

**CITY OF GERING PLANNING COMMISSION MEETING
June 4, 2024**

A regular meeting of the City of Gering Planning Commission was held in open session on June 4, 2024, at 6:00 p.m. in the Gering City Hall Council Chambers at 1025 P Street, Gering, NE. Present were Commissioners Taylor, Crews, Palm, Kaufman, and Hauck. Absent were Commissioners Shimic, Miles, Keener, and Alvizar. 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

Vice-Chair Taylor called the meeting to order at 6:13 p.m.

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. Additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless they are considered under this section of the agenda and the Planning Commission determines that the matter requires emergency action.

3. Approval of Minutes of the April 16, 2024, regular Planning Commission meeting

Motion by Commissioner Palm to approve the minutes of the April 16, 2024, regular Planning Commission meeting. Second by Commissioner Hauck. There was no discussion. The Clerk called the roll. "AYES": Taylor, Crews, Palm, and Hauck. None. Abstaining: Kaufman. Absent: Shimic, Miles, Keener and Alvizar. Motion carried.

4. Current Business:

A. Public Hearing to consider changes to the Zoning Code to add a definition for Veterinary Clinic-Limited, and to amend the Land Use Table to add the uses of Veterinary Clinic-Limited and Microbrewery

Vice-Chairman Taylor opened a public hearing to consider changes to the Zoning Code to add a definition for Veterinary Clinic-Limited and to amend the Land Use Table to add the uses of Veterinary Clinic-Limited and Microbrewery at 6:16 P.M.

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

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

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

Public Hearing

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

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

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

Engineer Folck stated that staff have received questions regarding the definition of a veterinary clinic and some interest in locating one in the C-2 zoning. Engineer Folck showed on the map where the C-2 zone is in the downtown area. She stated it's from the railroad tracks, 10th Street, and in some places it is a half a block off, in some places it is the entire block off, and in some places it reaches out further along M Street. It goes quite a long way on either side of 10th Street and it goes south on D Street on one side of the road and then comes back on the other side of the road just south of D Street. It is a fairly large zone and there has been some interest in potentially locating some vet clinics in that area. Engineer Folck said that when staff did the Zoning Code in 2020, they looked through every use and classified it by where they thought it was appropriate to have those. She highlighted the additions that will be added in the packet; just above where it says "*Veterinary Clinic Limited*" it states "*Veterinary or Animal Hospitals, provided any such building, kennel, or exercise runway is located at least one hundred (100) feet away from the "R" District boundary*". Staff look at doing that as a Conditional Use in the Ag Zone; basically, anything that is not directly agriculture, the City typically has to do as a Conditional Use in the Ag Zone. It is shown as a permitted use in C-3 which is the Heavy Commercial Zone, a permitted use in ML and MH. The reasons behind this are because when the City looks at zoning, it's all about impacts on neighboring properties. There are no good or bad uses, all these different things are needed to make our community work. It is more a matter of trying to locate them in a way that makes sense and does not have detrimental effects on neighboring properties.

Engineer Folck stated that based on the fact that veterinary clinics typically have animals there, a lot of times they have boarding, outside dog runs, kennels, and sometimes keep larger animals there, there may be traffic that comes from that that may include stock trailers that may not

typically be seen downtown where it is more pedestrian-oriented and typically less parking available. With the animals, the biggest impact in her opinion is the barking, which can be very loud. For those reasons, veterinary clinics were put in C-3, ML, and MH. C-2 is the downtown and it is not allowed there because it is more pedestrian-oriented. Additionally, a lot of those buildings are attached and noise issues become much more concerning if someone has a salon or a restaurant or any use like that; the barking could become detrimental to their business. Those are the reasons why the City located typical veterinary or animal hospitals in ML and MH, similar to the ones we currently have in town like Midtown Animal Hospital, which in her opinion is appropriately located in the ML Zone.

The City has been approached by different individuals who are interested in having a walk-in clinic for small animals only. She said if it were small animals only, it would negate the concerns about stock trailers because they would not be allowed to treat large animals on-site at all. Staff did work with the individuals to make sure the ordinance was worded to state that it would not prevent those individuals from leaving the premises to go out to the animals' owners farm or ranch to treat those animals, but they cannot bring them into town and have them on site. That would take care of the traffic issue and the issue with the stock trailers. Additionally, it was defined in such a way that there would not be any overnight boarding and there would not be any animals kept outside at all. That would minimize the risk of impact to neighboring properties. Additionally, with concern about the noise, staff are recommending that if this is allowed downtown, it would be done as a Conditional Use because even if everything is indoors, that's fine for detached buildings, but for some of the buildings that share walls, there may need to be some additional mitigation measures required. Soundproofing may need to be required, hours of operation may need to be discussed, and things like that. By doing this as a conditional use instead of a permitted use, it would make it easier to have some oversight and make sure that it's located in an appropriate location within the zone. Or if it's an area staff has concerns about, that there will be additional mitigation required to make sure it's not a negative thing for the downtown.

