

CITY OF GERING

PLANNING COMMISSION MEETING AGENDA



A REGULAR MEETING OF THE CITY OF GERING PLANNING COMMISSION WILL BE HELD ON **TUESDAY OCTOBER 15 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 September 17, 2024 regular Planning Commission meeting
4. Current Business:
 - A. Public Hearing to consider Conditional Use Permit for storage units to be located on Lot 3A, Block 3, Red Barn Subdivision, City of Gering, located at the corner of Country Club Road and Red Barn Drive
 - i. Approve or Deny Resolution PC 10-24-1
 - B. Public Hearing to consider ordinance to make changes to the Zoning Code, Section 3.7.2, Agricultural Estate Dwelling Site Designation (AEDS)
 - i. Make recommendation to Council regarding proposed ordinance
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
September 17, 2024**

A regular meeting of the City of Gering Planning Commission was held in open session on September 17, 2024, at 6:00 p.m. in the Gering City Hall Council Chambers at 1025 P Street, Gering, NE. Present were Commissioners Crews, Keener, Kaufman, Palm, and Hauck. Absent Taylor, Shimic, Miles, and Alvizar. 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:

Commissioner Kaufman 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 Kaufman 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 August 20, 2024, regular Planning Commission meeting

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

4. Current Business:

- A. Consider Ag Estate Dwelling Site located at 200359 Robidoux Road, located in the NW¹/₄ of Section 15, Township 21, Range 55W of the 6th P.M., Scotts Bluff County, Nebraska**

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

To:	Planning Commission	Date:	9/17/24
From:	Planning & Community Development	Zoning:	AG
Subject:	Recommendation & Report – AEDS	Property Size:	6.05 acres
Location:	200359 Robidoux Rd, NW ¹ / ₄ , S15-T21N-55W of the 6 th P.M.	#Lots/Parcels:	1
Owner:	Cody Kiesel	City Council Public Hearing:	10/14/24

Agenda Item Summary

The City has received an application for an Ag Estate Dwelling Site (AEDS) Subdivision in the AG zone (Agricultural District). The proposed Ag Estate Dwelling is an existing farmstead located at 200359 Robidoux Road. The applicants would like to divide 6.05 acres off from the remainder of the farm. The property is situated in unplatted lands, NW ¼ of S15-T21N-R55 W of the 6th P.M., Scotts Bluff County. The property is outside of Gering City limits, but within the City's extraterritorial zoning jurisdiction. The surrounding property is zoned AG.

According to the City's zoning code, for each AEDS, the owner shall reserve the balance of 80 acres of vacant or agricultural district land. When the 6.05 acres is divided off, there will be only 53.97 acres remaining of the farm which will be held in reserve for agricultural uses only, until or unless the property is rezoned. While this doesn't strictly meet the 80-acre requirement, section 5.203 of the zoning code also states, "The City Planning Commission and the City Council of the City of Gering, Nebraska, may permit the creation of an AEDS out of less than 80 acres of reserved land, in certain situations, in the event that the intent of this subsection is maintained." The stated intent of the AEDS subsection of code is "not to encourage the creation of a large number of agricultural estate dwelling sites (AEDS), but such intent is to allow 'subdivision' or sale, of a portion of a larger tract of land, whereby the smaller parcel created is to be used primarily for dwelling site purposes." The house that is situated on the proposed AEDS was originally constructed in 1964. Because this is an existing farmstead that is being split off from the remainder of the farm, and this parcel is to be used for dwelling purposes, staff recommends that this AEDS does meet the intent of this subsection of code, and thus recommends approval of the AEDS.

Motion and Vote

Approve

Make a POSITIVE RECOMMENDATION for City Council to approve the Ag Estate Dwelling Site located on 200359 Robidoux Road, situated in the Northwest ¼ of Section 15, Township 21 North, Range 55 West of the 6th Prime Meridian, Scotts Bluff County, with the following conditions:

Deny

Make a NEGATIVE RECOMMENDATION to City Council to approve the Ag Estate Dwelling Site located on 200359 Robidoux Road, situated in the Northwest ¼ of Section 15, Township 21 North, Range 55 West of the 6th Prime Meridian, Scotts Bluff County, for the following reasons:

Table

Table making a recommendation for City Council to approve the Ag Estate Dwelling Site located on 200359 Robidoux Road, situated in the Northwest ¼ of Section 15, Township 21 North, Range 55 West of the 6th Prime Meridian, Scotts Bluff County, for the following reasons:

City Engineer Folck said the city received an application to split off an Ag Estate Dwelling. This property is located southwest of town and is not within city limits. It is out maybe half a mile or perhaps a mile from the edge of the city. The property meets all the requirements of an Ag Estate Dwelling other than one thing she would note (indicating a note on the plat) about the remainder of the property.

