

HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission has been scheduled for Tuesday, September 15, 2020 at 4:00 PM in the City Building, 220 North Hastings Avenue.

AGENDA:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Motion to adopt the current agenda for the Planning Commission Meeting
5. Public Notice - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, September 11, 2020. 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.
6. Approval of Minutes
 - a. Meeting of August 18, 2020
7. Special Order of Business
8. Unfinished Business
 - a. Continued Applications - None
 - b. Tabled Applications - None
 - c. Postponed Applications - None
 - d. Unfinished Applications - None
9. Public Hearings.
 - a. **2020-038.** Public hearing to recommend a request for Plan Modification No. 2020-4 to Redevelopment Area #14 for Lot 2, Hastings Commons Subdivision No. 3, City of Hastings, Adams County, Nebraska.
 - b. **2020-039.** Public hearing to recommend a request for Plan Modification No. 2020-3 to Redevelopment Area #1 for Lot 8, Block 24, Original Town, now City of Hastings, Adams County, Nebraska, commonly addressed as 529 West 2nd Street.

Planning Commission Agenda

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- c. **2020-033.** Public hearing to recommend a request for a Conditional Use Permit (CUP) amendment for Recreational Vehicle Park use when established and covered more recently under Table 34-200-1, Outdoor Entertainment and Recreation Business in current City code, for property located 302 East 26th Street, Hastings, Nebraska.

Motion to recommend approval of CUP amendment for Recreational Vehicle Park use when established and covered more recently under Table 34-200-1, Outdoor Entertainment and Recreation Business in current City code, for property located 302 East 26th Street, Hastings, Nebraska.

- d. **2020-034.** Public hearing for a change of zoning for Westbrook Village 17th Addition, City of Hastings, Adams County, Nebraska, from R-1, Urban Single Family Residential and A, Agricultural to R-1, Urban Single Family Residential District and to amend the Official Zoning District Map.

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone Westbrook Village 17th Addition, City of Hastings, Adams County, Nebraska, from R-1, Urban Single Family Residential and A, Agricultural to R-1, Urban Single Family Residential District.

10. Subdivisions

- a. **2020-035.** Final plat for Westbrook Village 17th Subdivision, a replat of a tract of land being all that of Lot 3, Westbrook 16th Addition to the City of Hastings, Adams County, Nebraska, and a part of the South ½ of Section 5, Township 7 North, Range 10 West of the 6th P.M., Adams County, Nebraska.

11. Reports

- a. Committee Reports
- b. Chairman Comments
- c. Staff Reports

Adjourn

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Tuesday, August 18, 2020

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 August 18, 2020.

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

The Chair led the Commission in recital of the Pledge of Allegiance to the United States of America.

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

The Public Notice was read into the record. 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 Kully, seconded by Hinton, to approve the minutes of the July 20, 2020 meeting. Roll Call: Ayes: Gaines, Hinton, Schoenhals, Kully, Hunt, Rundle, Lewis. Nays: None. Absent: Arneson, Raitt, Srivastava. The motion carried.

8. Unfinished Business
a. Continued Applications

Mr. Kully excused himself from participation of this item due to a conflict of interest.

2020-027. Public hearing to recommend a request to designate approximately 82.61 acres in a portion of the south half of Section 23, T7N, R9W of the 6th P.M. in Adams County, Nebraska, known as Redevelopment Area #15, as a blighted and substandard area, and to determine consistency with the Comprehensive Plan.

Motion to recommend approval of a resolution for adoption of Blight and Substandard Determination for Redevelopment Area #15 and declaring Redevelopment Area #15 as blighted and substandard.

Lisa Parnell-Rowe explained that this item was presented in November 2019 to Planning Commission but the Sanitary Improvement District (SID) was not complete at that time so Planning Commission voted 9-0 to continue this matter to December 2019. There were also additional concerns for the legal description and the area the related map encompassed as it corresponded to that description. As a consequence of these concerns, public notices were not accurate as presented to the public on this matter. In December 2019, there was not a quorum of Planning Commission present and the matter was left unheard. The Director of Development Services position was left unfilled until mid-February. Though the study and inclusive maps were updated in February the SID remained incomplete until mid-June when the decree was filed. In order to meet public notice requirements, it was moved forward to the July Agenda and public noticed. Unfortunately, State statute changes require that notice for Blight and Substandard declaration not only be published in the paper 2 times prior to being heard and provide access to the study and map of area; they now also require letters be sent to all known neighborhood associations, leaders in county, school districts, community colleges, educational units and natural resource districts within a one-mile radius of the area. This particular part of notice requirements was overlooked by staff and the matter was again continued to this month's agenda.

All items needed and required to proceed have now been completed and we are finally prepared to move

this item forward to Planning Commission for recommendation to City Council. The applicant, Randy Chick for the Community Redevelopment Authority, commissioned a blight and substandard study to determine the possibility of declaring the area blighted and substandard. The Revised Blight and Substandard study (attached) details existing conditions and statutory requirements for this area.

The subject property is not located in the city limits, but is located in the extraterritorial jurisdiction (ETJ). Normally this would not be a prospective area to redevelop due to this locale; however, there are provisions set up in the Nebraska Community Development Law to allow for redevelopment of formerly used defense sites located outside corporate limits as found in Section 18-2123.01.

Planning Commissions basic action pertaining to this case is to find that the Blight and Substandard study is consistent with the Comprehensive Plan. Imagine Hastings projects this area for Future Land Use to be Employment/Industrial. Currently this is zoned I-2. Therefore, current zoning does appear to be compatible with the future desired land use for this area. There would be no change in zoning at this time.

Planning Commissions next action is to ensure that adoption of this area as substandard and blighted is justifiable based on the study findings and to recommend the corresponding Resolution be approved by City Council. Staff feels with this area being incorporated into the ETJ in 2019 that the area will need to become an area that will be viable for growth and development. The study findings show 100% of all 19 structures in this area were rated as fair in condition and over 40 years of age. The average age calculation is 78.26 years. Site infrastructure of roads, rail, drainage, parking lots and driveways were all assessed to less than fair but mostly poor condition. The area is relatively flat which is detrimental to the existing drainage conditions, as well as stormwater management practices. Some known groundwater contamination still remains despite mitigation measures in 1990 as indicated by Kansas Regional office of EPA.

Lastly, Planning Commission will need to agree that the City would intend in future to annex this area into City limits once the gap between City and this area are filled to allow for a clear path of annexation requirements (i.e., adjacent and contiguous). Staff feels in our actions to agree to incorporate this area into the 2019 ETJ we have indicated Cities interest to expand and incorporate this area into a prospective status. It would be advantageous to the City to agree to declare this area blighted and substandard now and to thus allow CRA the ability to leverage improvements as incentives prior to this incorporation. The special provisions found in NRS 18-2123.01 allows for this to occur and this area meets the eligibility requirements as it is a former defense used site, located within the same county as the City, and it was formerly owned and leased by U.S. Navy & Air Force under the purview of the United States Secretary of Defense.

City Staff and the Community Redevelopment Authority have reviewed the study and believe that it fulfills the statutory requirements to be declared Blight and Substandard. Once the General Redevelopment Plan is fully approved plan modifications can be presented to the Planning Commission at a later date for separate approval once any projects are identified and pursued.

Keith Marvin, Marvin Planning Consultants, David City, Nebraska spoke on behalf of the application. He stated since we are moving forward, the SID was formed and has been filed. The map has been amended. The reason we are doing this is because there was some legislation passed some years ago that allows cities to declare areas blighted outside the corporate limits as long as it is an old military base.

Moved by Hunt, seconded by Hinton, to recommend approval to the Mayor and City Council, a Resolution for a Blight and Substandard Determination Study for Redevelopment Area #15. Roll Call: Ayes: Gaines, Hinton, Schoenhals, Hunt, Rundle, Lewis. Abstain: Kully. Nays: None. Absent: Arneson, Raitt, Srivastava. The motion carried.

9. Public Hearings.

a. 2020-028. Public hearing to recommend a request for a Conditional Use Permit (CUP) for allowance of additional hoofed animals to be located at Lot 1, Hultine Subdivision, Adams County, Nebraska, commonly addressed as 4810 West 12th Street, Hastings, NE 68901.

Motion to recommend approval of a CUP resolution for allowance of additional hoofed animals to be located at Lot 1, Hultine Subdivision, Adams County, Nebraska, commonly addressed as 4810 West 12th Street, Hastings, NE 68901.

Lisa Parnell-Rowe explained the request for the Conditional Use Permit.

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 – A Agricultural

South – A Agricultural

East – A Agricultural

West – A Agricultural

Historically this lot was zoned Agriculture; however, when the recent lot subdivision was approved it was also necessary to rezone these lots to R-1A to accommodate the new lot area requirements. This zone also allows for limited agriculture, which authorizes the Hultines to continue their already existing use of boarding and husbandry of bovine animals, with limitations of 2 per lot. Hultines have more than 2 bovine animals and desire to utilize this ground to support up to 8. Adjacent properties have already been accustomed to this area being utilized for this particular use and as all adjacent properties are zoned Agriculture so continued use will fit with the intent of their zones.

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. No traffic changes are anticipated with this use. Again use is pre-existing.

Reasonable and economic extension of public utilities and facilities. No utilities & facilities changes are anticipated with this particular use. Again, this use is pre-existing. There is an existing 40'x80' pole barn on the property. This structure has been in place for close to twenty years. This building is not in the flood plain and provides storage, corrals, stables, shelter, water and electricity for the boarding and husbandry of livestock.

Noise, fumes, dust or other environmental pollution. Again, this use is pre-existing. This use has occurred for past 20 years. All animal and feed waste have and will continue to be managed through natural decomposition. Hultines have received no complaints from neighbors regarding this use in the past with regard to noise, fumes or dust.

The maintenance of logical and efficient development patterns and land use mixtures. This use has occurred for past 20 years on this very same lot. Use is compatible to all surrounding zoning and uses and allowable as a limited agriculture use in the R-1A use district with 2 per lot and an additional 2 per acre with this CUP. Additionally, due to this lot being virtually covered in a flood plain there is no better use for this land and as applicant has stated in his narrative there are no other prospective uses in the future due to this limitation. Property owner should be allowed to maximize this use with no other feasible opportunities to build on the area especially considering the area fits with surrounding Agriculture zones and uses.

The maintenance of property values in accordance with established and permitted land uses. Use of bovine in the surrounding Agriculture zone is common and permissible. Should not have impact on adjacent property values. Public notice requirements have been adhered to and there have been no responses received from any adjacent property owners.

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

Due to the fact that this is an existing use and all the necessary infrastructure and processes necessary to accommodate bovine are already in place there are no condition being imposed to ensure

maintenance of property values, safety, health, comfort or repose of residents.

4. *That the use, subject to conditions, maintains compliance with the Comprehensive Plan and the purpose and intent of the zoning regulations.* The single-family large lot residential district is commonly placed next to agricultural zones on the outskirts of a municipality due to this zones intent for larger single family residential lots in lower population density areas. The future land use plan designation for the area is Suburban Residential. As the area is slated for future Suburban Residential, the R-1A, Single Family Large Lot Residential District was an ideal zone considering it allows for lower population densities with larger lots sizes—a minimum of 20,000 square feet. This zone also allows for limited agriculture, which allows the Hultines to continue their already existing use of boarding and husbandry of bovine animals, with a limitation of 2 per lot. Additional hoofed animals of 2 per acre are allowed with this CUP. Therefore, such use is allowable with limitations in R-1A and also permitted the Agriculture zone.

Allowance for additional hoofed animals in the *Agriculture, Limited* use for R-1A zoning district carries a restricted use when you look it up in the Uses and Districts Table 200-1. When a zoning district carries a restricted use it allows for this specific use so long as specific use standards are met. These additional use standards are spelled out in Chapter 34-315.01 (1) (c). The applicant has received a copy of these criteria and has either incorporated those things in their site plan or discussed in their narrative. Below is a summary of these standards and how applicant has addressed each in his narrative:

1. *Additional hoofed animals, not to exceed two (2) per acre:* 2 (per lot) + 2 (per acres) X 3.62 acres = 9.24. Request is for up to 8.
2. *Sites utilized for limited agriculture shall not produce noise that disturbs the peace and quiet of the neighborhood in which it is located.* Existing use and common in Agriculture. No complaints from adjacent properties with regard to noise.
3. *Sites utilized for limited agriculture shall have all waste products, including animal waste, removed on a regular basis so as not to cause odor beyond the lot line of the property where the limited agriculture is conducted.* Existing use and common in Agriculture. All animal and feed waste have and will continue to be managed through natural decomposition. If the need would arise, then the waste will be removed and hauled away to other agricultural properties owned by the Hultines to be used as fertilizer.
4. *Sites utilized for limited agriculture shall internalize effects to the site, so as not to create a nuisance to neighboring properties.* Existing use and common in Agriculture. This land has been used for the last 20 years by the Hultine family for the boarding and husbandry of bovine animals without complaints of disturbing the peace and quiet of the neighborhood and Hultines have received no complaints pertaining to this being a nuisance to neighboring properties.
5. *Sites utilized for limited agriculture shall not produce effects or conditions that violate the provisions of Chapter 18, Offenses—Miscellaneous.* This land has been used for the last 20 years by the Hultine family for the boarding and husbandry of bovine animals without complaints of disturbing the peace and quiet of the neighborhood and Hultines have received no complaints pertaining to this being a nuisance to neighboring properties.

Marc Hultine, 3725 West Prairie Lake Road, Hastings, Nebraska stated this parcel is a family parcel. It has been used for horses for the last 20 years, fencing has been replaced, and animal numbers should not be an issue.

Moved by Kully, seconded by Rundle, to recommend approval to the Mayor and City Council a CUP and Resolution for allowance of additional hoofed animals to be located at Lot 1, Hultine Subdivision, Adams County, Nebraska, commonly addressed as 4810 West 12th Street, Hastings, NE 68901, subject to the following condition.

Kully questioned the number of animals. Lisa Parnell-Rowe stated they are allowed up to 9.24 animals.

- 1) There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply.

2) This resolution shall be filed with the Registrar of Deeds so as to provide notice to any person examining the real estate records of the existence of this CUP. The recording costs incurred to comply with this section, shall be paid by the applicant, Marc Hultine.

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

10. Subdivisions

a. 2020-029. Preliminary/Final plat for Twin T Investments Subdivision, a plat of tax lots 48 & 60 located in the Southeast Quarter of the Southwest Quarter of Section 13, Township 7 North, Range 10 West of the 6th P.M in the City of Hastings, Adams County, Nebraska.

Lisa Parnell-Rowe stated the Development Services Department and Plat Track review teams have reviewed this plat and the applicant has incorporated all preliminary recommendations. The monopole that will be placed on Lot 2 of this subdivision has been approved by the Federal Aviation Administration and meets the requirements found in Section 34-315, *Communication towers*. The zoning district for this subdivision is zoned I-1, Light Industrial, which in the Table of Uses and Districts allows a communication tower as a restricted use that must meet specific use standards. A telecommunications support structure placed in an Industrial district can have a maximum height of 120-FT. All requirements of Hastings City Code Sections 38-202 & 38-203 have been met, and the preliminary/final plat can be approved.

