

**CITY OF GERING PLANNING COMMISSION MEETING
May 2, 2023**

A regular meeting of the City of Gering Planning Commission was held in open session on May 2, 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, Keener, Hauck, Alvizar. Absent were Commissioners Kautz, Shimic and Kaufman. 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 here after 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 April 18, 2023, regular Planning Commission meeting.

Motion by Commissioner Palm to approve the minutes of the April 18, 2023, regular Planning Commission meeting. Second by Commissioner Alvizar. There was no discussion. The Clerk called the roll. "AYES": Taylor, Palm, Miles, Hauck, and Alvizar. "NAYS": None. Abstaining: Keener. Absent: Kautz, Shimic and Kaufman. Motion carried.

4. Current Business:

A. Public Hearing for the purpose of reviewing and obtaining comments on a Redevelopment Plan submitted by AKAJRV 314, LLC for the MonumentAUL Redevelopment Project.

Chairman Miles opened a public hearing for the purpose of reviewing and obtaining comments on a Redevelopment Plan submitted by AKAJRV 314, LLC for the MonumentAUL Redevelopment Project to the City of Gering at 6:03 p.m.

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

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

To:	Planning Commission	Date:	5/2/23
From:	Planning & Community Development	Zoning:	RM and C-3
Subject:	Public Hearing to consider Redevelopment Plan for MonumentAUL Development Project	Property Size:	54 acres
Location:	East of 7 th Street, North of Highway 71, and South of D Street	#Lots/Parcels:	1
Owner:	AKAJRV 314, LLC	City Council Public Hearing:	5/22/23

Public Notice: This Public Hearing was noticed according to Nebraska State Statutes.

Public Hearing

The City has received a TIF application and has had a redevelopment plan drafted for a large-scale development project that would include commercial, residential (including traditional housing and container homes), and recreational areas. The project site is approximately 54 acres and is located east of 7th Street, north of Highway 71, and south of D Street. A map of the project area is included in Attachment 2 of the Redevelopment Plan.

In order to develop the property, significant infrastructure investments will be necessary. TIF funding will be required in order to make the project economically feasible. The Redeveloper's primary plan is to sell the lots and allow each individual lot owner to utilize TIF for the development of their property and utilizing the proceeds from the sale of the lots to recoup development costs. However, in the event that they decide to develop portions of the property on their own, having this Redevelopment Plan approved will allow them to utilize TIF for those portions of the project in order to pay for some of the TIF eligible expenses.

The Planning Commission's role in reviewing a Redevelopment Plan is to determine whether or not the project as a whole conforms with the Comprehensive Plan. This is outlined in Section 4 of the Redevelopment Plan. The Project Site is in the East Gering Neighborhood District, which the Comprehensive Plan recommends should be developed to include a variety of housing at various price points. The mixture of different lot sizes and variety of single family home and container homes will accomplish this goal. Additionally, Principle 3.1 of the Comprehensive Plan states, "Our community will create neighborhoods that offer a variety of housing options tailored to individual cycles in life and income levels." The container homes will provide entry-level housing primarily for young, single adults. As they get older, get married, and have children, the traditional single family homes will provide additional options for family housing.

The East Gering Neighborhood District also recommends incorporating neighborhood parks and recreational areas. The project is to include a park area, a long linear open space for stormwater management, cabin areas, and an RV park that would accomplish these goals (see Attachment 3 for the project concept plan). The Redevelopment Plan does include some commercial uses along Highway 71. While these commercial uses are not addressed specifically in the Comprehensive Plan, this portion of the property is already zoned commercial and will provide a good buffer between the highway and residential areas.

Staff recommends that the Redevelopment Plan as presented does conform to the City's Comprehensive Plan and thus recommends approval of Resolution PC5-23-1.

Engineer Folck stated that the City received a TIF application for the MonumentAUL Redevelopment Project. Council passed an ordinance that would allow for shipping container homes. A container home community will be part of this project, but they don't need the entire 54 acres of the property for the shipping container home community, as they can get a lot of units in a small amount of space. This TIF is going to be very different from the ones that have been done before. Whereas before there was a proposed project, the applicant would know what their costs were going to be. They would know what they were building, where, and all details, then the City would enter into a contract immediately after approving the TIF.

