11, T21N, R55W of the 6th P.M., Scotts Bluff County, Nebraska for the following reasons:


Table

Table making a recommendation on the Preliminary Plat of Block 1 Boyd Subdivision situated on the Southeast Quarter of the Northwest Quarter of Section 11, T21N, R55W of the 6th P.M., Scotts Bluff County, Nebraska for the following reasons:

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

Date: 11/26/2024 Plat-File No.: _____ PC/CC Meeting Date: _____

1. William & Vickie Brashear 1960 S St. Gering, NE 69341 308-765-1391
Property Owner Address Phone No.
2. William Brashear 1960 S St. Gering, NE 69341 308-765-1391
Sub-divider Address Phone No.
3. MC Schaff & Assoc. Inc 818 S Beltline Hwy E Scottsbluff, NE 69361 308-635-1926
Engineer Address Phone No.
4. Proposed Name of Addition: Block 1, Boyd Subdivision
5. Legal Description by Quarter-Quarter Section, Township and Range: Situated in the
Southeast Quarter of the Northwest Quarter of Section 11, T21N, R55W of 6th P.M.
6. Existing Zoning District: RL Requesting change to: _____
7. A brief description of existing or available utilities: Private well / septic system,
has natural gas and electrical services. There is a 20' alley and utility easement abutting
the north side of the property.
8. A brief description of proposed utilities: No proposed utilities

