

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Monday, September 17, 2018

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the City Building, 220 North Hastings Avenue, on September 17, 2018.

Each commissioner introduced themselves and gave a brief background.

The meeting was called to order at 4:05 p.m. in Regular Session by Chair Rosenberg with the following members present: Jodi Graves, Gavin Raitt, Mac Rundle, Chuck Rosenberg, Alternate Willis Hunt, Dave Johnson. Absent: Marshall Gaines, Rakesh Srivastava, Dale Hamburger, Lou Kully, Alternate Megan Arrington-Williams.

Chair Rosenberg led the group in recital of the Pledge of Allegiance to the United States of America.

Moved by Graves, seconded by Raitt, to adopt the current agenda for the September 17, 2018 Planning Commission meeting. Roll Call: Ayes: Graves, Raitt, Rundle, Rosenberg, Hunt, Johnson. Nays: None. Absent: Gaines, Kully, Srivastava, Hamburger, Alternate Arrington-Williams. The motion carried.

Public Notice - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, September 14, 2018. Pursuant to Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is located at the back of the Council Chambers. Also, a current copy of the Nebraska Open Meetings Act is posted on the south wall of the Council Chambers which is accessible to members of the public.

Moved by Raitt, seconded by Rundle, to approve the minutes of the August 20, 2018 Planning Commission meeting. Roll Call: Ayes: Graves, Raitt, Rundle, Rosenberg, Hunt, Johnson. Nays: None. Absent: Gaines, Kully, Srivastava, Hamburger, Alternate Arrington-Williams. The motion carried.

9. Public Hearings.

a. 2018-036. Public hearing at the request of Kent Brown representing Nebraska Truck Center, Inc. for a Plan Modification #8.21.18 to Redevelopment Area V comprising the West 325 feet of the South 700 feet of the North 733 feet of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section Twenty-Four (24), Township Seven (7) North, Range Ten (10) West of the 6th P.M., in the City Hastings, Adams County Nebraska, except the tract deeded to the State of Nebraska for highway purposes by deed recorded as Instrument No. 872862, and except the tract deeded to the City of Hastings by warranty deed recorded as Instrument No. 20002698 in the office of the Register of Deeds of Adams County, Nebraska, and commonly addressed as 801 West J Street.

The legal was read into the record.

The Chair declared the public hearing open.

Don Threewitt stated this plan modification advances the redevelopment of Nebraska Truck Center, 801 W. "J" Street for the demolition of a 9,000 sq. ft. warehouse and the construction of a 10,100 sq. ft. warehouse/storage area to include site preparation, public infrastructure, façade enhancements and other TIF-eligible expenditures. Staff supports a recommendation to approve this Plan Modification.

Jeff Hoefer, 3216 Hiawatha Place, Grand Island, NE 68803. Nebraska Truck needs indoor storage. Only 10% of the existing building is usable area, the roof is in a state of disrepair, and Nebraska Truck would like to replace it with a metal building. Storage consists of new and recycled parts for medium and heavy-duty commercial trucks; and a body shop for trucks with a fully enclosed paint booth. The drive on the north will be eliminated, and include a grassy area and plantings.

The Chair declared the public hearing closed.

Moved by Hunt, seconded by Graves, to recommend approval to the City Council of Plan Modification #08.21.18 to Redevelopment Area V for the Nebraska Truck Center project located at 801 West J Street. Roll Call: Ayes: Graves, Raitt, Rundle, Rosenberg, Hunt, Johnson. Nays: None. Absent: Gaines, Kully, Srivastava, Hamburger, Alternate Arrington-Williams. The motion carried.

b. 2018-037. Public hearing at the request of Hastings Economic Development Corporation for Ordinance 4567, a zoning change from "AP-Agricultural Planned District" to "R-3 Multiple Family Residential" for Lot 1, Block 2 of North Park Commons Addition to the City of Hastings, Adams County, Nebraska containing 11.54 acres more or less, generally located east of Osborne Drive East and southeast of 31st Street as platted.