This Redevelopment Plan is going to be a bit different in that this is more of a generalized redevelopment plan for the entire property. The goal of this is that if they decide they want to use TIF on any of this, then by having this plan in place, they can legally utilize TIF for individual portions of the project. The goal is to sell most of the properties individually, and allow individual property owners to utilize TIF for their expenses, and then utilize the money from the property sales to reimburse themselves for development costs. But there is a possibility that the applicant may develop some of the lots themselves. If they do develop those lots themselves, and if they don't do a redevelopment plan now, then they won't be able to use TIF for expenditures they'll incur in developing the property. This Redevelopment Plan will allow them to use TIF

for any lots they end up developing themselves, such as a camp-ground and potentially some of the other properties. This way, they will have the ability to reimburse themselves if for some reason some of these properties don't sell. For instance, they are planning to reimburse themselves for the expenses of putting in streets and water and sewer by selling the lots. If they don't sell the lots, and develop them themselves, then they will be able to utilize TIF for whatever they develop on their own.

In the plan itself, we would typically have all the numbers that say what they are planning on generating in TIF, and what they are planning on building, how much they think its going to value at, and all of their eligible expenses. This plan is more generalized and does not have all of that information. As far as the Planning Commission is concerned, we typically don't look at all those numbers anyway. The Planning Commission standard review is to determine whether or not the project as a whole is in conformance with the Comprehensive Plan. She asked if the Commissioners had any questions before moving on.

Chairman Miles asked what the Planning Commission would be recommending. Engineer Folck replied that the Planning Commission will be making a recommendation to Council as to whether or not this Redevelopment Plan, as drafted, is in conformance with the stated goals of the Comprehensive Plan.

Chairman Miles asked if Engineer Folck would be explaining the plan as far as the different colors on the map and what they mean. Engineer Folck replied that she would explain that because without it, the Commission cannot make an informed decision.

The first thing she emphasized is that this is still conceptual - nothing has been approved and this is the first time the Commission is seeing it. The applicant has not had any approvals on subdividing this; that will have to go through a platting process. Some of it will need a little bit of rezoning. The portion next to 7th Street is zoned commercial and they have it as Residential. It is also zoned Residential on the east and that needs to be Commercial. Engineer Folck said probably within the next month or so the Planning Commission will be having another meeting to look at some rezoning. Additionally, for the container home community, and for some of the other pieces of this, they will have to go through the Planned Development Review Process. Currently the property has utilities available including a 12-inch water transmission line. There is also a large sewer interceptor that runs through there.

The property next to the Expressway is already zoned Commercial and that has been the intent for many, many years - since the Expressway went in. When those utilities were put in and they rezoned that Commercial, the intent was for some of that to develop as Commercial; that would be complementary to the Expressway next to Highway 71. When they started looking at the design, they thought it would make most sense to remain commercial there because it's a high traffic area and highly visible for anyone coming from Highway 71. Because it is along a state highway, you can see that these individual lots can't have their own access onto the highway; it is a controlled access highway. There is an access on the east side of 7th Street, and there is another access on Rundull Road. Those are the only access existing, and those are the only ones that the State will allow. In order to provide access to all of these commercial lots, they are proposing a frontage road that would run parallel to the highway and that would provide access to each of those.

When they started looking at drainage, and looking at those existing utility lines, nothing is going to be allowed to be built over the top of those utility lines because they will need to be accessible. For drainage, they were looking at making a big swale. Everything from these commercial lots and residential lots would drain to that and would carry it to the east. The little park area would be a retention area that would be double-duty. It would help carry stormwater from large storm events, and it would also be some green space and park area for the development. That is particularly important for this container home area because it is not going to have a whole lot of green space and it will give a little more recreation area for everyone. There is going to be another little retention area that continues to convey that water to the east.

They are also looking at putting in a campground and then these would be container home cabins. It would be intended for families who maybe have grandparents that have a really nice RV and they could rent out a cabin next to them. They are looking at adding five or six container cabins and hook-up spots for RV's.

Another thing they are looking at is dog runs. In the wintertime, some of the cabins could be rented out for hunters or people that are looking for a little more space for their dogs rather than being at a hotel. They are looking at possibly a little bit of a commercial area that could potentially be a daycare. They also have some very large single-family lots that would be residential which is the blue area on the map. The pink area is going to be a standard medium density residential. The blue lots are lots that they could sell off individually for a tiny home community or a container home community. When they started this container home concept, they had a lot of people contact them asking if they could buy one of these. They are not planning on selling off the ones in the community; they are planning on renting those out and having them primarily for their own employees. They potentially might lease them to other employers to put their employees into but they are not planning on selling any of these off individually.

They also looked at potentially doing some tiny home lots, which would be much smaller, and that would also have to be a Planned Community. They would have to come through the Planning Commission and Council as part of the Development Plan review process and we would review the lot sizes. Most likely they would be looking at some sort of home owner's association, or something, to ensure that everything is addressed to the smaller lot sizes and make sure that all the maintenance is done on the yards and everything else. Between the subdivision which would be a standard preliminary plat, final plat for commercial lots, these standard single family home lots would also have zoning approval necessary for the residential and the campground and then it would have to go through the Plan Development Review for the campground, tiny homes, and the container home community. This is going to be in front of the Planning Commission many times and staff will have a lot more detail on everything. We will have the actual preliminary plat that shows the street cross-section, the sidewalks, the water, the sewer, and the drainage. Everything in more detail along with all of the zone changes and the planned unit development. This is essentially their concept plan. Their engineers are working to refine it and they will submit to us for final approval before they move forward.

