

# CITY OF GERING

## PLANNING COMMISSION MEETING AGENDA



A REGULAR MEETING OF THE CITY OF GERING PLANNING COMMISSION WILL BE HELD ON **TUESDAY DECEMBER 5, 2023 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 19, 2023 regular Planning Commission meeting
4. Current Business:
  - A. Consider Final Plat for Lot 10A, Block 1, Monument Heights, a Replat of Lot 10, Block 1, Monument Heights and a Vacated Portion of Pinewood Road in the City of Gering, Scotts Bluff County, Nebraska
5. City Engineer report
6. Adjourn

**CITY OF GERING PLANNING COMMISSION MEETING  
September 19, 2023**

A regular meeting of the City of Gering Planning Commission was held in open session on September 19 2023 at 6:00 p.m. in the Gering City Hall Council Chambers at 1025 P Street, Gering, NE. Present were Chairman Miles and Commissioners Taylor, Shimic, Kaufman, Crews, Keener, Hauck and Alvizar. Absent were Commissioner Palm. Also present were City Engineer Annie Folck, Engineering Technician Sergio Rodriguez and Secretary Carol Martin.

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

**Call to Order and Roll Call**

Chairman Miles called the meeting to order at 6:00 p.m.

**1. Pledge of Allegiance**

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

**Chairman 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 August 1, 2023, regular Planning Commission meeting.**

**Motion by Commissioner Taylor to approve the minutes of the August 1, 2023, regular Planning Commission meeting. Second by Commissioner Hauck. There was no discussion. The Clerk called the roll. "AYES": Taylor, Miles, Kaufman, Hauck, Alvizar. "NAYS": None. Abstaining: Shimic and Keener. Absent: Palm. Motion carried.**

**4. Oath of Office – George Crews**

Chairman Miles administered the Oath of Office to George Crews after which Commissioner Crews joined the Planning Commission at his seat.

**5. Current Business:**

**A. Consider a Final Plat for Lot 1, Block 1, WD Bauer Subdivision, situated in the NW¼ of Section 7, Township 21 N, Range 55 W. of the 6<sup>th</sup> P.M., Scotts Bluff County, NE**

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

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<b>To:</b>	Planning Commission	<b>Date:</b>	9/19/23
<b>From:</b>	Planning & Community Development	<b>Zoning:</b>	MH
<b>Subject:</b>	Final Plat- Lot 1, Block 1 WD Bauer Subdivision	<b>Property Size:</b>	1.38 Acres
<b>Location:</b>	Southeast corner of Lockwood Road and D Street	<b>#Lots/Parcels:</b>	1

<b>Owner:</b>	Melvin G. Knaub Farms, Inc	<b>City Council Public Hearing:</b>	N/A
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The City has received an application for a final plat for Lot 1, Block 1, WD Bauer Subdivision. This property is located at the southeast corner of the Lockwood Road and D Street intersection. It is a part of a parcel that was split by the Heartland Expressway when it was built. While this piece of property is separated from the rest of the parcel by the Expressway, it was never formally subdivided, so it technically still part of the larger property. This final plat will formally subdivide this portion of the property so that it can be sold separately from the rest of the property. The proposed lot has access along Lockwood Road, as well as access to water from the City's waterline at the intersection of Lockwood Road and D Street. The property will be served by a septic system and is within NPPD's electrical service area. While staff typically does not support allowing subdivisions to be served by septic, due to the unique nature of this lot and its separation from the rest of the parcel, staff is recommending that a septic system should be permissible. According to the City's subdivision regulations, where a public sanitary sewer system is not reasonably accessible, a septic system may be utilized provided that the lot is a minimum of one acre and a public water supply is used.

**Recommendation**

**Approve**

Recommend approval of the Final Plat of Lot 1, Block 1 Bauer Subdivision to City Council with the following conditions:

**Deny**

Recommend denial of the Final Plat of Lot 1, Block 1 Bauer Subdivision to City Council for the following reasons:

**Table**

Table considering the Final Plat of Lot 1, Block 1 Bauer Subdivision to City Council for the following reasons:

Engineer Folck stated that the City has received an application for a final plat. It's a very interesting property; she showed its location on the overhead screens. It's at the intersection of Lockwood Road and D Street. This property is part of a larger farm. When the Expressway came through, it cut off that portion, separating it from the remainder of the property but the property was never formally subdivided. The property owner is now looking at selling the little lot, but they can't do that until it's formally subdivided from the rest of the property. Even though it is not contiguous to the rest of it anymore, the official process of subdividing still needs to be done.

Some of the issues staff typically look at when subdividing a property is that there needs to be access and it needs to have utilities. They have access along Lockwood Road; that's not a problem, that meets code. There is also water available at the intersection of Lockwood and D Street; they will have City water service. One of the concerns is that there will not be sewer service available. Typically, when subdividing, staff are looking at future growth. The City doesn't like to allow septic tanks because a lot of times it makes it too hard to get sewer to the next property over. In this case, it's a little bit easier. There is sewer on D street, but staff doesn't necessarily see it ever growing that way. There are casings under the Expressway in certain locations where that sewer would go if and when this area develops beyond the Expressway, but it would be not over in the area of discussion - it's actually about a quarter mile west. Because of that, and by code, a septic system is allowed for a property that is one acre or greater as long they're on City water. One of the other concerns is if there's enough separation between the well and the septic. Because they are on City water, this lot is big enough to do a septic system. If they were looking at doing a well and septic, she wouldn't be comfortable allowing it on something this small.

Staff is recommending that the Planning Commission make a positive recommendation on this final plat to Council with the condition that the City wants them to do a perc test before it's subdivided off. Basically, they need to go out and do their due diligence and make sure the soils are appropriate and that they will be able to get a septic system on that property to function properly. If that all checks out, then it would be recommended to Council to approve this final plat. She noted that the applicant was present to answer questions.

Commissioner Kaufman asked if there was accessibility to electricity. Engineer Folck replied that they will be in the NPPD service area; they will have electric service.

**Commissioner Kaufman moved to recommend approving the final plat of Lot 1, Block 1, Bauer Subdivision situated in the Northwest quarter of Section 7 Township 21 North, Range-ship by West of the 6PM Scottsbluff County Nebraska to City Council. Seconded by Councilmember Taylor. There was no discussion. The Clerk called the roll. "AYES": Taylor, Crews, Shimic, Miles, Kaufman, Keener, Hauck, and Alvizar. "NAYS": None. Abstaining: None. Absent: Palm. Motion carried.**

**B. Planning Commission to hold a public hearing to consider a Conditional Use Permit for a race track and casino on a tract of land known as PART OF THE SOUTHWEST ¼ (N OF HWY 71 ROW) SECTION 11, TOWNSHIP 21, RANGE 55 WEST OF THE 6<sup>TH</sup> P.M., SCOTTS BLUFF COUNTY, NEBRASKA also known as 140777 Highway 71.**

Chairman Miles opened a public hearing to consider an application for a Conditional Use Permit for Casino and Horse Racing Track to be located in the SW¼ of Section 11, Township 21, Range 55 N of the 6<sup>th</sup> P.M., Scotts Bluff County, NE, aka 140777 Highway 71, Gering, Nebraska at 6:10 p.m. Chairman Miles stated that anyone wishing to speak on this application is limited to five minutes and reminded everyone to sign in at the podium.

City Engineer Folck provided the recommendation and report.

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

<b>To:</b>	Planning Commission	<b>Date:</b>	9/19/23
<b>From:</b>	Planning & Community Development	<b>Zoning:</b>	AG
<b>Subject:</b>	Recommendation & Report – Conditional Use Permit, Horse Racetrack and Casino	<b>Property Size:</b>	104.67 Acres
<b>Location:</b>	PT SW ¼ (N of ROW) Section 11 Township 21 Range 55 W of 6 <sup>th</sup> P.M., AKA 140777 Hwy 71	<b>#Lots/Parcels:</b>	1
<b>Owner:</b>	Prairie Thunder Gering, LLC	<b>City Council Public Hearing:</b>	N/A

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

**Public Hearing**

The City of Gering has received an application for a conditional use permit (CUP) for the Scotts Bluff Exposition and Racing, Inc. ("SBER") to construct and operate a 5/8-mile horse racetrack and a casino. SBER previously applied for and was granted a CUP for this purpose on September 21, 2021. The City of Gering Zoning Code Section 2.2.2.H requires a project to have commenced within one year of approval, or the approval is void, unless the applicant requests an extension. A one-year extension was requested and granted at the Planning

Commission meeting on July 19, 2022. Due to a delay in obtaining a license from the State of Nebraska Racing and Gaming Commission, the applicants have still not begun construction. The City's zoning code only allows for a one-time extension of up to one year; thus, the applicant is now applying for a new Conditional Use Permit for the same project. The project site is located at 140777 Highway 71, within the City's Extraterritorial Zoning Jurisdiction. The property is currently zoned Ag and is being actively farmed.

