

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Tuesday, May 19, 2020

Pursuant to due call and notice thereof, a Regular Meeting of the Planning Commission of the City of Hastings was conducted via teleconference. The meeting was open to the public electronically and telephonically and a copy of the agenda and public access were available on line at the City's website, www.cityofhastings.org.

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, Mac Rundle, Marshall Gaines, Lou Kully, Rakesh Srivastava, LaDaun Schoenhals, Ann Hinton. Absent: Gavin Raitt, Alternate Willis Hunt.

Moved by Hinton, seconded by Kully, to adopt the current agenda for the Planning Commission meeting. Roll Call: Ayes: Arneson, Lewis, Gaines, Kully, Srivastava, Schoenhals, Hinton. Abstained: Rundle (technical difficulties). Absent: Raitt, Hunt. 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, May 15, 2020. The public was advised that a copy of today's agenda could be found at www.cityofhastings.org. The meeting is open to the public electronically or telephonically and a copy of the agenda for such meeting, kept continually current, is available for public inspection at the office of the Development Services Department, 220 N. Hastings Ave., Hastings, Nebraska, during normal business hours and on the City Website, www.cityofhastings.org.

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

9. Public Hearings.

a. 2020-015. Public hearing to recommend a request for a Conditional Use Permit (CUP) for self-storage located at 1211 and 1215 East South Street, Hastings, Nebraska, legally described as Lots 1 & 2, ESU #9 Subdivision to the 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: I-1, Light Industrial district. Davidsons Addition Subdivision is located here with mobile home community. Further north past this is the East Park Addition and railroad.

South: C-3, Commercial Business Districts and a variety of commercial and restaurant businesses;

East: C-3, Commercial Business District and existing Tuck It Away storage units and I-1, Light Industrial district. Southeast across South Street is heavier industrial district, I-2, with additional businesses, bar and grills.

West: C-3, Commercial Business Districts with Anytime Fitness, additional retail and automotive businesses, and to the northwest is more I-1, Light Industrial.

The location that has been selected by the applicant, who is represented by Quality Builders, LLC, is currently zoned C-3. This area is a mixture of commercial and industrial zones and this particular lot sits directly next to already pre-existing Tuck It Away storage units, which are on the lot directly to the east, and, also zoned C-3. This area is heavily exposed to traffic and was zoned this category with the intent to develop this area into general commercial uses such as personal services, convenience stores and auto-related service facilities. Future land use of this area is for commercial/retail. Though there are mobile home residents across East Park Street, this mobile home park is zoned I-1 light industrial and a compatible zone to transition to from C-3. East Park Street is also 70 feet of right of way (ROW) and the proposed storage units are setback from the lot line another 30' so though normally it is not ideal to place

a heavier commercial use next to residential this particular scenario is less concerning.

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. The applicant and Quality Builders LLC have reviewed this plan with engineering staff representing the streets and have approved. Effort has been taken on the part of the applicant to ensure the development adheres to International Fire Code (IFC) standards where access for emergency and fire personnel must be figured into the design of the streets within this development. Staff notes the review by Fire has also occurred and been approved for this site plan. Additionally, there are two large ingress/egress access points that are being added off of East Park Street allowing for optimal circulation of those it will serve. In the applicants narrative they have stated that they will meet the 75000-pound driving surface requirement also found in the IFC. Majority of the paths are 30' wide which is driven by a specific storage unit requirement for 30' in between units and this has been met and will allow for easier loading and unloading of larger moving vehicles.

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. Utilities has reviewed and approved this site plan. No noise, fumes and/or environmental pollution are anticipated. Rules for the use of the self-storage units will be included in the lease documents and posted on building-mounted signs. These rules will include but are not limited to the following:

1. All storage shall be kept within an enclosed building.
2. All of the following are prohibited on the property: The storage of gasoline, diesel fuel, paint, paint remover and other flammable materials. The repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture. The storage of any propane or gasoline storage tank is prohibited within or outside any structure on the property.

The maintenance of logical and efficient development patterns and land use mixtures. The development pattern of this use was established when the adjacent storage units were approved and placed in this area. The addition of these storage uses is logical due to its use compatibility to the existing units adjacent to the east and across the South Street ROW to the west. This use fits the zoning of this lot and surrounding zone districts and will not have a negative effect on property values.