The legal was read into the record.

The Chair declared the public hearing open.

Don Threewitt stated this is a zoning change necessary to align with the development plan for North Park Commons. Lot 1, Block 2, is planned for the Pioneer Trail Flats Subdivision, an apartment community beginning with 82 units. It is currently Employment, but a request to amend to Mixed-Use Neighborhood is scheduled for consideration on this agenda. Staff supports a recommendation to approve this zoning change.

The Chair declared the public hearing closed.

Moved by Graves, seconded by Raitt, to recommend approval to the City Council Ordinance No. 4567, changing zoning to "R-3 Multiple-family Residential" for Lot 1, Block 2 of North Park Commons Addition to the City of Hastings, Adams County, Nebraska. Roll Call: Ayes: Graves, Raitt, Rundle, Rosenberg, Hunt, Johnson. Nays: None. Absent: Gaines, Kully, Srivastava, Hamburger, Alternate Arrington-Williams. The motion carried.

c. 2018-038. Public hearing at the request of Hastings Economic Development Corporation for Ordinance 4568, a zoning change from "A-Agricultural" to "R-3 Multiple Family Residential" for Lot 1, Block 4 of North Park Commons Addition to the City of Hastings, Adams County, Nebraska containing 9.49 acres more or less, generally located north of 26th Street and east of Osborne Drive East.

The legal was read into the record.

The Chair declared the public hearing open.

Don Threewitt stated this is a zoning change necessary to align with the development plan for North Park Commons. Lot 1, Block 4, is planned for the Osborne View Estates Subdivision, a paired-home community beginning with 12 units. It is currently Employment, but a request to amend to Mixed-Use Neighborhood is scheduled for consideration on this agenda. Staff supports a recommendation to approve this zoning change.

The Chair declared the public hearing closed.

Moved by Rundle, seconded by Johnson, to recommend approval to the City Council Ordinance #4568, changing zoning to "R-3 Multiple-family Residential" for Lot 1, Block 4 of North Park Commons Addition to the City of Hastings, Adams County, Nebraska. Roll Call: Ayes: Graves, Raitt, Rundle, Rosenberg, Hunt, Johnson. Nays: None. Absent: Gaines, Kully, Srivastava, Hamburger, Alternate Arrington-Williams. The motion carried.

d. 2018-2205. Public hearing at the request of the Development Services Department regarding a Comprehensive Plan amendment for North Park Commons Addition to the City of Hastings, Adams County, Nebraska.

The legal was read into the record.

The Chair declared the public hearing open.

Don Threewitt stated the North Park Commons Addition does not conform to the Comprehensive Plan for the area. An update to the Comp Plan designation will bring consistency and efficiency to the review process. It is currently designated as Commercial/Retail Overlay, Employment and Suburban Residential. These centers are designed to serve the immediately adjacent neighborhoods and offer a limited balance of food, personal service and local office space. Staff supports a recommendation to approve this Comprehensive Plan amendment for North Park Commons Addition changing future land use designation to Mixed-use Neighborhood.

Dave Ptak asked, through the Chair, what was the legal description in the Notice. He asked if it was for all of North Park, or just certain lots and blocks?

Teri Schelkopf stated for Blocks 1 and 2, North Park Commons Addition.

Dave Ptak stated that is all the Commission can change that is in front of you. We have not published a Notice that would change the entire subdivision to the Plan designation. We can only change what we stated in the Notice. It was my understand looking at the Ordinance that was attached in the packet, the entire North Park Commons was going to be changed to the Mixed-use Neighborhood, but we did not advertise that. We only advertised those two blocks. The recommendation that will go forward is only for these two blocks. We have not had a public hearing on the other property within North Park Addition and you cannot change the zoning on North Park for those unless you change the Comp Plan first. He stated if the Commission recommends approval, only recommend approval for the description that was advertised, which is Block 1 and 2.

Teri Schelkopf stated Blocks 1 and 2.

The Chair declared the public hearing closed.