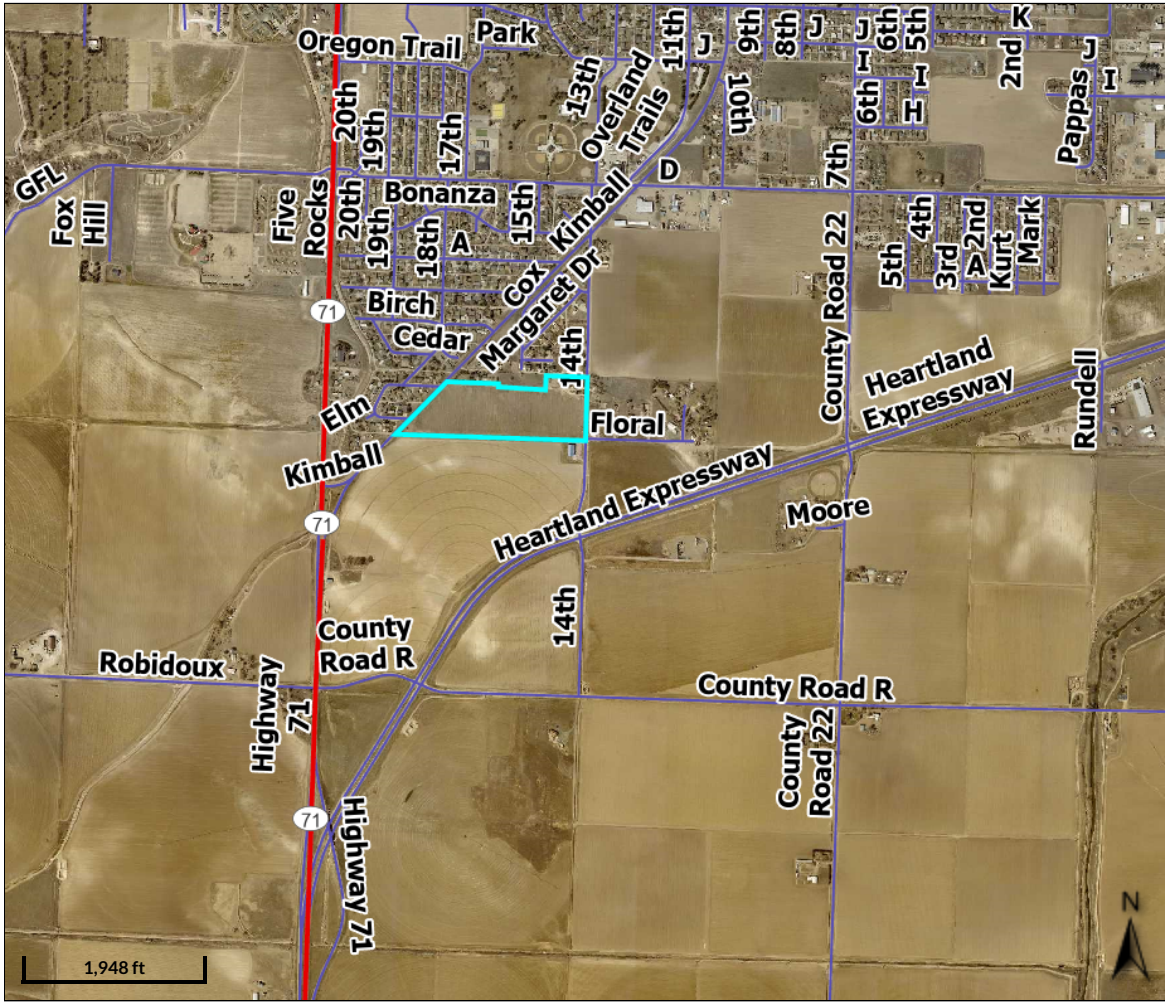


Signature of Sub-Divider

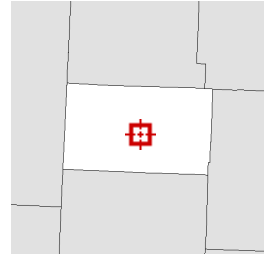
Signature of Zoning Administrator



Scotts Bluff County, NE



Overview



Legend

ASSESSOR DATA

Parcel ID	010019685	Alternate ID	n/a	Owner Address	BRASHEAR/WILLIAM L & VICKIE
Sec/Twp/Rng	11/21/55	Class	n/a		1960 S ST
Property Address	140386 S 14TH ST	Acres	22.28		GERING NE 69341
District	87				
Brief Tax Description	PT S1/2 S1/2 NW (E OF HWY) 11-21-55 (22.28)				
	(Note: Not to be used on legal documents)				

Date created: 1/16/2025

Last Data Uploaded: 1/16/2025 5:09:44 AM

Developed by SCHNEIDER
GEOSPATIAL

PRELIMINARY PLAT

BLOCK 1, BOYD SUBDIVISION

SITUATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 21 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA

GENERAL NOTES

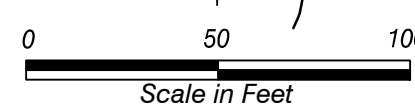
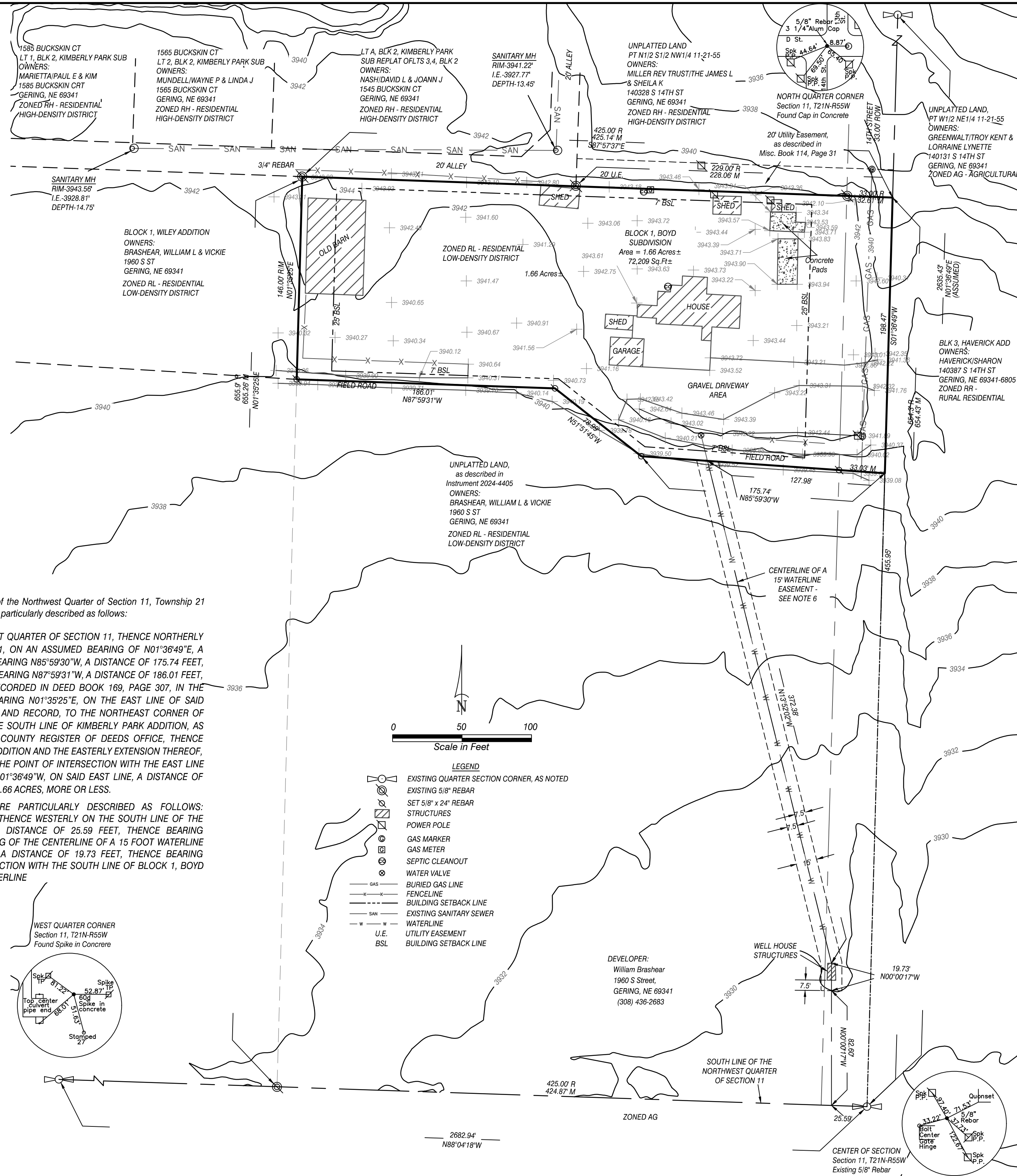
- Underground utilities shown are based on Nebraska 811 One-Call system and on-site observations. They may or may not represent the true location of shown utility, or the presence of all buried existing utilities.
 - Flood Plain Information: This property is located in the Flood Plain Zone C, as shown on FIRM Map, Community Panel No. 310371-0005-A, effective date February 15, 1979, Zone C refers to areas of minimal flooding.
 - Street Address- 140386 S 14th Street, Gering Nebraska 69341
 - Zoning Requirements, ZONED RL - RESIDENTIAL LOW-DENSITY DISTRICT
LOT AREA - 8,000 sq.ft. minimum
LOT WIDTH - 80 feet, or 50 when fronted by a cul-de-sac or loop street
LOT DEPTH - 100 feet minimum
- MINIMUM YARD SETBACK REQUIREMENTS**
FRONT YARD - 25 feet
REAR YARD - 25 feet, accessory structures subject to provisions of Article 5
SIDE YARD - 7 feet, accessory structures subject to provisions of Article 5
- MAXIMUM HEIGHT** - 35 feet, for principal structure
- 18 feet, for accessory structures
- Zoning information source - City of Gering website, Article 3 Zoning Districts, Section 3.8.2, Page 38, revised 8-10-2020
 - Tract will be served by private well and sanitary septic system.
 - After communication with the landowner, this waterline was located by connecting a line between observable structures and is approximate. No locates were available, no potholing performed to determine exact location or depth.
 - There is access to existing City 8-inch sanitary sewer main in the adjacent alley of Kimberly Park Subdivision.
 - There is currently no access to existing City water main. There is an existing 6-inch water main on 14th St. that could be extended about 400 feet South to provide access to City water. There is also an existing 6-inch water main at the end of Cox Drive that could be extended about 250 feet East to provide access to City water.