3. The conditions imposed are necessary to ensure the maintenance of property values and the safety, health, comfort, and repose of the residents.

The use of storage unit should not evoke safety concerns and property values should remain same as similar adjacent uses. Providing these units will provide a service that is lacking in this area. Staff does not feel there will be need for any conditions imposed due to this use being in close proximity of the adjacent residential areas. Adjacent property notice letters were sent out to all within 300 feet of this location and there has been no response. There is over 100' between these residents and existing a fence and trees to separate this mobile home community from the commercial businesses to the south. There will be conditions placed on this CUP to ensure that site itself is safe for those it serves and that it also meets the specific storage unit criteria as stated in 34-402 (9).

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 commercial/retail, which is complementary to the fact that this area currently contains many similar businesses and uses. Based on the character and nature of this area Staff feels comfortable with the use of storage units being brought into this area and feels that it will bring City residents additional storage opportunities that continue to be needed.

A self-service storage facility has additional criteria that it must meet as spelled out in Chapter 34-404. The applicant has received a copy of these criteria and has either incorporated those things in their site plan or talked to those aspects in their narrative. The proposed Site Plan includes the dimensions of buildings, setbacks, parking locations, access, easement locations and drainage. The narrative they provided addresses how each aspect will work and provides more detail that will be provided in final

engineered plans. Due to the applicant wanting to ensure receipt of CUP approval prior to hiring an Engineer to complete all the necessary drawings staff has accepted this site plan and a narrative to supplement. All zoning requirements for the C-3 zone are shown and met in the Site Plan. Staff recommends approval.

Moved by Hinton, seconded by Srivastava, to recommend approval to the City Council of a Conditional Use Permit (CUP) for self-storage located at 1211 and 1215 E. South Street, Hastings, Nebraska, legally described as Lots 1 & 2, ESU #9 Subdivision to the City of Hastings, Adams County, Nebraska, subject to following condition:

- 1) There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply.
- 2) The City Clerk shall forward to the Register of Deeds for recording an affidavit or such other instrument as may be deemed appropriate so as to provide notice to any person examining the real estate records of the existence of this conditional use permit. The recording costs incurred, to comply with this section, shall be paid by the applicant for the Conditional Use Permit.

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

b. 2020-013. Public hearing for a change of zoning for Hastings Rural Fire Subdivision, Adams County, Nebraska, from R-1, Urban Single Family Residential and A, Agricultural to R-1S, Single Family Suburban Acreage Residential District and to amend the Official Zoning District Map.

Motion to recommend approval of Ordinance No. 4632 and the amendment to the Official Zoning District Map to rezone Hastings Rural Fire Subdivision from R-1, Urban Single Family Residential and A, Agricultural to R-1S, Single Family Suburban Acreage Residential District.

Lisa Parnell-Rose discussed the agenda item.

Surrounding zoning is as follows:

North – A Agricultural and R-1 Urban Single Family Residential

South – A Agricultural

East - A Agricultural

West – R-1 Urban Single Family Residential

The future land use plan designation for the area is agricultural. Leaving this development agricultural does not align to the minimum lot requirements nor does it fit the use for a public facility. However, though our comprehensive plan does include a future zoning district for public/semi-public, the zoning code does not include a public/semi-public zoning district. After reviewing several other public facilities for zoning, historically public facilities have been zoned to the best fit residential zones. Rezoning to R1-S best meets the minimum lot requirements for both of these lots and also cleans up the mixture of zoning currently occurring for what will become Lot 1 with concurrent approval of final plat. This lot also serves as a public facility as this is where the Adams County Extension Office is located. This lot is partially zoned R-1, Urban Single Family Residential and A, Agricultural. The rezone to R1-S considers both the best fit for use and compatibility for location as allowable within the existing zoning districts. R1-S fits best to the larger suburban areas adjacent to smaller urban areas of the City where larger lots tend to develop. Staff recommends approval.

Moved by Kully, seconded by Rundle, to recommend approval to the City Council Ordinance No. 4632 for a change of zoning for Hastings Rural Fire Subdivision, Adams County, Nebraska, from R-1, Urban Single Family Residential and A, Agricultural to R-1S, Single Family Suburban Acreage Residential District, and to amend the Official Zoning District Map. Roll Call: Ayes: Arneson, Lewis, Rundle, Gaines, Kully, Srivastava, Schoenhals, Hinton. Nays: None. Absent: Raitt, Hunt. The motion carried.

c. 2020-016. Public hearing to recommend approval of Ordinance No. 4633, to amend Section 34-315.01 (c) of the City Code dealing with all other hoofed animals.

