

## **CITY OF GERING PLANNING COMMISSION MEETING April 16, 2024**

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

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

### **Call to Order and Roll Call**

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

#### **1. Pledge of Allegiance**

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

**Vice-Chair Shimic stated: As required by State Law, public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room. Agenda items may be moved up or down on the agenda at the discretion of the Chairperson. Additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless they are considered under this section of the agenda and the Planning Commission determines that the matter requires emergency action.**

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

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

#### **4. Current Business:**

##### **a. Consider the Preliminary Plat of Lots 15 through 19, Block 9 and Lots 7 through 11, Block 11, Westwood Estates, City of Gering, NE**

Engineer Folck stated the City received an application for a Preliminary and Final Plat for the last section of Westwood Estates and explained the difference between a Preliminary and Final Plat. A Preliminary Plat is going to show all of the utilities and where those go; it shows the grading, the cross-section of the street that it's going to go in and a lot more detail about how these properties will be served with improvements. When we get to the final plat, that basically just has lot lines. A Preliminary Plat will be for an entire subdivision, so that you can see how everything works in the context of the entire subdivision, even if they're only final platting certain portions at a time. This one is different because there's only a very small portion of subdivision left. The Preliminary and Final Plat look almost identical unless you're looking for those utility lines. This section is very simple. There's only one place where the street can go, and there's only one place where the utility lines can go. This whole area is Westwood Addition (showing the area on the screen). It's all been developed except for this little portion of it, and this is Oregon Trail Boulevard

and it shows 20<sup>th</sup> Street. 20<sup>th</sup> Street is completed to where it's stubbed to a point where all of these homes are being built on the south end.

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

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

Commission Alvizar asked if the sewer goes up to where water is to where it's developed to the south. Engineer Folck said the sewer will be tied in at the end of the lots that are developed (indicating on the map the lots on the west side of 20<sup>th</sup> Street).

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

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

**b. Consider the Final Plat of Lots 15 through 19, Block 9 and Lots 7 through 11, Block 11, Westwood Estates, City of Gering, NE**

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

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

## **5. City Engineer Report**

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

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

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

**6. Adjourn**

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

The meeting adjourned at 6:16 p.m.



Jana Shimic, Commissioner

ATTEST:



Carol Martin, Secretary