

CITY OF GERING PLANNING COMMISSION MEETING AGENDA



A REGULAR MEETING OF THE CITY OF GERING PLANNING COMMISSION WILL BE HELD ON **TUESDAY JUNE 4, 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 April 16, 2024 regular Planning Commission meeting
4. Current Business:
 - A. Public Hearing to consider changes to the Zoning Code to add a definition for Veterinary Clinic-Limited, and to amend the Land Use Table to add the uses of Veterinary Clinic-Limited and Microbrewery
 - i. Make recommendation to City Council
5. City Engineer report
6. Adjourn

CITY OF GERING PLANNING COMMISSION MEETING

April 16, 2024

A regular meeting of the City of Gering Planning Commission was held in open session on April 16, 2024 at 6:00 p.m. in the Gering City Hall Council Chambers at 1025 P Street, Gering, NE. Present were Commissioners Crews, Palm, Shimic, Hauck and Alvizar. Absent was Taylor, Kaufman, Miles, and Keener. Also present were City Engineer Annie Folck, and Secretary Carol Martin.

Notice of the meeting was given in advance by publication in the Star-Herald, the designated method of giving notice. All proceedings hereafter were taken while the meeting was open to the attendance of the public.

Call to Order and Roll Call

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

1. Pledge of Allegiance

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

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.

3. Approval of Minutes of the February 20, 2024, regular Planning Commission meeting

Motion by Commissioner Palm to approve the minutes of the February 20, 2024, regular Planning Commission meeting. Second by Commissioner Alvizar. There was no discussion. The Clerk called the roll. "AYES": Crews, Shimic, Palm, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Taylor, Miles, Kaufman, Keener. Motion carried.

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

Engineer Folck stated the city received an application for a Preliminary and Final Plat for the last section of Westwood Estates and explained the difference between a Preliminary and Final Plat. A Preliminary Plat is going to show all of the utilities and where those go, it shows the grading, it shows the cross-section of the street that it's going to go in and a lot more detail about how these properties will be served with improvements. When we

get to the final plat that basically just has lot lines. A Preliminary Plat will be for an entire subdivision, so that you can see how everything works in the context of the entire subdivision, even if they're only final platting certain portions at a time. This one is different because there's only a very small portion of subdivision left. The Preliminary and Final Plat look almost identical unless you're looking for those utility lines. This section is very, very simple. There's only one place where the street can go, and there's only one place where the utility lines can go. This whole area is Westwood Addition (showing the area on the screen). It's all been developed except for this little portion of it, and this is Oregon Trail Boulevard and it shows 20th Street. 20th Street is completed to where it's stubbed to a point where all of these homes are being built on the south end.

Engineer Folck said this plat will include adding the street, 20th Street, which is connecting everything (showing where 20th Street on the north will be connected with 20th Street on the south). There's water stubbed in on the north and there's a dead-end water main on the south. It's going to be really nice to get those connected because it will eliminate the dead-end. The water will go in the street. There is an existing sewer in the alleyway, so these lots are already served by sewer (Indicating the lots east of 20th). On the west side, they will have to add an additional sewer in the alley-way. With that, we've got everything addressed as far as utility access, they will have alleyways for trash pickup, electrical, cable, gas and for any other necessities that they have there. The lot sizes meet all the minimum requirements for the city for that zone. Some of them are pretty big for that zone. Engineer Folck said staff is recommending approval and it meets all of the requirements.

Commission Crews asked if it is this right off 71? Engineer Folck said yes, it is right off of Five Rocks Road (she indicated the location on the inset in the general location map).

Commission Alvizar asked if there is sewer, goes up to where water is to where it's developed to the south? Annie said the sewer will be tied in at the end of the lots that are developed (indicating on the map the lots on the west side of 20th Street).

Commission Palm inquired why these were not Preliminary plotted initially? Engineer Folck said they probably were, but Preliminary Plots expire after a certain period of time. Engineer Folck said if everything is not built out within, I think two years, then they have to bring it back and review it in case there have been any changes.

Motion by Commissioner Crews made a motion to approving an application for a Preliminary Plat of Lots 15 through 19, Block 9 and Lots 7 through 11, Block 11, Westwood Estates, City of Gering, Nebraska. Seconded by Commissioner Palm. There was no discussion. The Clerk called the roll. "AYES": Crews, Shimic, Palm, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Taylor, Miles, Kaufman, Keener. Motion carried.