Motion to recommend approval of Ordinance No. 4633.

Lisa Parnell-Rowe discussed the agenda item.

The proposed text change and Ordinance would allow public that are zoned A, *Agriculture* and R-1A, *Single Family Large Lot Residential*, recourse for requesting additional other hoofed animals based on the size of their lot and review of such matter on a case-by-case basis through a Conditional Use Permit (CUP) process. Limited agriculture, defined as *the production of grain, animals, food and fiber on a small scale where any impacts on potential adjacent property from storage, operations, and equipment can be internalized into the site or buffered from abutting areas, typically not occurring on lots or parcels larger than 10 acres*, is listed in Table 200-1, *Uses and Districts*, as R for Restricted. Being a Restricted use allows for the use subject to specific use standards as referenced in Section 34-315-01. This text change and CUP option would be limited by use category in Table 200-1 to only owners of Agriculture lots, which must be at least 5 acres minimum and R-1A-zoned lots not less than 20,000 square feet. Staff supports this as text change and believes it will benefit many larger lot and acreage owners as it will provide them with greater options to utilize their property for sustainable food sources. This may assist some citizens during times where food distribution is negatively impacted during unexpected events such as we see now with COVID-19. Doing this for some may not be compatible to surrounding properties while for others it will make good sense. Requiring a CUP to occur past the already stated thresholds for no more than 2 hoofed animals other than horses will allow City to control inappropriate uses while providing options for others that may legitimately have ideal conditions to allow for this use to occur. Staff recommends approval.

Moved by Rundle, seconded by Lewis, to recommend approval to the City Council of Ordinance No. 4633 to amend Section 34-315.01 (c) of the City Code dealing with all other hoofed animals. Arneson left the meeting at 4:42. Roll Call: Ayes: Lewis, Rundle, Gaines, Kully, Srivastava, Schoenhals, Hinton. Nays: None. Absent: Raitt, Hunt. The motion carried.

d. 2020-017. Public hearing to recommend approval of Ordinance No. 4627 to amend Section 38-201 of the City Code to authorize preliminary and final plats to be processed in combination and to amend Section 38-202 regarding pre-authorized work before final plat approval.

Motion to recommend approval of Ordinance No. 4627.

Lisa Parnell-Rowe discussed the agenda item.

The proposed text change and Ordinance would allow staff to better streamline the plat process by allowing less complex subdivision plats to circumvent 4 total required public hearings. Currently, when a subdivision is processed as prescribed in sections 38-202 & 38-203 and it does not meet administrative plat criteria as charged in Section 38-204 it must undergo approvals from both Planning Commission and City Council in two separate rounds (1 for preliminary plat and another for final plat). This can take as many as approximately 75 days depending on the necessary revisions. Under the combination of a preliminary/final plat process, should the subdivision meet the established criterion, an applicant would be able to benefit from a much quicker turnaround of approximately 45 days. In past this has been a working practice at the discretion of staff that was not necessarily allowable in our code. It was is also not defined by thresholds which has made us appear to apply inconsistently. The Development Services fee structure includes a fee already for combined review, but the code does not prescribe to it. Establishing criteria for when it makes sense to apply this will make our intake assessment more accurate upfront and make our discretion of when to apply the plat process in this manner more consistent and fair for to all applicants being reviewed upon intake. The trends show the number of plats processed each year over the last 4 years has drastically increased. Based on the data available regarding zoning approvals, over 10% are for subdivision plats. However, due to limitations in tracking we speculate that this percentage is even higher than is recorded. A more complex subdivision is one that contains more lots, entails more than one owner and has a lien for which there must be acknowledgement and processing through a second party. In all these cases the need for a more discriminate and detailed review of the plat in 2

separate cycles is necessary to mitigate through all the potential issues and review more than once by commissioners and council. However, for a smaller Subdivision plat of 2-3 lots where the area has never been platted, is a tax lot or entails public infrastructure that require full commissioner and council approval (i.e., it will not qualify as an administrative plat), the need for this extra time seems cumbersome and unnecessary to our applicants. Often times it is a frustration to them and staff to follow.