LEGAL DESCRIPTION

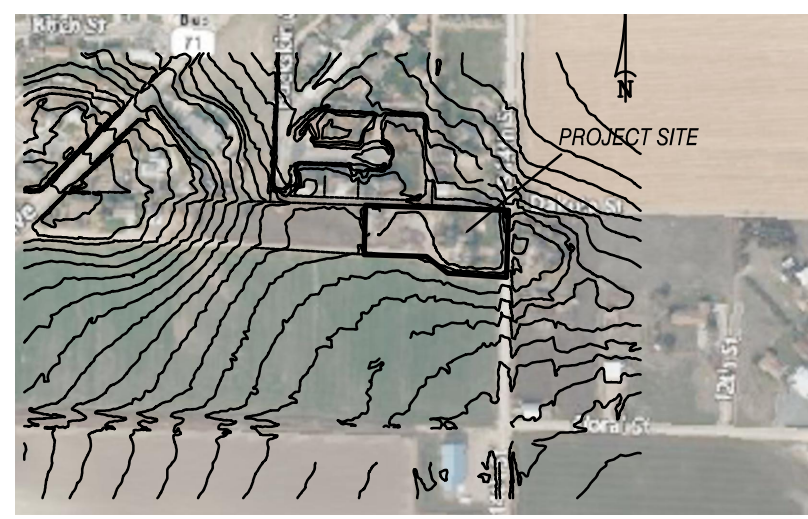
BLOCK 1, BOYD SUBDIVISION, situated in the Southeast Quarter of the Northwest Quarter of Section 11, Township 21 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, more particularly described as follows:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 11, THENCE NORTHERLY ON THE EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 11, ON AN ASSUMED BEARING OF N01°36'49"E, A DISTANCE OF 455.95 FEET, TO THE POINT OF BEGINNING, THENCE BEARING N85°59'30"W, A DISTANCE OF 175.74 FEET, THENCE BEARING N51°51'45"W, A DISTANCE OF 78.99 FEET, THENCE BEARING N87°59'31"W, A DISTANCE OF 186.01 FEET, TO THE SOUTHEAST CORNER OF BLOCK 1, WILEY ADDITION, AS RECORDED IN DEED BOOK 169, PAGE 307, IN THE SCOTTS BLUFF COUNTY REGISTER OF DEEDS OFFICE, THENCE BEARING N01°35'25"E, ON THE EAST LINE OF SAID BLOCK 1, WILEY ADDITION, A DISTANCE OF 146.00 FEET MEASURED AND RECORD, TO THE NORTHEAST CORNER OF SAID BLOCK 1, WILEY ADDITION, SAID CORNER ALSO BEING ON THE SOUTH LINE OF KIMBERLY PARK ADDITION, AS RECORDED IN DEED BOOK 145, PAGE 48, IN THE SCOTTS BLUFF COUNTY REGISTER OF DEEDS OFFICE, THENCE BEARING S87°57'37"E, ON THE SOUTH LINE OF SAID KIMBERLY PARK ADDITION AND THE EASTERLY EXTENSION THEREOF, A DISTANCE OF 425.14 FEET MEASURED (425.00 FEET RECORD), TO THE POINT OF INTERSECTION WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 11, THENCE BEARING S01°36'49"W, ON SAID EAST LINE, A DISTANCE OF 198.47 FEET, TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 1.66 ACRES, MORE OR LESS.

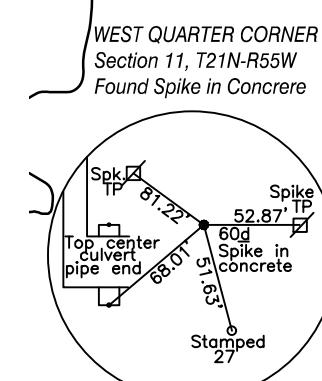
AND A 15 FOOT WATERLINE EASEMENT, ITS CENTERLINE MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER QUARTER CORNER OF SECTION 11, THENCE WESTERLY ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 11, BEARING N88°04'18"W, A DISTANCE OF 25.59 FEET, THENCE BEARING N00°00'17"W, A DISTANCE OF 82.60 FEET, TO THE POINT OF BEGINNING OF THE CENTERLINE OF A 15 FOOT WATERLINE EASEMENT, THENCE CONTINUING NORTHERLY ON SAID BEARING, A DISTANCE OF 19.73 FEET, THENCE BEARING N13°52'02"W, A DISTANCE OF 372.38 FEET, TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF BLOCK 1, BOYD SUBDIVISION, AND THE POINT OF TERMINUS OF SAID EASEMENT CENTERLINE