- 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**

Engineer Folck stated this will be recorded at the Register of Deeds. She said staff is recommending approval with the condition that a Development Agreement be executed that specifies that the developer is responsible for the cost of all the necessary improvements and not the City. The City will not be responsible for paying for the street, sewer, and water. The developer can build that out prior to approval, which is not recommended or do a Development Agreement to make sure who is responsible for the utilities. The agreement will state that all of that has to be done before any improvements are made. Engineer Folck said it comes into play when things do not go according to plan and the person who originally owned it was planning on putting in the improvements, and it didn't happen for whatever reason, and then the property sells, and the future property owners, sometimes 20, 30, even 40 years down the road come back to the City and want to know when the City is going to build the street. Then staff can pull out the Developer's Agreement that says that legally, the property owner is responsible for those costs. Annie said staff recommends that final plats be approved conditional with a Development Agreement being executed with the City Council before making a final approval.

Motion by Commissioner Palm to make a positive recommendation to the City Council regarding a Final Plat of Lots 15 through 19, Block 9 and Lots 7 through 11, Block 11, Westwood Estates, City of Gering, Nebraska with the conditions of the Development Agreement being executed with City Council. Seconded by Commissioner Crews. There was no discussion. The Clerk called the roll. "AYES": Crews, Shimic, Palm, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Taylor, Miles, Kaufman, Keener. Motion carried.

6. City Engineer Report

Engineer Folck said at the City Council Meeting a lot of people brought up concerns about that they didn't know if fourplexes wouldn't be so bad, but something bigger than that I might have a problem with. In an effort to appease the neighbors and get along with everyone, the developers volunteered to put some covenants on the property and would not do anything more than a four plex. Engineer Folck felt nervous about that as they were going to be permanent and not knowing how things were developing, and 50 years from now she didn't want anyone looking back saying like "Why did they tie our hands like this?" But that seemed to be acceptable to everyone and staff was all ready for a Council Meeting on April 8th with those covenants in place that were going to be executed and then they would vote on it. The night before the meeting the applicant thought better of it too, and they decided they didn't want to do that after all. They did say that they talked about doing some owner-occupied housing. The issues people had with it is that it is all rentals. They said another community had done row homes where they do an eightplex of all row homes and then sell them off individually, because that's a model they have used that has been able to pencil out. They wanted to keep their options open, not knowing what funding sources would be, and not knowing what the market would be.

Staff recommended that Council table it and give more time and put together a new council packet with new staff information so that what they are considering was reflecting

the current conditions. That will go back to Council on Monday, April 22nd. One thing that complicates things, and it's in the zoning code, and this language actually mirrors state statute, that if more than twenty per cent of the property owners within that three-hundred-foot radius of the property sign a petition protesting the recommendation the Planning Commission made, the City Council can only approve what the Planning Commission recommends by three-quarters majority. Typically they would only need four votes in order to approve the zone change and in this case they would need six votes in order to approve the zone change. It will go back to the City Council on Monday. Staff recommendation has not changed, it was recommended before the covenants were even under consideration, and the same with the Planning Commission. They asked does it need to go back to the Planning Commission, but that was not anything that affected your recommendation because that hadn't even been discussed yet. Staff is still recommending approval of the rezone and will see if they approve it or not. If they don't approve it, the applicant has indicated that they've got a grant coming up. They are going to be applying for funding. They've indicated that if the Rezone is not approved, they are going to be selling the property and will not be doing anything in the community.

Commissioner Shimic asked is there a way that if it goes to city and the they have that petition, then when it comes back, will Planning Commission have an opportunity? Engineer Folck said no. Planning Commission made the recommendation and at this point it's the City Council choice. Commissioner Shimic said if the City Council votes no, or if it doesn't get majority of the three-quarters votes, then they're the ones that are either going to kill it or accept it. Folck said yes.

7. Adjourn

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

The meeting adjourned at 6:16 p.m.