Chris Riha appeared on behalf of Industrial Tower West, LLC., 1811 West Second, Grand Island, Nebraska.

Moved by Hunt, seconded by Hinton, to recommend approval to the Mayor and City Council Twin T Investments Subdivision, a plat of tax lots 48 & 60 located in the Southeast Quarter of the Southwest Quarter of Section 13, Township 7 North, Range 10 West of the 6th P.M in the City of Hastings, Adams County, Nebraska. Roll Call: Ayes: Gaines, Hinton, Schoenhals, Kully, Hunt, Rundle, Lewis. Nays: None. Absent: Arneson, Raitt, Srivastava. The motion carried.

11. Reports

a. Committee Reports

Ann Hinton stated the Ad Hoc Committee did meet. They discussed the Blight and Substandard Item that was just voted on to be recommended. They also discussed whether the County ever approved a plat that contained an unbuildable lot. The County has been asked to approve such a plat. Ann stated she could not remember such a plat ever being filed.

b. Chairman Comments

Marshall Gaines commented on the Housing Study. He encouraged everyone to review comments on the City's website.

c. Staff Reports

Lisa Parnell-Rowe gave an update on the Transportation and Parking Plan. She stated the kickoff meetings were held to get feedback on what Hastings desires. There was discussion on pedestrian mobility and the trails, and traffic flow on 7th, 12th and Burlington. The public engagement period will last a month long. A page on the city's website will be created for the transportation and parking plan.

Moved by Rundle, seconded by Lewis, to adjourn.

Chairman

Department: Development Services
Staff Contact: Lisa Parnell-Rowe
Planning Commission Meeting Date: 9/15/2020
File No: 2020-038
Prepared By: Lisa Parnell-Rowe, Director of Development Services

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing to recommend a request for Plan Modification No. 2020-4 to Redevelopment Area #14 for Lot 2, Hastings Commons Subdivision No. 3, City of Hastings, Adams County, Nebraska.

Names of People/Business affected by this action:

The applicant, the people of Hastings, the Community Redevelopment Authority, and the City.

Why Planning Commission action is required:

Prior to recommending a redevelopment plan to the governing body for approval, an authority shall submit such plan to the planning commission or board of the city in which the redevelopment project area is located for review and recommendations as to its conformity with the general plan for the development of the city as a whole. The planning commission or board shall submit its written recommendations with respect to the proposed redevelopment plan to the authority within thirty days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission or board or, if no recommendations are received within such thirty days, then without such recommendations, an authority may recommend the redevelopment plan to the governing body of the city for approval (N.R.S. 18-2112).

Type of action requested:

Motion

Suggested motion:

Motion to recommend approval of resolution for Plan Modification #2020-4 to Redevelopment Area #14 for Lot 2, Hastings Commons Subdivision No. 3, City of Hastings, Adams County, Nebraska.

Deadlines associated with action:

This case will be presented for final approval at the October 12, 2020 regular City Council meeting.

Department head comments:

Kearney Junction, LLC has purchased Lot 2, Hastings Commons Subdivision No. 3, City of

Hastings, Adams County, Nebraska. The intent is to construct a 6200 SF retail center, including site acquisition and preparation, engineering, architecture and other Tax Increment Financing (TIF) eligible expenses.

The applicant intends to utilize TIF to aid with purchasing of the property, necessary site work, engineering, surveying and other consultant costs associated with and necessary for the redevelopment of the property. Total project costs estimated to be \$1,226,000.00. The anticipated project valuation upon completion is anticipated to be \$1,329,727.00. The CRA has approved TIF grant in amount of \$326,000.00.

Future Land Use for this area is commercial/retail which is compatible with the applicant's intent to construct a 6200 square foot retail center for commercial retail/office and service uses. This project will lend value not only by providing more options for retail and office space in an area of Hastings that is growing but also by incorporating further diversity in uses of commercial.

Plan Modification 2020-4, attached, details further information.

Recommendation:

Recommend a motion to recommend approval of a resolution for Plan Modification #2020-4 to Redevelopment Area #14 for Lot 2, Hastings Commons Subdivision No. 3, City of Hastings, Adams County, Nebraska.

DATE 8 / 24 / 2020

FILE NO.



PROJECT APPLICATION
City of Hastings – Development Services
220 N. Hastings Avenue, Hastings, NE 68901
Phone: (402) 461-2302; Fax: (402) 461-2304
www.cityofhastings.org

Please check the appropriate box below to indicate the type of application you are requesting. Contact Development Services for minimum requirements. Incomplete applications will not be processed. All applications must be completed by applicant prior to submission with all of the requested support materials by the last Monday of each month or they will be held until the next deadline to be processed.

- | | | | |
|---|---|--|--|
| ☐ Preliminary Plat | ☐ Final Plat | ☐ Short Plat | ☐ Administrative Plat |
| ☐ Code Amendment | ☐ Zoning Change | ☐ Vacation (Plat / ROW / Easements) | |
| ☐ Conditional Use Permit / Amendment | ☐ Planned District / Amendment ☒ Redevelopment Plan Modification | | |
| ☐ Comprehensive Plan / Amendment | ☐ Annexation Petition / Addition to the City | | |

PROJECT INFORMATION

Project Name: Plan Modification No. 2020-4 to Redevelopment Area #14

Project Address: South of the SE Intersection of 31st & Osborne Dr. East Within City Limit ☒ Yes ☐ No

Existing Zoning: C-3 Commercial Proposed Zoning / Use: C-3 Commercial

Existing Comprehensive Plan Designation: Commercial/Retail Gross Area: 32,400 sq ft

Legal Description: Lot 2, of Hastings Commons Subdivision No. 3, a replat of Lot 2 and Lot 3, Hastings Commons Subdivision, and Lot 2 and Lot 3, Hastings Commons Subdivision No. 2, in the City of Hastings, Adams County Nebraska Number of Lots: One (1)

APPLICANT INFORMATION

Applicant: Randal Chick Company: Community Redevelopment Authority

Address: 301 S. Burlington Tel: 402-461-8415 Fax: _____

City: Hastings State: NE Zip: 68901 Email: bidcra@gmail.com

Property Owner: Kearny Junction LLC Company: Kearny Junction LLC

Address: 3114 8th Avenue Tel: 308-233-4798 Fax: _____

City: Kearney State: NE Zip: 68845 Email: jwa_68845@yahoo.com

Key Contact: Jon Abegglen Company: Kearny Junction LLC

Address: 3114 8th Avenue Tel: 308-233-4798 Fax: _____

City: Kearney State: NE Zip: 68845 Email: jwa_68845@yahoo.com

I hereby acknowledge that all information provided with this application is true to the best of my knowledge.

KEARNY JUNCTION LLC Jon Abegglen, Mayor 8/24/20 Randal Chick 8/24/20
Property Owner Signature Date Applicant Signature Date

DEPARTMENTAL USE ONLY

Fees: \$400.00 Receipt No. _____

Accepted by Staff: _____ Case No. _____
Signature

**Plan Modification No. 2020-4
to Redevelopment Area #14
(Abegglen & Hirschfeld Redevelopment Project)**

The Community Redevelopment Authority (CRA) of the City of Hastings intends to amend the Redevelopment Plan for Area #14 within the city, pursuant to the Nebraska Community Development Law (the "Act") and provide for the financing of specific related project in Area #14.

Executive Summary:

Project Description

THE PURCHASE AND REDEVELOPMENT OF THE LAND LOCATED AT LOT 2, HASTINGS COMMONS SUBDIVISION NO. 3, A REPLAT OF LOT 2 AND LOT 3 HASTINGS COMMONS SUBDIVISION AND LOT 2 AND LOT 3 HASTINGS COMMONS SUBDIVISION NO. 2 IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA FOR THE CONSTRUCTION OF A RETAIL CENTER, INCLUDING SITE ACQUISITION, SITE PREPARATION, ENGINEERING AND ARCHITECTURE AND OTHER TIF ELIGIBLE EXPENDITURES.

The developer intends to use Tax Increment Financing to aid in the site development including the purchase of the property, necessary site work, engineering, surveying and other consultant costs associated with and necessary for the redevelopment of the property. The developer intends to build a 6,200 sq ft retail center on the approximately 32,400 sq. ft site located just south of the SE corner of the intersection of 31st and Osborne Drive East. The use of Tax Increment Financing is an integral part of the development plan and necessary to make this project financially feasible. The project will result in the construction of a 6,200 sq. ft retail center with a modern upscale look. This project would not be possible without the use of TIF and the purchase of the property is subject to approval of TIF funding.

The Abeglen's and Hirschfeld's plan to purchase the property in the fall of 2020 and commence construction in the winter of 2020. The developer is in the process of putting together a financial plan and will provide evidence that they can secure adequate debt financing to cover the costs associated with the construction of the building prior to the execution of a Redevelopment Contract. The Community Redevelopment Authority (CRA) intends to pledge the ad valorem taxes generated over the 15-year period beginning January 1, 2022 towards the allowable costs and associated financing for redevelopment.

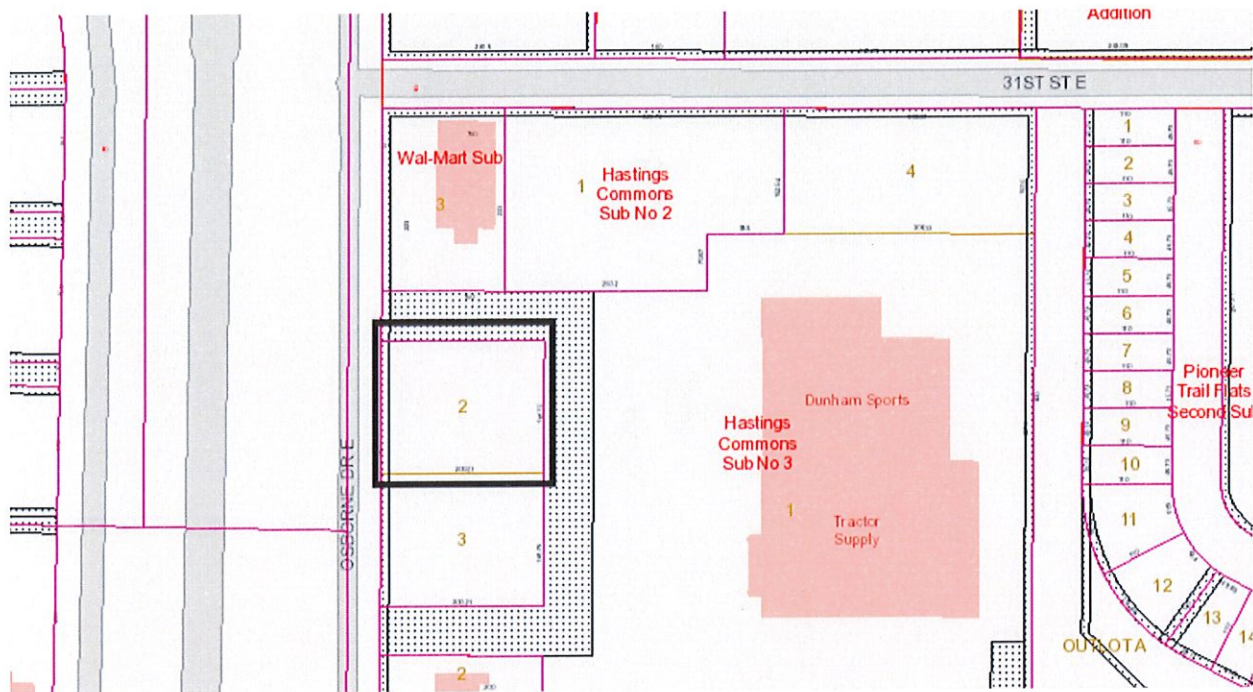
TAX INCREMENT FINANCING TO PAY FOR THE ACQUISITION, SITE DEVELOPMENT AND CONSTRUCTION OF THE RETAIL CENTER WILL COME FROM THE FOLLOWING REAL PROPERTY:

Property Description (the "Redevelopment Project Area")

Just south of the SE corner of 31st & Osborne Drive East

Legal Descriptions: Lot 2, Hastings Commons Subdivision No.3, a Replat of Lot 2 and Lot 3 Hastings Commons Subdivision and Lot 2 and Lot 3 Hastings Commons Subdivision No. 2 in the City of Hastings, Adams County, Nebraska

Map of Existing Land Use and Proposed Redevelopment Site



The tax increment will be captured for the tax years 2022 through 2036 inclusive.

The real property ad valorem taxes on the current valuation will continue to be paid to the normal taxing entities. The increase in value will come from the new construction of the retail center for commercial retail/office and service uses as permitted in the C-3 Commercial Zoning District.

Statutory Pledge of Taxes.

In accordance with Section 18-2147 of the Act and the terms of the Resolution providing for the issuance of the TIF Note, the Authority hereby provides that any ad valorem tax on the Redevelopment Project Area for the benefit of any public body be divided for a period of fifteen years after the effective date of this provision as set forth in the Redevelopment Contract, consistent with this Redevelopment Plan, Said taxes shall be divided as follows:

- a) That portion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds, of each such public body in the same proportion as all other taxes collected by or for the bodies; and
- b) That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to pay the principal of; the interest on, and any premiums due in connection with the bonds, loans, notes, or advances on money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, a redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness including interest and premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in such redevelopment project shall be paid into the funds of the respective public bodies.

Pursuant to Section 18-2150 of the Act, the ad valorem tax so divided is hereby pledged to the repayment of loans or advances of money, or the incurring of any indebtedness, whether funded, refunded, assumed, or otherwise, by the CRA to finance or refinance, in whole or in part, the redevelopment project, including the payment of the principal of, premium, if any, and interest on such bonds, loans, notes, advances, or indebtedness.

Redevelopment Plan Amendment Complies with the Act:

The Community Development Law requires that a Redevelopment Plan and Project consider and comply with a number of requirements. This Plan Amendment meets the statutory qualifications as set forth below.

- 1. The Redevelopment Project Area was declared blighted and substandard on September 11, 2017. (§18-2109) Such declaration was made after a public hearing with full compliance with the public notice requirements of §18-2115 of the Act,**
- 2. Conformation to the General Plan for the Municipality as a whole. (§18-2103 /13) (a) and §18-2110)**

Hastings adopted a Comprehensive Plan on February 24, 2009. This redevelopment plan amendment and project are consistent with the Comprehensive Development Plan, in that no changes in the Comprehensive Development Plan elements are intended. This plan merely provides funding for the developer to prepare the site and construct the building for permitted uses on this property as defined by the current and effective zoning regulations. The Hastings Planning Commission will hold a public hearing at their meeting on September 15, 2020 to approve Plan Modification No. 2020-4 to Redevelopment Plan # 14 confirming that this project is consistent with the Comprehensive Development Plan for the City of Hastings.

