

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Monday, April 20, 2020

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted via teleconference. The meeting is open to the public electronically or telephonically and a copy of the agenda is available at the Development Services Department Office, 220 N. Hastings Avenue, Hastings, Nebraska and on the City's website, www.cityofhastings.org. Members of the public may view the meeting on the City's website, www.cityofhastings.org, and may speak during the Public Hearings by calling 402-462-3500, on April 20, 2020.

The meeting was called to order at 4:00 p.m. in Regular Session by Chairman Gaines with the following members present: Eric Arneson, Michelle Lewis, Gavin Raitt, Mac Rundle, Marshall Gaines, Willis Hunt, Rakesh Srivastava, LaDaun Schoenhals, Ann Hinton. Absent: Lou Kully.

Moved by Hinton, seconded by Rundle, to adopt the current agenda for the Planning Commission Meeting. Roll Call: Ayes: Arneson, Lewis, Raitt, Rundle, Gaines, Hunt, Srivastava, Schoenhals, Hinton. Nays: None. Absent: Kully. The motion carried.

The Public Notice was read into the record. Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, April 17, 2020. The public is advised that a copy of today's agenda can be found at www.cityofhastings.org.

Moved by Rundle, seconded by Hunt, to approve the minutes of the March 20, 2020 Planning Commission meeting. Roll Call: Ayes: Arneson, Lewis, Raitt, Rundle, Gaines, Hunt, Srivastava, Schoenhals, Hinton. Nays: None. Absent: Kully. The motion carried.

9. Public Hearings.

a. 2020-009. Public hearing on a request for a Preliminary Development Plan, for property zoned CP-0, Commercial Office within a Planned District Overlay, for Primus Companies Hastings Dental Office located on property described as Lot 3, Anderson Second Subdivision, City of Hastings, Adams County, Nebraska.

Recommendation to approve the request for a Preliminary Development Plan, for property zoned CP-O, Commercial Office within a Planned District Overlay, for Primus Companies Hastings Dental Office located on property described as Lot 3, Anderson Second Subdivision, City of Hastings, Adams County, Nebraska.

Lisa Parnell-Rowe discussed the agenda item.

The base district of C-O is characterized as inclusive of urban and suburban residential and professional office uses that are appropriate in areas undergoing transition, or in areas where commercial uses might be damaging to established residential neighborhoods. Staff feels a Dental Office is a personal professional service. Table 200-1 lists a Professional Services Office as P (Permitted) in the C-O District. This use is allowable in base district. This lot has an additional overlay – it is in a planned district. The lot zone is CP-O (Section 34- 215). The planned district overlay is intended “to provide maximum flexibility in the development of property and at the same time to preserve and maintain the character and integrity of adjacent lands. It is an alternative to the base district standards where a plan for development equally or better meets the intent of the district or districts uses, better addresses site specific conditions including transitions to adjacent areas, and better service the public purpose than would otherwise occur under base standards.” The use of Dental Office on this lot will be compatible to its surroundings. There are many other commercial uses along the perimeter of the highway and just off Osborne Drive. To the northeast of this lot is the Home Realty Office, which is also a personal professional service. In a commercial or industrial zone that carries a planned overlay, “Buildings may be constructed on platted tracts which are smaller than the minimum lot size requirements where other adjacent permanent open space is provided. Buildings may be grouped in clusters or around courts and may be served by private drives in lieu of public streets. Buildings may be located closer to lot lines than otherwise permitted, provided such buildings are architecturally suitable for such a relationship to adjoining buildings and

property". The development plan for Hastings Dental on Lot 3 of Anderson Second Subdivision incorporates very few deviations from the base C-O District requirements as allowable in the planned district overlay. The one that it does incorporate is the flexibility for buildings to be located closer to lot lines than otherwise permitted. Below describes what would normally be required in the base CO district zone and what the applicant is proposing in their site plan as well as that deviation:

- The west side yard setback is 32.5', and is proposed to deviate by 9.2', setting a 23.3' side yard.
- The south rear yard setback is 27.8', and is proposed to deviate by 10.4', setting a 17.4' rear yard.
- The east side yard setback is 32.5' and is not anticipated to be encroached.
- The north front yard setback is 25' and is not anticipated to be encroached.