Jody Miles, Chairman

ATTEST:

Carol Martin, Secretary

CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT

To:	Planning Commission	Date:	6/4/24
From:	Planning & Community Development	Zoning:	
Subject:	Change to Zoning Code: Add Definition for Veterinary Clinic- Limited, Add to Land Use Table Veterinary Clinic-Limited and Microbrewery	Property Size:	
Location:		#Lots/Parcels:	
Owner:	N/A	City Council Public Hearing:	6/24/24

Public Notice: This Public Hearing was noticed meeting City Zoning and Subdivision Regulations.

Public Hearing

Our zoning code is meant to be a living document that can be changed over time as needed to better fit the needs of the community. We have had interest recently in locating a veterinary clinic in our downtown (C-2) zone. Currently veterinary clinics are only allowed in heavy commercial (C-3), or light industrial zone (ML), due to the potential for impacts on neighboring properties. These impacts include noise from barking dogs, smells from animal waste (particularly if large animals are held outside), and traffic that includes pickups and stock trailers. Most of these impacts comes from treating large animals or from overnight boarding. After visiting with some of the interested parties, staff is recommending adding a definition to the zoning code called “Veterinary Clinic- Limited”, which would be a clinic that would only treat small animals on site. Horses, cows, pigs, sheep, etc., would not be allowed on site. This definition would also prohibit boarding of animals. This will help distinguish a small-animal clinic from a traditional vet clinic.

Once the use is defined, we have to determine where within the community it can be allowed. Staff recommends allowing it as a conditional use in the C-2 zone (downtown). The reason for a conditional use is because there could still be some impacts on neighboring properties from barking, and each proposal should be reviewed on a case-by-case basis, as the distance from neighboring properties will make a big difference. Attached buildings on main street may need additional noise mitigation to prevent issues with neighboring properties, whereas freestanding buildings may not have as many issues.

Additionally, we have a resident who is interested in putting a microbrewery downtown. While we do have microbreweries defined in our code, we do not currently have it listed in our land use table in the zoning code. While we are making changes to our table, staff proposes adding Microbrewery as a conditional use in the C-1 zone and a permitted use in the C-2, C-3, ML, and MH zones.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, TO AMEND THE ZONING ORDINANCE, ARTICLE 1, SECTION 1.6 TO DEFINE VETERINARY CLINIC, LIMITED, AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

Be it ordained by the Mayor and City Council of the City of Gering, Nebraska, that:

Section 1. The City of Gering Zoning Ordinance, Article 1, Section 1.6, be amended, to add the following definition:

Veterinary Clinic, Limited: A facility providing treatment of small animals, defined as domesticated animals typically kept as pets that can be comfortably and safely handled by an average adult, including but not limited to dogs, cats, rabbits, birds, and small reptiles.

The following stipulations apply:

1. Size of Animals: The clinic shall not provide on-site services to hoof stock, including, but not limited to, cattle, horses, pigs, sheep, and small ruminants. The clinic may provide ambulatory (off-site) services, but may not bring any of these animals back to the clinic.
2. Boarding Prohibition: The clinic shall not provide pet boarding services. Overnight stays shall be limited to short-term care incidental to the clinic use.
3. Waste Management: The clinic must adhere to all local and state regulations regarding the disposal of medical waste and animal by-products.
4. No Outdoor Activity: Animals are prohibited from being outside of the clinic building, except for direct access to and from vehicles during transport.
5. Distance from Residential: Clinic building must be located at least one hundred (100) feet away from any "R" district boundary.

Section 2. All other ordinances and parts of ordinances in conflict herewith are repealed. Provided, however, this Ordinance shall not be construed to effect any rights, liabilities, duties, or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 3. The Mayor and Council of the City of Gering, Nebraska, find and determine that all procedural requirements for Amendment of the City of Gering Zoning Ordinance have been satisfied.

Section 4. This Ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS ____ DAY OF _____, 2024

Kent Ewing, Mayor

(Seal)

ATTEST:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, TO AMEND THE ZONING ORDINANCE, ARTICLE 3, SECTION 3.11 TO INCLUDE USES OF VETERINARY CLINIC, LIMITED, AND MICROBREWERY, AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

Be it ordained by the Mayor and City Council of the City of Gering, Nebraska, that:

Section 1. The City of Gering Zoning Ordinance, Article 3, Section 3.11, Land Use Table, shall be amended, to add Veterinary Clinic, Limited, and Microbrewery, as shown in Exhibit A.