She said by code, in order to split off an Ag Estate Dwelling, it talks about how the intent of that is not to create a large number of Ag Estate Dwellings, but it is to help existing farmsteads that won't change the character of the agricultural zone to be split off. It is not to create a loophole to get around the requirements for a rural subdivision. For that reason and by code, Ag Estate Dwellings require 80 acres to be held in reserve. The whole property is currently 133 acres but because they have already done an Ag Estate Dwelling that had 80 acres held in reserve, that

means there is only an additional 53, almost 54 acres left that will be held in reserve which is less than the 80 that is typically required.

The code does say they can approve Ag Estate Dwellings with less than that if the request of splitting it off still meets the intent of the code. She believes it does because it is an existing farmstead that was built in the 1960s, it does fall within the intent of that code.

She said they did come before the Planning Commission and Council a couple of years ago and staff has reviewed all the notes. She said at that time it did not pass but the concern was less with this particular Ag Estate Dwelling and more with another one that was across the road at the same time that they were splitting off just a building site which was not an existing farmstead. There was some concern about setting a precedence of splitting properties with less than 80 acres and the question became, "why is it ok for this one and not that one."

She said the difference to her is that this is an existing farmstead and it is not adding population to the Ag area. It was also discussed, probably in the next meeting in October, making some changes to the zoning code to help clarify that a little more: what the differences are and when it is appropriate to go less than 80 acres and when it is not. Just reading through the intent of the zone as it is written in the zoning code and the fact that it is an existing farmstead does mean that it meets the intent of the code. Staff is recommending approval of this Ag Estate Dwelling.

Jerry Ostdiek, Attorney in Scottsbluff, is representing Cody Kiesel. He said he would echo a lot of what Ms. Folck said indicating this is an existing farmstead that has been around since the 1960's and it already has the well. Septic, water, and sewer are already there. He believes the concern about populating more than AEDS out there is limited. Although it does not have the 80 acres as indicated, he believes it does meet the intent. It is existing so it won't require a lot of the new issues that would come with having a bunch of new AEDS out there. He stated that the applicant was there as well for any questions and requested that the Planning Commission approve the application.

Commissioner Keener asked what the intent of the property is. Cody Kiesel said he will sell it off. Commissioner Keener wanted to clarify that it would not be subdivided or have additional dwellings. Cody said no and once they sell that they won't be able to sell anything else off that property.

Commissioner Crews asked if the remainder would remain AG production. Cody said yes. Commissioner Crews said currently they own the whole parcel. Cody said yes. He said the person that used to own that sold the house off on the part of southwest corner, and that is why the acres are off and they sold a part of the other corner off and that would be part of this which would make it 80 but the other owner bought that and that is why there is less acres there. Cody said they plan on just selling the yard (that is indicated in the plat)

Motion by Commissioner Palm to approve the Ag Estate Site located at 200359 Robidoux Road, located in the NW¼ of Section 15, Township 21, Range 55W of the 6th P.M., Scotts Bluff County, Nebraska. Commissioner Keener asked City Engineer Folck if there were any conditions recommended. City Engineer Folck said no. Seconded by Commissioner Keener. There was no discussion. The Clerk called the roll. "AYES": Crews, Keener, Kaufman, Palm, and Hauck. "NAYS": None. Abstaining: None. Absent: Taylor, Shimic, Miles and Alvizar. Motion carried.

5. City Engineer Report

City Engineer Folck said there will be a meeting on October 15. They did receive an application for a Conditional Use Permit for more storage units and will also try to have some different

language for the Ag Estate Dwelling zoning code in that meeting. She also mentioned the Casino and as of right now they are putting their application together. The Gaming Commission did approve the new application form but it is much more in-depth from the previous application they had done to move the license and so it is taking them longer to put all the information together. They will not be on the September meeting but are hoping to be on October meeting and hope to have an answer by the end of October.