Hunt asked why the Commission would not table the issue.

Dave Ptak stated you could certainly do that too. He asked Mr. Threewitt to give his opinion if the other plats are impacted. He stated he is concerned about following the law, that means before we change zoning, we need to make sure the property is consistent with the Comp Plan, and the Comp Plan amendment is only for Block 1 and 2, and I believe there are 4 Blocks in North Park Commons. Blocks 3 and 4 were not included in the Notice.

Hunt asked if there was any urgency for the Commission to approve the items.

Don Threewitt stated the Notice was not advertised properly. The intent was to change the Comp Plan designation for the entire North Park Commons. I would defer to the attorney as to whether or not those could move forward with a Comp Plan being tabled until a later date. It should not affect either of the plats that are going through, They are both preliminary plats.

Dave Ptak asked Mr. Threewitt, if #2018-037 rezoning is consistent with the way the Comp Plan currently is. If it is, then that rezoning can go forward. If it is not consistent with the Comp Plan, then that item should not go forward. As far as #2018-038, which is Block 4, since there is no amendment to the Comp Plan currently advertised for Block 4, the question would be is the rezoning for Lot 1, Block 4, currently consistent with the existing Comp Plan. If both of those are consistent with the existing Comp Plan, then why amend the Comp Plan?

Mr. Threewitt stated I suggest we table all three.

Dave Ptak stated the Commission would have to go back to #2018-037 and #2018-038 and rescind the motions that were made to recommend approval, and make a motion to table each item, and table #2018-2205 until that could be readvertised.

Moved by Hunt, seconded by Johnson, to table item #2018-2205. Roll Call: Ayes: Graves, Raitt, Rundle, Rosenberg, Hunt, Johnson. Nays: None. Absent: Gaines, Kully, Srivastava, Hamburger, Alternate Arrington-Williams. The motion carried.

Moved by Hunt, seconded by Rundle, that the Commission rescind the motion on #2018-038. Roll Call: Ayes: Graves, Raitt, Rundle, Rosenberg, Hunt, Johnson. Nays: None. Absent: Gaines, Kully, Srivastava, Hamburger, Alternate Arrington-Williams. The motion carried.

Moved by Rundle, seconded by Raitt, to table #2018-038. Roll Call: Ayes: Graves, Raitt, Rundle, Rosenberg, Hunt, Johnson. Nays: None. Absent: Gaines, Kully, Srivastava, Hamburger, Alternate Arrington-Williams. The motion carried.

Moved by Hunt, seconded by Graves, that the Commission rescind the motion on #2018-037. Roll Call: Ayes: Graves, Raitt, Rundle, Rosenberg, Hunt, Johnson. Nays: None. Absent: Gaines, Kully, Srivastava, Hamburger, Alternate Arrington-Williams. The motion carried.

Moved by Hunt, seconded by Rundle, to table #2018-037. Roll Call: Ayes: Graves, Raitt, Rundle, Rosenberg, Hunt, Johnson. Nays: None. Absent: Gaines, Kully, Srivastava, Hamburger, Alternate Arrington-Williams. The motion carried.

10. Subdivisions

a. 2018-031. Preliminary/Final plat for Svoboda Acres 3rd Subdivision, a replat of Svoboda Acres 2nd Subdivision, located in the North half (N 1/2) of fractional Section 18, Township 8 North, Range 9 West of the 6th P.M., within the two mile extraterritorial jurisdiction (ETJ) boundary of the City of Hastings, Adams County, Nebraska.

Don Threewitt stated the property is an 8.04 acre subdivision located off east Hwy. 281 and South 82nd Street East. It is a single lot subdivision. The applicants wish to divide into three lots: a 5.1 acre parcel containing all existing improvements; and two, 1.43 acre unimproved parcels for future development. All requirements of Hastings City Code Sections 38-202 and 38-203 have been met, and the plat may be approved. Staff supports a recommendation to approve Svoboda Acres 3rd Subdivision in Adams County, Nebraska.

