

CITY OF HASTINGS, NEBRASKA  
MINUTES OF PLANNING COMMISSION  
Tuesday, January 22, 2019

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 January 22, 2019.

The meeting was called to order at 4:00 p.m. in Regular Session by Acting Chair Dave Johnson with the following members present: Dale Hamburger, Marshall Gaines, Rakesh Srivastava, Willis Hunt, Mac Rundle, Gavin Raitt, Jodi Graves, Dave Johnson. Absent: Lou Kully, Alternate Megan Arrington-Williams.

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

Moved by Gaines, seconded by Hunt, to adopt the current agenda for the January 22, 2019, Planning Commission meeting. Roll Call: Ayes: Gaines, Hamburger, Johnson, Raitt, Graves, Srivastava, Rundle, Hunt. Nays: None. Absent: Kully, Arrington-Williams. The motion carried.

Acting Chair Johnson read the Public Notice - Pursuant to the 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 Rundle, seconded by Srivastava, to approve the minutes of the November 19, 2018, meeting. Roll Call: Ayes: Gaines, Hamburger, Johnson, Raitt, Graves, Srivastava, Rundle, Hunt. Nays: None. Absent: Kully, Arrington-Williams. The motion carried.

## **7. Special Order of Business**

### **a. Election of Officers. Chairperson, First Vice-Chair, Second Vice-Chair.**

Moved by Johnson, seconded by Hunt, to nominate Marshall Gaines as Chair. Moved by Hunt, seconded by Rundle, to elect Gaines as Chair by acclamation.

Chair Gaines assumed the role as Chair.

Moved by Johnson, seconded by Hamburger, to nominate Gavin Raitt as First Vice-Chair. Moved by Hunt that the Commission cast a unanimous vote for Raitt as First Vice-Chair. Nomination approved by acclamation.

Moved by Raitt, seconded by Gaines, to nominate Jodi Graves as Second Vice-Chair. Nomination approved by acclamation.

## **10. Subdivisions**

### **a. 2019-001. Recommend approval of a Preliminary/final plat for ESU #9 Second Subdivision, a replat of Lot Three (3) and Four (4) of Block Four (4), Davidson's Addition and the West Half of vacated South 4th Avenue between East South Street and East Park Street, in the City of Hastings, Adams County, Nebraska.**

Director Threewitt stated this action is related to the ESU #9 Subdivision recommended by the Planning Commission at the September 17, 2018 meeting, subsequently approved by City Council on October 8, 2018. The subject property is a portion of the former ESU #9 campus, and the applicants wish to divide the parcel into more marketable lots. He explained an encroachment of the building on the north into the public right-of-way. Staff did know about the encroachment prior to application, and internally agreed to a right-of-way license to remedy the issue. Staff supported a recommendation to approve this plat.

Alternate Willis Hunt questioned the history of the building and extent of staff's knowledge regarding the encroachment, expressed his disappointment that a building was built in the right-of-way, and expressed his disagreement with the City Engineer's and Director's remedy.

Chair Gaines asked whether a motion was appropriate at this point to move forward with the discussion and recommendation.

Moved by Johnson, seconded by Graves, to recommend approval to the City Council the Preliminary/Final Plat of ESU #9 Second Subdivision.

Hunt continued by re-iterating the facts of the current situation and expressing his disagreement as to how the site was originally developed in 2005. He further outlined how he would have preferred the site to be laid out. He stated that he was disappointed in the Planning Department, and that the 2005 actions placed the original contractor, the current applicant, and potential buyers in a terrible situation. He stated that he believes it is unfair that a building which encroaches in the public right-of-way, per code, may be ordered to be demolished.

Johnson questioned if this plat takes care of the problems that Hunt is talking about? Or, do we end up with a problem past the point of approving this new plat?

Threewitt explained all buildings were on one parcel. By subdividing, the three lots could be sold in separate ownership. Lot 1 has the bus barn that encroaches on the right-of-way. The City Engineer opted not to cede that right-of-way. The City can administer a licensing agreement to handle this situation. The proposed lot is accessed via a 14' access easement from Highway 6 north, which is split between Lot 2 and Lot 3.

The Chair called for the vote.

Roll Call: Ayes: Gaines, Hamburger, Johnson, Raitt, Graves, Srivastava, Rundle, Hunt. Nays: None. Absent: Kully, Arrington-Williams. The motion carried.

## **11. Reports**

### **b. Chairman Comments**

Chair Gaines thanked the Commission for the vote of confidence in electing him Chairman.

### **c. Staff Reports.**

Don Threewitt discussed the NPZA Annual Conference March 6-8, Kearney. The City will cover registration.

Hunt asked if alternates are allowed to attend.

Don Threewitt responded he would check with the City Administrator. New and returning Commissioner Orientation was discussed. A Q & A session has worked well in the past.

Other items to consider for a work session include:

1. Sign code changes are complete. A summary of all changes will be forthcoming.
2. Preliminary Annexation plan.
3. Update on the CDBG ADA Mobility Plan grant that was awarded.

A February 11<sup>th</sup> worksession was discussed to include: Building Code updates; the One-Six Year Street Plan; Signs; and Annexation.

Johnson expressed his interest in having a Worksession on February 11<sup>th</sup>.

Graves concurred. A Worksession would be a good way to discuss the items, outside of a meeting.

Adjourn



Chairman