This text amendment also removes language in 38-202 (3) that allows an applicant to be granted special permission by City Council to accomplish grading of streets and/or construction prior to final approvals being accomplished by Planning Commission and City Council. Staff feels that grading prior to approvals is a liability. Grading prior to approvals has the potential to leave dirt exposed without coverage for longer than would be the case if an immediate build were to occur, which can (in turn) be a hazard if high winds or rains occur to local infrastructure that does not have proper drainage mitigation in place. Processing special permission requests is an additional administrative burden that has no fees associated with it. Having this language included as an exception puts City Council in a position to make decisions that might appear unfairly applied due to the case-by-case scenario it infers without specific criterion to meet.

Staff fully supports this as text amendment and is anxious to start applying the code in this manner knowing the improvements it will make in the upfront pre-qualification of plats, as well as the time it will save for both the applicant and staff. Staff anticipates as many as 10 subdivision plats if not more will be processed in the near future based upon pre-qualification meetings with applicants regarding various projects. Staff recommends approval.

Moved by Kully, seconded by Hinton, to recommend approval to the City Council of Ordinance No. 4627 to amend Section 38-201 of the City Code to authorize preliminary and final plats to be processed in combination and to amend Section 38-202 regarding pre-authorized work before final plat approval. Roll Call: Ayes: Lewis, Rundle, Gaines, Kully, Srivastava, Schoenhals, Hinton. Nays: None. Absent: Raitt, Hunt, Arneson. The motion carried.

10. Subdivisions

a. 2020-018. Preliminary/Final plat for Warrings Second 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 requirements prescribed for the flagpole when located within the two-mile extraterritorial jurisdiction of no more than 400 feet in length. The remaining portions of the flag lot (exclusive of flagpole) meet all lot width, front and rear yard setbacks, as well as all other proposed R-1S zoning requirements. The building location and lines have been added as part of final plat criteria and preliminary condition. Grading, landscape and topography plans were provided and have been approved by Engineering, utilities and Building Inspector as part of the preliminary condition. All requirements of Hastings City Code sections 38-202 & 38-203 have been met, and the final plat may be approved. Staff recommends approval.

Moved by Kully, seconded by Hinton, to recommend approval to the City Council the Preliminary/Final Plat for Warrings Second Subdivision. Roll Call: Ayes: Lewis, Rundle, Gaines, Kully, Srivastava, Schoenhals, Hinton. Nays: None. Absent: Raitt, Hunt, Arneson. The motion carried.

b. 2020-019. Final plat for Hastings Rural Fire Subdivision.

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 requirements prescribed for the flagpole when located within the two-mile extraterritorial jurisdiction of no more than 400 feet in length. The remaining portions of the flag lot (exclusive of flagpole) meet all lot width, front and rear yard setbacks, as well as all other proposed R-1S zoning requirements. The building location and lines have been added as part of final plat criteria and preliminary condition. Grading, landscape and topography plans were provided and have been approved by Engineering, utilities and Building Inspector as part of the preliminary condition. All requirements of Hastings City Code sections 38-202 & 38-203 have been met, and the final plat may be approved. Staff recommends approval.

Moved by Hinton, seconded by Schoenhals, to recommend approval to the City Council the Final Plat of Hastings Rural Fire Department. Roll Call: Ayes: Arneson, Lewis, Rundle, Gaines, Kully, Srivastava, Schoenhals, Hinton. Nays: None. Absent: Raitt, Hunt, Arneson. The motion carried.

11. Reports

a. Committee Reports

Hinton reported the Ad Hoc Committee did not meet.

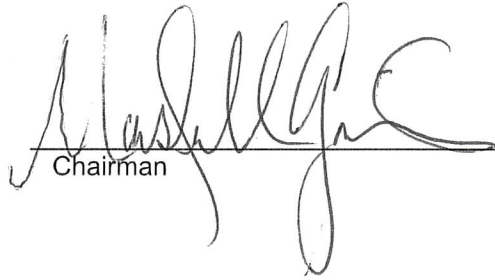
b. Chairman Comments

None.

c. Staff Reports

Lisa Parnell-Rowe reported that she is still planning on scheduling a work session for the Planning Commission Training.

Moved by Rundle, second by Gaines, to adjourn.



Chairman