Staff notes that the following C-O Base District requirements have otherwise been met: minimum lot size, lot coverage and building height. The following is a summary of additional site plan requirements and the applicant's proposal to meet these requirements. Staff feels the adaptations that have been made are done in genuine interest of surrounding and adjacent properties in order to, "preserve and maintain the character and integrity of adjacent lands".

Lighting requirements: The parking lot, site access, and building egress paths will be lit with shielded fixtures on the southeast side of the site to limit exposure to the adjacent uses. The site lighting will be full cutoff and will meet requirements found in Section 34-305 of Hasting City code. The parking lot light poles will be 25' in height. It is important to note that the maximum height that is allowable in a commercial district is 37.5; however, the applicant has elected to utilize a much shorter light pole and place it on the farthest corner from adjacent residential in consideration of residents to the north.

Sidewalks: Sidewalks will be in front of the building for access from the parking lot and along N Shore Drive for continuation of future neighborhood sidewalks. Sidewalks are 6' and concrete. City engineers have reviewed and approved.

Parking: The overall site has included a parking lot with one singular ingress/egress to North Shore Drive. The parking lot consists of 15 stalls with 1 handicap stall that will comply with ADA requirements. Staff calculated the parking requirement would be met with 12 parking spaces per required automobile parking in table 308-1, which states if less than 60,000 SF the requirement is 3.3 per 1000 SF. This structure will be 3700 SF. The Dental office is planned to serve the Hastings community during normal business hours Monday - Friday 8am to 5pm. The office will be closed on holidays, and over lunch from 12pm to 1pm. This office will accommodate 12 patients and 8 staff members at full capacity. Therefore, Staff feels the additional spaces are justifiable to accommodate up to 20 people in this location at one time.

Buffer Requirement: There is a 30' buffer requirement that is to be met when a base C-O district is adjacent to residential. Again, in consideration of residents to the north, as well as to lend value to the character and integrity of this neighborhood, the applicant has incorporated dense tree screening around the north and west sides of the building. The adjacent property to the west is zoned R-1 and with the setback on the west side being 22.5' from this lot this screening should help to provide additional buffer between the two properties. Staff notes that this R-1-zoned lot to the west has not currently been built upon; but the applicant has taken these measures in the event that it is built out in future.

Open Space: This development is located next to a large lot to the south that is residential and City-owned. This area will likely remain open space as it's surrounded by runoff /drainage from Hasting Lake and is in a floodway. This area is shown in the Future Land Use map as a parks and recreation zoning.

Landscape: The landscape plan includes plant beds along the front elevation of the building, as well as along the proposed retaining wall and monument sign. There will also be a landscape bed along the west property line adjacent to the residential property to screen the uses. The plan will include a dense tree screening around the north and west sides of the building. Areas not marked for landscape beds will be sodded. The entire site will be irrigated to keep the plants thriving throughout the season. City Parks and Recreation is currently reviewing the street trees adjacent to North Shore Drive as required in 34-305 (3)(a) to ensure the appropriate approved species are planted in this area of the lot and the applicant has stated he will leave this to City discretion. Staff is also reviewing this plan, which was received slightly later than the rest of the plans. Completing review and incorporating necessary changes to the landscape plan are a condition for final development plan approval.

Sign: A monument sign will be located near the entrance for easy visibility to the North Shore Drive. Dimensions are not included in Site Plan. Applicant has agreed to submit a Development Permit that will be approved once it has met the regulations as described in Zoning Code 34- 309.02. Applicant has confirmed that the positioning of this sign does not violate sight triangle and will not hinder visibility for those entering or leaving this office.

Dumpster: A trash enclosure will be located at the south end of the parking lot allowing for easy access and lower visibility from the road. A retaining wall to the south and east will screen dumpster area, as required. This wall is intended to be segmented block and match the accents of the building.