The application proposes developing the property into a 5/8-mile horse racetrack, along with a testing and receiving barn, initially two stall barns with capacity for 200 stalls with expansion capability for four additional barns as needed, a paddock viewing area, winner's circle, grandstand, separate horsemen lounge area, and rooftop terrace. There will be over 1,133 parking spaces. While in the initial year after construction there may only be one race day held, over the first four years the plan is to hold five race days a year, increasing to fifteen race days starting in 2031. Races would likely occur during June and July with multiple races per day. For each single race, it is estimated that there would be 500 visitors. Once there are three race days, they estimate 2,000 people, and for concerts and other event days, they estimate upwards of 3,500 people. On race days, operations would begin at 7 am with training time until 10 am. The first post time would be 2 pm.

A casino would be constructed as a second phase of the project. The casino would operate 24 hours a day year-round. The casino would consist of a 50,000 square foot gaming facility complete with 650 electronic games, 20 table games, Draft Day Sports Lounge for sports wagering and simulcasting, show lounge with live entertainment, a hotel, restaurants, and potentially a Convention Center. The applicants have indicated that they are in the process of doing a market study to determine the size of the hotel and whether or not there would be enough demand to include the Convention Center. The proposal also includes three restaurants, a travel center with semi-parking, and an RV Park. Approximately 300 full-time and part-time employees are expected to be hired to staff the facilities that are part of this project.

The Planning Commission is to consider whether or not to approve the use of the property as a horse racetrack and casino, and if there should be any conditions required for approval. Staff would classify this use as Indoor and Outdoor Recreation/Entertainment Facilities, both of which are allowed as conditional uses in the Agricultural zone. They are only allowed as a permitted use in the Heavy Commercial zone, and are allowed as conditional uses in all other zones. The reason for this is that these types of facilities do not easily fit into any zones, so by making them a conditional use, the Planning Commission has the ability to provide an additional level of oversight to ensure that the facility will not become a nuisance to the surrounding properties.

There are several policies in the Comprehensive Plan that are relevant to this application. Policy 2.1.A states, "Support the development of outdoor recreation and experiential tourism." The development of a horse racetrack would be a unique recreational opportunity for the Panhandle. Policy 3.2.B states, "Focus commercial development in areas that have good transportation access and support the development of multiple uses." In general, this development would have good access from Five Rocks Road, Kimball Avenue, and 14<sup>th</sup> Street. However, the site plan shows the main entrance to the facility accessing the exit from Five Rocks Road to Kimball Avenue (see attached picture). Staff recommends that one of the conditions of approval should be the relocation of this entrance, as well as a traffic study to assess requirements for various roadway improvements as a result of the anticipated traffic impacts. Any identified traffic improvements should be installed at the cost of the applicant.

Policy 3.2.F states, “Enhance Gering’s gateways and create a common vision for these areas.” Because of its location along two of the main entryways in to Gering, appearance of the facility will be extremely important in determining whether or not this proposal is acceptable. Building materials, design, and landscaping should all be considered, as this will be the first thing that visitors will see as they enter the community from the south. Policy 3.2.H states, “Improve the appearance of the community”. There are some areas of the property that have old irrigation structures and steep slopes that have not been well maintained. These areas should be improved as part of this proposal. See attached site plan and pictures of existing property for more information.

Currently, the properties to the east, south, and west of the proposed facility are undeveloped. There is an existing residential neighborhood to the north of the proposed facility. According to the Comprehensive Plan, this property is located in the Southwest Gering Neighborhood District. While this district is envisioned to be primarily residential in nature, it does state that “mixed-use along arterial/collector streets as well as important intersections may be appropriate... Transitions from the commercial activity node to nearby residential will be an important consideration.” Planning Commission should consider carefully how the additional traffic, lighting, noise, runoff, and other effects of the facility will impact the existing neighborhoods in the area.

The Comprehensive Plan does show that the City would eventually grow to and through the area that is proposed for development. Care should be taken to ensure that all necessary utility and transportation improvements for future growth are installed as part of this proposal. If these improvements are not made immediately, a development agreement should be enacted that would ensure that the applicant would be responsible for utility and transportation improvements that are necessary to provide properties beyond their equal opportunity to access the City’s services.

The property is currently outside of City limits. In order to provide more efficient emergency management services, staff recommends that when utility services are provided to the facility, the property should be annexed. This will also ensure that the City receives property taxes to help offset the costs of providing police and fire protection to the facility.

There are also some staff concerns with regard to security and police protection. Staff recommends that the applicant be required to provide the City with a digital security and surveillance camera system plan that would ensure that the property has adequate surveillance and that the Gering police department is allowed access to all surveillance videos and provided training on operating digital surveillance software.

Another staff concern is whether there is sufficient housing for an influx of 300 full-time and part-time employees. While some of those employees will undoubtedly be hired from local residents, there will be a significant number who will have to be brought in from outside the area. Currently there is not sufficient housing for that large of an influx of people. Staff is recommending that the applicants be required to do a housing study, and based on the results of that study, either build their own housing or contract to have housing built elsewhere in the community to ensure that there is housing for their employees.

In recognition of the cost involved in having a detailed, engineered site plan prepared prior to approval of the CUP, staff is recommending one of the conditions of approval to be that the applicant will go through the Development Plan Review Process described in Section 2.2.4 of the City’s zoning code. This process outlines all of the details that must be included in the development plan and will require the finalized development plan to go before Planning Commission and City Council for final approval before construction of the facility may begin.

This allows for the approval of the CUP at this meeting, while also allowing for additional oversight of the development once the facility design is completed.

Staff recommends that if the Planning Commission chooses to approve the application, it should be with the following conditions:

1. A development agreement will be executed whereby SBER agrees to the following:
  - a. SBER will be responsible for all necessary utility improvements to bring water and sewer to the property. In order to provide adequate fire flows, the water line shall connect to the City's system in two locations: Five Rocks Road and 14<sup>th</sup> Street. All water lines installed will be a minimum pipe size of 8" and must include hydrants at spacings required by code. Sewer will be extended to the property from the sewer interceptor located at the intersection of 7<sup>th</sup> Street and Highway 71. The sewer line must be a minimum of 8". The City will be responsible for any oversizing costs above 8".
  - b. SBER shall pay to extend utilities to the southwest and southeast corners of the property so that utilities will be available for extension to adjacent properties in the future. Water and sewer should be kept in the right-of-way wherever possible. Where not possible, easements shall be granted to the City to access and maintain this infrastructure. No dead-end water mains will be allowed.
  - c. SBER will provide landscaping along Highway 71, Five Rocks Road, and Kimball Avenue in accordance with the requirements for the C-1 zone in section 5.5 of the City's zoning code. Additionally, adequate landscape and open space buffering shall be required adjacent to any residentially zoned property.
  - d. Irrigation structures will be removed and slopes will be regraded along Kimball Avenue to reduce erosion and provide for a more easily maintainable landscaping area. Slopes will be stabilized with beneficial vegetation.
  - e. Stormwater retention will be provided in accordance with Ordinance 2040.
  - f. All lighting shall be LED lighting, shielded and directed downward in a manner that minimizes glare, light trespass and skyglow
  - g. Amplified sound shall not create a nuisance and be directed away from nearby residential development
  - h. Building materials and facades shall conform to the renderings that are included as part of the application.
  - i. The property shall be annexed after utilities are extended to the property.
  - j. SBER will conduct a traffic study to assess requirements for various roadway improvements as a result of the anticipated traffic impacts. Any roadway improvements necessary to address identified traffic impacts shall be installed and paid for by SBER.
  - k. The main entryway on the west side of the facility will be located a minimum of 300 feet to the south of the existing drive on Five Rocks Road or 1400 feet to the north of the existing drive on Kimball Avenue.
  - l. SBER will pave 14<sup>th</sup> Street from Highway 71 to the northern boundary of their property. At the time the facility is built, it shall be paved to a minimum of 26 feet wide. If the City deems it necessary in the future to widen the roadway and install a storm sewer along with curb and gutter, SBER will be responsible for the cost of those improvements to the roadway on their side of the street. If additional paving or roadway improvements are recommended on 14<sup>th</sup> Street by the traffic study referenced in Condition 1.j., those improvements shall be made at the expense of SBER.