- 3. The Redevelopment Plan must be sufficiently complete to address the following items: (§18-2103/13) (b)**

a. Land Acquisition:

The Redevelopment Plan for Area #14 provides for real property acquisition and this plan amendment does not prohibit such acquisition. There is no proposed acquisition by the authority; however the purchase of the property by the developer is subject to TIF financing.

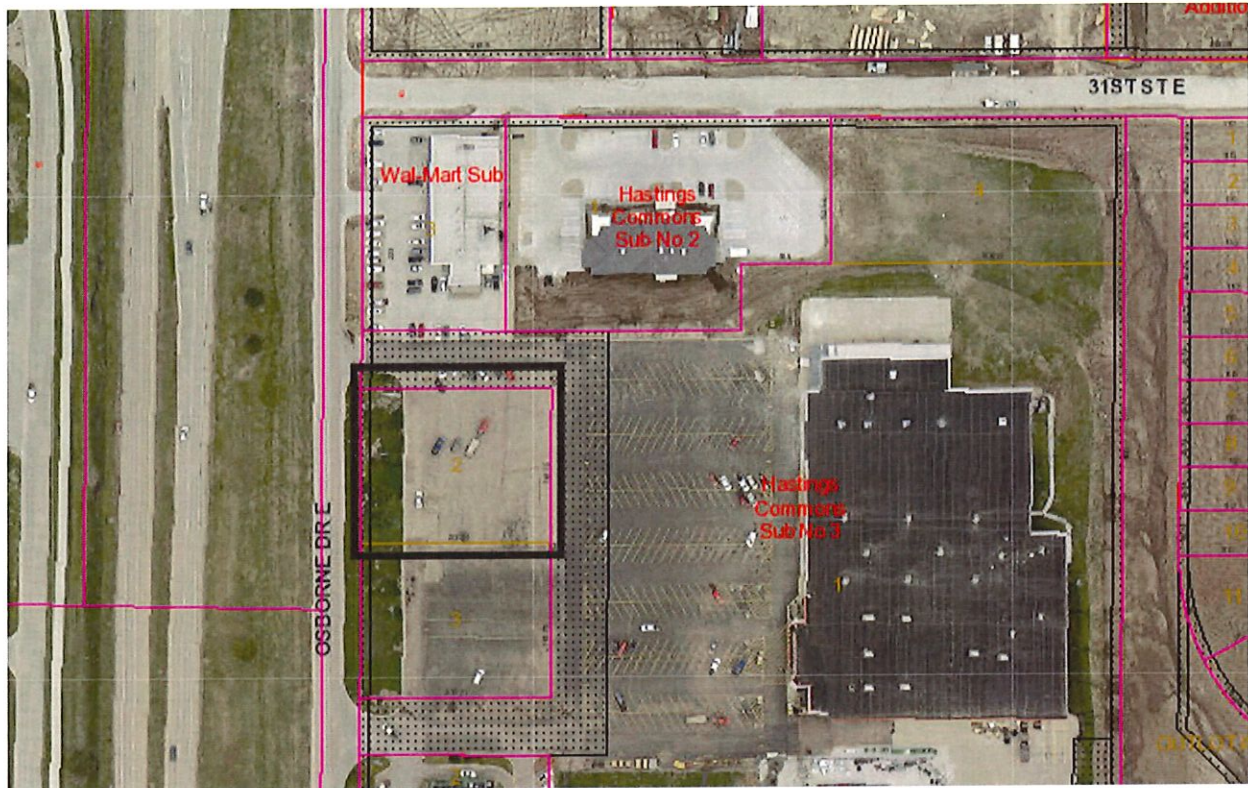
b. Demolition and Removal of Structures:

The project to be implemented with this plan does not provide for the demolition and removal of any structures on this property.

c. Future Land Use Plan

See the attached map from the 2009 Hastings Comprehensive Development Plan (**Exhibit B**). All of the area around the site in private ownership is planned for Commercial development. This property is in private ownership. [§18-2103(b) and §18-2111) The attached map also is an accurate site plan of the area after redevelopment. [§18-2111(5))

Exhibit B



d. Changes to zoning, street layouts and grades or building codes or ordinances or other planning changes

The area is zoned C-3 Commercial and no zoning changes are anticipated with this project. Grading and new parking lot paving will be installed as part of the development. No changes are anticipated in building codes or ordinances, nor are any other planning changes contemplated. [§18-2103(b) and §18-2111]

e. Site Coverage and intensity of Use

The developer is proposing to build a retail center and the building to be constructed will meet the applicable regulations regarding site coverage and intensity of use. [§18-2103(b) and §18-2111]

f. Additional Public Facilities or Utilities

Sewer, water, gas and electric are available to support this development. No other utilities would be impacted by the development. [§18-2103(b) and §18-2111]

4. **The Act requires a Redevelopment Plan provide for relocation of individuals and families displaced as a result of plan implementation. This property is currently undeveloped and no relocation is contemplated or necessary. [§18-2103.02]**

5. **No member of the Authority, nor any employee thereof holds any interest in any property in this Redevelopment Project Area. [§18-2106] No members of the authority or staff of the CRA has any interest in this property.**

6. **Section 18-2114 of the Act requires that the Authority consider:**

a. **Method and cost of acquisition and preparation for redevelopment and estimated proceeds from disposal to redevelopers.**

The developer has executed a purchase agreement for the property subject to approval of TIF funding for site acquisition and other public improvements. The CRA has been asked to grant \$326,000 to this project to offset the cost of TIF eligible expenditures. The CRA has identified the following TIF eligible expenses for the project;

- a) site acquisition - \$324,000
- b) site prep/grading - \$22,770
- c) planning related expenses for Engineering services - \$25,000

The total TIF eligible expenses for this project are \$371,770. No property will be transferred to redevelopers by the Authority. The developer will provide and secure all necessary financing.

b. **Statement of proposed method of financing the redevelopment project.**

The developer will provide all necessary financing for the project. The Authority will assist the project by granting the sum of \$326,000 from the proceeds of the TIF. This indebtedness will be repaid from the Tax Increment Revenues generated from the project. TIF revenues shall be made available to repay the original debt and associated interest after January 1, 2022 through December 2036.

c. **Statement of feasible method of relocating displaced families.**

No families will be displaced as a result of this plan.

7. **Section 18-2113 of the Act requires:**

Prior to recommending a redevelopment plan to the governing body for approval, an authority shall consider whether the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted, and harmonious development of the city and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of insanitary or unsafe dwelling accommodations or conditions of blight.

The Authority has considered these elements in proposing this Plan Amendment. This amendment, in and of itself will promote consistency with the City's Comprehensive Development Plan. This will have the intended result of preventing recurring elements of unsafe buildings and blighting conditions. This will accomplish the goal of the Adams County Convention and Visitors Bureau of increasing lodging opportunities in the community which will lead to an increase in lodging and sales taxes.

8. Time Frame for Development

Development of this project is anticipated to be completed between October 2020 and April 2021. Excess valuation should be available for this project for 15 years beginning with the 2022 tax year.

9. Justification of Project

Acquisition, site grading and engineering and architecture costs are necessary to facilitate redevelopment of this site. The redevelopment of this property will result in a new, attractive real estate project and provide much needed opportunities for retail/service businesses as well as increased sales tax revenue. The Hastings Economic Development Corporation and the Hastings City Council have made it clear with previous decisions that they support development that will increase commercial and retail opportunities.

10. Cost Benefit Analysis

Section 18-2113 of the Act, further requires the Authority conduct a cost benefit analysis of the plan amendment in the event that Tax Increment Financing will be used. This analysis must address specific statutory issues. As authorized in the Nebraska Community Development Law, §18-2147, Neb. Rev. Stat. (2012), the City of Hastings has analyzed the costs and benefits of the proposed Redevelopment Project, including:

Project Sources and Uses.

Approximately \$434,050 from annual tax increment financing funds provided by the Hastings Community Redevelopment Authority will be required to complete the project. This property has requested and been approved for a TIF grant in an amount estimated to be \$326,000. This investment by the Authority will leverage \$900,000 in private sector financing; a private investment of \$2.76 for every TIF dollar invested.

USE OF FUNDS Description	SOURCE OF FUNDS		
	TIF Funds	Equity or Bank funds	Totals
Site Acquisition	\$ 324,000	\$ 2,000	\$ 326,000
Site Development	\$ 2,000	\$ 20,770	\$ 20,770
Building costs		\$ 854,230	\$ 854,230
Engineering & Architecture		\$ 25,000	\$ 25,000
TOTALS	\$ 326,000	\$ 902,000	\$ 1,226,000

Tax Revenue. The property to be redeveloped is anticipated to have a January 1, 2020, valuation of approximately \$20,273. Based on the 2020 levy this would result in a real property tax of approximately \$453. It is anticipated that the assessed value will increase by \$1,329,727 upon full completion, as a result of the site redevelopment. This development will result in an estimated tax increase of over \$29,286 annually. The tax increment gained from this Redevelopment Project Area would not be available for use as city general tax revenues, for a period of 15 years, or such shorter time as may be required to amortize the TIF bond, but would be used for eligible private redevelopment costs to enable this project to be realized.

Estimated 2020 assessed value	\$ 20,273
Estimated value after completion	\$ 1,350,000
Estimated incremental value	\$ 1,329,727
Estimated Levy	\$ 0.223651
Estimated annual TIF generated	\$ 29,739
Estimated total TIF revenue	\$ 446,085

Statement Identifying Financial Gap and Necessity for use of Tax Increment Financing for

Proposed Project: A large financial gap exists on this project after conventional financing is utilized. A combination of owner equity and TIF are needed to make the return sufficient. The owner is contributing owner equity and bank financing of \$900,000 and TIF funding will fill the remaining gap, making this project feasible. The project is asking for \$326,000 in a TIF loan amortized over 15 years. Without the availability of TIF funding for the project, it would not be feasible for the developer to proceed with this redevelopment. Please see the table below which show a rate of return of -5.1% which is an unacceptable return on investment in today's market.

Proforma Operating Statement Without TIF

	<u>Year 1</u>
Gross Rent Revenue	\$ 111,600
Expenses	\$ (51,636)
NOI Without TIF	\$ 59,964
Debt Service	\$ (67,705)
Net Operating Income wo/TIF	\$ (7,741)
Rate of return wo/TIF	-5.10%
Equity Investment	\$ 150,000

Proforma Operating Statement With TIF

	<u>Year 1</u>
Gross Rent Revenue	\$ 111,600
Expenses	\$ (51,636)
NOI Without TIF	\$ 59,964
Debt Service	\$ (44,105)
Net Operating Income w/TIF	\$ 15,859
Rate of return with/TIF	10.50%
Equity Investment	\$ 150,000

(a) Tax shifts resulting from the approval of the use of Tax Increment Financing;

The redevelopment project area currently has an estimated valuation of \$20,273. The proposed redevelopment will create additional valuation of \$1,329,727. No tax shifts are anticipated from the project. The project creates additional valuation that will support taxing entities long after the project is paid off.

(b) Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project;

a. Public infrastructure improvements and impacts:

The Project anticipates expenditures of approximately \$1,226,000 for construction and installation of the Project and related and ancillary improvements. It is proposed that up to \$326,000.00 in tax increment financing over the 15-year TIF period will be used for eligible public expenditures associated with the Project. The cost of the TIF eligible public improvements is estimated to exceed \$371,770. The TIF eligible public improvements associated with the Project are necessary to utilize the Project Site for any use, and all the public improvements will create a material positive impact on existing public infrastructure. The Project improvements will materially benefit the City.

b. Local Tax impacts (in addition to impacts of Tax Shifts described above):

The Project will create material tax and other public revenue for the City and other local taxing jurisdictions. While the use of tax increment financing will defer receipt of a majority of new ad valorem real property taxes generated by the Project, the Project should generate immediate tax growth for the City. Additionally, the City should realize revenue from City personal property and sales taxes paid by the Redeveloper in connection with the Project, and sales tax paid by the eventual customers of the businesses.

The Project will also materially contribute to municipal revenues through excise taxes, fees, licenses, and other taxes that occur and are paid in the course of the normal operation of a business.

The Project will require and pay for City services. It is not anticipated that the Project will have any material adverse impact on such City services, but will generate revenue providing support for those services.

(c.) Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project; and

The Project will require temporary construction jobs during the 7-month construction period. Many of these construction employees will be local workers, and the other workers will use services and buy goods in the City during their construction phase. When secondary employment effects in other employment sectors are added, the total employment effects are expected to be even higher.

It is not anticipated that the Project will have a material adverse impact on other employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project. There should be a positive impact throughout the Redevelopment Area based upon the additional consumer traffic to the new businesses that will locate in the Project site.

(d.) Impacts on other employers and employees within the city or village and the immediate area that are located outside of the boundaries of the area of the redevelopment project; and

The Project should have a material positive impact on private sector businesses in and around the area outside the boundaries of the redevelopment project. The Project is not anticipated to impose a burden or have a negative impact on other local area employers, but should increase the need for services and products from existing businesses.