Water and Sewer: Water and Sewer have been reviewed by City Utilities. Plan has been approved for both with two conditions 1) applicant must change the thickness on the 4" sewer service lines from SDR35 to SDR 26 and 2)

applicant will need to put a stop box at the property line. Design: The applicant has greatly considered the dental office architectural design to ensure that it be compatible with the character of the neighboring subdivision by using similar methods of construction. This includes wood framing, engineered wood siding, traditional roof materials and peaks, traditional window treatments, and stone accents on all sides of the building.

Staff recommends approval of the preliminary development plan for Lot 3 Anderson Second Subdivision with the following conditions: 1) Applicant must change the thickness on the 4" sewer service lines from SDR35 to SDR 26. 2) Applicant will need to put a stop box at the property line. 3) Applicant must submit a Development Permit for monument sign that will meet the regulations described in Zoning Code 34-309.02. 4) Any necessary changes to the landscape plan must be incorporated by the applicant prior to final development plan approval. 5) Applicant must also submit a Development permit for building and the development must receive final approval in accordance with building code prior to construction.

Jeff Ray with JEO, 11717 Burt Street, Omaha, Nebraska appeared via teleconference. He added that as the site was developed, the irregular shaped lot was taken into consideration. This is a transitional area from business to the residential and this is shown in the architectural design of the building. He also discussed lighting and landscape.

Moved by Hinton, seconded by Arneson, to recommend approval to the City Council the Preliminary Development Plan for Primus Companies Hastings Dental Office.

Chairman Gaines stated this is the best design for this parcel. He thanked Mr. Ray for his presentation.

Srivastava concurred with the Chairman.

Hunt stated this is the most comprehensive proposal for the lot.

Hinton stated the proposal fits into the location.

Roll Call: Ayes: Arneson, Lewis, Raitt, Rundle, Gaines, Hunt, Srivastava, Schoenhals, Hinton.
Nays: None. Absent: Kully. The motion carried.

b. 2020-010. Public hearing on a request for a Conditional Use Permit (CUP) for a Church Use at 408 North Minnesota Avenue, City of Hastings, Adams County, Nebraska.

Lisa Parnell-Rowe discussed the agenda item.

1. The proposed development will integrate compatibility with existing land uses and with permitted uses that may be established within any area to be affected by the proposed development. Surrounding land uses are: North: C-3, Commercial business district covers the northern half of the plaza and then across 5th Street right-of-way there is C-O, Commercial office non-retail district further north to 7th Street; South: Additional I-1 Light Industrial zoning and C-1, Local Business Districts then carry on further south; East: C-1, Local Business Districts lines the East Street Frontage along East Side Boulevard and then folds into R-1 approximately 3 blocks east; West: Directly to the west of this location there is also C-1, Local Business Districts which is only a pocket of concentration among a predominantly R-3, Multiple Family Residential District. The location that has been selected by The OASIS Church Inc., is currently zoned I-1. This district is intended primarily for urban and suburban light industrial, manufacturing, processing, storage, wholesaling and distribution operations; but also permits commercial uses. The regulations are intended to allow efficient use of the land while, at the same time, making the district attractive and compatible for a variety of non-residential uses. Though this section of the Depot Plaza is zoned industrial, the feel of this plaza is on the whole more representative of a commercial center than industrial plaza. One understands this by simply reviewing the plazas other tenants and their particular uses. In fact, the two businesses on either side of this applicant State Farm Insurance and Adams County Chiropractic) are both best categorized as personal professional service providers that you would typically find in a Commercial zone. There are also hair salons, law offices, spa services and counseling services all housed within this plaza or adjacent to this applicant. 2. The use does not have a permanent negative impact that is substantially greater than the impact anticipated from development permitted in the base