2. SBER must have Racing and Gaming licenses from the Nebraska Racing and Gaming Commission and meet all conditions of the licenses, in addition to any and all applicable local, state, and federal requirements.
3. The property must be kept well maintained, with proper weed management and landscape maintenance. Manure will be managed appropriately and removed from the site in a timely manner to eliminate smells. All runoff that comes into contact with manure shall be retained on site.
4. All landscape areas shall be irrigated. Plant materials shall be primarily drought tolerant native or well-adapted species.
5. Building plans will be submitted to the Nebraska State Fire Marshal prior to the start of construction. All requirements for fire suppression and life safety code shall be met.
6. SBER will provide traffic control as requested by the City on race days and for other special events.
7. Signage is subject to the City of Gering sign regulations (Section 5.9 of the Zoning Regulations).
8. SBER must conduct a housing study to determine how much additional housing will be needed to accommodate their employees. Based on the results of the housing study, SBER must provide additional housing on site or contact with others to build additional housing somewhere in the community.
9. The issuance of the Conditional Use Permit is subject to review and approval of the Planning Commission and City Council through the Development Plan Review Process outlined in Section 2.2.4 of the Zoning Regulations.

### **Recommendation**

#### ***Approve***

Approve Resolution 9-23-1 granting a Conditional Use Permit to Scotts Bluff Exposition and Racing, Inc. to operate a Horse Racing Track and Casino at 140777 Highway 71 with the following conditions:

#### ***Deny***

Deny Resolution 9-23-1 granting a Conditional Use Permit to Scotts Bluff Exposition and Racing, Inc. to operate a Horse Racing Track and Casino at 140777 Highway 71 for the following reasons:

#### ***Table***

Table Resolution 9-23-1 granting a Conditional Use Permit for Scotts Bluff Exposition and Racing, Inc. to operate a Horse Racing Track and Casino at 140777 Highway 71 for the following reasons:

Engineer Folck stated that the City of Gering received an application for a Conditional Use Permit for Scottsbluff Exposition and Racing, also known as SBER, to construct and operate a 5/8-mile horse racetrack and casino. A Conditional Use Permit at this location was granted on September 20, 2021. A year later, that CUP expired and they asked to be granted a one-year extension; that was granted. The applicant is now two years into this; the most it can be extended, by code, is one year. Along with the fact that they have a new partner and some changes to the application, they now have to apply for the Conditional Use Permit all over again.

The reason for the delay is because they have not received a license from the Nebraska State Racing and Gaming Commission, which is through no fault of the applicant. The Gaming Commission hasn't granted any licenses in the entire state. Legislation was passed requiring a market study to be done before they can grant any new licenses; the Racing and Gaming Commission is still working on that study. Once that is concluded, then she believes they can start considering applications for new horse racing tracks and casinos.



The applicant is proposing the racetrack along with a testing and receiving barn, initially two stall barns with capacity for 200 stalls with expansion capability for four additional barns as needed, a paddock viewing area, winner's circle, grandstand, separate horsemen lounge area, and rooftop terrace. Engineer Folck showed the site plan on the overhead screens. She stated that this is going to be a gradual process. In the initial year, there may only be one race day held. Over the first four years, the plan is to expand that to five race days and starting in 2031, they're proposing up to 15 race days a year. Races would likely occur during June and July with multiple races on each race day. For each single race, it is estimated that there would be 500 visitors. Once there are three race days, they estimate 2,000 people. For concerts and other event days, they estimate upwards of 3,500 people. Activities would be from about 7:00 a.m. to 10 p.m. on race days. The first post time would be 2:00 p.m.

The racetrack would be the first phase of the project. By state statute, there has to be a racetrack up and going before they can build a casino. Once that is complete, they can move into the second phase which would be the casino. The casino would operate 24 hours a day, year-round. The casino would be about a 50,000 square foot gaming facility with 650 electronic games, 20 table games, and a lounge for sports wagering. Potentially, they're talking about a hotel. The application indicates a 160-room hotel, but the applicant has since indicated that is probably not the size of the hotel; they will size the hotel based on market studies. They are also looking at three restaurants, a travel center with parking for semi-trucks, and an RV park. Even though not all of these things may happen, it's the scenario that Planning Commission needs to consider and base their decision on due to the potential impact on surrounding properties. They are looking at 300 full and part-time employees as part of this project.

The goal at this meeting is to determine if SBER should be granted a Conditional Use Permit. A CUP is used for projects that need a little bit of oversight, that the use itself may or may not be appropriate for the surrounding neighborhood based on how it is built and developed. The City can require them to do different things in order to make it fit in the context of the surrounding area more appropriately. The Planning Commission has the ability to approve the CUP permit with several recommended conditions. If there are any conditions that the Planning Commission does not think are appropriate, they can approve it with striking some of those conditions or add their own conditions, especially after consideration of comments from the public hearing. The Planning Commission does not have the option of saying that casinos are not right for the community, end of story. If it is a legal use in the state of Nebraska, then the City has to provide for it somewhere within the City. The consideration is whether the site and proposal are appropriate, whether the requirements that may be put upon them can appropriately address the concerns of neighboring property owners. As far as whether or not there should be gambling in western Nebraska, that question was asked and answered by the voters of Nebraska a few years ago. It is now a legal use. Tonight, the main focus is going to be the effect on surrounding properties and whether or not any concerns about that can be appropriately addressed.

Staff is classifying this use as "indoor and outdoor recreation and entertainment facility". When the City passed its zoning code, casinos were not legal in the state of Nebraska, so the City doesn't have it in the zoning code. However, staff thinks "indoor and outdoor recreation and entertainment facilities" is a good fit for everything that they are doing here. In this zone, which is still zoned as AG, that will be a conditional use - meaning that the City has the ability to have a lot of oversight and make sure that this proposal is vetted very well. When looking at zone changes or Conditional Use Permits, the main thing that is looked at for guidance is the Comprehensive Plan (adopted a couple years ago). There was a lot of public input about what kind of uses would be appropriate and at which locations. There are several different policies in the Comprehensive Plan that are relevant to this application.

Policy 2.1.A states "Support the development of outdoor recreation and experiential tourism." This would obviously be a tourist draw. They are planning on trying to attract people from out of state, primarily to this area. Policy 3.2.B states "Focus commercial development in areas that have good transportation access and support the development of multiple uses." Engineer Folck stated that she

thinks this site has really good access. It's right off the Heartland Expressway, but it also has access off of both 14<sup>th</sup> Street and Five Rocks Road. The access to this site is actually positive for this development.

Policy 3.2.F states, "To enhance Gering's gateway and create a common vision for these areas." This is going to be one of the first things that people see when they come to the City of Gering (which will be discussed more later). Policy 3.2.H states "To improve the appearance of the community." These are things to address at this meeting.

Currently, the properties to the south, west and east of the proposed location are undeveloped, they are primarily agricultural; there are a few acreages in this area. The property to the north is primarily residential. When looking at the Comprehensive Plan, it talks about the future desired characteristics of that neighborhood. When the Comp Plan was written, obviously no one could foresee anything of this magnitude going in, but it is in there that this would primarily be residential, but that some areas that have good access along arterial and commercial streets would be nodes that would be appropriate for commercial uses. Because of that, staff are recommending that this is a good location, it's just going to be much larger than what was initially envisioned for this smaller area on the south end of Gering. If this proposal does go forward, and if they are granted a license by the Nebraska Racing and Gaming Commission, this is going to be a big enough change to our community that she thinks the City will need to make some amendments to the Comprehensive Plan - because it's going to change everything envisioned on the south end of town, and that's normal. The whole point of a Comprehensive Plan is to have a living document that can grow and change the community. It will be something that will need to be taken into account if this goes forward.

Looking at the Comp Plan, staff does think that there is justification that supports locating a casino and racing track at this location. The conditions are important because this is a major development both in physical size (as far as the acreage of it) but also with the impact with traffic, people attending and everything that is part of that. Engineer Folck then reviewed the staff-recommended conditions (shown in the Recommendation and Report above).

