

**CITY OF GERING PLANNING COMMISSION MEETING
June 20, 2023**

A regular meeting of the City of Gering Planning Commission was held in open session on June 20, 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, Palm, Kaufman, Keener, and Hauck. Absent were Commissioners Kautz, Shimic, and Alvizar. Also present were City Engineer Annie Folck and Secretary Carol Martin.

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

Call to Order and Roll Call

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 Chairman. 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 May 2, 2023, regular Planning Commission meeting.

Motion by Commissioner Taylor to approve the minutes of the May 2, 2023, regular Planning Commission meeting. Second by Commissioner Palm. There was no discussion. The Clerk called the roll. "AYES": Taylor, Palm, Miles, Keener, and Hauck. "NAYS": None. Abstaining: Kaufman. Absent: Kautz, Shimic and Alvizar. Motion carried.

4. Current Business:

Engineer Folck gave a brief overview. All five agenda items are for the same property owned by Aulicks. This is for the property on 7th Street, D Street, Hwy 71, and the Pathfinder Subdivision. The first agenda item is vacating the existing lot lines. Long ago there were plans to do cluster housing which no longer fits with their long-term plans. Typically, when we vacate a property, if none of the streets or utilities have been put in, then it is fairly simple to erase the lot lines, which allows the property owners to start over and put property lines, streets, and utilities in the locations that work best for their current plan.

The next couple of agenda items are Preliminary and Final plats. These properties were originally envisioned as having commercial property along Highway 71 with residential to the north of that between the existing neighborhood and commercial along Highway 71. The plan, as she understands it, will be phased. For Phase 1, they want to develop commercial lots and that is what the Planning Commission will primarily talk about tonight. There is a lot of public interest in this area for the container home development which she believes is still in the works, but none of

that is being discussed tonight. It will all have to go through the Planning Commission process. Everyone will be notified when we get to that point, and the public can weigh in with public comments.

- A. **Consider a Petition to Vacate Lots 1-6 and Tract A, Block 1, Lots 1-7, Block 2, Lots 1-7, Block 3, Lots 1-8, Block 4, Lots 1-11, Block 5, and Lots 1-10, Block 6 of Southfield Village**

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

To:	Planning Commission	Date:	6/20/23
From:	Planning & Community Development	Zoning:	RM
Subject:	Consider Vacation of Lots 1-6 and Tract A, Block 1, Lots 1-7, Block 2, Lots 1-7, Block 3, Lots 1-8, Block 4, Lots 1-11, Block 5, and Lots 1-10, Block 6 of Southfield Village, City of Gering, Scotts Bluff County, Nebraska	Property Size:	16.21 Acres
Location:	North of Highway 71 and east of 7 th Street (County Road 22)	#Lots/Parcels:	1
Owner:	AKAJRV 314 LLC		

This property has recently been sold to new owners who are planning on developing the property for housing. They are planning on having a different layout than what was previously platted and thus have requested that the City vacate the previous platting of the property. None of the streets have been constructed and none of the lots have been built on, so by vacating the property, essentially it will all become part of one larger lot again, which can then be subdivided in a way that will allow the new owners to move forward with their plans. Staff recommends approval of the vacation.

Recommendation

Approve Move to recommend approval of the vacation of Lots 1-6 and Tract A, Block 1, Lots 1-7, Block 2, Lots 1-7, Block 3, Lots 1-8, Block 4, Lots 1-11, Block 5, and Lots 1-10, Block 6 of Southfield Village, City of Gering, Scotts Bluff County, Nebraska to City Council

Deny Move to recommend denial of the vacation of Lots 1-6 and Tract A, Block 1, Lots 1-7, Block 2, Lots 1-7, Block 3, Lots 1-8, Block 4, Lots 1-11, Block 5, and Lots 1-10, Block 6 of Southfield Village, City of Gering, Scotts Bluff County, Nebraska to City Council for the following reasons:

Table Move to table a recommendation for the vacation of Lots 1-6 and Tract A, Block 1, Lots 1-7, Block 2, Lots 1-7, Block 3, Lots 1-8, Block 4, Lots 1-11, Block 5, and Lots 1-10, Block 6 of Southfield Village, City of Gering, Scotts Bluff County, Nebraska to City Council for the following reasons:

The City has a request from the property owners to vacate the Southfield Village plat. The previous layout for the streets and utilities is not in keeping with what the current property owners want to do there. The plan is to vacate and it will revert back to unplatted land. When they are ready to bring it forward with their planned development, they won't have to work around the

existing rights-of-ways, easements, and everything that is there from the existing plat. Staff recommends approval of vacating.