6. Open Comments: Discussion or action by the Planning Commission regarding unscheduled business will not take place. This section is for citizen comment only.

7. Adjourn

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

The meeting adjourned at 6:14 p.m.

Jody Miles, Chairman

ATTEST:

Carol Martin, Secretary

CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT

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

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

Agenda Item Summary

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

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

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

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

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

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

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

3. Refuse and service areas.

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

4. Utilities, with reference to locations, availability, and incompatibility.
 - No utilities will be available in the proposed storage building
5. Screening and buffering with reference to type, dimensions, and character.
 - No screening is proposed for the property
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
 - No signage is proposed as part of this application
7. Required yards and other open spaces.
 - There will be a 25' front yard setback in keeping with the requirements of the C-3 zone. Because this is a corner lot, there will be an additional 12.5' setback for the secondary front yard.
8. General compatibility with adjacent properties and other property in the district.
 - The proposed steel building would be similar in character to other buildings in the vicinity.

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

Motion and Vote

Approve

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

Deny

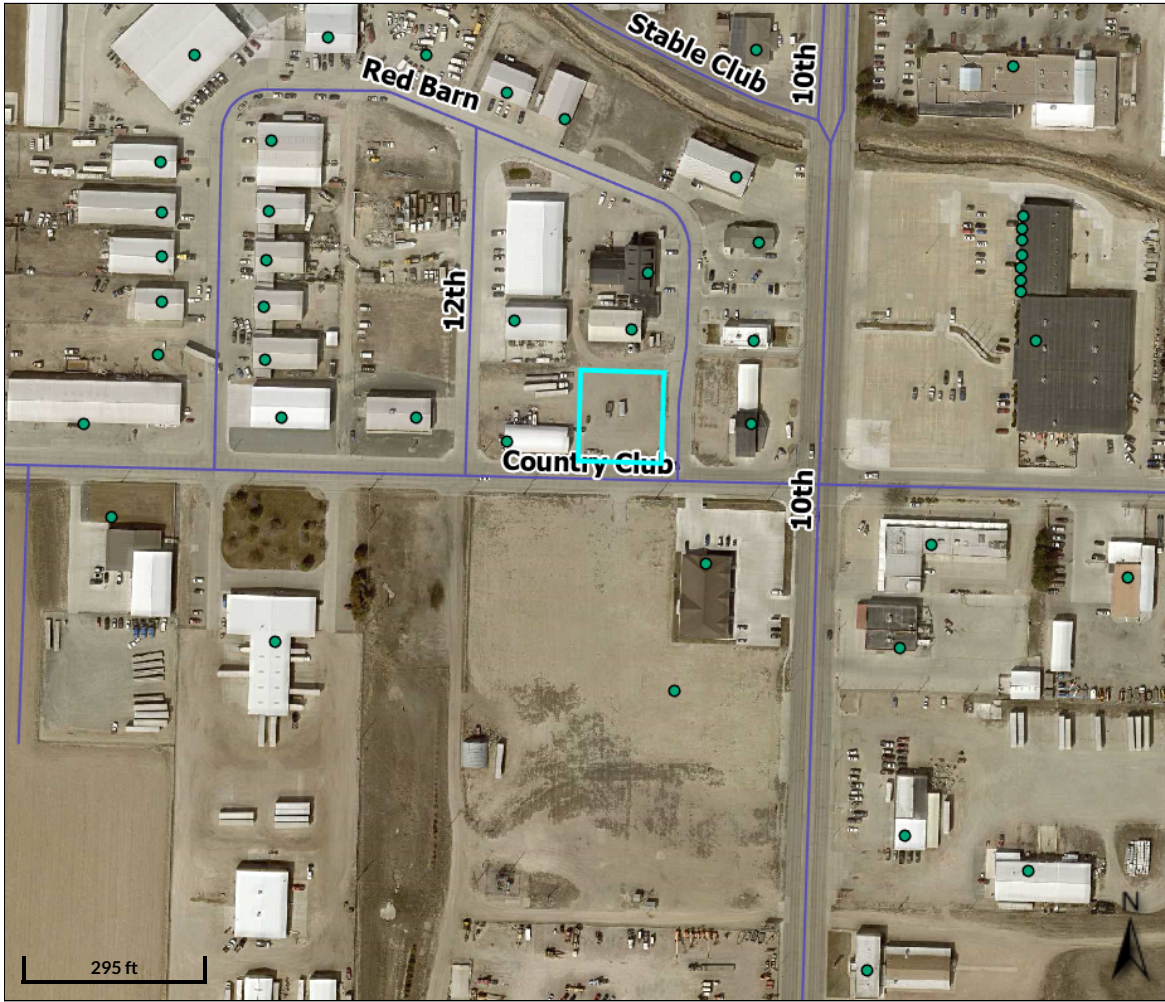
Deny Resolution PC 10-1-24 granting a Conditional Use Permit for storage units to be located on Lot 3A, Block 3, Red Barn Subdivision, City of Gering for the following reasons:

Table

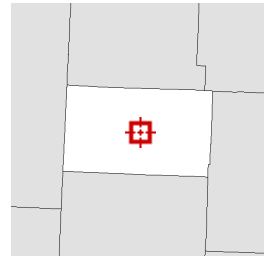
Table consideration of Resolution PC 10-1-24 granting a Conditional Use Permit storage units to be located on Lot 3A, Block 3, Red Barn Subdivision, City of Gering for the following reasons:



Scotts Bluff County, NE



Overview



Legend

- Addresses

ASSESSOR DATA

Parcel ID	010354824	Alternate ID	n/a	Owner Address	MAGNET SOLUTIONS INC
Sec/Twp/Rng	35/22/55	Class	n/a		2223 BROADWAY AVE
Property Address		Acreage	n/a		SCOTTSBLUFF NE 69361
District	41				
Brief Tax Description	LT 3A, BLK 3, RED BARN SUB REPLAT LTS 1-2				
	(Note: Not to be used on legal documents)				

Date created: 10/10/2024

Last Data Uploaded: 10/10/2024 5:13:36 AM

Developed by SCHNEIDER
GEOSPATIAL



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: September 4, 2024 Hearing Date: October 15, 2024

Applicant's Name: Magnet Solutions, Inc Phone: 308-633-8155

Address: 1120 Country Club RD, Gering, NE

Present Owner: Magnet Solutions, Inc Present Zoning: Commercial Zoning

Property Description or Location: Subdivision Red Barn

Other Description: Block No.: 3 Lot NO: 4A 3A Lot No.: 008

Present Use of Property: One Shop Building and Open Lot

Desired Use of Property: Expand and add Storage Buildings for Rent

Reasons for request: The request is for a change to a City lot.

Additional data or comments submitted: (site plan required) The requested use is one very common to the area.

W. W. Buehler, Sec. of Corp
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: The ingress and egress for the storage unit will be from Red Barn Drive.

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: The offices in the Shop located same lot will monitor for any trash and remove the same. There will be daily monitoring from the office location.

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

Applicant proposal: No utilities will be available in the proposed storage building.

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: N/A

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

Applicant proposal: There will be a 25 foot set back.

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

Applicant proposal: There are other properties currently located nearby with same buildings and same purpose.

1120 Country Club Rd



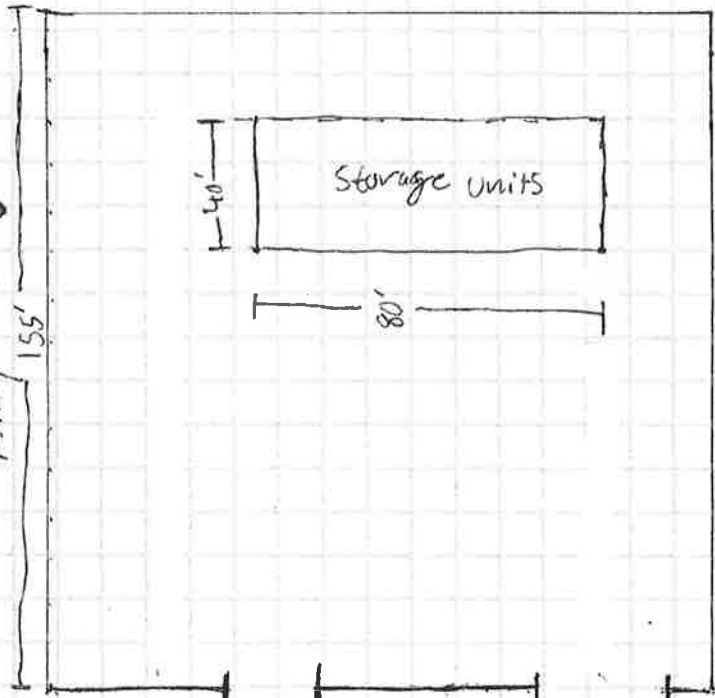
each block is 10'