- LEGEND**
- EXISTING QUARTER SECTION CORNER, AS NOTED
 -
 -
 - STRUCTURES
 - POWER POLE
 - GAS MARKER
 - GAS METER
 - SEPTIC CLEANOUT
 - WATER VALVE
 - GAS
 - BURIED GAS LINE
 - FENCELINE
 - BUILDING SETBACK LINE
 - EXISTING SANITARY SEWER
 - WATERLINE
 - U.E.
 - BUILDING SETBACK LINE



VICINITY MAP



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: BLOCK 1, BOYD SUB. IN SET 1/4 OF NW1/4 SECTION 11, T21N-R55W SCOTTS BLUFF COUNTY NEBRASKA

CLIENT: WILLIAM & VICKI BRASHEAR

PROJECT NUMBER:	RM240291-00
PROJECT DATE:	OCTOBER 31, 2024
PROJECT MGR:	D.P.S.
PROJECT TEAM:	DB-TD

12-12-24	NOTES 7 & 8, UTILITIES
1-8-25	SANITARY, ADD. CONTOURS
DATE	REVISION

CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT

To:	Planning Commission	Date:	1-21-25
From:	Planning & Community Development	Zoning:	RL
Subject:	Recommendation & Report – Final Plat Block 1 Boyd Subdivision situated on the Southeast Quarter of the Northwest Quarter of Section 11, T21N, R55W of the 6th P.M. Scotts Bluff County, Nebraska	Property Size:	22.28 ACRES
Location:	140386 S 14 th Street	#Lots/Parcels:	1
Owner:	William and Vickie Brashear	City Council Public Hearing:	

Agenda Item Summary

The City has received an application for the Final Plat of Block 1, Boyd Subdivision. This is an existing residence which is currently served by well and septic. The well is located on a separate parcel. An easement will be granted to provide the home use of the existing well.

The City’s subdivision requirements require that all new subdivisions be served with City water and sewer, unless it is not reasonably available. There is water and sewer available adjacent to the property on the north. Because the existing home already has a well and septic, staff recommends that they would not have to tie in to existing utilities at this time, but that if in the future the well or septic were to fail, at that point they would be required to tie in to the City’s utilities. Additionally, the property owner should be responsible for extending utility access to the portion of the property that is being subdivided off. This would not have to be done immediately, but should be done before the property is further subdivided or built upon. Staff recommends approval of the Final Plat with the condition that a Development Agreement is enacted that would ensure all of these requirements are met.

Recommendation

Approve

Make a Positive Recommendation for City Council to approve the Final Plat of Block 1 Boyd Subdivision situated on the Southeast Quarter of the Northwest Quarter of Section 11, T21N, R55W of the 6th P.M., Scotts Bluff County, Nebraska