Engineer Folck noted that one thing that was in the 2021 Conditions, that is actually being removed out of this one, is several requirements on their surveillance system and security. This is because at that time, it was so soon after the legislation had been passed that the Racing and Gaming Commission didn't actually have any requirements yet for security and surveillance. Since then, they have adopted Title 296 which has all the requirements for the security and surveillance. Rather than having a separate line item under the conditions addressing that, the City is just saying that they'll comply with all the Nebraska State Racing and Gaming Conditions, which will now include requirements for security and surveillance, among many other things.

One of the new requirements that will be looked at is housing. When SBER originally proposed this, it was a little bit smaller application; they weren't expecting quite as many people. In the two years since then, it has come to everyone's attention just how much of a housing crunch we are in in this community. There has been discussions with the applicant about housing. She showed SBER's site plan on the overhead screens. SBER is looking at potentially doing some multi-family housing. Staff didn't want to put a hard and fast number on how much housing they would need because staff are not sure what that number might be. They are open to doing a housing study; that would tell them how much housing they would need. According to the application, they must provide the additional housing either on site, or they can contract with others in the community to build additional housing in appropriate quantities to support that many employees. It doesn't necessarily have to be on their property, but the City needs to account for if there's a need for more housing in the community.

The last condition is the issuance of the Conditional Use Permit being subject to review and approval of the Planning Commission through the Development Plan Review Process, which is outlined in Section 2.2.4 of our Zoning Regulations.

This is one of those which comes first, the chicken or the egg type question. On the one hand, it is difficult to approve a proposal when the City doesn't have very much detail in the design plan (and this is not a detailed design plan). There are a lot of things that could come up that the City would really like the opportunity to talk through with the applicant, and make sure that staff are overseeing before giving final approval. That being said, it's really hard for them to invest the time, money and effort into a detailed design plan without having some sort of "go ahead" from the City saying that the City would even entertain something like this. The compromise that staff came to, and this is what was done two years ago as well, is that Planning Commission has the ability to grant a Conditional Use Permit at this meeting, but before SBER can actually pull a building permit and start building, they are going to have to bring their design plans to the City. Section 2.2.4 of the Zoning Regulations has a very detailed layout of all the different things that the City would be looking at like utilities, stormwater, grading, building facades, landscaping and everything that would be addressed. That would still have to go through Planning Commission and Council again before SBER could actually start building. That would give the City a chance to address any concerns there might be. They will be required to do a traffic study to assess the roadways, whether there's a need for turn lanes or stop lights, or things like that. All that can be incorporated into their design plans and be properly vetted by the Planning Commission and Council at that point. Engineer Folck noted that representative from the SBER were present to answer questions.

Chairman Miles stated that the City of Gering is landlocked in certain directions. One of his concerns, if this is approved, is what are the options for future growth? This is a big area that will be taken up. Engineer Folck replied that Gering isn't growing to the north or west, that leaves south and east for growth. If Gering grows further south, it could potentially grow west. When looking at potential growth areas, residential was primarily looked at in in-fill areas. She thinks there's a lot of acreage available there for development. Historically, Gering has grown very slowly. It's hard to say how much acreage would be needed to develop over the next 10-30 years. It would be some time to fill in all the acreage that Gering has. In 40-50 years, she would anticipate Gering growing across the Expressway. This project does take a bite out of the area north of the expressway, but there are casings under the Expressway that would allow for the City to grow beyond that with water, sewer, etc.

Commissioner Alvizar asked if there were other locations that were potential sites for this. Sharon Haselhoff, Vice-President of Elite Casino Resorts, stated that she believes they looked at a few but this was the main property they looked at, due to the location. Access is the key thing. Engineer Folck noted that the City is not involved in the site selection process. A question was posed about restaurants and hotels. Ms. Haselhoff clarified that the restaurants and hotel would be part of the casino. Commissioner Hauck asked if the State of Nebraska will issue a license or if it's still in limbo. Ms. Haselhoff replied that at their September meeting, the Commission approved to do a market study. Once that market study is done, they can then start looking at other applicants. The first thing they're going to do is deal with the current racetracks. Currently, there are six approved racetracks in the state of Nebraska. Only four of them have current locations. There are two racetracks that need to become up and running before they will look at new locations. There are a number of communities that have applied for a racetrack license, but the Commission has not brought them up for consideration because they want to address current racetrack licenses before they address any new communities.

Ms. Haselhoff then addressed the Planning Commission for the public hearing. She stated with her tonight is Brian Becker and Cynthia Smith with a Scottsbluff Exposition and Racing and Prairie Thunder of Gering. This project has been in front of the Planning Commission for a couple of years. It may be for a few more because they still need the blessing of the Nebraska Gaming Commission. It's two parts, first they have to approve the racetrack; and then second comes the casino. The players

in this partnership have changed since the last time this was presented, but they feel they're bringing a stronger application and a stronger project for the community. She stated that Brian has been in the industry for a number of years. He has Fair Play Park in Hastings; he had that license in 2002 and has featured quarter horse racing since 2004. Cynthia has been in racing for over 16 years, more on the regulatory side of things. She will be serving as president of the racing side of things as they want to create a quarter horse circuit in western Nebraska. They want to capitalize on the quarter horse racing that Colorado in Wyoming have. Eastern Nebraska can have the thoroughbred racing. They want to create a Gering and Ogallala racing circuit with quarter horses in western Nebraska and create revenue from outside of Nebraska, and bring residents from Colorado and Wyoming to western Nebraska to enjoy quarter horse racing and staycation at their casino and resort.

She went on to say that Elite Casino and Resorts has been in the gaming industry since the inception of riverboat casinos in the United States. She further gave the history of the family ownership. They have five companies in three different states (Iowa, Nebraska and Illinois). They are already licensed in Nebraska and understand the rules and regulations in Nebraska. They focus on providing the highest level of guest satisfaction and the highest level of facilities and amenities. Their management style is to increase revenues and maximize returns for all of their stakeholders, including the cities, county and state in which they operate, as well as their investors. Their company offers profit-sharing to their employees as well. There are a number of studies they want to complete to fine-tune some of their numbers. They've already done a gaming market study, so they already have an idea of where their gaming numbers are going to be. With 104 acres, they are definitely doing a quarter horse 5/8-mile racetrack following all of the Nebraska rules and regulations.

As far as the 300 jobs and the impacts to the community, they have operated in a number of communities; people travel for their jobs. They see it in other communities and she doesn't see it being any different in Gering. They anticipate the total investment for this project being about \$100 million. Annual payroll benefits will be about 15 million. They anticipate, in their first 10 years of operation, generating taxes to the state of about 80 million. Of that, 12.5 million comes back to Scotts Bluff County and 12.5 million comes back to Gering. That has a huge impact for this area.

She added that they look forward to partnering with this community and they will fight for this community to have an opportunity for a racetrack and casino. They know it's a privilege, not a right, to have a gaming and racetrack license - and not every community will have that in Nebraska.

Chairman Miles asked if there was anyone else in the Council Chambers wishing to speak to the application.

Mike Bruner, 1785 21st Street, Gering, stated that he's retired and he's not a gambler. He's not fond of it, but he doesn't hate it. He's in favor of anything that will bring millions of dollars to Gering. His taxes keep going up every year. Anything that can strengthen that and take some of the burden off of him is a good thing. Think about how many events are held at Five Rocks Amphitheater and the turn lanes. He doesn't think traffic should be an issue. What could 300 jobs do to this valley? Even if it was 150? That would be a great thing. The site is appropriate; it's outside of town. We're only talking one or two race days and up to 15 race days eight years down the road. He thinks Gering can handle it.

David Clement, 280 A Street, Gering, stated that he would like to speak out against this proposal because he personally doesn't like gambling at all. Laying his opinions aside, he has done some research, though he admits the research can be a little hard to wade through on both sides of the equation. He found that in the City of Baltimore, in 2014 (the year that they put in a new casino there) the total crime count in that city was 42,620. Five years later in 2019, it was 1,638,600. He understands there are a lot of other things that could go into the crime rate, not just the casino. He doubts that it's all due to the casinos. However, his dad also grew up in New Jersey, and in Atlantic

City he saw the direct impact it had there many years ago. He would definitely be opposed to this, and he wishes the City would not allow to have it.