Section 2. All other ordinances and parts of ordinances in conflict herewith are repealed. Provided, however, this Ordinance shall not be construed to effect any rights, liabilities, duties, or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 3. The Mayor and Council of the City of Gering, Nebraska, find and determine that all procedural requirements for Amendment of the City of Gering Zoning Ordinance have been satisfied.

Section 4. This Ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS ____ DAY OF _____, 2024

Kent Ewing, Mayor

(Seal)

ATTEST:

City Clerk

Exhibit A

USES	ZONING DISTRICTS									
	AG	RR	RL	RM	RH	C-1	C-2	C-3	ML	MH
	AGG / AEDS	RRE	RL	(RM + RML)	(RMH)	BNC(C-1)	BCB(C-2)	(BH)(C-3)+ BTS(C-4) + BEC(C-5)	ML	MH
AGRICULTURAL										
Agricultural Produce Stand	P	P								
Agricultural Production	P	P								
Agricultural Service	C									
Animal Husbandry	P	P								
Bulk Grain Storage / Grain Elevator	P								P	P
Feed Lots (1st / 2nd / 3rd Class)	C									
Livestock Auction / Sales Barn										P
NATURAL RESOURCE										
Gas / Oil Wells	C									C
Natural Resource Extraction / Processing	C									C
RESIDENTIAL										
Boarding and Rooming Houses / Bed and Breakfasts	C	P	C	C	C		P			
Convalescent / Nursing / Rest Homes					P	P				
Group Home		C	C	C	C					
Group Shelters / Transitional Housing		C			C		C	P		
Home Occupation	P	P	P	P	P					
Independent and Assisted Living Center					P	P				
Live Work / Loft (Residential / Commercial) Dwelling (not in 1st / ground / basement level)						P	P			
Mobile / Manufactured Home Park					P					
Multi-Family Dwellings - General					P					
Multi-Family Dwellings - Limited (6 units or less)				C	P					
Short-term Residential Rental	P	P	P	P	P	P	P			
Single-Family Dwellings (attached)			C	C	P	P	P			
Single-Family Dwellings (dettached)	P	P	P	P	P					
Accessory Dwelling Unit	P	P		C	P					
Tiny Homes / Tiny Home Community					P					
Two-Family Dwelling (Duplex)			C	P	P					
CIVIC / PUBLIC ASSEMBLY / SEMI-PUBLIC / UTILITY										
Airports / Landing Strips / Heliports	C							C	C	C
Cemetaries	C		C	C	C					
Communication Equipment / Structures		C			C	C	P	P	P	P
Communication Towers	C	C	C	C	C	C	C	C	C	C
Community / Cultural / Educational Facilities	C	C	C	C	C	C	C	P	P	
Golf Course	C	C	C	C	C					
Government / Public Service Administrative Facilities				C	C	P	P	P		
Government / Public Service Yards						C	C	P	P	P
Hospital				C	C	P	P	P		
Libraries				C	C	P	P	P		
Parks (public / private)	P	P	P	P	P	P	P	P	P	P
Post Offices						C	P	P	P	P
Public Safety / Emergency Service Facilities	C	C	C	C	C	C	P	P	P	P