Engineer Folck said part of the reason she is open to allowing it downtown is because it is a very large zone. There are a lot of areas that are not necessarily the core downtown that has the attached buildings. To her, allowing it as a Conditional Use Permit opens up a lot of areas all the way from D Street to the railroad tracks that previously would not be allowed for veterinary clinics. To be consistent with the other requirements for veterinary clinics, any building that they're in would have to be a minimum of 100 feet away from any residential boundaries. She doesn't feel that this definition of a vet clinic should be more permissive than a typical vet clinic; she's trying to stay somewhat consistent between those two definitions.

She stated that this is what is being proposed in the ordinance. This is a public hearing and the ordinance is not finalized by any means. The reason for doing this is to get input from the people that it will impact and input from the Planning Commissioners. If there are any concerns, the options at the closing of the public hearing would be to make a recommendation to the City Council to approve it as proposed, to deny it completely, or the other option would be to recommend approval based on the following changes and let staff know what changes the Planning Commission would like to see before it goes to City Council for final approval.

Engineer Folck said there is also an individual who is interested in doing a microbrewery in the C-2 Zone as well. That it is currently defined in the City's code so the City does not have to do a definition, but it did not get included in the use table. Staff are proposing that "Microbrewery" be allowed as a permitted use in the C-2 Zone downtown and a conditional use in the C-1 Zone which is Neighborhood Commercial, which the City doesn't have currently but eventually could in the future. That is supposed to be more of a neighborhood level between C-2 and Residential.

Dr. Travis Van Anne, 2330 Kramer Place in Gering, addressed the Planning Commission and stated that he is a mixed-animal veterinarian and does many of the larger ranches in the area and

also helps elderly or disabled people and people that are homebound. He does house calls and would like to expand that and have a clinic in the downtown area with the idea of having expanded hours and maybe bringing a new veterinarian to town. He thinks he is at the end of a generation and he's not sure other mixed-animal veterinarians will come to the area. They are not produced and they're hard to get. He said in other states they pay off their loans for free if they'll come to areas like Gering; we need some sort of economic advantage to bring people like that in. The clientele he serves is about 750 people. He has people that are going to be bringing horse trailers into town. There may be a horse that needs bled for Coggins or an exam or there may be a calf with a broken leg. They are not going to be bringing bulls into town, but if they need to pick up a bottle of antibiotic, they will probably have a pickup and horse trailer coming from the sale barn or somewhere, and they'll pull up in an alley or somewhere off... easy access for them and everybody else to get medicine for a large animal. He said he's a little different maybe than other people in the area and he's a fifth-generation rancher from north of Dalton. He said he does quite a bit of dog and cat work right now, and the zoo. He also consults at the feed lots in the area that really make the tax base for the area. He would like to be able to have a consultation room where he can bring in somebody and also help make financial plans for agricultural divisions. He consults in the five-state area for cow and calf as well. He said at one time he took care of 23 feed yards. Nobody's going to be bringing a horse trailer to town for those. He would like to have a consultation room somewhere downtown where he can go over master plans on how to make money in ag; he's very pro-ag. He also wants to have a small animal venue with expanded hours to help elderly people or people who are having a hard time getting to a clinic. His idea was that people could walk to his clinic if it had better access. He thanked the Planning Commission.

Kris Schank, 2011 Ave. D in Scottsbluff, said he is interested in opening a microbrewery in downtown Gering. He has been committed to this community for a long time. He is a teacher at Gering High School and was born and raised in the valley. He thinks there is a great opportunity to open a microbrewery here in town. It's something Gering has been needing for quite a while now. It would boost tourism; people are always interested in coming to places that have amenities like that, especially where we have such an opportunity for even more tourism with the national parks and monument and things. Those things are really exploding right now and he thinks it would be a great opportunity for them to put something like this in Gering. He has experience with this and was the head brewer at a brewery in Torrington for two years. He also has business experience and ran two businesses in town with his father.

Commissioner Hauck said he wasn't sure how it worked but asked, regarding the waste water, if it goes down in the sewer. He asked if it is contaminated and will it include alcohol. Mr. Schank said the waste water is generally used primarily for chilling. When he dumps it out, it's going to be used for cooling the original hot work down to what's known as a "pitch-able" tap for him to put yeast into it. He said for the most part, it is not contaminated with anything, it's just regular water. He said he will try to be as efficient as he can and reuse absolutely as much water as he can, he doesn't like wasting water. Commissioner Hauck was concerned about the sewer system and what goes into the ponds. Mr. Schank replied that it should be just fine.

Vice-Chairman Taylor stated there was a letter submitted by Travis Van Anne for this public hearing and asked Dr. Van Anne to step to the podium to read it. Dr. Van Anne replied that what was in the letter, he already stated. Vice-Chairman Taylor asked Annie if that was okay; she replied, yes.