Motion by Commissioner Palm to approve a Petition to Vacate Lots 1-6 and Tract A, Block 1, Lots 1-7, Block 2, Lots 1-7, Block 3, Lots 1-8, Block 4, Lots 1-11, Block 5, and Lots 1-10, Block 6 of Southfield Village. Seconded by Commissioner Keener. There was no discussion. The Clerk called the roll. "AYES": Taylor, Palm, Miles, Kaufman, Keener, and Hauck. "NAYS": None. Abstaining: None. Absent: Kautz, Shimic and Alvizar. Motion carried.

B. Consider Preliminary Plat, MonumentAUL Subdivision

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

To:	Planning Commission	Date:	6/20/23
From:	Planning & Community Development	Zoning:	RM
Subject:	Consider Preliminary Plat for Lots 1 through 9, Block 1, MonumentAUL Subdivision, the Extension of 'A' Street, A 20' Strip of Land and Hiram Scott Drive, in the City of Gering, Scotts Bluff County, Nebraska	Property Size:	
Location:	North of Highway 71 and east of 7 th Street (County Road 22)	#Lots/Parcels:	1
Owner:	AKAJRV 314 LLC		

The City has received an application for a preliminary and final plat for the property located north of Highway 71, between 7th Street and Rundell Road. The concept for the preliminary plat is for commercial development adjacent to the highway and residential development between the commercial properties and the Pathfinder Subdivision to the north. There would be a long, linear area for stormwater retention/utility access that would provide a buffer between commercial and residential uses. There is also a park/green space that would serve as additional stormwater retention. Due to Highway 71 being a controlled access highway, a frontage road, called Hiram Scott Drive, is proposed to provide access to all of the commercial lots. Utilities are already existing within the utility easement that would be provided in Lot 9, however, an additional waterline and fire hydrants would be provided along Hiram Scott Drive to provide easier access to water for each of these properties. Staff recommends approval of this preliminary plat.

Recommendation

Approve

Approve the Preliminary Plat for Lots 1 through 9, Block 1, MonumentAUL Subdivision, the Extension of 'A' Street, A 20' Strip of Land and Hiram Scott Drive, in the City of Gering, Scotts Bluff County, Nebraska

Deny

Deny the Preliminary Plat for Lots 1 through 9, Block 1, MonumentAUL Subdivision, the Extension of 'A' Street, A 20' Strip of Land, and Hiram Scott Drive, in the City of Gering, Scotts Bluff County, Nebraska

Table

Table the Preliminary Plat for Lots 1 through 9, Block 1, MonumentAUL Subdivision, the Extension of 'A' Street, A 20' Strip of Land, and Hiram Scott Drive, in the City of Gering, Scotts Bluff County, Nebraska

Engineer Folck stated this project comes in phases. The Preliminary plat primarily for the first phase will show how all the utilities and everything will connect so we don't inadvertently leave anything landlocked or any lots that doesn't have access to utilities and street access. With this property, some utilities are existing. There is a twelve-inch water main, and a large sewer interceptor as well that runs right through this portion of the property. Lot 9 encompasses most of where the existing lines are. They're adding an easement for where those lines are so the City will have access to them. Additionally, part of this lot would be utilized for stormwater retention and green space. Staff have had conversations with them about the green space and how it would be maintained. They will either maintain it themselves or we talked about them contracting with our Parks Department to maintain it. Whether or not the City ends up maintaining it, will depend on what their expectations are for its appearance, and obviously, our Parks Department has limitations with how much they can do.

Staff has been working with the engineers and they are satisfied with the layout of all the utilities. It shows where the sanitary sewer and water will go through in the future. These will all be single-family homes we believe. There will be commercial lots along the highway. Highway 71 is a controlled access highway and the state will not approve any additional accesses off the highway. There is a proposed frontage road called Hiram Scott Drive. It will provide access to the front of all these commercial properties. The sewer will access the existing sewer line to the rear of the commercial lots They are looking at running an 8-inch water main that will go along Hiram Scott Drive and that is where all the fire hydrants will be. They are proposing a zoning change on the east end, and are also proposing an RV park. This area is already zoned for an RV Park. There is little portion that would have to be rezoned to allow for that, but that will be discussed in a future agenda item. The plans were displayed for the Commissioners on overhead screens.