Engineer Folck said the key question is how all of this is going to fit, or not fit, what the Comprehensive Plan envisioned. The Comprehensive Plan identifies this whole area as being in the east Gering neighborhood district, which talks about having a variety of housing of various price points. Engineer Folck said she believes this definitely accomplishes that because there is everything from very large lots, single family residential, to tiny homes and container homes. It also talks about trying to create neighborhoods that have housing options for individual cycles in life and income levels, and that is the whole concept here. You might have a single person living in a container home, but then they get married and decide to have kids - they may want to have something bigger. They could move into a single-family home or have other options. As they get older, they are empty nesters and they don't need all that space and this gives them options for owning their own tiny home. There are many different options here that really checks the box from the Comprehensive Plan of having a variety of housing available.

The East Gering Neighborhood District also talks about incorporating neighborhood parks and recreational areas. Staff were glad to see they are planning on developing this as some green space community which will make it a more attractive neighborhood and the green space is going to be very valuable for providing a buffer between the commercial and the residential. While the Comprehensive Plan doesn't really talk too much about commercial in any of this area, this is already zoned Commercial. There will be very little change in zoning in order to move forward with this whole plan. Staff recommends that this redevelopment plan, as presented, does conform to the City's Comprehensive Plan. Staff also recommends approval of the resolution. We are not making any specific approvals; all of those will come later. But this conceptual plan, as a whole, does meet the intent of the Comprehensive Plan.

Chairman Miles stated that it doesn't look like the applicants are present. He asked if any of the Commissioners had any questions.

Commissioner Keener asked if Rundell Road is on the east side. Engineer Folck replied, yes. She showed on the overhead screen - Rundell Road does not exist yet, but it is platted. She indicated where it would come in at and then pointed out the City's facility on the east side of the property. It is platted and eventually when development comes through it will connect to the existing Rundell Road on the north and that is all dedicated right-of-way. When they do this, they will develop Rundell Road. Initially, they will do it from the

highway to the front of the frontage road; as the remainder of this develops it will eventually connect up to Rundell Road.

Chairman Miles voiced a concern with the container homes in the blue area, they would be looking at a similar thing and putting those in a residential area. He said if he was a home owner, he would be a little concerned. Aulicks are planning on leasing the big block of container homes, and they are planning on taking care of that, correct? Engineer Folck replied yes, and this will continue to be one lot with several homes on it, but Aulicks will own it and they will maintain that entire area.

Chairman Miles asked if they are also talking about doing the same thing with the tiny homes. Engineer Folck said regarding the tiny homes, the discussion has been that an HOA that would help maintain the lots and potentially maintain the homes themselves. In the event there are container homes, it would be if someone has the equipment and the ability to maintain those, more so than the average home owner. The applicant has had a lot of interest from people that want to do this with the typical stick built tiny home as well, so it will probably be a mix from what she has been told.

Chairman Miles clarified that there are no tiny home in the area. Engineer Folck replied, that is correct.

Chairman Miles stated that he doesn't know if there is any place that he can just go and look. He has seen pictures. He kind of knows what the intent is but those are his two major concerns. Engineer Folck stated there is one in Henry that she has been in. It is a little log cabin, kind of off the beaten path.

Commissioner Taylor stated he wanted to make sure and clarify that just because the tiny homes are shown in the light blue, that doesn't mean that they are approving it. They are allowed to be there until the spot is done? Engineer Folck replied, that is correct. If that is something that the City needs to communicate to them, that the Planning Commission may have concerns about that, then staff can certainly have that conversation with them before we get to the point of having another meeting.

Commissioner Palm also expressed some concern about the light blue area – container/tiny home next to the development to the north. She was concerned about the maintenance. Engineer Folck said the HOA would be approved. All of the legal part of the HOA would have to be on the plat itself. When it comes time to plat that, we would be able to make sure that is the intent and then all the necessary documents would be drawn up.

Commissioner Palm asked is there any criteria for the number they can put in there and how far apart, pertaining to container home single lots that they are developing themselves. Engineer Folck said that's going to be mainly driven by fire code. In order to not be considered multi-family housing, they are going to have to be a minimum of ten feet apart, which isn't very far. They are planning on putting them farther apart than that. They want to incorporate parking as well. The City is also going to make sure that each of these lanes are big enough, that fire trucks can easily get in and out.