zone district. Pedestrian and vehicular traffic circulation and safety. This area has optimal vehicular traffic circulation with local street frontage off of Minnesota Avenue which is a residential street, but also back an arterial street (East Side Boulevard) which is located directly south or behind this commercial plaza. Additionally, there are two large ingress/egress access points into and out of this plaza. One is off of 5th Street on the north end of the complex and the other is off of Minnesota Avenue. As for Pedestrian access to this complex there are premier pedestrian capabilities due to the fact that the Pioneer Spirit Trail is directly behind this complex. In fact, many of the businesses in this complex have exits in the rear that lead directly to this trail. Reasonable and economic extension of public utilities and facilities. As this is within City limits and already serviced by the City there is no extension of service required. Such services will be the tenant responsibility and then the owner. Noise, fumes, dust or other environmental pollution. No noise, fumes and/or environmental pollution anticipated. There may be music during service times, but this should be limited only to Sunday mornings starting at 10 A.M. and Wednesday evenings at 6 PM. These times are not unreasonably out of normal times of day (i.e., late at night or early in the morning). In fact, most of the surrounding businesses in this complex should be closed these hours and unaffected by any such noise pollution. City code 18-113.01 (1) in fact allows excessive noise in connection with any activity coordinated for a church. The maintenance of logical and efficient development patterns and land use mixtures. The development pattern of uses in this area has long ago been set with the development of this plaza which appears to have all along been known to house commercial professional personal services and retail. In fact, the northern portion of this complex is zoned C-3, Commercial business district. A good majority of the adjacent property is also commercial-zoned, yet there are areas in close proximity of high density residential and R-1 that will benefit from another community-oriented assembly. The maintenance of property values in accordance with established and permitted land uses. If anything, having a church within walking distance of residential can be seen as a perk for a property owner to easily integrate into the community and may have more of a positive impact on property values than a negative impact in this area. 3. The conditions imposed are necessary to ensure the maintenance of property values and the safety, health, comfort, and repose of the residents. Staff has conducted an initial occupancy estimate based on the draft floor plan, parking plan and site parking availability. Though the maximum occupancy of all spaces within this suite could reach 71, this is very unlikely once construction and alterations are complete. Final floor plans will be accomplished as part of the building permit. We have therefore estimated a maximum occupancy level where applicant should start to consider other options to be 50. We are recommending that a condition be placed on the applicant to either relocate or resubmit a plan to expand their occupancy within this business center when they reach a congregation level of 50. This would require an amendment to this CUP and public hearings at both Planning Commission and City Council. We are also recommending that once CUP approval is fully obtained it must be followed by submittal of a building permit for the interior remodel. The plans that will be submitted as part of that permit must be completed to scale of 1/4" to 1' and include greater attention to detail. This is also a recommended condition to ensure that the interior remodel meets all building code standards and will be safe and comfortable for all that utilize the space. Additionally, we are asking the applicant to also submit a development permit for any signage that might be necessary in order to ensure that it meets all the requirements not only the safety measures but also to ensure from a design element that it will convey a positive message and image, therefore ensuring minimal impact on neighboring properties. 4. That the use, subject to conditions, maintains compliance with the Comprehensive Plan and the purpose and intent of the zoning regulations. The Comprehensive Plan for this property is mixed use downtown, which is complementary to the fact that this area currently offers many local business storefronts, but also has both medium density multiple family and single family residential adjacent and in local proximity to this location. Based on the character and nature of this area Staff feels comfortable with the use of a church being brought into this area and feels that it will bring greater outreach opportunities and outlets for many in this area. Recommendation: Staff recommends approval with the following conditions: 1) Should the OASIS Church Inc. congregation grow to an occupancy level of 50, they must either relocate or resubmit a plan to expand their occupancy within this business center. This will require an amendment to this CUP and public hearings at both Planning Commission and City Council. 2) Once CUP approval is fully obtained it must be followed by submittal of a building permit for the interior remodel. The plans that will be submitted as part of that permit must be completed to scale of 1/4" to 1' and include greater attention to detail. 3) If applicant desires to use signage a development permit must be submitted and approved by the Development Services Department along with ownership authorization. Staff recommends approval subject to the following conditions:

1) Should the OASIS Church Inc. congregation grow to an occupancy level of 50, they must either relocate or resubmit a plan to expand their occupancy within this business center. This will require an amendment to this CUP and public hearings at both Planning Commission and City Council.