Ken Meyer, 1502 Ave. P, Scottsbluff, asked what other items were added to the Conditional Use Permit that were not on the first one? If he were to bring in a manufacturing company that was going to employ 500 people, would he be required to build 500 houses? There are 36,000 people that live in Scotts Bluff County. He's guessing they could find 300 people that would go to work for this casino. And he's guessing they already live in a house or somewhere. He doesn't know that 300 new houses need to be built just for the employees that are going to be employed there. Why not let the demand work with the supply. Chairman Miles stated that he thinks that is one of the items that was added is a study to look at and make sure that they are properly covered. Engineer Folck stated they are not going to be building 300 homes. They are talking potentially up to 300 employees, the requirement is for them to do a market study to determine if there is that availability for housing and if not, they will have to address that. Mr. Meyer replied that his only concern is that a future company wanted him to look at this area, if that becomes a requirement, are they going to look at this and say *'Wow I have a potential of 300 to 500 people to come work at my company, am I going to be required to provide housing for those folks, or even do a study for housing for my folks'*. Mr. Meyer stated that it's not his job, it's the City's job. He asked that the Commission take that into consideration. He wants to applaud the City of Gering for all the great things Gering has done. Gering is moving and growing; let's continue to do that. He thanked the Commission.

Jennifer Eskam, 290 Margaret Drive, stated that they bought their property nine years ago due to the quiet and peacefulness of that neighborhood. Engineer Folck showed the area on the overhead map. Ms. Eskam clarified that it's off of 14<sup>th</sup> Street. She asked if that whole thing would not be paved up to the stables. Engineer Folck replied, yes. Ms. Eskam stated so the rest will be gravel, will there be traveling on that road, because they'd be getting all the dust from that. Engineer Folck replied that the primary traffic would be between the Expressway and the applicant's property. Ms. Eskam noted that where the cul-de-sac is, she's the house below it; that alley is the corner of her yard. She could take that alley to the casino – that's the closeness of it. She said they pay almost \$5000 per year in property taxes. When they bought it, it was peaceful. That peacefulness isn't going to be there anymore. She added that they hear the Pioneer Baseball games over their TV. They can also hear all the concerts. All this is going to do is cause people to move out of the area; she's already looking. The other thing is, she is concerned about crime. It will ruin the peacefulness on that block. There are a lot of elderly, retired people. For those that don't live close by, it won't affect them. This will affect people on her block.

Cynthia Smith, Hastings, Nebraska, stated that she wanted to address some concerns. She clarified that their intentions are to conduct racing during the day, possibly earlier than 2:00 p.m. Generally, races will end before 5:00 p.m. Initially there will not be that many races; they have to first build the race track and build the facility. Then they will build the breed program. Quarter horse racing has been smaller in Nebraska for a little while now, so they're building the breed. They'll only be having maybe three to five races a day, for one to five days in the beginning. As the years go by, their max will be 15 days of racing, that's in 365 days a year. Since they're racing during the day, there's not going to be night lighting. Every property they're at, they're making sure that they're beautifying, creating sound barriers and landscaping; that's always been a part of their plan. The history of horse racing has always been supported by casinos; there has always been a great relationship there. She knows this will bring jobs to this community, including hers. She's in support of this project.

Commissioner Keener asked how long does it take to complete one race? Ms. Smith replied for a quarter horse race, about 17 seconds, depending on the length of the track. Quarter horses are in yards, short distances. It's a short race, but super fun and exciting. Quarter horse racing is very family-oriented. There's a lot of families involved in quarter horse racing. If there are three races in a day in the beginning, that's not going to take that long. They definitely have the intentions of making

sure that whatever they need to do regarding pavement, taking care of dust, etc., it's really not that big of a deal.

Kay Helberg, 210114 Floral, stated she lives right off of where this is going to be. Her concern is the middle piece of property, owned by the City, directly to the south of their homes. Her concern is that property may be sold for a service industry that follows racing. They would then possibly be looking at the back of a fuel station, hotel or whatever. She's wondering if there's any way to preserve that, maybe the racehorses could graze over there, or utilize it in another fashion. She's fine with the race track, she's just concerned about the view, noise, etc. Engineer Folck stated that is currently zoned Agricultural. Before anything like that could be done, it would have to go through a re-zone, which again would be a public hearing and the neighboring property owners would receive letters. There would be public hearings at the Planning Commission and City Council level before anyone could do anything like that on that property. Ms. Helberg asked if those living nearby would have an opportunity to look at buying that; how does the City look at that? Engineer Folck stated this is getting a little off-topic, but regarding publicly owned property, if the City were to sell it the City would have to make it available to the public, the City can't just choose someone to sell it to.

Kurt Weber, 665 D Street, stated he understands that the City of Hastings has a similar project and that they declined it. He asked if anyone could elaborate on why the project was declined. Cynthia Smith replied that maybe Hastings City Planning had a different idea for that property. It might have been the owners of the property, too. Mr. Weber stated they deemed it inappropriate for some reason. Ms. Smith said she doesn't know if it was "inappropriate"; it was a decision that was made that maybe Brian Becker can speak to better. Mr. Becker, Hastings, Nebraska, addressed the Commission and stated that they went through a two-year process. They bought land north of Wal-Mart and near a golf course. When they went to get it zoned, the City of Hastings wouldn't zone it. They had too many "money people" that were against it. A year later, he got it zoned to be the race track, then the people with the overpass came in with a referendum. They weren't going to sit there for two years waiting for the referendum, so *they* left Hastings. He stated it's in the legislature that since he's one of the six, he can go anywhere he wants after this study comes out. It wasn't that Hastings didn't want them, the rich people didn't want them. Mr. Weber said his concern is that studies show it's going to lower property value in the surrounding area. He's worried about foreclosures and how it's going to affect the surrounding area. Mr. Becker replied that he would hope the money that's going to come back to the County and the City will be used appropriately. Mr. Weber said he's does too, but he's concerned about his property value and the homes around it. Mr. Becker asked if he cleared that up; Mr. Weber replied, yes.

Katie Markheim, 1695 D Street, Gering stated she lives straight across from Geil School. She has two children in the public school system. She thanked the applicants for their very flourished outlook of the proposal, but being one of the youngest in the room, she wants put out there concern that is driven by being a parent and to know that the Commission knows that local schools are very close to this location. D Street is not that far. Part of the rationale of living where she lives is because it is very close to the school systems. It's a very trustworthy site; she knows her children are safe. In looking ahead to the future, from her own experience, having her own children who are in these school systems who have been on alert and in lockdown status, it is concerning the draw of people that could potentially be at this site and where that would put them. She stated to the applicants that as they provide their elevator speeches, which are great and promising, to please consider the impact of that particular audience (potentially) on our local school systems. And on our law enforcement who already work diligently to protect our students and children.

Commissioner Taylor stated he lives less than a quarter mile down the road on Robidoux. His biggest concern is not so much the noise of the races, but of the concerts. There are concerts that go to 11:30 at night; he's concerned with how that would affect him. Ms. Haselhoff replied when they do concerts at their current properties, they do two different types of concerts at their multi-purpose centers which

hold 1000 to 1500. They usually start at 8 p.m. and they're done by 9:30 p.m. They don't have long concerts because the concerts are usually done at a loss or break-even. They do them to get people to the property to experience all the amenities they have. If they do an outdoor show, it's either at 7:00 or 8:00 p.m. and they're done by 9:30 at the latest. They are not late-night shows.

Commissioner Shimic stated to Ms. Haselhoff referring to how they develop their phases, how long have their phases been? Ms. Haselhoff replied they're currently doing Grand Island; they're in a temporary facility. When they built the Riverside Resort, they came out of the box with the whole project. When they built Grand Falls, they built the main facility, year two they built the golf course, eight years later they added the additional 66 hotel rooms. As they grow, they see what the needs are and they always plan their facilities so if they need to add additional hotel rooms, they know that from the beginning so they have it in their layout. She further expanded on a few other facilities they've built. Commissioner Shimic asked if they've developed the landscaping, sound barriers and screening and clarified that phase 1 will just be the track. Ms. Haselhoff replied, yes, just the track because that's the way Nebraska is; they have to have the race track first. Commissioner Shimic asked what will be that first phase. Ms. Haselhoff replied it all depends on what the Gaming Commission is going to allow them. They're not to that point yet because it's new territory for them as well. Phase 1, as it looks, is the race track with the barns and what they need to run races. Phase 2 would be the casino resort with the hotel and restaurants, Phase 3 would be the truck stop if it ever gets to that point.

Commissioner Hauck asked, if this goes through, do they have a name for the facility. Ms. Haselhoff replied that they went with the County – Scotts Bluff Casino resort and race track (with the Monument). That's what it is as of right now.