With no further comments, Chairman Miles closed the public hearing at 6:23 p.m.

i. Review and take action on Resolution PC5-23-1 regarding a recommendation on the Redevelopment Plan for MonumentAUL Redevelopment Plan

Chairman Miles entertained a motion for a recommendation to review and take action on Resolution PC 5-23-1 regarding a recommendation on for MonumentAUL Redevelopment Project.

Commissioner Hauck asked if the Planning Commission takes action on this if it includes the TIF program. Engineer Folck said this is only for the TIF. Commissioner Hauck asked where this money is coming from, and if it come from real estate taxes - will this raise real estate taxes? Engineer Folck replied that the way TIF works is, this property is currently valued as AG land because it's being actively farmed right now, so that is what the valuation is. When they come in and build whatever they build (or commercial properties), then obviously the value is going to increase. If they invest millions of dollars in infrastructure and building structures, then the valuation increases accordingly. TIF allows for when that valuation increases, and the

additional property taxes they pay as a result of those increased property valuations, that those funds get to be paid back to the developer for a period of up to fifteen years in order to pay off the eligible expenses. It won't pay for the buildings but it will help pay for the street, water, sewer, grading, stormwater management and all of those kinds of items.

Commissioner Hauck asked if the developer gets the money and doesn't do a project, are they going to pay it back? Engineer Folck replied, no. Basically, if the project doesn't happen, there will be no money for anyone. That is the concept behind TIF. If we weren't using this then the project wouldn't happen and we wouldn't get any additional tax revenue anyway. Whenever TIF is done, people get confused because we talk about a TIF bond. Basically, no money ever changes hands between the City and the developer when a TIF bond is approved. The TIF bond is the City's commitment that if the developer does what they said they would, and they increase the value of those properties, that the City will then send the County a Notice To Divide. The County will take the additional taxes they pay on the property and send it back to the developer who can use it to pay off some of the expenses that they had in developing the property.

Commissioner Hauck asked, as a citizen of Gering, will his property tax go up. Engineer Folck stated that it will have no impact on his property tax.

Chairman Miles asked how an applicant can get the money sooner than over a fifteen-year period. Can they go to a bank or lender and say they have this bond and the bank can actually buy the bond and finance it within those given proceeds so they don't have to wait over fifteen years to get it. Engineer Folck said developing property like this has a lot of upfront costs, which makes it really difficult. That is one of the reasons she thinks we have not seen more in development. Putting that money up front is really challenging. So, TIF is a good tool to use in our area where we are able to utilize it to help to get some of these projects moving.

Chairman Miles stated that he thinks there is a misunderstanding when someone hears TIF. One may be thinking the City is giving and writing a check. All they are doing is giving their tax money and tax proceeds back to them, because of the increase in value that they've done to the land at the time.

Motion by Commissioner Palm to approve Resolution PC 5-23-1 stating that the Redevelopment Plan conforms to the Comprehensive Plan and recommends approval to the Gering Community Development Agency and at this point with no additional conditions. Seconded by Commissioner Taylor. There was no discussion. The Clerk called the roll. "AYES": Taylor, Palm, Miles, Keener, Hauck, and Alvizar. "NAYS": None. Abstaining: None. Absent: Kautz, Shimic and Kaufman. Motion carried.

5. Engineers Report

Engineer Folck said this is not the last we've seen of this project. She's been talking to the applicant and we are probably going to have several more meetings over the course of the next few months as they are finalizing their plans. This is really the only project we have right now. Hopefully, we will get a little more going on and a little more development and excitement.

She stated that Chairman Miles mentioned that he would like to go over the by-laws again at some point. We will try to get to that too at one of our meetings; it would be good to refresh everyone. We need to make sure everyone is okay with the by-laws because it's a living document. If things have changed and there is an interest in looking at that, it's beneficial to review it.

We got the pickleball courts going and they are moving right along. Those will be completed probably by the end of June; then the parking lot will go in. We are going to wait until baseball is done because one of those fields has to be relocated. After that, staff will start a planning project for Five Rocks Amphitheater and look at the RV Park and parking area. Staff will also look at the Grasslands for the Amphitheater and try to determine what kind of events can be held there and what the limitations are and try to figure out the best use of that space. The City will probably hold some public meetings. Planning Commission is more than welcome to become more involved in these upcoming activities.

The American Legion has completed their Pavilion at West Lawn Cemetery which is basically a concrete platform where they will hold their Memorial Day program. It will be used for funerals as well. There is a canopy over the top and some nice granite around the outside. It looks really nice and it will be really good for Memorial Day this year.

6. Adjourn

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

The meeting adjourned at 6:34 PM.



Jody Miles, Chairman

ATTEST:



Carol Martin, Secretary