Deny

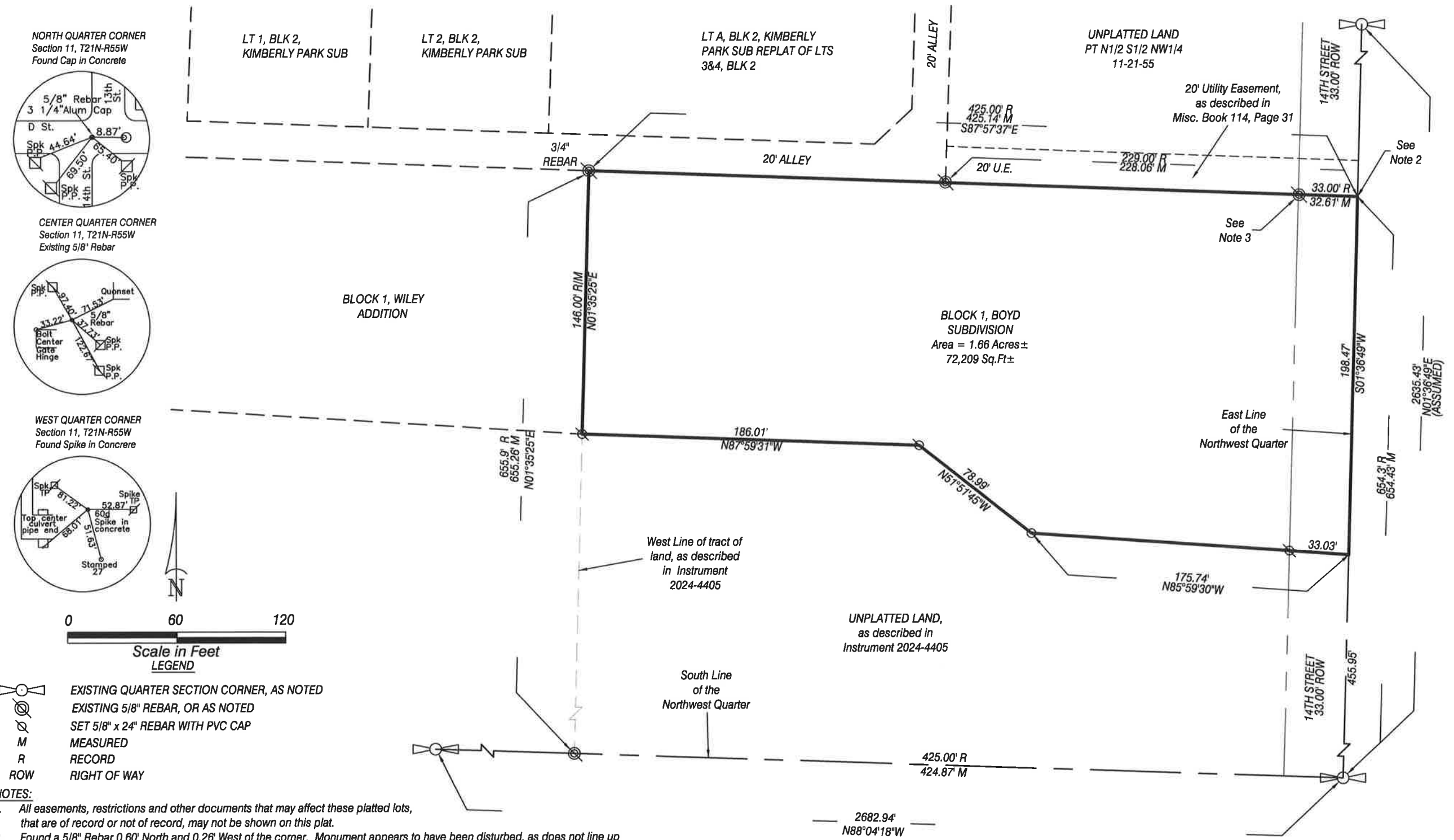
Make a Negative Recommendation for City Council to approve the Final Plat of Block 1 Boyd Subdivision situated on the Southeast Quarter of the Northwest Quarter of Section 11, T21N, R55W of the 6th P.M., Scotts Bluff County, Nebraska

Table

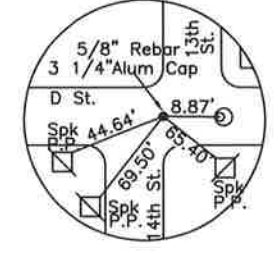
Table making a recommendation on the Final Plat of Block 1 Boyd Subdivision situated on the Southeast Quarter of the Northwest Quarter of Section 11, T21N, R55W of the 6th P.M., Scotts Bluff County, Nebraska for the following reasons:

FINAL PLAT BLOCK 1, BOYD SUBDIVISION

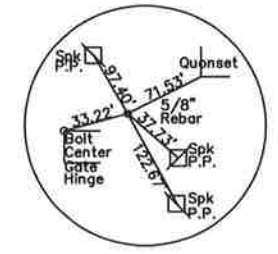
SITUATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11,
TOWNSHIP 21 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY,
NEBRASKA



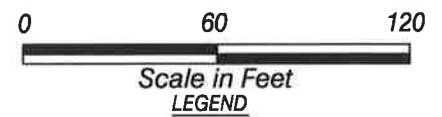
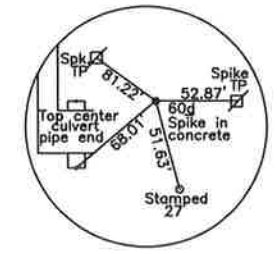
NORTH QUARTER CORNER
Section 11, T21N-R55W
Found Cap in Concrete



