City of Bennington
Planning Commission Meeting Agenda
Wednesday, August 27, 2025; 6:00 P.M.
City Office, 15505 Warehouse St.
Bennington, NE
402-238-2375

1. Call to Order – Open Meeting Act – Roll Call

2. Approval of July 30, 2025 Meeting Minutes

3. Amendments to the City of Bennington Zoning Regulations to add a definition of "Motor Vehicle Collision Facility", to add Motor Vehicle Collision Facility as a Permitted Use or a Conditional Use in the C-1 Highway Commercial Zoning District, and amend Section 5.10.06(C) to permit the outdoor storage of vehicles awaiting service by a Motor Vehicle Collision Facility provided that such vehicles are in an enclosed and screened area
    A. Presentation, Staff and Applicant
    B. Public Hearing
    C. Motion

4. Adjourn

City of Bennington
Planning Commission Meeting Minutes
Wednesday, July 30, 2025; 6:00 P.M.
City Office, 15505 Warehouse St.
Bennington, NE
402-238-2375

Call to Order – Open Meeting Act – Roll Call
Planning Commission Chair James Bartles called the meeting to order at 6:00 p.m. The following members were present: James Bartles, Karen Hohman, Anita Ortiz, Mike Valasek and Bob Zaruba. Member Haime Dias was absent. City Clerk Mindi Laaker identified the Open Meetings Act location that is available to the public.

Approval of June 25, 2025 Meeting Minutes
Motion by Valasek, second by Ortiz to approve the minutes as presented. All voted in favor, with Zaruba abstaining, and the motion carried.

Proposed Amended Redevelopment Project pursuant to the Nebraska Community Development Law which involves partial funding known as Tax Increment Financing, by Bennington Capital Growth, LLC on Lots 18, 19, and 20, Block 6, Town of Bennington, Douglas County, Nebraska, generally located between 15408 and 15416 South Second Street, Bennington, Nebraska
City Attorney Jeff Miller explained that the reasons for the Amended Redevelopment Plan and how it was in conformance with the general plan for the development of the City as a whole. This includes conformance with the Comprehensive Plan, Zoning, Subdivision and Building Code regulations.

Bennington Capital Growth, LLC Legal Counsel McKinley Wilson with Pansing Hogan Ernst & Buser LLP and Developer Joshuwa Hannum presented the Amended Redevelopment Plan.

Bartles opened a public hearing and there were no comments.

Motion by Bartles, second by Hohman to recommend approval of the Amended Redevelopment Plan to the Community Development Agency as being in conformance with the general plan for the development of the City as a whole. All voted in favor and the motion carried.

Screened Outdoor Storage in Highway Commercial (C-1) District Discussion
City Attorney Jeff Miller explained that there would be a zoningtext amendment requesting the addition of "Motor Vehicle Collision Facility" in a C-1 District and permit outdoor storage of vehicles in an enclosed and screened area.

Adjourn
Motion by Hohman, second by Zaruba to adjourn the meeting at 6:23 p.m. All voted in favor and the motion carried.

MEMO

To: *Bennington Planning Commission*
From: *Julie Ogden*
Cc: *Jeff Miller, City Attorney, Kevin Hand, City Administrator & Mindi Laaker, City Clerk*
Date: *August 12, 2025*
Subject: *Application to add Motor Vehicle Collision Facility definition and edit the allowances for outdoor storage in the C-1 district*

An application for a text amendment has been submitted to the City to add "Motor Vehicle Collision Facility" to the Definition and uses (or confirm that it is included by implication). The application also requests to consider allowing for outdoor storage of vehicles that are awaiting repair within the C-1 (Highway Commercial) zoning district. The application is included with this memo.

Engineers/Planners Review:
Motor Vehicle Collision Facility:
In review of the application, it was determined that the proposed definition could be added to clarify what type of work is allowed with this use.

2.03.270A **MOTOR VEHICLE COLLISION FACILITY** shall mean a repair, glass and paint facility offering services such as auto body repair, frame straightening, fender and bumper repair, vehicle painting and paint repair, in-store and mobile glass repair and replacement, calibration and alignment services, and the sale of ancillary vehicle parts and services, at which all work, repairs and painting shall be undertaken inside of the building, and no outdoor storage of tires or vehicle parts shall be permitted. Also referred to as Body Repair.