(e) Impacts on the student populations of school districts within the city or village; and

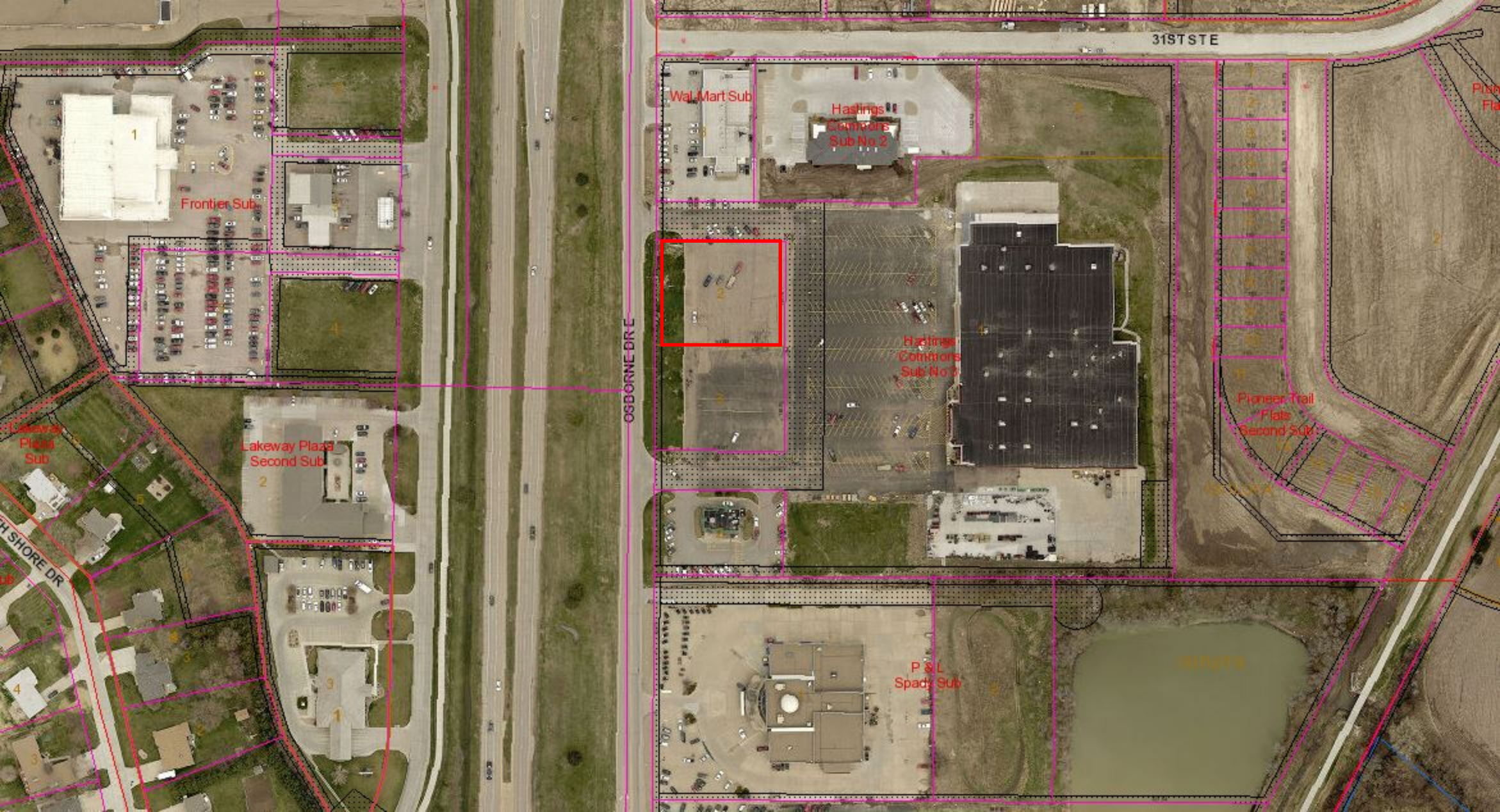
There is no additional housing associated with this project and it is not anticipated that this will impact schools in any significant way.

(f) Any other impacts determined by the authority to be relevant to the consideration of costs and benefits arising from the redevelopment project.

This project is consistent with the goals of the City Council, and the Community Redevelopment Authority to create additional commercial opportunities and increased sales taxes. The Project will increase the City's tax base, without material adverse effect on either public or private entities. There will be a material property tax shift in the short-term because of the use of tax increment financing, but there will be other tax and municipal revenue generated for the immediate benefit of the community. Additionally, the Project will increase property tax revenue in the long-term. The Project will facilitate the development of a blighted and substandard area of the City without the incurrence of significant public cost. The benefits outweigh the costs of the proposed Project.

Time Frame for Development

Development of this project is anticipated to be completed during between October 2020 and PRIL 2021. The base tax year should be calculated on the value of the property as of January 1, 2021. Excess valuation should be available for this project for 15 years beginning in 2020 with taxes due in 2022. Excess real estate taxes will be used to pay the TIF Indebtedness issued by the CRA per the contract between the CRA and the developer for a period not to exceed 15 years on the projected amount of increment based upon the anticipated value of the project and current tax rate. Based on the estimates of the expenses of the redevelopment the developer will spend over \$371,770 on TIF eligible activities.



Frontier Sub

Lakeway Plaza
Second Sub

Wal-Mart Sub

Hastings
Commons
Sub No 2

Hastings
Commons
Sub No 3

Pioneer Trail
Plate
Second Sub

P & L
Spady Sub

31ST STE

OSBORNE DR E

Commons
Sub No 2

250.2

150

2

161.75

39

200.21

3

161.75

200.21

Hastings
Commons
Sub No 3

1

TOM OSBORNE EXPRESSWAY

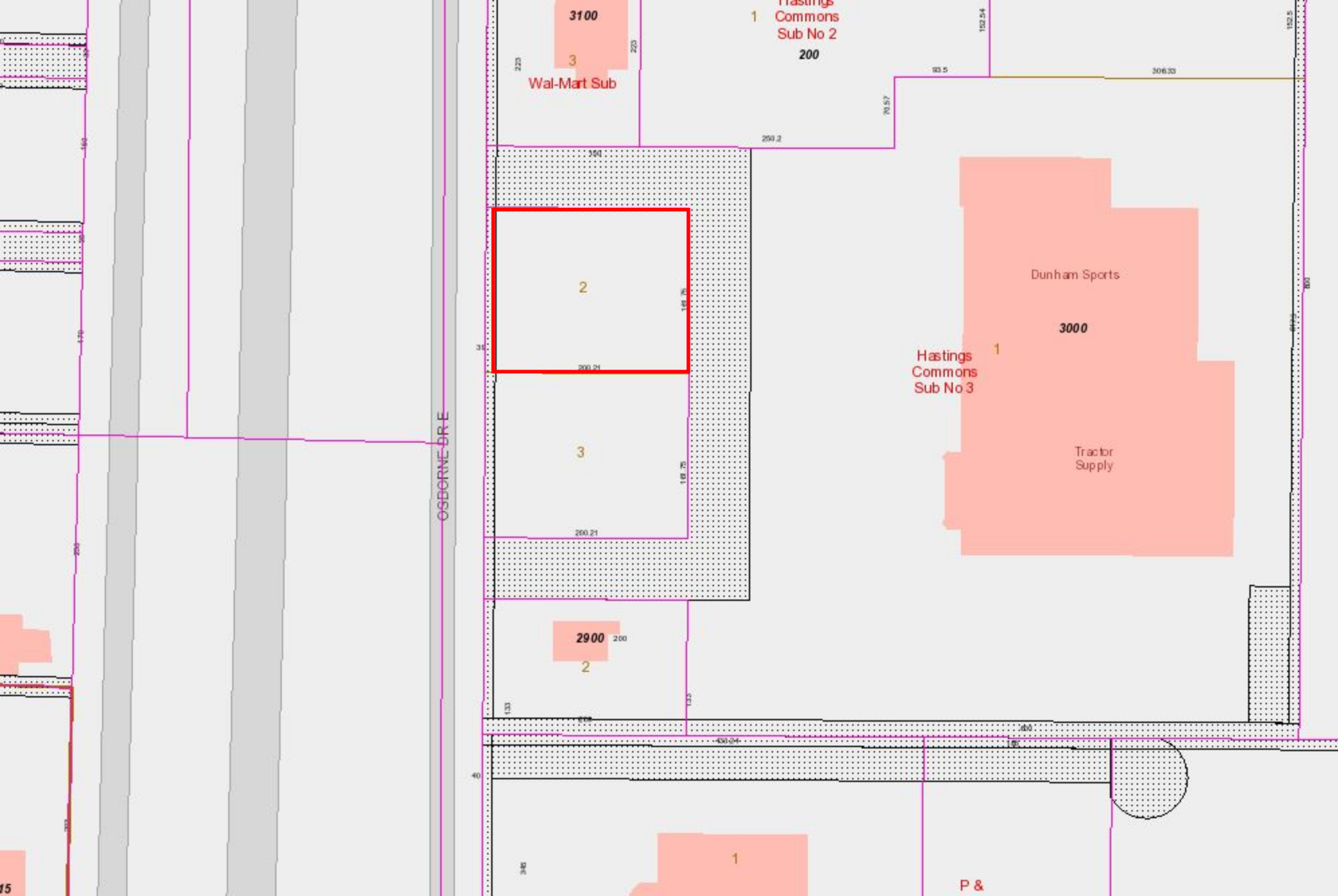
OSBORNE DR E

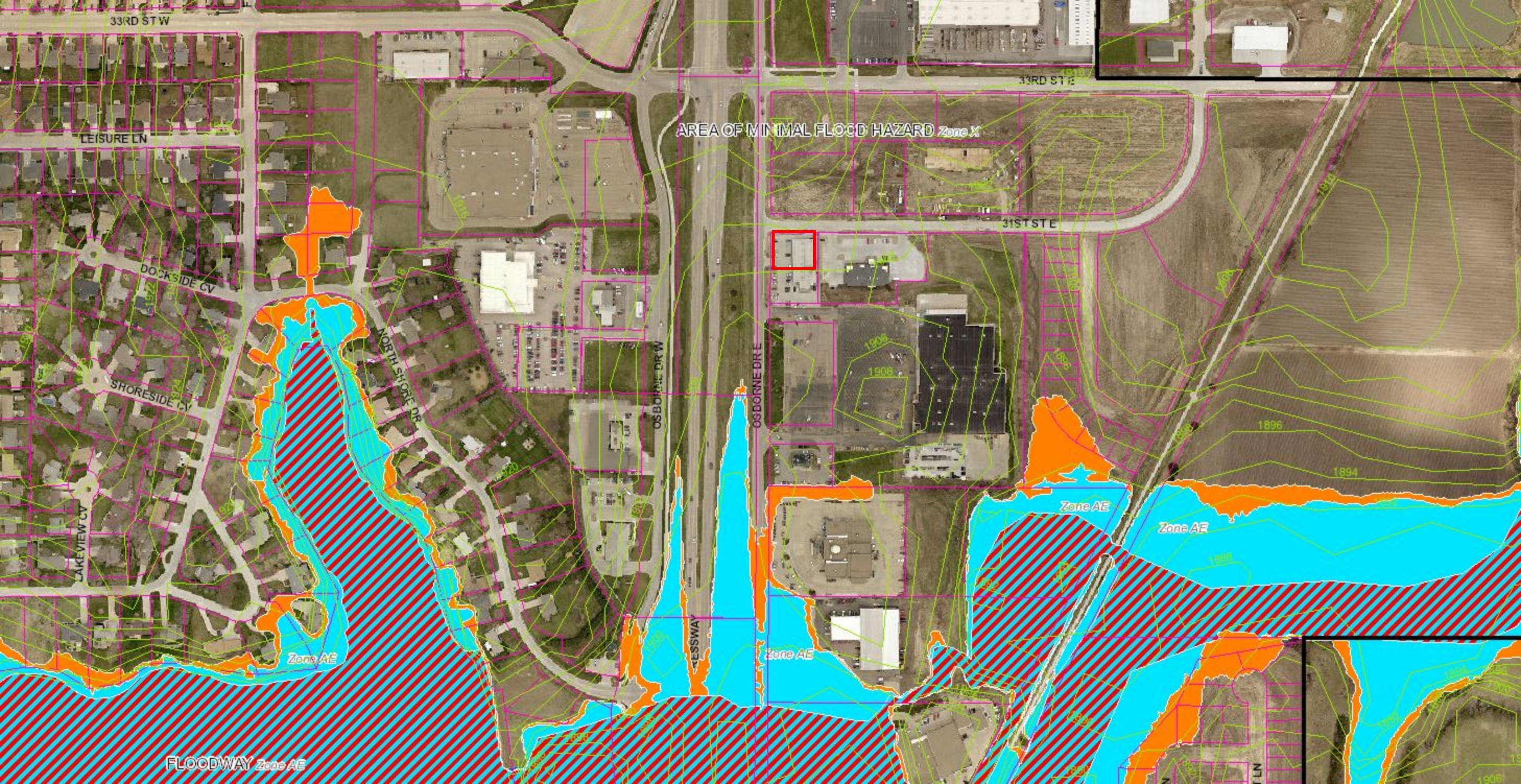
2900

2

200

Wal-Mart Sub







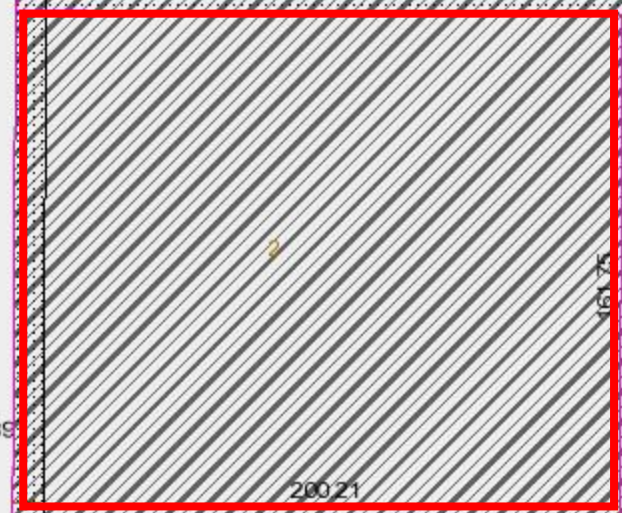
AREA OF MINIMAL FLOOD HAZARD Zone X

OSBORNE DR W

TOM OSBORNE EXPRESSWAY

OSBORNE DR E

39



161.75

200.21



161.75

200.21



Hastings
Commons
Sub No 3

OSBORNE DRE

Sinclair
Books

Hastings
Commons
Suite No. 2

Hastings
Companies
Sub No 3

It acts as
Supply

Pioneer Trail
Flats
Second Sub

OLIVIA

OUTLOOK

P & L
Spady Sub

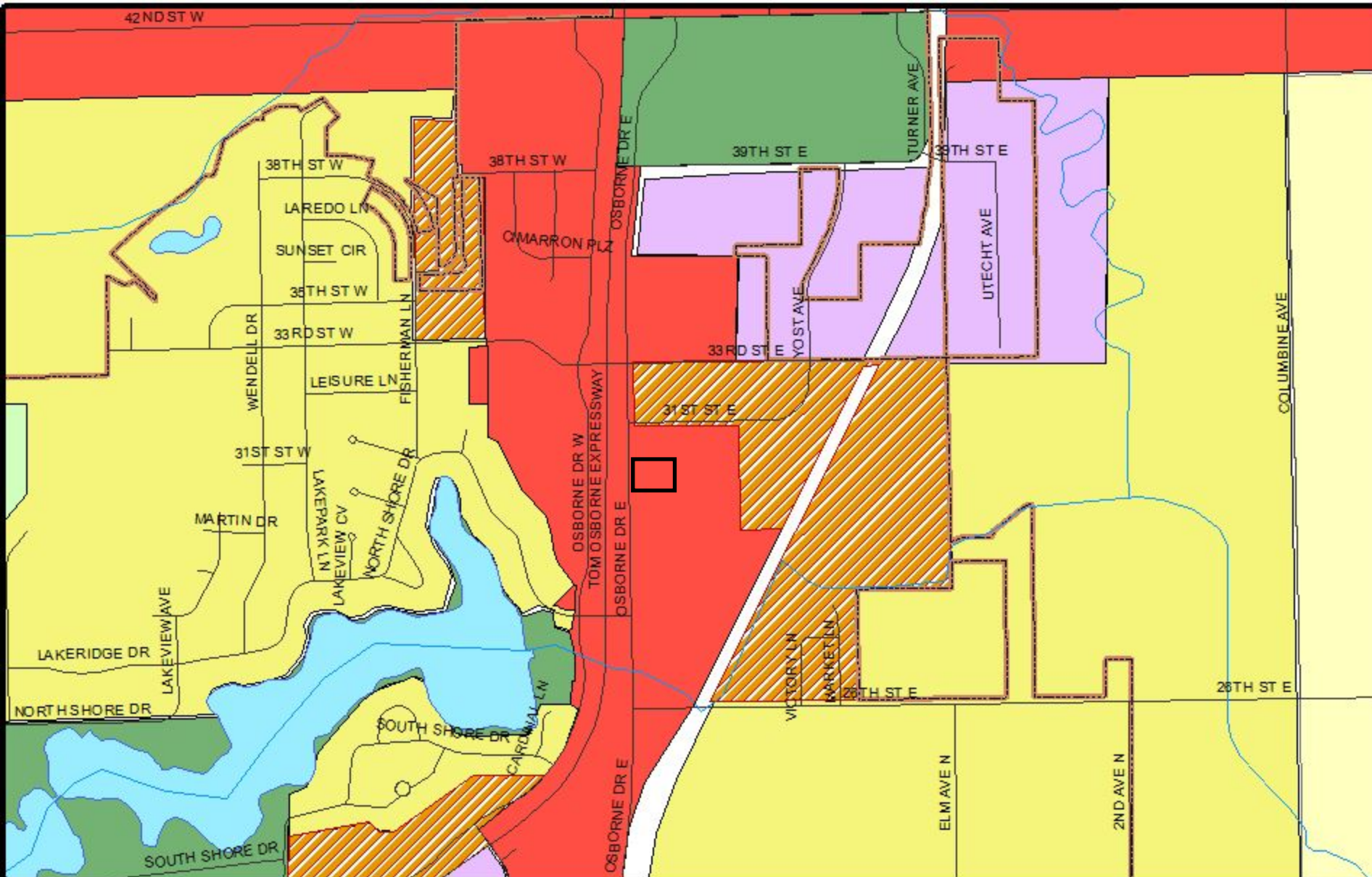
Paul Sparks

PD

Lakeway Plaza
Second Sub

Comfort Inn

PD



Future Land Use

City of Hastings, Nebraska



0 400 800 1,600 Feet

Land Use:

- Rural Residential
- Suburban Residential
- Urban Residential

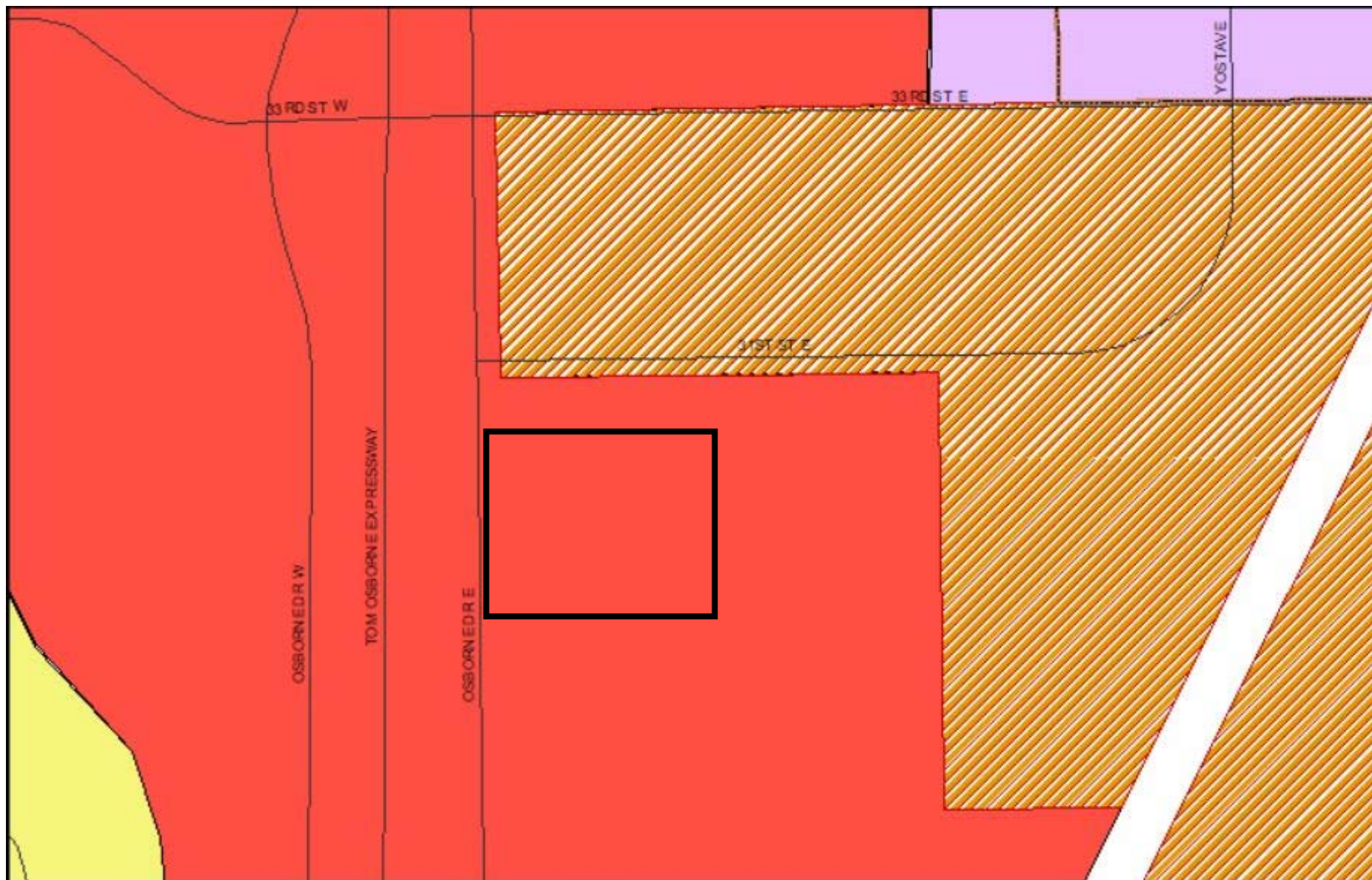
- Mixed-Use - Neighborhood
- Mixed-Use - Community
- Mixed-Use Downtown
- Commercial/Retail
- Employment/Industrial

- Public / Semi-Public
- Parks & Recreation
- Agriculture

Overlay Districts:

- South Burlington Overlay
- Highway 6 Overlay
- Urban Industrial Overlay

- Floodplain
- City Boundary
- ETJ Boundary



Future Land Use City of Hastings, Nebraska

0 100 200 400 Feet



Land Use:

- Rural Residential
- Suburban Residential
- Urban Residential

- Mixed-Use - Neighborhood
- Mixed-Use - Community
- Mixed-Use Downtown
- Commercial/Retail
- Employment/Industrial

- Public / Semi-Public
- Parks & Recreation
- Agriculture

Overlay Districts:

- South Burlington Overlay
- Highway 6 Overlay
- Urban Industrial Overlay

- Floodplain
- City Boundary
- ETJ Boundary

TOM OSBORNE EXPRESSWAY

OSBORNE DR E

38



2502

150

161.75

200.21

161.75

200.21

Hastings
Commons
Sub No 3

Wal-Mart

200

200

Department: Development Services
Staff Contact: Lisa Parnell-Rowe
Planning Commission Meeting Date: 9/15/2020
File No: 2020-039
Prepared By: Lisa Parnell-Rowe, Director of Development Services

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing to recommend a request for Plan Modification No. 2020-3 to Redevelopment Area #1 for Lot 8, Block 24, Original Town, now City of Hastings, Adams County, Nebraska, commonly addressed as 529 West 2nd Street.

Names of People/Business affected by this action:

The applicant, the people of Hastings, the Community Redevelopment Authority, and the City.

Why Planning Commission action is required:

Prior to recommending a redevelopment plan to the governing body for approval, an authority shall submit such plan to the planning commission or board of the city in which the redevelopment project area is located for review and recommendations as to its conformity with the general plan for the development of the city as a whole. The planning commission or board shall submit its written recommendations with respect to the proposed redevelopment plan to the authority within thirty days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission or board or, if no recommendations are received within such thirty days, then without such recommendations, an authority may recommend the redevelopment plan to the governing body of the city for approval (N.R.S. 18-2112).

Type of action requested:

Motion

Suggested motion:

Motion to recommend approval of resolution for Plan Modification #2020-3 Redevelopment Area #1 for Lot 8, Block 24, Original Town, now City of Hastings, Adams County, Nebraska, commonly addressed as 529 West 2nd Street.

Deadlines associated with action:

This case will be presented for final approval at the October 12, 2020 regular City Council meeting.

Department head comments:

LUCKEE, LLC has purchased property at 529 West 2nd Street. The intent is to remodel and convert into commercial and residential uses.

The applicant intends to utilize Tax Increment Financing (TIF) to aid with interior demolition, structure rehabilitation costs, façade enhancements, architectural, engineering and planning costs for this historic building, which is consistent with the 2013 Downtown Revitalization Plan and the 2016 Hastings Housing Study priorities to add an additional 84 housing units downtown by 2021. Total project costs estimated to be \$450,960.00. The anticipated project valuation upon completion is anticipated at \$300,000.00 and the developer anticipates an incremental valuation increase of approximately \$229,170.00.

Future Land Use for this area is mixed use downtown 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 2020-3, attached, details further information.

Recommendation:

Recommend a motion to recommend approval of a resolution for Plan Modification #2020-3 for Redevelopment Area #1, Lot 8, Block 24, Original Town, now City of Hastings, Adams County, Nebraska, commonly addressed as 529 West 2nd Street.

**PROJECT APPLICATION**

City of Hastings – Development Services
220 N. Hastings Avenue, Hastings, NE 68901
Phone: (402) 461-2302; Fax: (402) 461-2304
www.cityofhastings.org

Please check the appropriate box below to indicate the type of application you are requesting. Contact Development Services for minimum requirements. Incomplete applications will not be processed. All applications must be completed by applicant prior to submission with all of the requested support materials by the last Monday of each month or they will be held until the next deadline to be processed.

- | | | | |
|---|---|--|--|
| ☐ Preliminary Plat | ☐ Final Plat | ☐ Short Plat | ☐ Administrative Plat |
| ☐ Code Amendment | ☐ Zoning Change | ☐ Vacation (Plat / ROW / Easements) | |
| ☐ Conditional Use Permit / Amendment | ☐ Planned District / Amendment ☒ Redevelopment Plan Modification | | |
| ☐ Comprehensive Plan / Amendment | ☐ Annexation Petition / Addition to the City | | |

PROJECT INFORMATIONProject Name: Plan Modification No. 2020-3 to Redevelopment Area #1 - LUCKEE LLC Redevelopment ProjectProject Address: 529 W. 2nd Within City Limit ☒ Yes ☐ NoExisting Zoning: C-2 Proposed Zoning / Use: C-2Existing Comprehensive Plan Designation: Mixed Use - Downtown Gross Area: 2,750 sq ftLegal Description: Lot 8, Block 24, Original Town, City of Hastings, Number of Lots: One**APPLICANT INFORMATION**Applicant: Randal Chick Company: Community Redevelopment AuthorityAddress: 301 S. Burlington Tel: 402-461-8415 Fax: _____City: Hastings State: NE Zip: 68901 Email: bidcra@gmail.comProperty Owner: LUCKEE LLC Company: LUCKEE LLCAddress: 1412 Heritage Drive Tel: 402-834-2211 Fax: _____City: Hastings State: NE Zip: 68901 Email: sabatka@charter.netKey Contact: Bill Sabatka Company: LUCKEE LLCAddress: 1412 Heritage Drive Tel: 402-834-2211 Fax: _____City: Hastings State: NE Zip: 68901 Email: sabatka@charter.net

I hereby acknowledge that all information provided with this application is true to the best of my knowledge.

Property Owner Signature

8/24/2020

Date

Applicant Signature

8/24/2020

Date

DEPARTMENTAL USE ONLY

Fees: _____

Receipt No. _____

Accepted by Staff: _____ Case No. _____

Signature

**REDEVELOPMENT PLAN #1
PLAN MODIFICATION NO. 2020-3
(LUCKEE LLC Redevelopment Project)**

The Community Redevelopment Authority (CRA) of the City of Hastings intends to amend the Redevelopment Plan for Area #1 within the city, pursuant to the Nebraska Community Development Law (the "Act") and provide for the financing of a specific redevelopment related project in Area #1.

Executive Summary:

Project Description

The project consists of the purchase and redevelopment of the two-story property located at 529 W. 2nd a.k.a. Lot Eight (8), Block Twenty-Four (24), Original Town, now City of Hastings, Adams County, Nebraska, according to the recorded plat thereof. The property has been acquired and will be renovated for commercial and residential uses, including fire/life safety improvements and building rehabilitation and remodeling.

The use of Tax Increment Financing to aid in rehabilitation expenses associated with redevelopment of both the main floor and second level of the property into a mixed-use building containing two residential apartments on the 2nd level and main floor commercial office space. The use of Tax Increment Financing is an integral part of the development plan and necessary to make this project affordable. The project will result in renovating this historic building into a combination of commercial space and residential space. The addition of the residential units is consistent with the 2013 Downtown Revitalization Plan and the 2016 Hastings Housing Study priorities to add an additional 84 housing units downtown by 2021. This project would not be possible without the use of TIF.

LUCKEE LLC has purchased the property and currently the building is vacant. The developer is in the process of finalizing development plans and will provide evidence that they have secured adequate debt financing and equity to cover the costs associated with the remodeling and rehabilitation of this building prior to the execution of a Redevelopment Contract. The Hastings Community Redevelopment Authority (CRA) intends to pledge the ad valorem taxes generated over the 15-year period beginning January 1, 2022 towards the allowable costs and associated financing for rehabilitation.

TAX INCREMENT FINANCING TO PAY FOR ACQUISITION AND THE REHABILITATION OF THE PROPERTY WILL COME FROM THE FOLLOWING REAL PROPERTY:

Property Description (the "Redevelopment Project Area")

529 W. 2nd Street in Hastings, Nebraska

Legal Description: Lot Eight (8), Block Twenty-Four (24), Original Town, now City of Hastings, Adams County, Nebraska, according to the recorded plat thereof

LUCKEE LLC will utilize Tax Increment Financing to aid in site acquisition, site preparation, interior demolition, rehabilitation of the structure, façade enhancements, architectural, engineering and planning costs, capitalized interest, and legal fees and any other eligible public improvements essential for public uses in accordance with the Redevelopment Plan.

The map displays a grid of lots with various numbers and labels. A black oval highlights a lot in the center, which is labeled 'Original Town of Hastings'. Other labels include 'Victory Building' and 'Bostwicks Sub'. The map also shows lot numbers and street names like 'Hastings' and 'Bostwicks Sub'.

The real property ad valorem taxes on the current valuation will continue to be paid to the normal taxing entities. The increase in value will come from the construction of two residential apartments and main floor commercial office space as permitted in the C-2 Commercial Zoning District. The tax increment will be captured for the tax years 2022 through 2036 inclusive. Provided, however, if there is no increase in valuation for the 2022 tax year, the increment will be captured beginning in the year when an increase in value is available for capture and ending fifteen years later.