Entrance to lot from Alley



Alley

155'



Red Barn Drive

150'

Country Club Rd

25 ft setbacks on roads and alleys

844-333-PEAK
 www.PeakSteelBuildings.com

706-342-9795 Office / 706-343-1968 Fax
 P.O. Box 1275, Madison, GA 30650

Structure: Pre-Engineered Metal Building (Self Storage)



Date: 02/08/2024

Name: Steve Laws
 Address: _____
 City, ST, Zip: Gering, NE 69341
 Phone: (308) 633 - 8181 Phone: (_____) - _____
 Fax: (_____) - _____

Company: _____
 Ship to Address: _____
 City, ST, Zip: Gering, NE 69341
 County: Scotts Bluff
 Email: slaws@ar-solutions.biz brandon@ar-solutions.biz

BUILDING SPECIFICATIONS

Width: 40' Length: 80' Eave Height: 8-6" Roof Pitch: 1/2 : 12 Unit Condition: Non Climate Controlled
 Building Code: IBC-18 Live Load: 20 Ground Snow: 15 Wind Load: 110 Exposure: C Collateral Load: .5
 Slope Type: Gable Ridge Condition: 1 pc Rollover Bldg. Steps: _____ Fire Walls: _____ Bldg. Occupancy: II - Standard
 Roof Panel: PBR (26 GA) Color: Galvalume Wall Panel: PBR (26 GA) Color: Sig 200 Partitions: Panel Loc (29 GA) Color: Galvalume

NOTE: Stamped Anchor Bolt Drawings, Permit Drawings, and Erection Drawings certified for the City, County, and State listed above for which the building is shipping are included in proposed contract. This building will be manufactured to the codes and design loads stated above. It is the sole responsibility of the customer to verify these codes and design loads with your local building department. Labor, concrete, anchor bolts, and any other items not normally a part of a steel building, unless specifically provided for herein, are not a part of this contract.

BUILDING ACCESSORIES

TYPE	QTY	DESCRIPTION	
Insulation:	Total	Drip-X Moisture Barrier (Factory Applied to All Roof Panels)	Included
Walk Door:			
Walk Door:			
Transverse Halls:			
Longitudinal Halls:			
Mini Rollup Door:	16	4' x 7' - Commercial MINI Series (Stainless Steel Latches / Tension Setter)	Included
Mini Rollup Door:	12	9' x 7' - Commercial MINI Series (Stainless Steel Latches / Tension Setter)	Included
Framed Opening:	16	4' x 7' With Mullion Cover & Trim	Included
Framed Opening:	12	9' x 7' With Mullion Cover & Trim	Included
Eave Cond:		Gutters With Downspouts Base Cond: Galvanized Base Clips	Included
Fasteners:		ZAC (Lifetime Warranty) / 30 Year Roof and Wall Panel Warranty	Included
Misc:		Red Oxide Primer On All Primary And Secondary Framing	Included
Misc:		Interior Partition Walls - 29 Ga Panel-Loc Plus (Galvalume / Horizontal Panels) *** Top Partition Trim ***	Included
Misc:		Unit Mix - (12) 10' x 20' Unit Mix - (16) 5' x 10'	Included

SPECIAL CONDITIONS

----- Engineer Stamped Foundation Plans - Scotts Bluff County NE ----- Included

PAYMENT TERMS:

\$ _____ Engineering Deposit
 \$ _____ Balance Due (Cashiers Check)
 Building: _____ of _____

FREIGHT: Included
 SALES TAX: N/A
TOTAL: \$ _____
 This quote is valid for 7 DAYS

This contract, subject to the terms set forth above and on the reverse side hereof, constitutes the entire agreement between Peak Steel Buildings, LLC and the Buyer.
 ACCEPTED BY BUYER:

This contract becomes valid only after it has been signed and accepted by an Officer of Peak Steel Buildings, LLC.
 PEAK STEEL BUILDINGS REPRESENTATIVE: Daniel Nation
 CONTRACT ACCEPTED AND ENTERED BY:

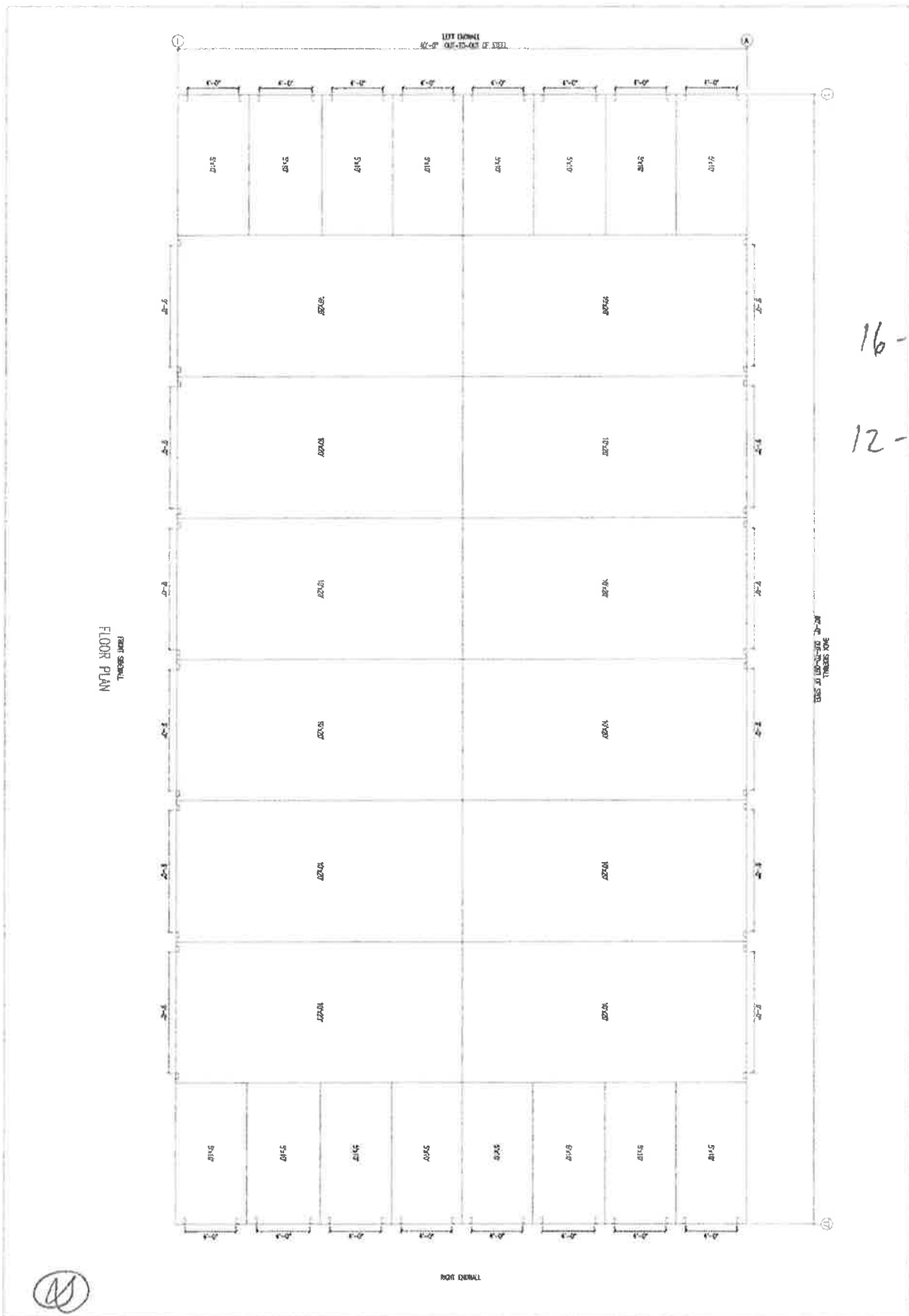
_____ 02/08/2024
 Buyer Date

_____ 02/08/2024
 PEAK STEEL BUILDINGS Officer Date

1/2:12

16-5x10'

12-10x20'