USES	ZONING DISTRICTS									
	AG	RR	RL	RM	RH	C-1	C-2	C-3	ML	MH
	AGG / AEDS	RRE	RL	(RM + RML)	(RMH)	BN(C-1)	BCB(C-2)	(BH(C-3) + BTS(C-4) + BE(C-5))	ML	MH
Recreation / Entertainment Facilities - Indoor (public / private)	C	C	C	C	C	P	P	P	C	
Recreation / Entertainment Facilities - Outdoor (public / private)	C	C	C	C	C	C	C	P	C	
Religious Facilities / Institutions (Churches)	C	C	C	C	C	P	P	P		
Sports Arenas / Stadiums (within buildings)							C	P	P	
Theaters / Auditoriums						C	P	P	P	
Utility and Service Facilities	C	C	C	C	C	C	C	P	P	P
Water / Sewage Treatment Facilities	C								P	P
COMMERCIAL / INDUSTRIAL										
Art Galleries						P	P	P	P	
Automatic Bank Teller Machines - external / stand alone						C	C	P	P	P
Auto wrecking yard or junk yard only when located inside a building or when wholly enclosed by a well-maintained fence not less than eight (8) feet in height.									C	P
Banks (with or without drive through or ATM)						C	P	P	P	
Barber and Beauty Shops						P	P	P	P	
Bars / Cocktail Lounges / Drinking Establishments / Nightclubs							P	P	P	
Bicycle Shops						P	P	P	P	
Billiard / Pool Halls							P	P	P	
Bowling Alleys							P	P	P	
Bus Depots / Public Transit Transfer Stations							P	P	P	P
Bus / Transit Fleet (storage, repair or service)									P	P
Commercial Retail - stores / shops						P	P	P	P	P
Commercial Services								P	P	P
Commercial Services - limited						P	P	P	P	P
Contractor / Equipment / Vehicle Fleet Yards									P	P
Convenience Stores						C	P	P	P	P
Day Care - Child Care Centers	C	C			C	P	P	P	C	
Day Care - Family Child Care Home	P	P	P	P	P					
Day Care - Family Child Care Home (24 hours)	C	C	C	C	C					
Exterminators								P	P	P
Farm Equipment Sales / Display - with or without repair services	C							P	P	P
Feed and Seed Stores (enclosed structure only)	C							P	P	P
Funeral Homes / Chapels / Mortuaries						C	P	P	P	
Garden Supply / Outdoor Nurseries	P							P	P	
Garden Supply Stores - Nurseries limited (enclosed area and container / packaged form)	C					C	C	P	P	
Hotels / Motels / Lodging Facilities							P	P	P	
Household Appliance / Repair Shops						P	P	P	P	
Industrial Services									P	P
Kennels - indoor	P							P	P	P
Kennels - outdoor	C							C	P	P
Laundries / Dry Cleaning - self service or pick-up / drop off activities only						P	P	P	P	P
Liquor Stores							P	P	P	
Manufacturing / Fabrication / Assembly									P	P
Manufacturing / Fabrication / Assembly - limited						C	C	P	P	P

USES	ZONING DISTRICTS									
	AG	RR	RL	RM	RH	C-1	C-2	C-3	ML	MH
	AGG / AEDS	RRE	RL	(RM + RML)	(RMH)	BNC(C-1)	BCB(C-2)	(BHC(C-3)+ BTS(C-4)+BEC(C-5))	ML	MH
Meat Locker								P	P	P
Meat and poultry packing, slaughtering, eviscerating and skinning; and the rendering of by-products of slaughtering and killing animals or poultry.										C
Medical / Health Facilities						P	P	P	P	
Microbrewery						C	P	P	P	P
Mini / Self- storage Rental Buildings / Units								C	P	P
Music / Dance Studios					C	P	P	P	P	
New / Used Automobile Sales							C	P	P	P
New / Used Automobile Sales with limited repair services								P	P	P
Office / Office Buildings business and professional						P	P	P	P	P
Parking Lot (stand alone - public or private)						P	P	P	P	P
Parcel Delivery Services							P	P	P	P
Pharmacy						C	P	P	P	
Printing Shops							P	P	P	P
Recreational Vehicle Parking Area								P	P	P
Recreational Vehicle Sales / Service / Rentals / Repair								P	P	P
Repair Services - Automobile								P	P	P
Repair Services - Automobile Limited							C	P	P	P
Restaurants - Drive-in / Drive-thru							C	P	P	
Restaurants / Cafes						P	P	P	P	
Retail Stores / Shops						P	P	P	P	
Service / Gas Stations - Automobile (with or without minor repair services and/or carwash)							C	P	P	P
Service / Gas Stations - Automobile Limited						C	P	P	P	P
Storage / Warehouse									P	P
Storage / Warehouse - limited						P	P	P	P	P
Tattoo Parlor / Body Piercing / Permanent Cosmetics and Branding							P	P	P	P
Truck Fueling / Repair Services (not including truck / trailer washing facilities)								P	P	P
Truck Fueling / Repair Services (truck / trailer washing facilities)									P	P
Trucking / Distribution									P	P
Veterinarian or animal hospitals, provided any such building, kennel, or exercise runway is located at least one hundred (100) feet away from any "R" District boundary.	C							P	P	P
Veterinary Clinic- Limited							C	P	P	P