Statutory Pledge of Taxes.

- a) That portion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds, of each such public body in the same proportion as all other taxes collected by or for the bodies; and
- b) That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to pay the principal of; the interest on, and any premiums due in connection with the bonds, loans,

notes, or advances on money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, a redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness including interest and premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in such redevelopment project shall be paid into the funds of the respective public bodies.

Pursuant to Section 18-2150 of the Act, the ad valorem tax so divided is hereby pledged to the repayment of loans or advances of money, or the incurring of any indebtedness, whether funded, refunded, assumed, or otherwise, by the CRA to finance or refinance, in whole or in part, the redevelopment project, including the payment of the principal of, premium, if any, and interest on such bonds, loans, notes, advances, or indebtedness.

Redevelopment Plan Amendment Complies with the Act:

The Community Development Law requires that a Redevelopment Plan and Project consider and comply with a number of requirements. This Plan Amendment meets the statutory qualifications as set forth below.

- 1. The Redevelopment Project Area was first declared blighted and substandard by action of the Hastings City Council on March 23, 1987 (Resolution No. 1069). In September of 2017 a blight and substandard study was completed and the area was re-declared blighted and substandard by action of the Hastings City Council on November 13, 2017. (§18-2109) Such declaration was made after a public hearing with full compliance with the public notice requirements of §18-2115 of the Act,**
- 2. Conformation to the General Plan for the Municipality as a whole. (§18-2103 /13) (a) and §18-2110)**

Hastings adopted a Comprehensive Plan on February 24, 2009. This redevelopment plan amendment and project are consistent with the Comprehensive Development Plan, in that no changes in the Comprehensive Development Plan elements are intended. This plan merely provides funding for the developer to preserve a historic building for residential and commercial uses on this property as defined by the current and effective zoning regulations. The Hastings Planning Commission will hold a public hearing at their meeting on September 15, 2020 to approve Plan Modification No. 2020-3 to Redevelopment Plan I confirming that this project is consistent with the Comprehensive Development Plan for the City of Hastings.

- 3. The Redevelopment Plan must be sufficiently complete to address the following items: (§18-2103/13) (b)**

a. Land Acquisition:

The Redevelopment Plan for Area I provides for real property acquisition and this plan amendment does not prohibit such acquisition. The redeveloper has recently acquired the property.

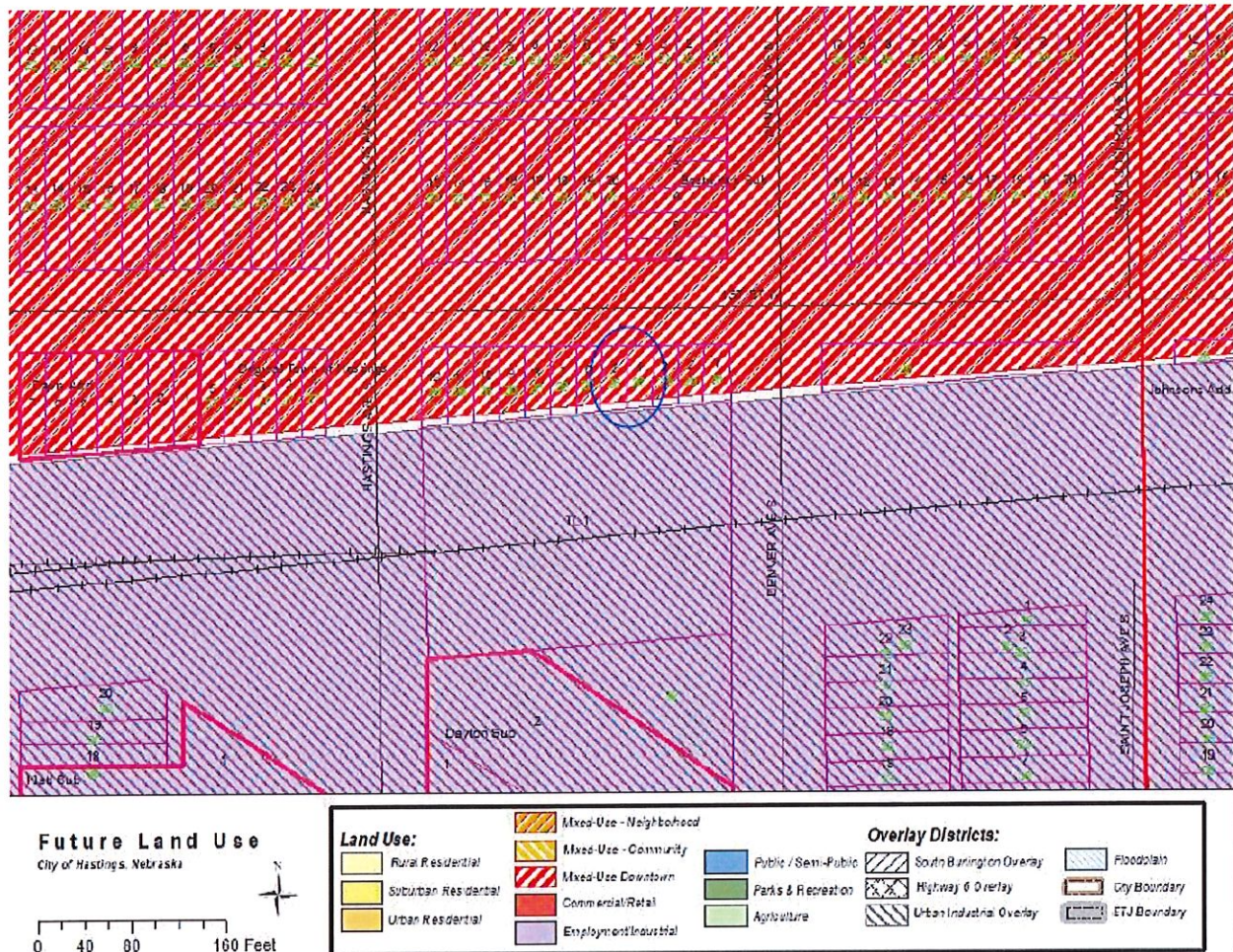
b. Demolition and Removal of Structures:

The project to be implemented with this plan does not provide for the demolition and removal of any structures on this property.

c. Future Land Use Plan

See the attached map from the 2009 Hastings Comprehensive Development Plan. All of the area around the site in private ownership is planned for Downtown Commercial development; this includes housing and commercial uses within the same structure. The attached map also is an accurate site plan of the area after redevelopment. [§18-2111(5)]

Future Land Use Map



d. Changes to zoning, street layouts and grades or building codes or ordinances or other planning changes

The area is zoned C-2 Commercial District and no zoning changes are anticipated with this project. No changes are anticipated in street layouts or grades. No changes are anticipated in building codes or ordinances nor are any other planning changes contemplated. [§18-2103(b) and §18-2111]

e. Site Coverage and intensity of Use

The developer is rehabilitating the existing building and the current building meets the applicable regulations regarding site coverage and intensity of use. [§18-2103(b) and §18-2111]

f. Additional Public Facilities or Utilities

Sewer, water, gas and electric are available to support this development.

4. **The Act requires a Redevelopment Plan provide for relocation of individuals and families displaced as a result of plan implementation. This property has previously been utilized for commercial related uses and the building is currently vacant. No relocation is contemplated or necessary. [§18-2103.02]**
5. **No member of the Authority, nor any employee thereof holds any interest in any property in this Redevelopment Project Area. [§18-2106]**
6. **Section 18-2114 of the Act requires that the Authority consider:**
 1. **Method and cost of acquisition and preparation for redevelopment and estimated proceeds from disposal to redevelopers.**

The developer has purchased the property and acquisition reimbursement is part of the request for tax increment financing. The CRA has been asked to provide \$45,000 in TIF funding to this project to offset the cost of TIF eligible expenditures. The CRA has identified the following TIF eligible expenses for the developers proposed improvements;

- a) site acquisition - \$72,500
- b) structure rehabilitation costs - \$378,460

The total TIF eligible expenses for this project are \$450,960. The property is currently owned by the developer and the developer will provide and secure all necessary financing.

2. Statement of proposed method of financing the redevelopment project.

The developer will provide all necessary financing for the project. The Authority will assist the project by granting the sum of \$45,000 from the proceeds of the TIF and providing a \$55,000 zero percent interest loan to the developer. The developer plans to seek \$25,000 of façade funding from the City's 2019 allocation of CDBG DTR Façade Funds. The \$45,000 proceeds from TIF after the interest is paid will result in approximately \$66,184 of direct aid to the project. This indebtedness will be repaid from the Tax Increment Revenues generated from the project. TIF revenues shall be made available to repay the original debt and associated interest after January 1, 2022 through December 2036.

3. Statement of feasible method of relocating displaced families.

No families will be displaced as a result of this plan.

7. Section 18-2113 of the Act requires:

Prior to recommending a redevelopment plan to the governing body for approval, an authority shall consider whether the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted, and harmonious development of the city and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the

recurrence of insanitary or unsafe dwelling accommodations or conditions of blight.

The Authority has considered these elements in proposing this Plan Amendment. This amendment, in and of itself will promote consistency with the Hastings Comprehensive Development Plan. This will have the intended result of preventing recurring elements of unsafe buildings and blighting conditions. This will accomplish the goal of both the Downtown Business Improvement District and the Hastings City Council of increasing the number of residential units available in the Downtown area and will help with the prevention of the recurrence of insanitary or unsafe dwelling accommodations or conditions of blight.

8. Time Frame for Development

Development of this project is anticipated to be completed between September 2020 and May 2021. Excess valuation should be available for this project for 15 years beginning with the 2022 tax year.

9. Justification of Project

This is a historic building in downtown Hastings that will be preserved with this project. The addition of two new 2nd story upper level residential units is consistent with goals of the May, 2016 Hastings Housing Study to build 84 residential units in downtown Hastings by 2021. The main floor will be used for commercial office space. The renovation of this building will help to prevent the reoccurrence of blight and substandard conditions in the area.

10. Cost Benefit Analysis

Section 18-2113 of the Act, further requires the Authority conduct a cost benefit analysis of the plan amendment in the event that Tax Increment Financing will be used. This analysis must address specific statutory issues.

As authorized in the Nebraska Community Development Law, §18-2147, Neb. Rev. Stat. (2012), the City of Hastings has analyzed the costs and benefits of the proposed Redevelopment Project, including:

Project Sources and Uses.

Approximately \$66,184 in public funds from tax increment financing provided by the Hastings Community Redevelopment Authority will be required to complete the project. This investment by the Authority and the City will leverage \$325,960 in private sector financing; a private investment of \$5.76 for every public/TIF dollar of investment.

USE OF FUNDS		SOURCE OF FUNDS		
Description	TIF Funds	Other Grants	Equity or Loan funds	Totals
Site Acquisition	\$ 45,000		\$ 27,500	\$ 72,500
Rehabilitation	\$ -		\$ 353,460	\$ 353,460
Facade renovation	\$ -	\$ 25,000	\$ -	\$ 25,000
TOTALS	\$ 45,000	\$ 25,000	\$ 380,960	\$ 450,960

Tax Revenue. The property has a January 1, 2020, valuation of approximately \$70,830. Based on the 2019 levy of .02237489 this would result in real property taxes of approximately \$1,584.81 which will be paid out to all the existing taxing entities. It is

anticipated that the assessed value will increase by \$229,170 upon full completion, as a result of the building redevelopment. This development will result in an additional estimated tax increase of over \$5,128 annually. This tax increment gained from the Redevelopment Project Area would not be available for use as city general tax revenues, for a period of 15 years, or such shorter time as may be required to amortize the TIF bond, but would be used for eligible private redevelopment costs to enable this project to be realized.

Estimated 2019 assessed value:	\$70,830
Estimated value after completion	\$300,000
Increment value	\$229,170
Annual TIF generated (estimated)	\$5,128
TIF bond issue	\$45,000

Statement Identifying Financial Gap and Necessity for use of Tax Increment Financing for proposed Project:

A large financial gap exists on this project after conventional financing is utilized. A combination of owner equity, TIF and other incentives are needed to make the project feasible. The developer is contributing owner equity/bank financing of \$325,960 and TIF and façade grant funding are intended to fill the remaining gap, making this project feasible. The project is asking for \$45,000 in a TIF loan amortized over 15 years. Without the availability of TIF funding for the project, it would not be feasible for the developer to proceed with this redevelopment. Please see the tables below which shows rate of returns from -14.8% to -3.7% without TIF funding which is an unacceptable return on investment in today's market.

Proforma Operating Statement w/o TIF

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Rent Revenue	\$ 25,200	\$ 33,600	\$ 33,600
Expenses	\$ (10,700)	\$ (10,700)	\$ (10,700)
NOI Without TIF	\$ 14,500	\$ 22,900	\$ 22,900
Debt Service	\$ (25,760)	\$ (25,760)	\$ (25,760)
Cash Flow Without TIF	\$ (11,260)	\$ (2,860)	\$ (2,860)
Cash on cash return wo/TIF	-14.80%	-3.70%	-3.70%

Equity Investment	\$ 75,960	\$ 75,960	\$ 75,960
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Proforma with TIF

Proforma Operating Statement with TIF

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Rent Revenue	\$ 25,200	\$ 33,600	\$ 33,600
Expenses	\$ (10,700)	\$ (10,700)	\$ (10,700)
NOI Without TIF	\$ 14,500	\$ 22,900	\$ 22,900
Debt Service	\$ (22,260)	\$ (22,260)	\$ (22,260)
Cash Flow Without TIF	\$ (7,760)	\$ 640	\$ 640
Rate of return with TIF	-10.20%	0.01%	0.01%

Equity Investment	\$ 75,960	\$ 75,960	\$ 75,960
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(a) Tax shifts resulting from the approval of the use of Tax Increment Financing;

The redevelopment project area currently has a valuation of \$70,830. The proposed redevelopment will create additional valuation of \$229,170. No tax shifts are anticipated from the project. The project creates new valuation from the rehabilitation of all levels of an historic building which will support taxing entities long after the project is paid off.

(b) Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project;

No additional public service needs have been identified. Existing water and waste water facilities will not be impacted by this development. The electric utility has sufficient capacity to support the development. Fire and police protection are available and should not be negatively impacted by this development. The addition of life safety elements to this building including rated separations and proper exits actually reduce the chances of negative impacts to the fire department.

(c.) Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project; and

This project will not have a negative impact on employers and employees of firms locating within the boundaries of the redevelopment area but will create a new and unique renovated commercial office space. The project will also provide additional residential opportunities in the downtown area consistent with the planned development in Downtown Hastings.

(d.) Impacts on other employers and employees within the city or village and the immediate area that are located outside of the boundaries of the area of the redevelopment project; and

This project will not have a negative impact on other employers in any manner different from any other expanding business within the Hastings area.

(e) Impacts on student populations of school districts within the City or Village:

This development will have a minimal impact on the Hastings area school systems as it will likely not result in any increased attendance and the local school systems would be able to absorb any students from this additional development without adding to school facilities or staffing.