2) Once CUP approval is fully obtained it must be followed by submittal of a building permit for the interior remodel. The plans that will be submitted as part of that permit must be completed to scale of 1/4" to 1' and include greater attention to detail.

3) If applicant desires to use signage a development permit must be submitted and approved by the Development Services Department along with ownership authorization.

Moved by Rundle, seconded by Lewis, to recommend approval to the City Council a Conditional Use Permit (CUP) for a Church Use at 408 North Minnesota Avenue, in the City of Hastings, Adams County, Nebraska. Roll Call: Ayes: Arneson, Lewis, Raitt, Rundle, Gaines, Hunt, Srivastava Schoenhals, Hinton. Nays: None. Absent: Kully. The motion carried.

c. 2020-012. Public hearing to consider Plan Modification No. 2020-2 to Redevelopment Plan #1 for Lots 4 and 5, Block 26 in the Original Town of Hastings, Adams County, Nebraska, commonly addressed as 615 West 1st Street.

ABBC Restorations, LLC intends to purchase and renovate the property at 615 West 1st Street. The intent is to convert the property into commercial and residential condominium uses. The applicant intends to utilize Tax Increment Financing (TIF) to aid in site acquisition, preparation, interior demolition, structural rehabilitation, facade enhancements, architectural, engineering, and planning costs, capitalized interest, legal fees, public parking, and other eligible public improvements in accordance with the Redevelopment Plan. Total project costs estimated to be \$433,000.00. The anticipated project valuation upon completion is anticipated at \$385,530.00. Future Land Use for this area is mixed use which is compatible with the applicant's intent to convert the property into both commercial and residential condominium uses. This project will lend value not only by renovating a historic building but also by incorporating further diversity in uses for both commercial and residential interested citizens. Plan Modification 2020-2 attached, details further information. Staff recommends approval

Randy Chick, 520 W. 1st St., #200, Hastings, Nebraska appeared via teleconference. He explained the tax increment financing and a site specific plan modification. He asked for the Commission's support on this project.

Moved by Hunt, seconded by Rundle, to recommend approval to the City Council Plan Modification No. 2020-2 to Redevelopment Plan #1 for Lots 4 and 5, Block 26, Original Town of Hastings, Adams County, Nebraska, commonly addressed as 615 West 1st Street.

Schoenhals commented on the rehab exterior rear sides of the buildings in the downtown area.

Randy Chick explained these items will be addressed in the remodel.

Roll Call: Ayes: Arneson, Lewis, Raitt, Rundle, Gaines, Hunt, Srivastava, Schoenhals, Hinton. Nays: None. Absent: Kully. The motion carried.

10. Subdivisions

a. 2020-006. Preliminary/Final plat for Keller Pointe Second Subdivision, a replat of Keller Pointe Subdivision-Revised.

Lisa Parnell-Rowe discussed the agenda item.

The Development Department and Plat Track review teams had reviewed this plat and the applicant's surveyor had incorporated all suggestions to include a 10' Utility Easement that had been recommended if needed for future underground electric by Utilities Coordinating Engineer, Ron Sekora on February 19, 2020. This comment was sent with a third round of review comments that were requested on February 20, 2020 to be responded to by the surveyor. At this that easement was incorporated into a revised plat