Bill Wineman, 190037 CR 21, Gering, stated he's not a resident of the City - a CUP was issued, the time expired and they got an extension. If the Racing Commission isn't going to consider this until 2025, will they have to come in again and get an extension? Engineer Folck replied that the Racing Commission has to have the study done by 2025; there's nothing saying they can't have it done sooner. It's possible that they could get it done within a year. But, if the Racing Commission does not act on this application, and the project continues to get delayed, then at one year it would be a renewal and after two years they would have to reapply.

Jennifer Eskam addressed the Commission again and stated back to the valuations that have been brought up, how does that affect property valuations? Will it lower it? Is she going to be able to sell her property at what it's at now? Engineer Folck replied that she doesn't think it's possible to predict that. Besides this project, there are a lot of different things that go into those valuations. Ms. Eskam asked, regarding law enforcement, will the City be hiring more law enforcement? Police Chief, George Holthus, addressed the Planning Commission and stated at this time, the City would not add officers because they do not know what the demand would be. There are a lot of variables that staff cannot forecast. His understanding is that the state would be responsible for any gaming violations. His understanding is that the state has geared up a group of people to handle that enforcement. The City will keep an eye on crime and adjust accordingly. Ms. Eskam asked where on the map would be the hotel; Engineer Folck clarified what building would be the hotel and what area would be parking and grandstands. Ms. Eskam stated that she guesses that if there is that much money that's going to be going to the City, the people and properties (near the proximity of the casino and racetrack) are affected. She looks at it as compensation. "You're taking away a lot of our home life by putting this here", she added. She stated that they didn't choose that first, they didn't choose to live there by the new addition.

Kurt Weber addressed the Commission again and stated that he has an answer for Ms. Eskam's question about property valuations. He has an article by CNN that quoted a study done by the National Association of Realtors – "The impact of casinos on local property values is unambiguously negative."

Commissioner Taylor stated that he actually lives right next door to this property and he would like to clarify that their Ag property has already gone up in value. This is all public knowledge on the Treasurer's website and through Beacon; anybody can see this at any time.

Chairman Miles asked if there were any more comments before he closed the public hearing.

Steve Johnston, 105 Poplar Street in Gering, addressed the Commission. He stated that can look out his window and see a cornfield. He has a property on Elm Street which is even closer to the cornfield. His concern is what's it going to do to their property value, what's it going to do to their home? It's a very nice, quiet neighborhood. He can see it becoming almost a racetrack of people turning around. There are young kids up there that play and it's a very nice place. He thinks about coming down from the Wildcats and the first thing people will see is a casino. To him, that isn't what "we" want to represent. He knows someone who "casinos are his life". This person has told him horror stories about people living in their cars, they can't afford to be there but they're spending every last penny they have because they think they're going to win a big jackpot. He stated that he would be just a few blocks away from that. He's retired, he and his wife walk almost every night past the school and ball parks. At 10 o'clock at night they can walk and it's pitch black and peaceful and they don't have to worry about anybody. When they found out about this, he thought that's all going to go away. There'll be people walking behind them because they need money or whatever; that's the way he sees it. He realizes what he says isn't going to make any difference at all, but that's how he feels about it.

Commissioner Shimic asked Engineer Folck if the Planning Commission agrees tonight for this, can the Planning Commission wait until it has been decided (by the state)? Engineer Folck replied that she believes the applicant is wanting the approval tonight so they can include that in their state application. At this meeting, the Planning Commission has the choice of whether or not they want to grant the Conditional Use Permit. Once that's granted, if they are not awarded the license, then everyone waits and has extensions and all of that. If they are awarded the license, then at that point they would come back for the development plan to be processed. At that point, the City would be able to address all the specific points of the design and facility.

With no further comments, Chairman Miles closed the public hearing at 7:25 p.m. He then entertained a motion regarding the Conditional Use Permit. Engineer Folck added that the Planning Commission will also be voting on Resolution PC 9-22-1. As written, it has all the staff requirements and recommended conditions. The Planning Commission has the ability to approve it as written or with changes to the conditions, or deny it. Chairman Miles noted that those conditions are 1 through 9. Commissioner Shimic asked if she can make an addition to one of the recommendations which is a progressive landscaping plan. Engineer Folck clarified that she's talking about "over time", not just when it's built and how long of a time period. Commissioner Kaufman replied that at each stage this has to happen. Engineer Folck replied that that's all required as part of the development plan process as well, but that can be added to number 4 – "All landscape areas shall be installed as the project is developed or alongside the areas that are being developed." Or "A plan should be submitted to the City describing where the landscape will go and when it is to be installed".

#### **RESOLUTION PC 9-23-1**

#### **SCOTTSBLUFF EXPOSITION & RACING, INC. CONDITIONAL USE PERMIT FOR HORSE TRACK AND CASINO**

##### **RECITALS:**

1. Pursuant to Gering Zoning Regulations, Article 2, a Conditional Use Permit application for a casino and race track has been submitted by Scottsbluff Exposition & Racing, Inc to the Gering Planning Commission for a tract of land known as PART OF THE SOUTHWEST ¼ (N OF HWY 71 ROW) SECTION 11, TOWNSHIP 21, RANGE 55 WEST OF THE 6<sup>TH</sup> P.M., SCOTTS BLUFF COUNTY, NEBRASKA also known as 140777 Highway 71.
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 PART OF THE SOUTHWEST ¼ (N OF HWY 71 ROW) SECTION 11, TOWNSHIP 21, RANGE 55 WEST OF THE 6<sup>TH</sup> P.M., SCOTTS BLUFF COUNTY, NEBRASKA also known as 140777 Highway 71, conforms to the 2020 City of Gering Comprehensive Plan.

2. The Planning Commission finds the Conditional Use Permit application conforms to the City of Gering 2020 Zoning Regulations.

3. The Planning Commission imposes the following conditions for approval:

1. A development agreement will be executed whereby SBER agrees to the following:
  - a. SBER will be responsible for all necessary utility improvements to bring water and sewer to the property. In order to provide adequate fire flows, the water line shall connect to the City's system in two locations: Five Rocks Road and 14<sup>th</sup> Street. All water lines installed will be a minimum pipe size of 8" and must include hydrants at spacings required by code. Sewer will be extended to the property from the sewer interceptor located at the intersection of 7<sup>th</sup> Street and Highway 71. The sewer line must be a minimum of 8". The City will be responsible for any oversizing costs above 8".
  - b. SBER shall pay to extend utilities to the southwest corner of the property so that utilities will be available for extension to adjacent properties in the future. Water and sewer should be kept in the right-of-way wherever possible. Where not possible, easements shall be granted to the City to access and maintain this infrastructure. No dead-end water mains will be allowed.
  - c. SBER will provide landscaping along Highway 71, Five Rocks Road, and Kimball Avenue in accordance with the requirements for the C-1 zone in section 5.5 of the City's zoning code. Additionally, adequate landscape and open space buffering shall be required adjacent to any residentially zoned property.
  - d. Irrigation structures will be removed and slopes will be regraded along Kimball Avenue to reduce erosion and provide for a more easily maintainable landscaping area. Slopes will be stabilized with beneficial vegetation.
  - e. Stormwater retention will be provided in accordance with Ordinance 2040.
  - f. All lighting shall be LED lighting, shielded and directed downward in a manner that minimizes glare, light trespass and skyglow
  - g. Amplified sound shall not create a nuisance and be directed away from nearby residential development
  - h. Building materials and facades shall conform to the renderings that are included as part of the application.
  - i. The property shall be annexed after utilities are extended to the property.
  - j. SBER will conduct a traffic study to assess requirements for various roadway improvements as a result of the anticipated traffic impacts. Any roadway improvements necessary to address identified traffic impacts shall be installed and paid for by SBER.
  - k. The main entryway on the west side of the facility will be located a minimum of 300 feet to the south of the existing drive on Five Rocks Road or 1400 feet to the north of the existing drive on Kimball Avenue.
  - l. SBER will pave 14<sup>th</sup> Street from Highway 71 to the northern boundary of their property. At the time the facility is built, it shall be paved to a minimum of 26 feet wide. If the City deems it necessary in the future to widen the roadway and install a storm sewer along with curb and gutter, SBER will be responsible for the cost of those improvements to the roadway on their side of the street. If additional paving or roadway improvements are recommended on 14<sup>th</sup> Street by the traffic study referenced in Condition 1.j., those improvements shall be made at the expense of SBER.
2. SBER must have Racing and Gaming licenses from the Nebraska Racing and Gaming Commission and meet all conditions of the licenses, in addition to any and all applicable local, state, and federal requirements.
3. The property must be kept well maintained, with proper weed management and landscape maintenance. Manure will be managed appropriately and removed from the site in a timely manner to eliminate smells. All runoff that comes into contact with manure shall be retained on site.
4. All landscape areas shall be irrigated. Plant materials shall be primarily drought tolerant native or well-adapted species.
5. Building plans will be submitted to the Nebraska State Fire Marshal prior to the start of construction. All requirements for fire suppression and life safety code shall be met.