(e) Any other impacts determined by the authority to be relevant to the consideration of costs and benefits arising from the redevelopment project.

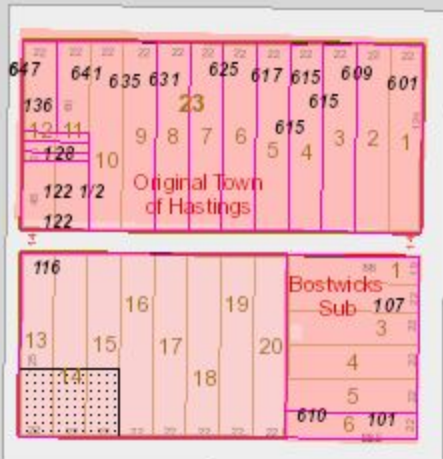
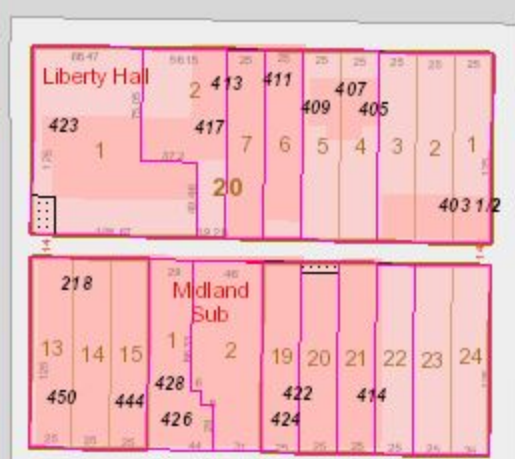
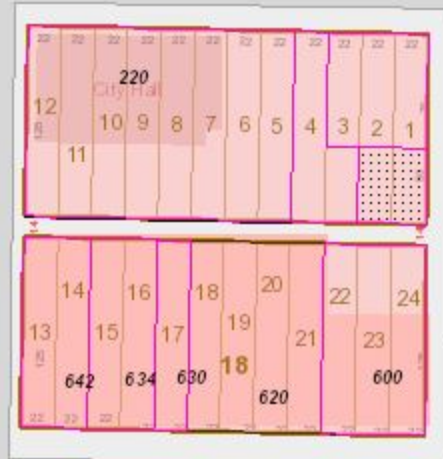
This project is consistent with the goals of the City Council, the Business Improvement District and the Community Redevelopment Authority to create additional housing units in downtown Hastings. The project will create additional jobs and downtown residents which will benefit local businesses.

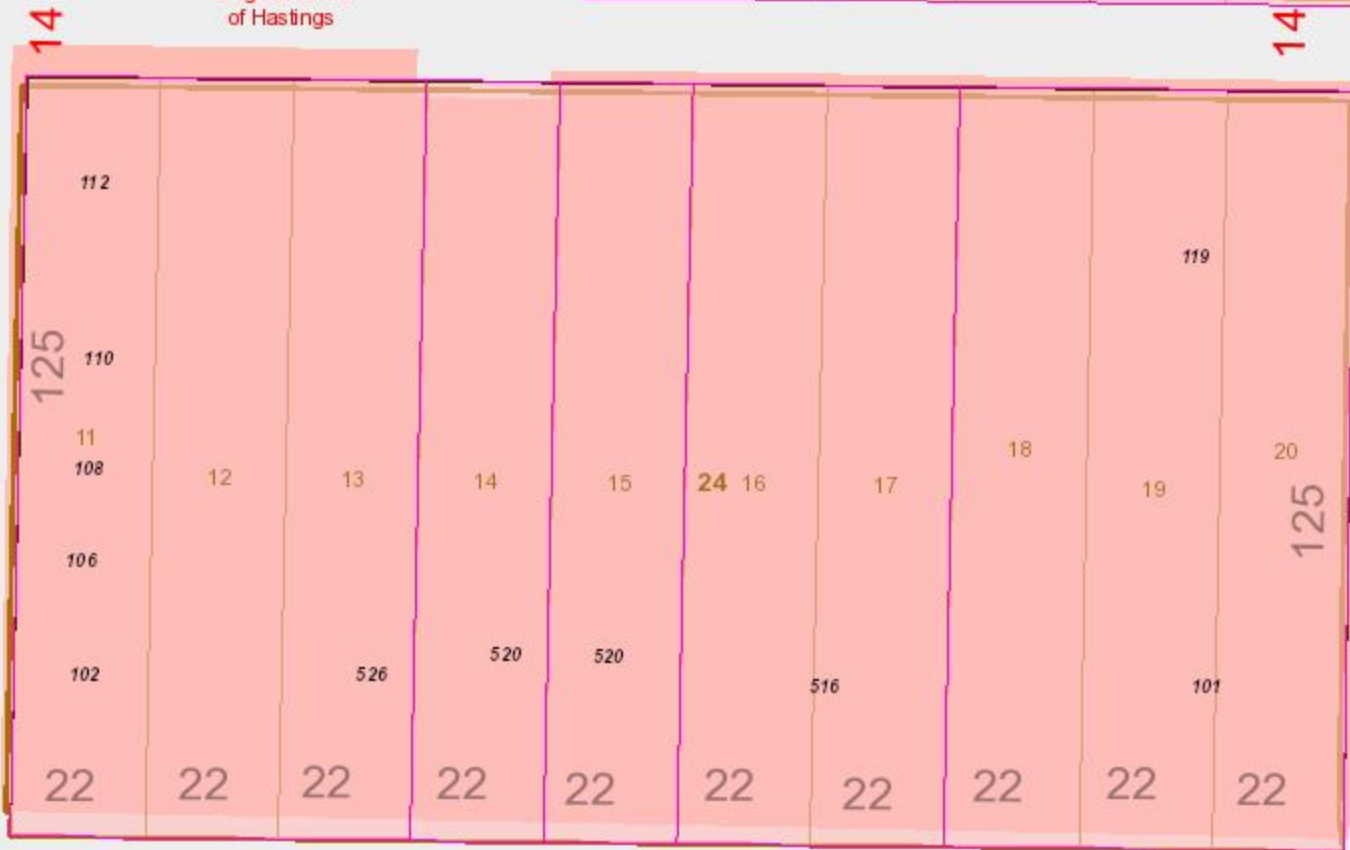
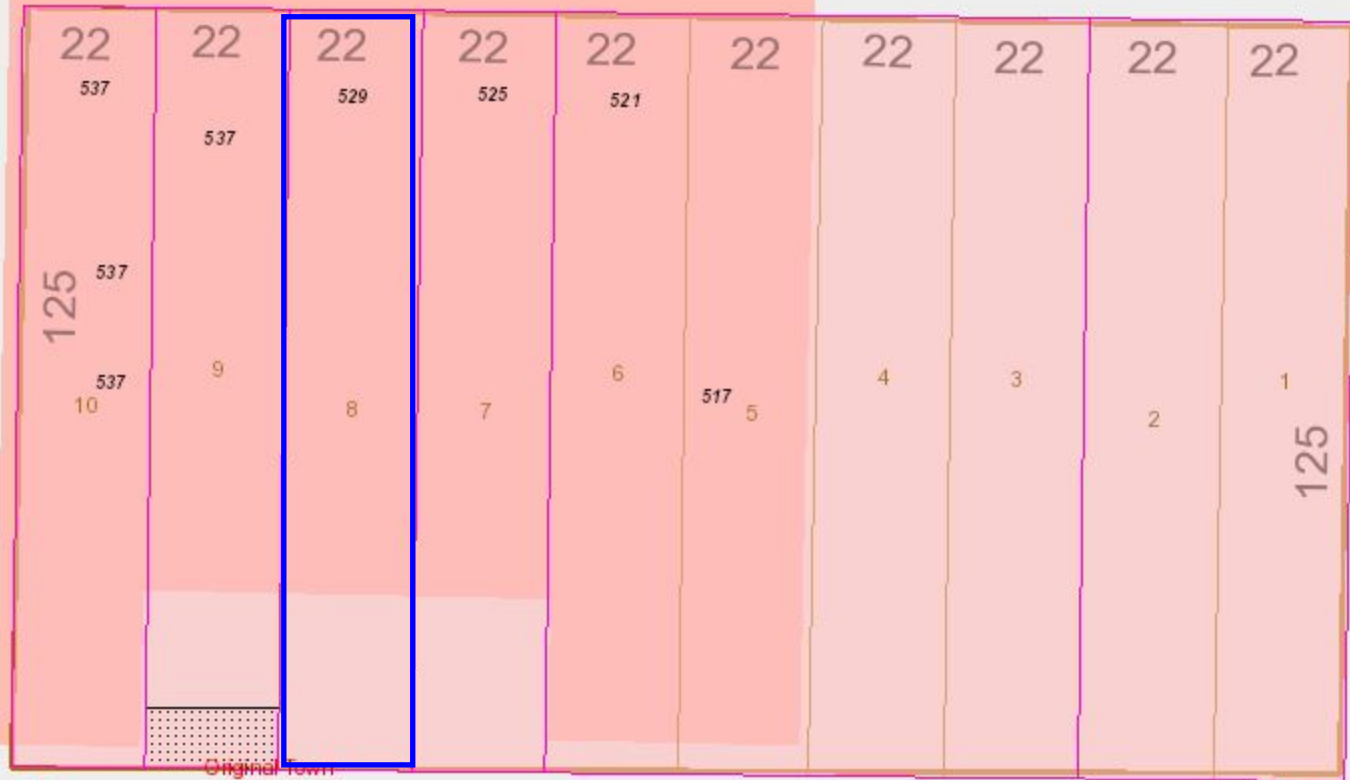
(f) Any other impacts determined by the authority to be relevant to the consideration of costs and benefits arising from the redevelopment project.

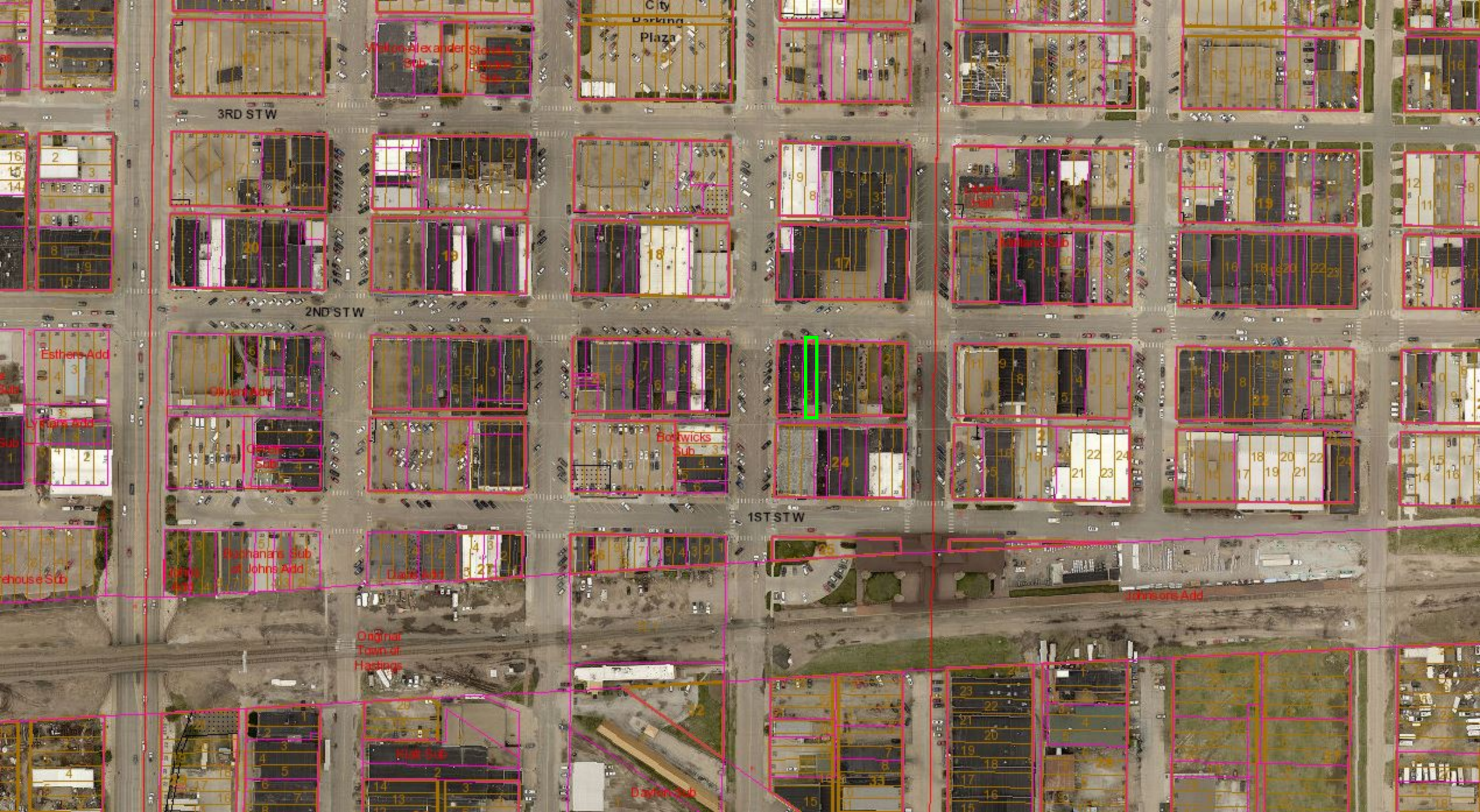
This project is consistent with the goals of the City's Comprehensive Plan, and the Hastings Housing Study of 2016.

Time Frame for Development

Development of this project is anticipated to be completed between September of 2020 and May of 2021. The base tax year should be calculated on the value of the property as of January 2021. Excess valuation should be available for this project for 15 years beginning in 2022 with taxes due in 2023. Excess valuation will be used to pay the TIF Indebtedness issued by the CRA per the contract between the CRA and the developer for a period not to exceed 15 years on an amount not to exceed \$45,000 the projected amount of increment based upon the anticipated value of the project and current tax rate. Based on the estimates of the expenses of the rehabilitation the developer will spend at least \$380,960 on TIF eligible activities in excess of other grants given.