Staff have done a lot of work with them to make sure they have adequate stormwater retention. They are meeting all of our requirements for the amount of stormwater retention that the City requires because when all of this develops there's going to be quite a bit of additional run-off. There is a lot that is going to be a utility corridor and also a retention area. The retention area will have some dams that divide it into additional stormwater retention areas. There's another area that will have quite a bit of retention to help make sure they're not pushing additional stormwater onto neighboring properties as it gets developed.

City staff have reviewed this, the department heads have reviewed it, and are comfortable with the Preliminary Plat and the staff would recommend approval of this Preliminary Plat.

Motion by Commissioner Taylor approve a Preliminary Plat, MonumentAUL Subdivision. Seconded by Commissioner Kaufman. There was no discussion. The Clerk called the roll. "AYES": Taylor, Palm, Miles, Kaufman, Keener, and Hauck. "NAYS": None. Abstaining: None. Absent: Kautz, Shimic and Alvizar. Motion carried.

C. Consider Final Plat, MonumentAUL Subdivision

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

To:	Planning Commission	Date:	6/20/23
From:	Planning & Community Development	Zoning:	RM
Subject:	Consider Final Plat for Lots 1 through 9, Block 1, MonumentAUL Subdivision, the Extension of 'A' Street, A 20' Strip of Land, and Hiram Scott Drive, in the City of Gering, Scotts Bluff County, Nebraska	Property Size:	
Location:	North of Highway 71 and east of 7 th Street (County Road 22)	#Lots/Parcels:	1
Owner:	AKAJRV 314 LLC		

The City has received an application for a preliminary and final plat for the property located north of Highway 71, between 7th Street and Rundell Road. The final plat dedicates all the necessary easements for Lot 9, which encompasses the long, linear area for stormwater retention/utility access and park/green space that would serve as additional stormwater retention. It also formally dedicates the right-of-way for Hiram Scott Drive and the alley to the rear of the commercial properties. The lots meet all minimum lot requirements. Staff recommends approval of this final plat.

Recommendation

Approve

Make a positive recommendation to City Council for the Final Plat for Lots 1 through 9, Block 1, MonumentAUL Subdivision, the Extension of 'A' Street, A 20' Strip of Land and Hiram Scott Drive, in the City of Gering, Scotts Bluff County, Nebraska

Deny

Make a negative recommendation to City Council for the Final Plat for Lots 1 through 9, Block 1, MonumentAUL Subdivision, the Extension of 'A' Street, A 20' Strip of Land, and Hiram Scott Drive, in the City of Gering, Scotts Bluff County, Nebraska

Table

Table a recommendation for the Final Plat for Lots 1 through 9, Block 1, MonumentAUL Subdivision, the Extension of 'A' Street, A 20' Strip of Land, and Hiram Scott Drive, in the City of Gering, Scotts Bluff County, Nebraska

Engineer Folck explained that the main difference between Preliminary and Final Plats. The Preliminary Plat shows all the lots in context with the entire project and on the Final Plat we don't have any of the Phase 2 showing the other layout of future lots, and it also doesn't show utilities or any of that information. This is just a legal Document that gets recorded at the Register of Deeds to actually set the property boundaries, and dedicates the easements and rights-of-way. As long as the Final Plat conforms substantially to the Preliminary Plat, approval is recommended. Having reviewed this and having them come in concurrently, staff recommends approval of the Final Plat.

Motion by Commissioner Palm approve a Final Plat, MonumentAUL Subdivision. Seconded by Commissioner Keener.

Discussion: Commissioner Palm asked if the easement rights of Highway 71 conformed to the State right-of-way. Engineer Folck answered yes, it all conforms to the State right-of-way. Commissioner Kaufman asked if all of this conforms with the Comprehensive Plan. Engineer Folck replied yes, which she'll get into a little more when they talk about the zone changes. Commissioner Keener asked if Hiram Scott Drive will be paved. Engineer Folck answered that the details on the Preliminary Plat are just standard City specs for a paved road. It will be concrete and meet all City specs for width, slope, curb and gutter, etc.