6. SBER will provide traffic control as requested by the City on race days and for other special events.
  7. Signage is subject to the City of Gering sign regulations (Section 5.9 of the Zoning Regulations).
  8. SBER must conduct a housing study to determine how much additional housing will be needed to accommodate their employees. Based on the results of the housing study, SBER must provide additional housing on site or contact with others to build additional housing somewhere in the community.
  9. The issuance of the Conditional Use Permit is subject to review and approval of the Planning Commission and City Council through the Development Plan Review Process outlined in Section 2.2.4 of the Zoning Regulations.
4. Such use shall be reviewed as to its status one year after the date this Resolution becomes effective.
  5. 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.
  6. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED this 19<sup>st</sup> day of September, 2023.

\_\_\_\_\_  
Jody Miles, Chairman

ATTEST:

\_\_\_\_\_  
Carol Martin, Secretary

**Commissioner Kaufman made a motion to recommend approval of Resolution PC9-23-1 granting the Conditional Use Permit for Scotts Bluff Exposition and Racing, Inc. to operate a horse racing track and casino at 140777 Highway 71 with all the conditions listed on pages 3, 4 and 5 and finish off with the development and review process. The motion was seconded by Commissioner Hauck.**

**Discussion:** Commissioner Keener clarified with the applicant that they said they can change the name so it's not Scotts Bluff?

**Chairman Miles called for the vote. "AYES": Taylor, Crews, Shimic, Miles, Kaufman, Keener, Hauck, Alvizar. "NAYS": Miles. Abstaining: None. Absent: Palm. Motion carried.**

## 6. Report

Engineer Folck stated that as of right now there have not been any applications submitted so there will not be a meeting in October. The next meeting will likely be in November.

## 7. Adjourn

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

The meeting adjourned at 7:31 p.m.

\_\_\_\_\_  
Jody Miles, Chairman

ATTEST:

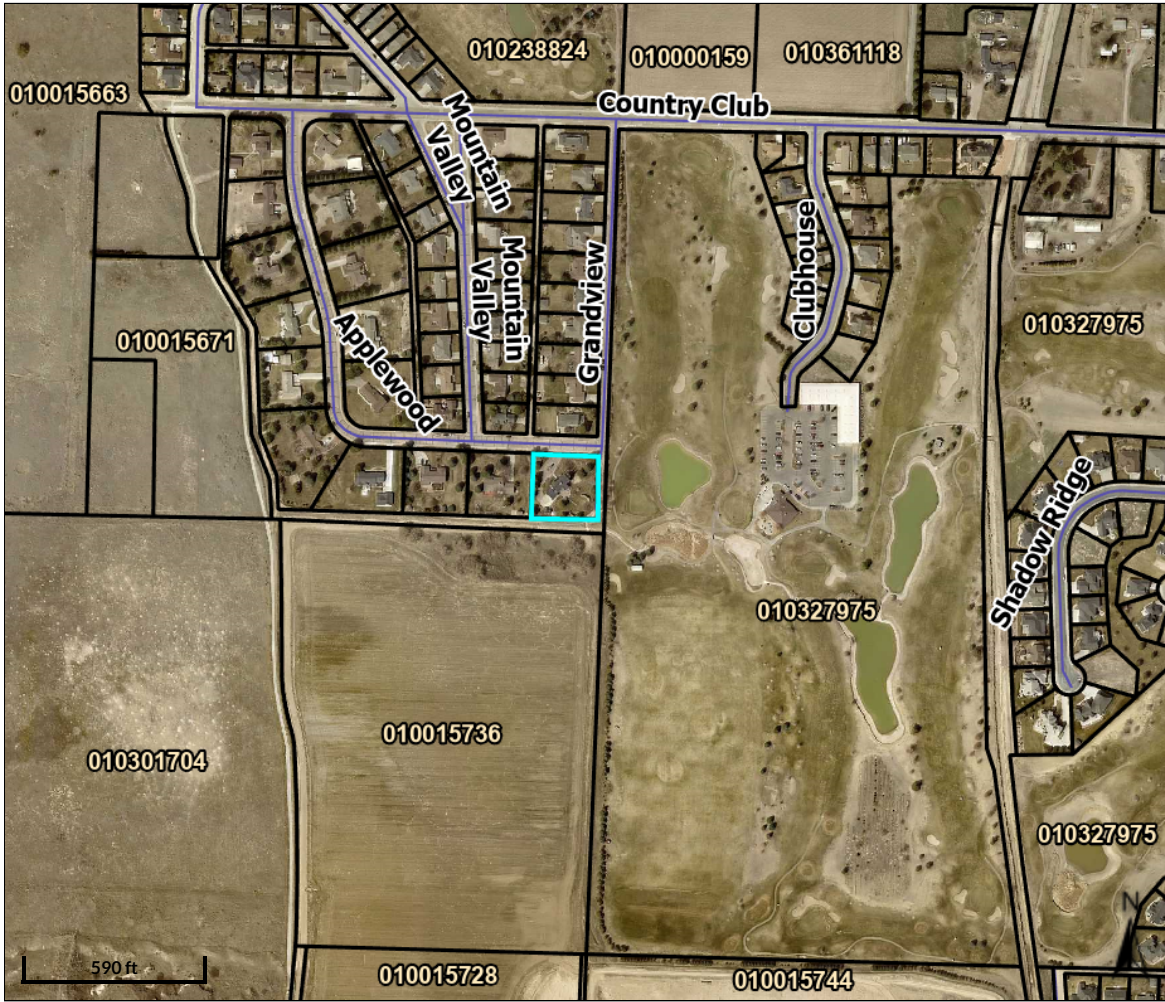
\_\_\_\_\_  
Carol Martin, Secretary

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

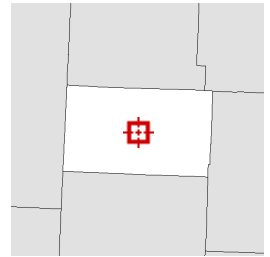
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<b>To:</b>	Planning Commission	<b>Date:</b>	12/5/23
<b>From:</b>	Planning & Community Development	<b>Zoning:</b>	RL
<b>Subject:</b>	Recommendation & Report – Final Plat of Lot 10A, Block 1, Monument Heights, a Replat of Lot 10, Block 1, Monument Heights and a Vacated Portion of Pinewood Road in the City of Gering, Scotts Bluff County, Nebraska	<b>Property Size:</b>	.93 Acres
<b>Location:</b>	2835 Applewood Road	<b>#Lots/Parcels:</b>	1
<b>Owner:</b>	Mark and Karen Schlothauer	<b>City Council Public Hearing:</b>	N/A

The City's garbage trucks have been having issues when trying to drive through the alley behind the properties on Applewood Road, in particular when they turn back north onto Pinewood Road. When staff marked out the City's right-of-way in order to reestablish the property boundaries along the alleyway, it became evident that while the property at this location had encroached into the alleyway on the east side, the City's garbage trucks have encroached into private property on the southeast corner of the property. After working with the property owners, we have negotiated new boundaries wherein the City allows them to extend their property 5' to the east in return for the City receiving additional right-of-way on the southeast corner in order to make it easier for trucks to turn the corner. The property owners and City staff are all in agreement. The replat is to ensure that what is shown on the plat reflects this agreement to provide assurances for future property owners and future City staff.