without hesitation in response to the review team comments. Then on March 16, 2020, Keller Second Pointe Plat was heard by Planning Commission and approved 7-0. The applicants and/or surveyor was not present for this meeting, and (in fact) this was noted by Commissioner Willis during the discussion for approval. Shortly after that meeting, on March 18, 2020, Mr. Sekora received a phone call from our applicant, Mr. Mark Keller, inquiring into the 10' easement that had been added. Mr. Keller questioned the necessity of this added 10' utility easement and, after discussing the matter further with the Hastings Utilities Department the applicant agreed that they would be willing to forgo this easement with the understanding that in the future power would then need to be fed from the front of any lots in that area. The feed of power for future lots from the existing overhead power line will be fed by going down any pole to a meter pedestal and then it will be the responsibility of the home owner's electrician to take it to the house at their expense. Doing this way would also necessitate a one-time charge of \$350.00 (current fee) for either a single or double meter pedestal. As such, the easement was removed at Mr. Keller's request. See attached email from Mr. Sekora summarizing his discussion with the applicant. As for the rationale as to why this easement was not questioned during the Plat tracker review, the surveyor has told Staff that this was his error in understanding how easements and the review process work. He did not understand that any recommended easements could be discussed with the City and had the impression that the applicants were required to comply with this requirement. Staff has explained that the plat track review process has been put into place to coordinate reviews of plats and discuss the requirements and future needs as we grow. Staff, development department and the Plat Track Review teams have all re-looked the latest plat with this easement removed and agreement has been reached to approve. Requirements of Hastings City Code Sections 38-202 and 38-203 have been met, and the plat may be re-approved. Staff supports a recommendation to approve this plat with this easement removed but with the condition that any future development for lots on this subdivision will be fed from the front of any future lots.

Eric Arneson left the meeting at 5:22.

Moved by Hinton, seconded by Rundle, to recommend approval to the City Council the Preliminary/Final Plat for Keller Pointe Second Subdivision, City of Hastings, Adams County, Nebraska.

Ron Sekora, Coordinating Engineer, Hastings Utilities appeared via teleconference. He stated utilities will be serviced from the front of the lots, so the easements will be released from the east and south sides of the parcels.

Roll Call: Ayes: Lewis, Raitt, Rundle, Gaines, Hunt, Srivastava, Schoenhals, Hinton. Nays: None. Absent: Kully, Arneson. The motion carried.

b. 2020-011. Preliminary plat for Hastings Rural Fire Subdivision.

Lisa Parnell-Rowe discussed the agenda item.

The Development Department and Plat Track review teams have reviewed this plat and the applicant has incorporated all preliminary recommendations. The flag lot configuration of this development meets the requirement prescribed for flagpole when located within the two-mile extraterritorial jurisdiction of no more than 400 feet in length and the flag lot requirements (exclusive of flagpole) must meet all lot width, front and rear yard setbacks in accordance with definition. Building location and lines are added as part of final plat criteria and will be reviewed at that time as condition for final. Grading & landscape plans were provided along with building plans and are in concurrent review. Topography plan was noted to be in draft form by Engineer but not yet received. Final approval of these plans are conditions of approval for final plat. All requirements of Hastings City Code Sections 38-202 have been met, and the preliminary plat may be approved. Staff recommends approval with the following conditions for final plat: 1) Building location and lines must be added as part of final plat and must meet all lot width, front and rear yard setbacks (exclusive of flagpole) as defined and required of a flag lot. 2) Approval of Grading, landscape and topography plans must be accomplished with final plat. 3) Rezone must be accomplished with final plat.

Moved by Lewis, seconded by Hunt, to recommend approval to the City Council the Preliminary/Final Plat for Keller Pointe Second Subdivision, City of Hastings, Adams County, Nebraska.

Hunt questioned the septic system easement.

Josh Grummert, Surveyor appeared via teleconference. He stated the engineer and architect asked that the easement to be placed on the plat for the existing structure.

Roll Call: Ayes: Lewis, Raitt, Rundle, Gaines, Hunt, Srivastava, Schoenhals, Hinton. Nays: None.
Absent: Kully, Arneson. The motion carried.

11. Reports

a. Committee Reports

Hinton stated the Ad Hoc Committee did not meet.

c. Staff Reports

Lisa Parnell-Rowe thanked Kim Jacobitz, City Clerk, and Lori Vorderstrasse, Assistant City Clerk for organizing the online meeting.

She also stated that she is still working on Planning Commissioner training and Wellhead Protection.

Adjourn

Chairman