Section 5.10 for C-1, Highway Commercial zoning already includes the following under the conditional use (5.10.03):

F. Automobile display, sales, service, and repair including motor vehicle collision facility.

A motor vehicle collision facility is a specialized automobile repair business and therefore would fall under the current conditional use. For clarity and with the proposed change in section 5.10.06.C, we are recommending adding it to this list.

The use limitations under section 5.10.06 for outdoor storage have been requested to be amended to allow vehicles in the repair process for the motor vehicle collision facility be allowed to be stored outside within a screened area. Below is the proposed change:

C. No outdoor storage, except (i) outdoor storage facilities in conjunction with self-storage units and approved via the conditional use permit process, (ii) the outdoor storage of vehicle awaiting service at a Motor Vehicle Collision Facility provided that all such vehicles are parked within an enclosed and screened area (screening shall be 6 feet tall per Article 7), and (iii) ~~except~~ the display of merchandise for sale to the public, shall be permitted.

Parking considerations:
Parking regulations for the use are already included in the regulations under Body Repair and no further additions are needed.

Body Repair – Four (4) spaces per repair stall

DSDH Gerb, LLC is seeking the following text amendments to the City of Bennington's Zoning Regulations. The particular project site selected by DSDH Gerb is within the City's extraterritorial zoning jurisdiction, within a C-1 district.

1. Add a definition as Section 2.03.270A of the Zoning Regulations, reading as follows:

2.03.270A **MOTOR VEHICLE COLLISION FACILITY** shall mean a repair, glass and paint facility offering services such as auto body repair, frame straightening, fender and bumper repair, vehicle painting and paint repair, in-store and mobile glass repair and replacement, calibration and alignment services, and the sale of ancillary vehicle parts and services, at which all work, repairs and painting shall be undertaken inside of the building, and no outdoor storage of tires or vehicle parts shall be permitted.

2. Amend Section 5.10.06 (C) to read as follows:

C. No outdoor storage, except (i) outdoor storage facilities in conjunction with self-storage units and approved via the conditional use permit process, (ii) the outdoor storage of vehicles awaiting service at a Motor Vehicle Collision Facility provided that all such vehicles are parked within an enclosed and screened area, and (iii) the display of merchandise for sale to the public, shall be permitted.

APPLICATION FOR A TEXT AMENDMENT TO ZONING REGULATIONS

City of Bennington, NE

NOTE: Form must be filled out completely and appropriate attachments provided, before the city will accept this application for processing, please print or type.

Date: July 28, 2025 Applicant Email Address: dave@herbeckdevelopment.com

Applicant's Name: DSDH Gerb, LLC Phone Number: 920-428-9028

Applicant's Address: 9251 Willow Lane, Fremont, WI 54940

Section(s) of the Zoning Regulations to be Amended: _____

Proposed Use of Subject Property: Gerber collision center - vehicle repair, painting, glass repair and replacement

Current Zoning: C-1 Proposed Zoning: C-1

Summary of Text Amendment(s) proposed: (please use this space to provide detailed information on the zoning text amendment(s) you are proposing, proposed language to be added and/or deleted and why you believe the changes are necessary. Attach additional pages as needed.)

See attached. Applicant proposed to add a definition of "Motor Vehicle Repair Facility" in Section 2.03.270A and amend Section 5.10.06(C) to permit the outdoor storage of vehicles by a Motor Vehicle Repair Facility provided that such vehicles are in an enclosed and screened area.

Text amendment process:

1. The Zoning Administrator & Engineer will coordinate a review of the request with City Staff and other appropriate departments or agencies to prepare/provide a recommendation report to the Planning Commission and City Council.
2. The Planning Commission will hold a public hearing and make a recommendation to the City Council.
3. The City Council will hold a public hearing and make a final decision on the proposed zoning text amendment(s) application.

Signature of Owner or Agent: _____

OFFICE USE ONLY:

Permit No. _____ Fee Paid $ 250.00 Check No. 4360 Sewah Enterprise

Date _____ Approved ☐ Denied ☐ _____ Chair, Bennington Planning Commission

Date _____ Approved ☐ Denied ☐ _____ Mayor, City of Bennington