CENTER QUARTER CORNER
Section 11, T21N-R55W
Existing 5/8 inch Rebar



WEST QUARTER CORNER
Section 11, T21N-R55W
Found Spike in Concrete



- EXISTING QUARTER SECTION CORNER, AS NOTED
- EXISTING 5/8" REBAR, OR AS NOTED
- SET 5/8" x 24" REBAR WITH PVC CAP
- MEASURED
- RECORD
- RIGHT OF WAY

- NOTES:
- 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.
 - Found a 5/8 inch Rebar 0.60' North and 0.26' West of the corner. Monument appears to have been disturbed, as does not line up with monuments to the West. Chose not to accept this monument.
 - Found a 5/8 inch Rebar 0.39' East of ROW line. Ran a line from the Northeast Corner of Wiley Addition, through said Rebar to establish the North Line of Boyd Subdivision.

See Note 2

See Note 3

2635.43'
N01°36'49"E
(ASSUMED)

UNPLATTED LAND,
as described in
Instrument 2024-4405

West Line of tract of
land, as described
in Instrument
2024-4405

South Line
of the
Northwest Quarter

East Line
of the
Northwest Quarter

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 BLOCK 1, BOYD SUBDIVISION, SITUATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 21 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 11, THENCE NORTHERLY ON THE EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 11, ON AN ASSUMED BEARING OF N01°36'49"E, A DISTANCE OF 455.95 FEET, TO THE POINT OF BEGINNING, THENCE BEARING N85°59'30"W, A DISTANCE OF 175.74 FEET, THENCE BEARING N51°51'45"W, A DISTANCE OF 78.99 FEET, THENCE BEARING N87°59'31"W, A DISTANCE OF 186.01 FEET, TO THE SOUTHEAST CORNER OF BLOCK 1, WILEY ADDITION, AS RECORDED IN DEED BOOK 169, PAGE 307, IN THE SCOTTS BLUFF COUNTY REGISTER OF DEEDS OFFICE, THENCE BEARING N01°35'25"E, ON THE EAST LINE OF SAID BLOCK 1, WILEY ADDITION, A DISTANCE OF 146.00 FEET MEASURED AND RECORD, TO THE NORTHEAST CORNER OF SAID BLOCK 1, WILEY ADDITION, SAID CORNER ALSO BEING ON THE SOUTH LINE OF KIMBERLY PARK ADDITION, AS RECORDED IN DEED BOOK 145, PAGE 48, IN THE SCOTTS BLUFF COUNTY REGISTER OF DEEDS OFFICE, THENCE BEARING S87°57'37"E, ON THE SOUTH LINE OF SAID KIMBERLY PARK ADDITION AND THE EASTERLY EXTENSION THEREOF, A DISTANCE OF 425.14 FEET MEASURED (425.00 FEET RECORD), TO THE POINT OF INTERSECTION WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 11, THENCE BEARING S01°36'49"W, ON SAID EAST LINE, A DISTANCE OF 198.47 FEET, TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 1.66 ACRES, MORE OR LESS.

That the accompanying plat is a true delineation of said survey drawn to a scale of 60 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 land situated in the Southeast Quarter of the Northwest Quarter of Section 11, 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 BLOCK 1, BOYD SUBDIVISION situated in the Southeast Quarter of the Northwest Quarter of Section 11, 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.

Dated this ____ day of _____, 2024.

Owners:

By: William Brashear, Husband

By: Vickie Brashear, Wife

ACKNOWLEDGEMENT

BLOCK 1, BOYD SUBDIVISION
SCOTTS BLUFF COUNTY, NE
SHEET 2 OF 2

STATE OF NEBRASKA)
COUNTY OF SCOTTS BLUFF)

Before me, a Notary Public, qualified and acting in said County, personally came William Brashear, Husband, 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.

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

Notary Public

My Commission Expires _____

ACKNOWLEDGEMENT

STATE OF NEBRASKA)
COUNTY OF SCOTTS BLUFF)

Before me, a Notary Public, qualified and acting in said County, personally came Vickie Brashear, Wife, 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 her voluntary act and deed.

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

Notary Public

My Commission Expires _____

APPROVAL AND ACCEPTANCE

The foregoing plat of BLOCK 1, BOYD SUBDIVISION, SITUATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 21 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA

is hereby approved by the Mayor and City Council, by resolution duly passed this ____ day of _____, 2024.

Mayor

ATTEST:

City Clerk