Moved by Rundle, seconded by Graves, to recommend approval to the City Council, Svoboda Acres 3rd Subdivision, located within the 2-mile jurisdiction of the City of Hastings, Adams County, Nebraska.

Hunt stated he visited with the Adams County Planning Director. The size of these lots are smaller than what is required in Adams County. Adams County requires a minimum of 2 acres on all rural subdivisions. A septic tank and tile field will be required as public water and sewer are not available. This requires a certain size lot to accomplish the location of well and tank.

Don Threewitt stated the NDEQ does provide guidance and regulations as to onsite wastewater management systems on lots at 1 acre. This would be within the city's zoning jurisdiction. Any plat within the two-mile boundary gets approval first by the City Planning and Zoning Commission based on City regulations and then to the Board of Supervisors to be approved based on county regulations. It does have a double approval process. We do feel that this plat does meet with City guidelines and all of the review process. If the Commission feels confident in moving forward, knowing that it does allow for well and septic on properties that are 1.4 acres. The applicant is in attendance and could speak to the application.

Dave Ptak stated there is no question the property is in the two-mile zoning jurisdiction, it is the City Code that applies, not the County regulations. Once a plat meets the City Code requirements for a plat, it almost becomes a ministerial act to approve the plat. If they have to get a permit from NDEQ with regard to the location of the septic system and the well. They may not get a permit depending on the percolation test.

Dave Johnson asked if information is available from the applicant that could address the matter.

Daniel Svoboda, 405 S. Baltimore Ave., Hastings, NE. He when they divided the property, the two 1.4 acre lots left 5 acres for the first subdivision to remain agricultural.

Johnson asked whether a well and septic permit will be approved on the two new lots.

Daniel Svoboda stated Don Svoboda Plumbing Company professionally installs septic systems. There is plenty of room and have installed on lots smaller than 1.4 acres. We also have experience with the percolation rate on that farm.

Hunt clarified the "L" shaped lot meets the 5-acre requirements of the County and the 5-acre requirement that Adams County has for their rural subdivisions and made two lots.

Daniel Svoboda concurred.

Dave Ptak stated County regulations are not applicable. The City requires the 5 acres for agricultural zoning. The County is not a player with regard to the zoning because it is within our two-mile extraterritorial zoning jurisdiction.

Graves asked if we are under the City's jurisdiction and if those are the rules the Commission follows.

Dave Ptak concurred.

Moved by Rundle, seconded by Graves, to recommend to the City Council approval of Svoboda Acres 3rd Subdivision, located within the 2 mile jurisdiction of the City of Hastings, Adams County, Nebraska. Roll Call: Ayes: Graves, Raitt, Rundle, Rosenberg, Johnson. Nays: Hunt. Absent: Gaines, Kully, Srivastava, Hamburger, Alternate Arrington-Williams. The motion carried.

b. 2018-039. Final plat for Wildcat Acres, a 43.95 acre subdivision located in a portion of the West Half (W 1/2) of the Southwest Quarter (SW 1/4) of Section 22, Township 7 North, Range 10 West of the 6th P.M., Adams County, Nebraska, being within the Two-mile Extraterritorial Jurisdiction of the City of Hastings, Adams County, Nebraska.

Don Threewitt stated this property is a 43.95 acre subdivision located east of Southern Hills Drive and north of Idlewilde Drive. It is a single, agricultural zoned parcel, and the applicants want to divide into seven rural residential lots over 5 acres each. All requirements of Hastings City Code Sections 38-202 and 38-203 have been met, and the plat may be approved. Staff supports a recommendation to approve Wildcat Acres Subdivision in Adams County, Nebraska.