The Clerk called the roll. "AYES": Taylor, Palm, Miles, Kaufman, Keener, and Hauck. "NAYS": None. Abstaining: None. Absent: Kautz, Shimic and Alvizar. Motion carried.

- D. **Public Hearing to consider a Zone Change for a portion of the NW ¼ of Section 12, Township 21 North, Range 55 West of the 6th P.M. from C-3 General Commercial District to RM Residential Medium Density District**

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

To:	Planning Commission	Date:	6/20/23
From:	Planning & Community Development	Zoning:	
Subject:	Consider Zone Change for a portion of the NW ¼ of Section 12, Township 21 North, Range 55 West of the 6 th P.M. from C-3 General Commercial District to RM Residential Medium Density District	Property Size:	6.89 Acres
Location:	North of Highway 71 and east of 7 th Street (County Road 22)	#Lots/Parcels:	1
Owner:	AKAJRV 314 LLC		

Currently, the western edge of the property that is to be developed as MonumentAUL Subdivision is zoned C-3 (see map). The property owners would like to keep all of the property south of Lot 9, the retention and utility corridor, commercial, and all of the property to the north of Lot 9 residential. To do so, they will need a zone change for this portion of the property from C-3 General Commercial to RM Medium Density Residential. The Comprehensive Plan shows this area as being in the East Gering Neighborhood District, which is to be primarily residential. This change would be in accordance with the vision outlined in the Comprehensive Plan.

Recommendation

Approve

Make a positive recommendation to the City Council for a Zone Change for a portion of the NW ¼ of Section 12, Township 21 North, Range 55 West of the 6th P.M. from C-3 General Commercial District to RM Residential Medium Density District

Deny

Make a negative recommendation for a Zone Change for a portion of the NW ¼ of Section 12, Township 21 North, Range 55 West of the 6th P.M. from C-3 General Commercial District to RM Residential Medium Density District

Table

Table a recommendation for a Zone Change for a portion of the NW ¼ of Section 12, Township 21 North, Range 55 West of the 6th P.M. from C-3 General Commercial District to RM Residential Medium Density District

Chairman Miles opened a public hearing to consider a Zone Change for a portion of the NW ¼ of Section 12, Township 21 North, Range 55 West of the 6th P.M. from C-3 General Commercial District to RM Residential Medium Density District at 6:17 p.m.

Chairman Miles noted that there is a five-minute time limit for anyone wanting to address the Planning Commission.

Engineer Folck stated the applicant has two zone changes. What they are essentially doing is the existing zoning is currently C3 and they want to change that to single-family, noting that the area of C3 and single-family would be to the north. Engineer Folck said on the next agenda item, on the east end, it would be changing from residential and adding some C3 to allow for the RV park. Staff wanted to separate them and vote on them separately because they will affect different people differently.

This property, on the west side, in the Comprehensive Plan designated as the East Gering Neighborhood District. Primary zoning would be RL, RM, or RH. It is a neighborhood district and is envisioned primarily as residential. The existing commercial zoning along the expressway is not addressed in the Comprehensive Plan.

Chairman Miles asked if there was anyone in the Council Chambers wishing to speak regarding the zone change. With no further comments, the public hearing was closed at 6:20 p.m.

Motion by Commissioner Keener approve a Zone Change for a portion of the NW ¼ of Section 12, Township 21 North, Range 55 West of the 6th P.M. from C-3 General Commercial District to RM Residential Medium Density District. Seconded by Commissioner Taylor. There was no discussion. The Clerk called the roll. "AYES": Taylor, Palm, Miles, Kaufman, Keener, and Hauck. "NAYS": None. Abstaining: None. Absent: Kautz, Shimic and Alvizar. Motion carried.