With no further comments, Vice-Chair Taylor closed the public hearing at 6:32 p.m. Commissioner Hauck asked Dr. Van Anne if he was for or against this zone change. Dr. Van Anne replied that he was for it.

Vice-Chair Taylor entertained a motion for a recommendation to the City Council regarding adding a definition for Veterinary Clinic-Limited, and to amend the Land Use Table to add uses for a

Veterinary Clinic-Limited and Microbrewery. Engineer Folck clarified that the definition, as it is currently written, would not allow for someone to bring a horse trailer with an animal to be treated, as currently proposed.

Dr. Van Anne replied that even if he told them not to, it would still happen. Commissioner Crews said they aren't coming to be treated, that's just their transportation at that point in time. Until they get out of the trailer and into the facility, they haven't been treated. Commissioner Palm stated it is obviously a concern. There is not a lot of side street parking for any kind of large animal. She stated she totally understands what Dr. Van Anne is saying, she too ranches. She could tell her son a hundred ways not to bring a trailer in and they would come in to the sale and need something treated. She is a little concerned with that definition and somewhat concerned with the noise. She can get past that with a Conditional Use Permit, depending on the building and some restrictions. She has no problem with the microbrewery, she doesn't see any issues with that, but she does have a little concern with the veterinarian light.

Engineer Folck said that even if this is not approved, and there were others that had interest in this as well, but even if it is not approved there are still a lot of other areas in town that are acceptable for a veterinarian clinic. It's not saying they can't have them; it's just a matter of whether or not to allow them downtown. She said the horse trailer very much concerns her as well, and if they were to locate there and people just ignored it and did that anyway, most likely the City would have to send a cease and desist and they would need to relocate which she doesn't think any of us want.

Commissioner Crews asked if that would be more discussion for each Conditional Use at this point. Engineer Folck replied, it could be. Commissioner Crews said if the Commission is okay with accepting the Conditional Use. Engineer Folck said that is the benefit of having it through a Conditional Use process, staff can look at each site individually to determine whether or not it's acceptable or not. She said it is such a big zone that she wouldn't want to consider too much in the core downtown with the attached buildings, but if they were down on D Street or somewhere in that area, to her that would be a more appropriate area for it. At that point, it would make more sense to look at a zone change to allow for a vet clinic.

Vice-Chair Taylor said if the City looks at possibly changing a zone eventually, he thinks it would change enough with the plan that is currently done with the City, where with a Conditional Use Permit, it would allow (staff) to control at the time of it. Where the City wouldn't if it didn't get changed.

Vice-Chair Taylor entertained a motion for a recommendation to the City Council regarding adding a definition for Veterinary Clinic-Limited, and to amend the Land Use Table to add the uses of Veterinary Clinic-Limited and Microbrewery.

Motion by Commissioner Kaufman to recommend to the City Council regarding adding a definition for Veterinary Clinic-Limited, and to amend the Land Use Table to add the uses of Veterinary Clinic-Limited and Microbrewery. Seconded by Vice Chair Taylor. There was no discussion. The Clerk called the roll. "AYES": Taylor, Crews, Kaufman. "NAYS": Palm and Hauck. Abstaining: None. Absent: Shimic, Miles, Keener, Alvizar. Motion failed.

Engineer Folck said to clarify, since there are only five Commissioners present at this meeting, by the By-Laws, they cannot forward as a positive recommendation to the City Council on a three-two vote; it would have to be a minimum of four votes for a positive recommendation. She asked if there was any guidance to staff. She said there are two issues here together. Engineer Folck said they could formulate another motion and vote. She asked if there was any guidance to staff as far as the vet clinic and microbrewery and asked if they would like to talk about that a little bit.

Vice Chair Taylor made a motion to amend this to have Veterinary Clinic-Limited voted on at a separate time and go ahead and move forward with the microbrewery.

Discussion: Commissioner Palm stated that she thinks she agrees with that statement but is a little concerned with the veterinary light definition and the ability to maintain the definition.

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

5. City Engineer Report

Engineer Folck said the Oikos Development got their first application (for grant funding) in in May for one phase which would be 44 units of housing. They have another (other one they're submitting in July that would be an additional phase for another 44 units of housing. If they were to receive both of those, that would be about 88 units within the next year to year and a half. As of right now, the City is waiting to hear if they get their funding and if they move ahead. The City has also received a TIF application that will be coming up and she will keep the Commissioners updated. There may be another meeting probably in July to consider that TIF application; this is for housing south of Dome Rock Manner on the vacant properties between 12th and 13th Street just north of K Street.

6. Adjourn

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

The meeting adjourned at 6:42 p.m.



Allen Taylor, Vice Chairman

ATTEST:



Carol Martin, Secretary