**Overview**



**Legend**

 Tax Parcels

<b>Parcel ID</b>	010237690	<b>Alternate ID</b>	n/a	<b>Owner Address</b>	SCHLOTHAUER/MARK A & KAREN A
<b>Sec/Twp/Rng</b>	34/22/55	<b>Class</b>	n/a		2835 APPLEWOOD RD
<b>Property Address</b>	2835 APPLEWOOD RD	<b>Acresage</b>	n/a		GERING NE 69341
<b>District</b>	n/a				
<b>Brief Tax Description</b>	LT 10, BLK 1, MONUMENT HEIGHTS SUB				
	<i>(Note: Not to be used on legal documents)</i>				

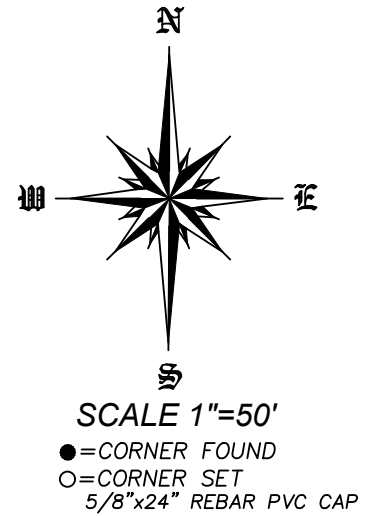
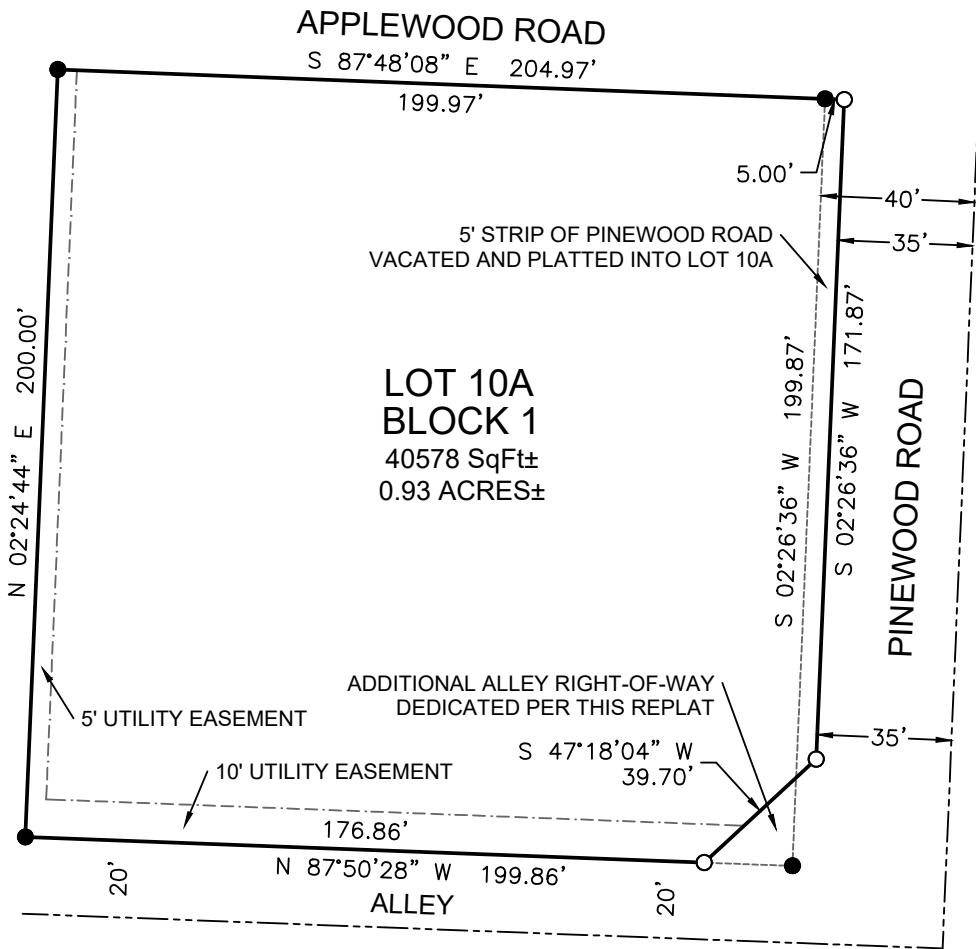
DISCLAIMER: This map measurement's and all associated data are approximate and not to be used for any official purposes. Scotts Bluff County assumes no liability associated with the use or misuse of this information.

Date created: 11/30/2023

Developed by  Schneider  
GEOSPATIAL

# FINAL PLAT

LOT 10A, BLOCK 1, MONUMENT HEIGHTS, A REPLAT OF LOT 10, BLOCK 1, MONUMENT HEIGHTS AND A VACATED PORTION OF PINEWOOD ROAD IN THE CITY OF GERING, SCOTT BLUFF COUNTY, NEBRASKA.



**SURVEYOR'S CERTIFICATE:**

I, SCOTT M. BOSSE, NEBRASKA REGISTERED LAND SURVEYOR NUMBER 603, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PREPARED THE PLAT FOR LOT 10A, BLOCK 1, MONUMENT HEIGHTS, A REPLAT OF LOT 10, BLOCK 1, MONUMENT HEIGHTS AND A VACATED PORTION OF PINEWOOD ROAD IN THE CITY OF GERING, SCOTT BLUFF COUNTY, NEBRASKA, AS SHOWN ON THE ACCOMPANYING DRAWING; THAT THE ACCOMPANYING DRAWING IS A CORRECT DELINEATION OF SAID SURVEY DRAWN TO A SCALE OF 50 FEET TO THE INCH; THAT SAID SURVEY AND DRAWING WAS CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION; THAT THE DISTANCES ARE GROUND DISTANCES GIVEN IN FEET AND DECIMALS OF A FOOT; AND THE MONUMENTS WERE FOUND OR SET AS INDICATED AND THE BOUNDARY IS DEPICTED BY A THICKENED SOLID LINE.

WITNESS MY HAND AND SEAL this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Scott M. Bosse  
NEBRASKA REGISTERED LAND SURVEYOR NUMBER 603

**OWNER'S STATEMENT AND DEDICATION:**

WE, THE UNDERSIGNED, BEING THE OWNERS OF LOT 10A, BLOCK 1, MONUMENT HEIGHTS IN THE CITY OF GERING, SCOTT BLUFF COUNTY, NEBRASKA, AS SHOWN ON THE ACCOMPANYING PLAY HAVE CAUSED SUCH REAL ESTATE TO BE PLATTED AS LOT 10A, BLOCK 1, MONUMENT HEIGHTS, A REPLAT OF LOT 10, BLOCK 1, MONUMENT HEIGHTS AND A VACATED PORTION OF PINEWOOD ROAD IN THE CITY OF GERING, SCOTT BLUFF COUNTY, NEBRASKA.

THAT THE FOREGOING PLAT WAS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS.

HEREBY DEDICATE THE ADDITIONAL ALLEY RIGHT-OF-WAY AS SHOWN ON THE FOREGOING PLAT FOR THE USE AND BENEFIT OF THE PUBLIC.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
MARK A. SCHLOTHAUER  
\_\_\_\_\_  
KAREN A. SCHLOTHAUER

**ACKNOWLEDGMENT:**

STATE OF NEBRASKA )  
COUNTY OF SCOTTS BLUFF )

BEFORE ME, A NOTARY PUBLIC, QUALIFIED AND ACTING IN SAID COUNTY, PERSONALLY CAME MARK A. SCHLOTHAUER & KAREN A. SCHLOTHAUER, HUSBAND AND 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 THEIR VOLUNTARY ACT AND DEED.

WITNESS MY NOTORIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

MY COMMISSION EXPIRES: \_\_\_\_\_ NOTARY PUBLIC

**APPROVAL, VACATION AND ACCEPTANCE**

THE FOREGOING PLAT OF LOT 10A, BLOCK 1, MONUMENT HEIGHTS, A REPLAT OF LOT 10, BLOCK 1, MONUMENT HEIGHTS AND A VACATED PORTION OF PINEWOOD ROAD IN THE CITY OF GERING, SCOTT BLUFF COUNTY, NEBRASKA, IS HEREBY APPROVED AND ACCEPTED, THAT PORTION OF PINEWOOD ROAD IS VACATED TO BE PLATTED AS SHOWN, THE ADDITION ALLEY RIGHT-OF-WAY IS ACCEPTED, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GERING, SCOTTS BLUFF COUNTY, NEBRASKA, BY RESOLUTION DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

ATTEST: \_\_\_\_\_ CITY CLERK  
\_\_\_\_\_  
MAYOR

<b>SHEET 1 OF 1</b>	PROJECT: LOT 10A, BLK 1, MONUMENT HEIGHTS CITY OF GERING GERING, NEBRASKA	<b>ACCUSTAR SURVEYING</b> 30601 COUNTY ROAD 17 PHONE: (308) 623-0197 MITCHELL, NE 69357 CELL: (308) 631-0737	Scale 1"=50' Date: AUGUST 29, 2023 Dwn By: SMB REVISED:
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