Moved by Rundle, seconded by Johnson, to recommend to the City Council approval of the final plat for Wildcat Acres Subdivision, located within the 2 mile jurisdiction of the City of Hastings, Adams County, Nebraska. Roll Call: Ayes: Graves, Raitt, Rundle, Rosenberg, Hunt, Johnson. Nays: None. Absent: Gaines, Kully, Srivastava, Hamburger, Alternate Arrington-Williams. The motion carried.

c. 2018-040. Preliminary plat for Pioneer Trail Flats Subdivision, a re-plat of Lot 1, Block 2 of North Park Commons Addition to the City of Hastings, Adams County, Nebraska, containing 11.54 acres more or less, generally located east of Osborne Drive East and southeast of 31st Street as platted in North Park Commons Addition.

Don Threewitt stated the applicant will divide the parcel into three lots, a drainage outlot, and a right-of-way in anticipation of a large-scale multi-family development. The zone change has been recently tabled, but will not impact this plat. All requirements of Hastings City Code Sections 38-202 and 38-203 have been met, and the plat may be approved. Staff supports a recommendation to approve the Pioneer Trail Flats preliminary plat as presented.

Moved by Hunt, seconded by Graves, to recommend approval to the City Council Pioneer Trail Flats Subdivision preliminary plat. Roll Call: Ayes: Graves, Raitt, Rundle, Rosenberg, Hunt, Johnson. Nays: None. Absent: Gaines, Kully, Srivastava, Hamburger, Alternate Arrington-Williams. The motion carried.

e. 2018-041. Preliminary plat for Osborne View Estates Subdivision, a re-plat of Lot 1, Block 4 of North Park Commons Addition to the City of Hastings, Adams County, Nebraska containing 9.49 acres more or less, generally located north of 26th Street and east of Osborne Drive East.

Don Threewitt stated the property is located east of Highway 281, north of 26th Street and platted in North Park Commons Addition. The applicants wish to divide it into 45 lots in anticipation of a large-scale paired-home development. The zone change and the comp plan amendment will be presented in October. All requirements of Hastings City Code Sections 38-202 and 38-203 have been met, and the plat may be approved. Staff supports a recommendation to approve the Osborne View Estates Subdivision preliminary plat as presented.

Moved by Johnson, seconded by Graves, to recommend approval to the City Council for Osborne View Estates Subdivision preliminary plat, a re-plat of Lot 1, Block 4 of North Park Commons Addition to the City of Hastings, Adams County, Nebraska. Roll Call: Ayes: Graves, Raitt, Rundle, Rosenberg, Hunt, Johnson. Nays: None. Absent: Gaines, Kully, Srivastava, Hamburger, Alternate Arrington-Williams. The motion carried.

d. 2018-042. Preliminary/Final plat for ESU #9 Subdivision, a re-plat of Lot 1, Block 3 except the east ten (10) feet thereof, Davidson's Addition and the East Half of vacated Fourth Street between East South Street and East Park Street in the City of Hastings, Adams County, Nebraska containing 2.56 acres more or less.

Don Threewitt stated this property is a portion of the former Educational Service Unit #9 campus. The applicants wish to divide it into more marketable lots. All requirements of Hastings City Code Sections 38-202 and 38-203 have been met, and the plat may be approved. Staff supports a recommendation to approve the ESU#9 Subdivision preliminary plat as presented.

Moved by Hunt, seconded by Rundle, to recommend approval to the City Council a preliminary/final plat for the ESU #9 Subdivision in the City of Hastings, Adams County, Nebraska. . Roll Call: Ayes: Graves, Raitt, Rundle, Rosenberg, Hunt, Johnson. Nays: None. Absent: Gaines, Kully, Srivastava, Hamburger, Alternate Arrington-Williams. The motion carried.

11. Reports

a. Committee Reports

Chair Rosenberg stated the Ad Hoc Committee will be meeting the second Wednesday of every month at 5:30 p.m. He encouraged Commissioners to attend.

Dave Ptak added the City will not issue building permits until they submit a DEQ permit for the septic system design.

c. Staff Reports

Don Threewitt commented the Nebraska Planning and Zoning Association Fall Workshop is going to be held October 10-11 in Columbus.

Included in the packet are current drafts of the solar regulations and sign code. A workshop will be held to discuss both drafts.

Adjourn


Chairman