- E. Public Hearing to consider a Zone Change for Lot 8 of MonumentAUL Subdivision from RM Residential Medium Density District to C3 General Commercial District**

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

To:	Planning Commission	Date:	6/20/23
From:	Planning & Community Development	Zoning:	
Subject:	Consider Zone Change for a portion of the NW ¼ of Section 12, Township 21 North, Range 55 West of the 6 th P.M. from C-3 General Commercial District to RM Residential Medium Density District	Property Size:	6.35 Acres
Location:	North of Highway 71 and east of 7 th Street (County Road 22)	#Lots/Parcels:	1

Owner:	AKAJRV 314 LLC		
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On the east end of the property that is to be subdivided as MonumentAUL Subdivision, there is a lot that is to be platted as Lot 8, Block 1. The planned use for this lot is as an RV Park, which will require a rezoning of a portion of the lot to C3, General Commercial District. While the comp plan does not specifically address the commercial uses along Highway 71, this change would be in keeping with the existing commercial zoning that is adjacent to Highway 71, and the area is roughly equal to the area on the west that is currently zoned commercial that is to be rezoned to residential. So the location of the commercial development would just change from being on the west side of the property to the east side of the property. The use as an RV park would also be in keeping with what the Comp Plan describes for the East Gering Neighborhood District by providing open space and recreational facilities.

Recommendation

Approve

Make a positive recommendation to the City Council for a Zone Change for a portion of Lot 8, Block 1, MonumentAUL Subdivision from RM Residential Medium Density District to C3 General Commercial District

Deny

Make a negative recommendation for a Zone Change for a portion of Lot 8, Block 1, MonumentAUL Subdivision from RM Residential Medium Density District to C3 General Commercial District

Table

Table a recommendation for a Zone Change for a portion of Lot 8, Block 1, MonumentAUL Subdivision from RM Residential Medium Density District to C3 General Commercial District

Chairman Miles opened a public hearing to consider a Zone Change for Lot 8 of MonumentAUL Subdivision from RM Residential Medium Density District to C3 General Commercial District at 6:22 p.m.

Engineer Folck stated this is a little more complicated because it's still in the same district in east Gering and the Comp Plan doesn't really address the Expressway. She showed what she's talking about on the overhead screen. There is not a lot of guidance on what to do along there; it is existing Commercial. In looking at this in the context of the whole property, basically what they are doing is moving some of the Heavy Commercial (from what was just recommended to be rezoned) to another side. The goal of this, and their intent, is to put an RV park there. One of the things that she would caution the Planning Commission about with the zone change is that we have to think not just about the existing use, but what it could be in the future if for some reason it wasn't an RV park anymore. Because it is already zoned C3, and is Heavy Manufacturing on the east side, staff feels it is in keeping with the original intent of the property and the original intent of the zoning. There is going to be a transition somewhere between C3 and Residential. It's a question of where that line is. The property is currently undeveloped. Staff feels it makes sense (in looking at some of the principles and policies of the Comprehensive Plan) and is not out of line with what we would expect to see there. Staff is recommending approval of the zone change on the east side.

Chairman Miles asked if there was anyone in the Council Chambers wishing to speak regarding the zone change. With no further comments, the public hearing was closed at 6:24 p.m.

Motion by Commissioner Palm to approve a Zone Change for Lot 8 of MonumentAUL Subdivision from RM Residential Medium Density District to C3 General Commercial District. Seconded by Commissioner Taylor.

Discussion: Commissioner Keener asked if access will come from M Street. Engineer Folck stated no. That primary access will be in two places. There will be access off Hiram Scott Drive and Rundell Road. The goal is to direct all of the RV traffic as much as possible through Rundell Road and Hiram Scott Drive. Chairman Miles wanted to confirm that this was part of the plan they submitted as far as buffering the area because it's a residential area. Engineer Folck stated that to do an RV Park, they will have to submit a planned development with the layout of the RV Park and the services and make sure there is landscaping and buffering. That will come before the Planning Commission before they can go forward with that.

There was no further discussion. The Clerk called the roll. "AYES": Taylor, Palm, Miles, Kaufman, Keener, and Hauck. "NAYS": None. Abstaining: None. Absent: Kautz, Shimic and Alvizar. Motion carried.


5. Engineers Report

Engineer Folck stated that there is a lot of exciting stuff on the horizon. The most notable is the Casino Project submitted to the Commission for renewal a year ago. If they don't build within two years of their initial approval, which was in September of 2021, then that approval will expire. They have had some conversations with the City of Gering that they are still planning on moving ahead and we will probably be seeing them again pretty soon. At this point, it will not be a renewal but will have to be a whole new process. That will probably be the next big meeting we have coming forward. We have not had any other applications and probably will not have a July meeting; most likely in August. Staff will keep everyone posted on the applications.

6. Adjourn

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

The meeting adjourned at 6:28 PM.



Jody Miles, Chairman

ATTEST:



Carol Martin, Secretary