FRONT ELEVATION
FLOOR PLAN

BACK ELEVATION
FRONT ELEVATION

ROOF ELEVATION



Sheet
A7

PEAK STEEL BUILDINGS
 PO Box 1276
 Madison, GA 30650
 Phone: 844-333-7325
 Fax: 706-343-1988

PROJECT: LowSteve
 SIZE: 40.0 x 80.0 x 8.5
 CITY: Gering
 STATE: NE

CONFIDENTIAL AND PROPRIETARY INFORMATION
 THESE DRAWINGS ARE THE SOLE AND EXCLUSIVE PROPERTY OF THE BUILDING MANUFACTURER. NO COPYING, REPRODUCTION, OR DISSEMINATION OF ANY KIND IS PERMITTED WITHOUT THE WRITTEN PERMISSION OF THE BUILDING MANUFACTURER. THIS DOCUMENT AND ALL CONTENTS HEREIN ARE TO BE RETURNED TO THE BUILDING MANUFACTURER UPON COMPLETION OF THE PROJECT.

APPROVAL	BY	DATE
		2.8.21
PRINTS ISSUED FOR		

SITE PLAN



**RESOLUTION PC 10-24-1
CONDITIONAL USE PERMIT FOR STORAGE UNITS**

RECITALS

1. Pursuant to Gering Zoning Regulations, Article 2, a Conditional Use Permit application for storage units has been submitted by Magnet Solutions, Inc., to be located at Lot 3A, Block 3, Red Barn Subdivision, a Replat of Lots 1 and 2, Block 3, Red Barn Subdivision, City of Gering, Scotts Bluff County, Nebraska.
2. The Planning Commission has reviewed the application as to its conformity with the 2020 City of Gering Comprehensive Plan.
3. The Planning Commission has reviewed the application as to its conformity with the City of Gering Zoning Regulations.

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

1. The Planning Commission finds the Conditional Use Permit application for storage units to be located at Lot 3A, Block 3, Red Barn Subdivision, a Replat of Lots 1 and 2, Block 3, Red Barn Subdivision, City of Gering, Scotts Bluff County, Nebraska conforms to the City of Gering 2020 Comprehensive Plan and the City of Gering Zoning Regulations.
2. The Planning Commission imposes the following conditions for approval:
There are no conditions required for approval of this application.
3. Such use shall be reviewed as to its status one year after the date this Resolution becomes effective.
4. All prior resolutions of the Commission in conflict with the terms and provisions of this Resolution shall be repealed to the extent of such conflicts.
5. This resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on _____

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

By: _____
Chair

ATTEST:

By: _____
Recording Secretary

CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT

To:	Planning Commission	Date:	10/15/24
From:	Planning & Community Development	Zoning:	AG
Subject:	Recommendation & Report – Ordinance to make changes to the Zoning Code, Section 3.7.2., Agricultural Estate Dwelling Site (AEDS)	Property Size:	N/A
Location:	AG zoning	#Lots/Parcels:	N/A
Owner:	N/A	City Council Public Hearing:	11/12/24

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA TO AMEND ARTICLE 3 “ZONING DISTRICTS” SECTION 3.7.2.C OF THE CITY OF GERING ZONING ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GERING, NEBRASKA:

Section 1. That the City of Gering Zoning Ordinance, Article 3 “Zoning Districts” Section 3.7.2.C, be amended, which section shall be read in full as follows:

3.7.2.C. RESERVATION OF BALANCE OF LAND. For each AEDS, the owner shall reserve the balance of 80 acres of vacant or agricultural district land (such 80 acres, may, however, have residences including mobile home for farm residence or adjacent to farm residence for relatives of consanguinity and marriage or farm workers). This reservation shall be required (reserved), for as long as the reserved land is zoned AG Agricultural District. The City Planning Commission and the City Council of the City of Gering, Nebraska, may permit the creation of an AEDS out of less than 80 acres of reserved land when there is an existing farmstead site on the subject property which predates the adoption of this Ordinance, and in other circumstances where the intent of this subsection is maintained. Each 80-acre tract (or less), shall serve the reservation requirements of only one AEDS.

Section 2. That All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict, and should any part or Section of this Ordinance be declared void and unenforceable, such declaration shall not render any other part void and unenforceable.

Section 3. That this ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form according to law.

PASSED AND APPROVED this _____ day of _____, 2024.

Kent Ewing, Mayor

ATTEST:

Kathleen J. Welfl, City Clerk