3RD STW

2ND STW

1ST STW

City Plaza

Wilton Alexander Stew
Sub

Esthers Add

Oliver Add

Lyons Add

Oliver Sub

Bodwicks Sub

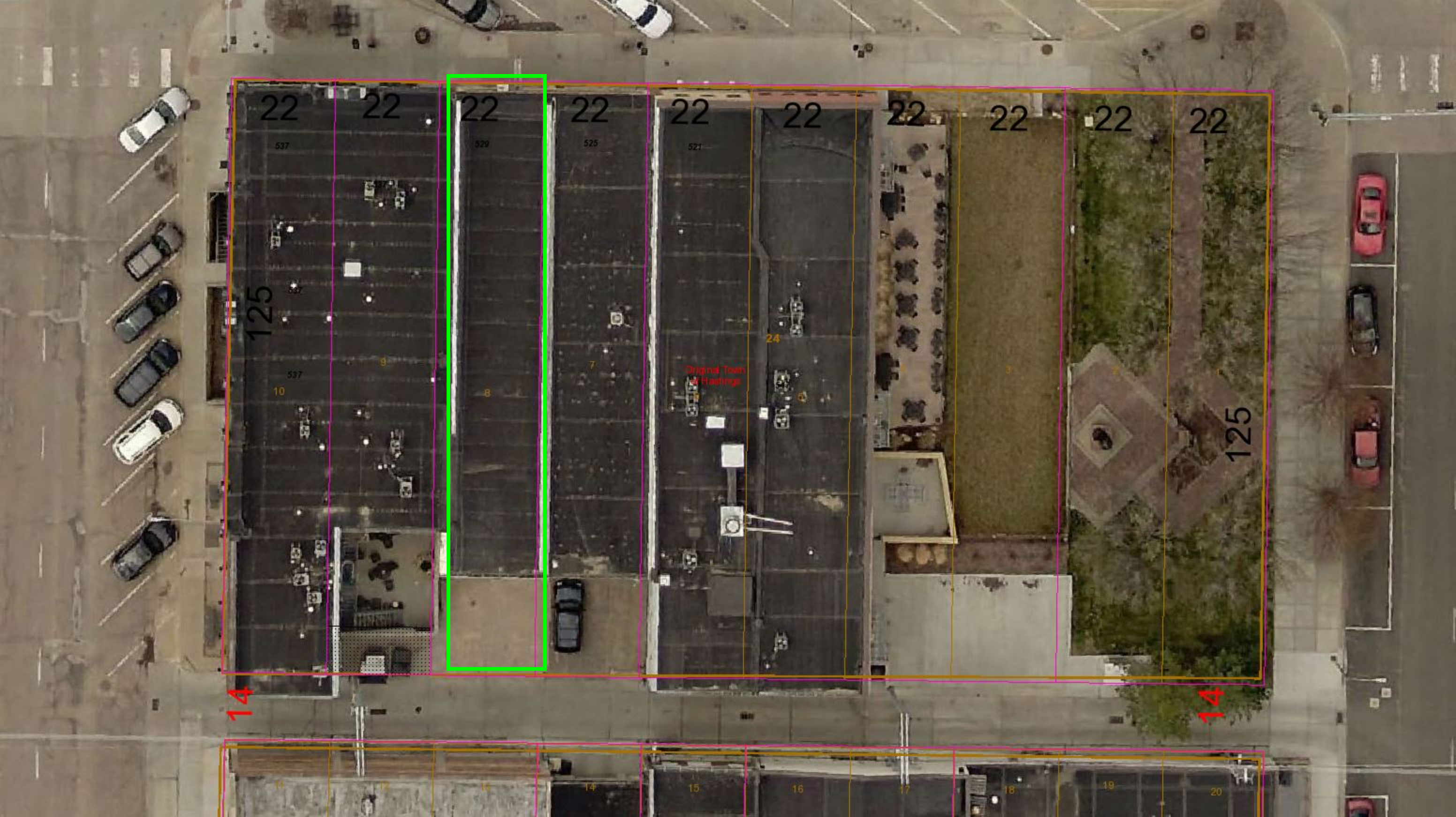
Hillards Sub

Johnsons Add

Bathmans Sub
at Johns Add

Original
Town of
Hastings

Dawson Sub



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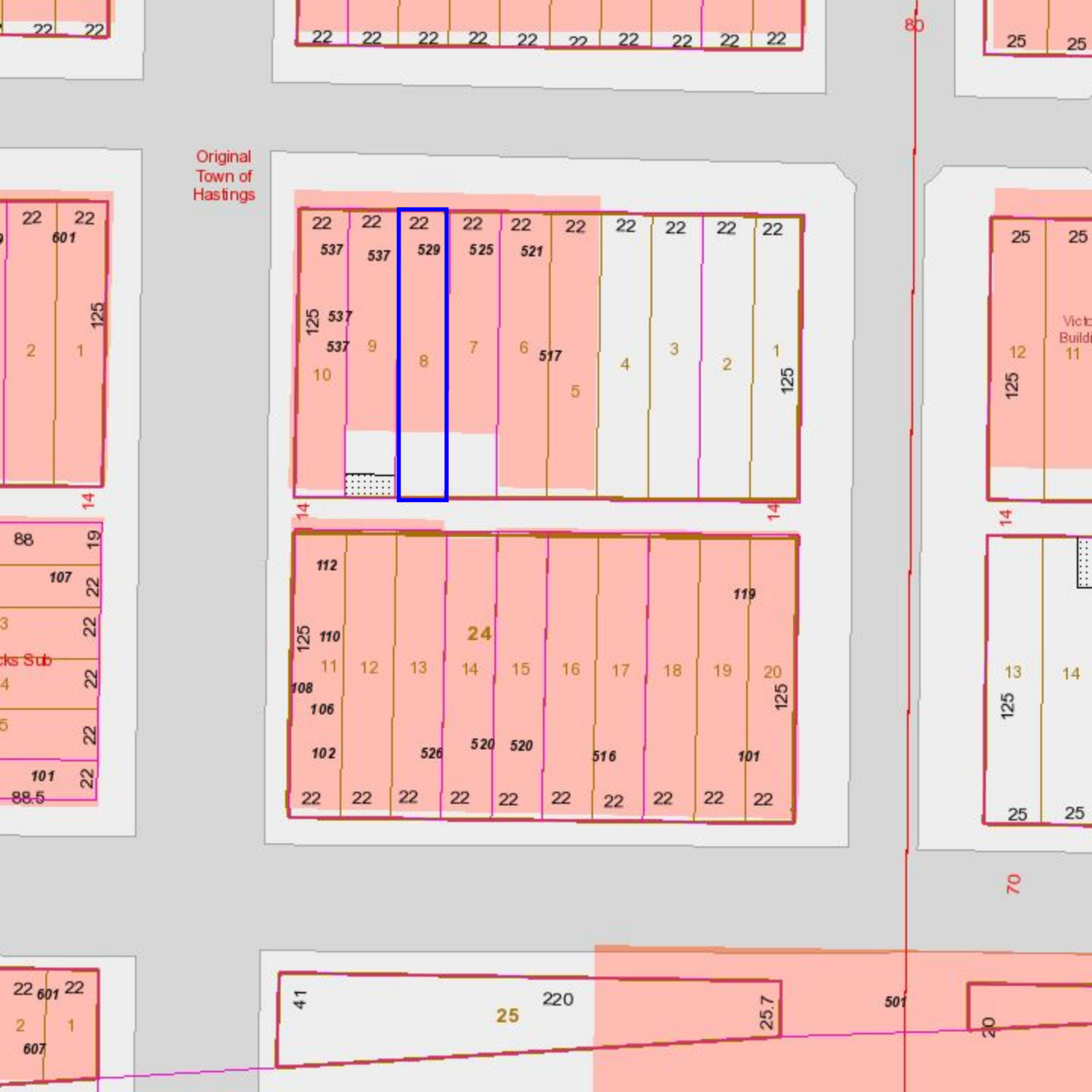
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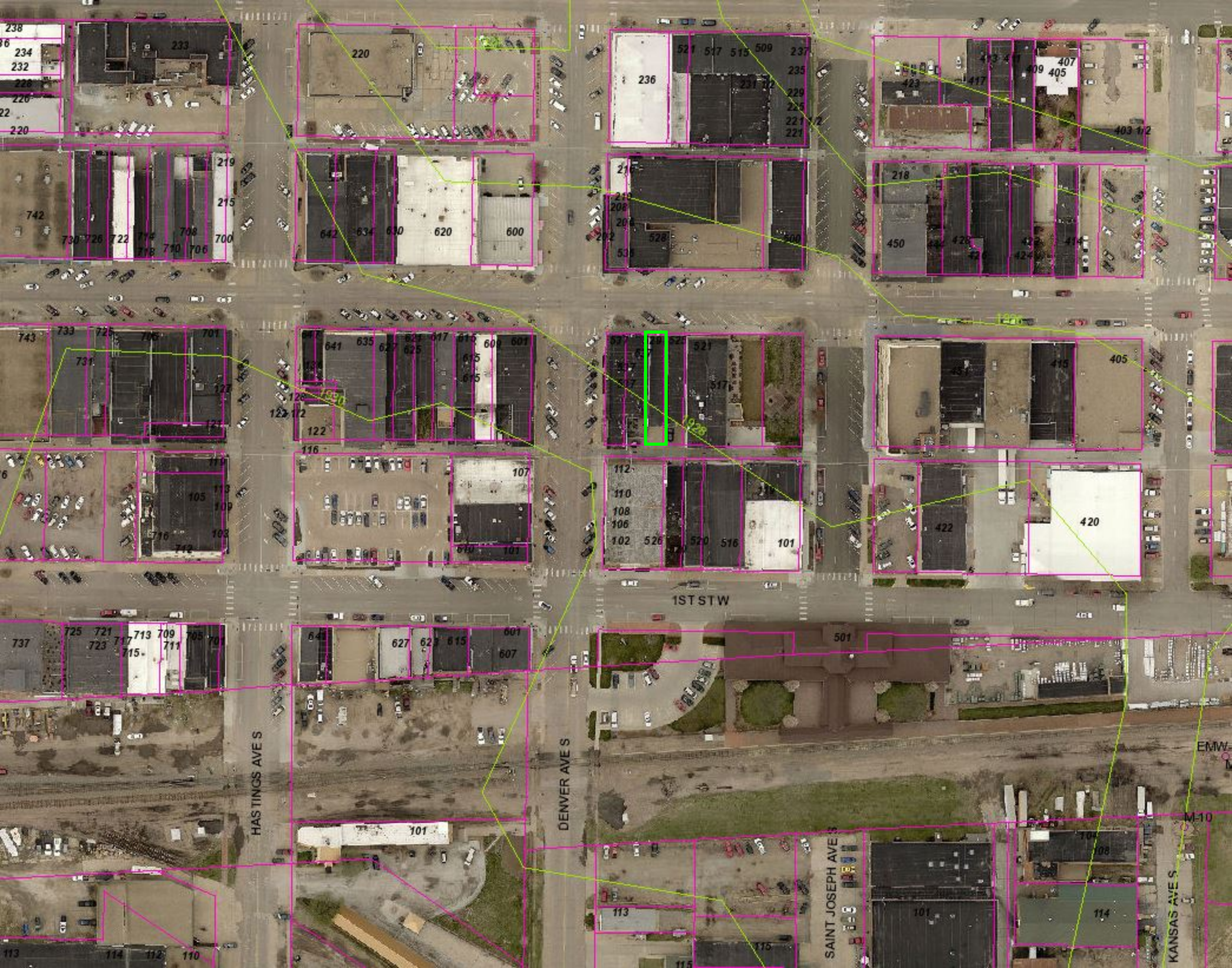
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Original Town
of Hastings









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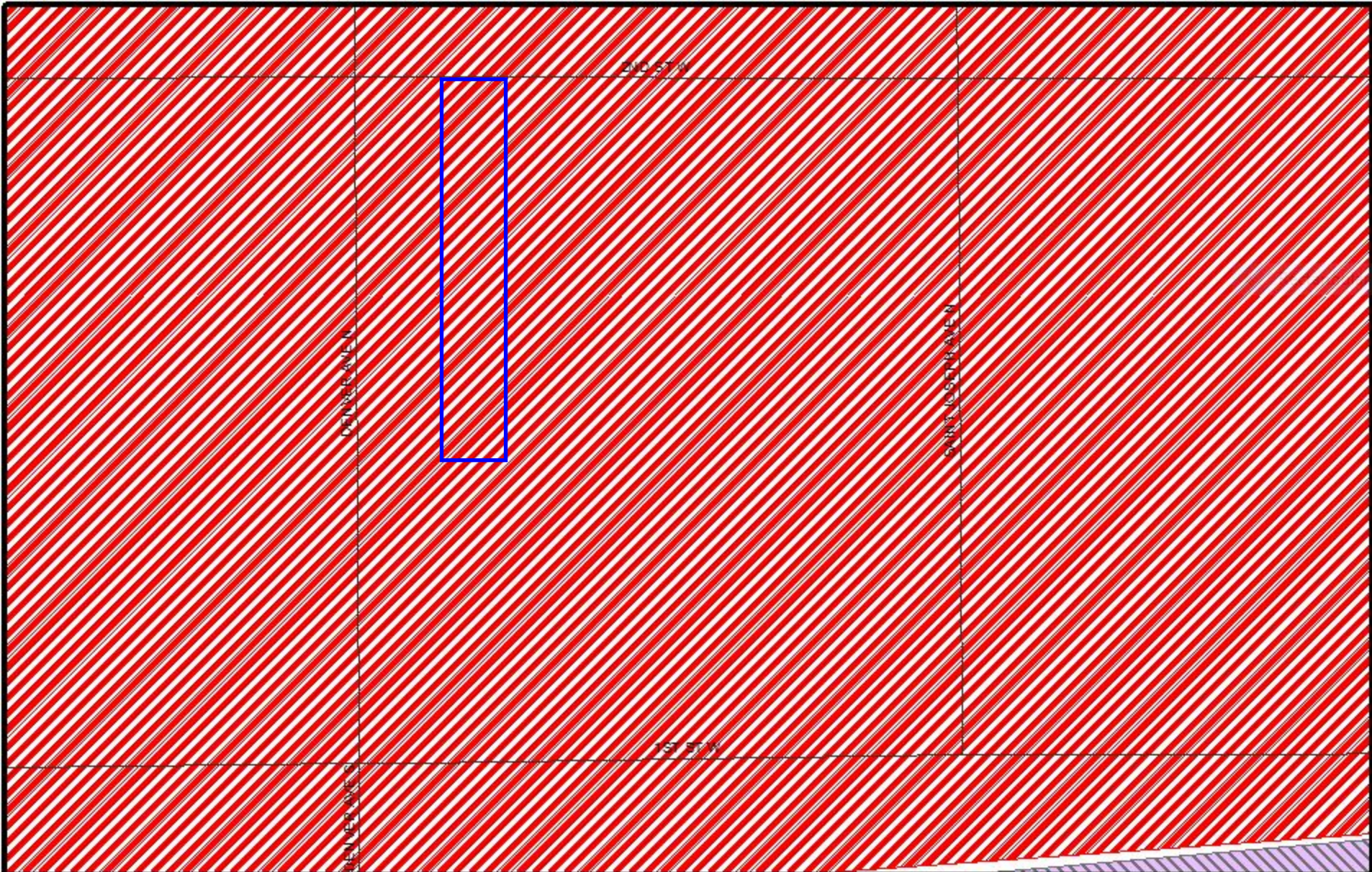
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Future Land Use

City of Hastings, Nebraska



0 25 50 100 Feet

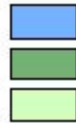
Land Use:



Rural Residential
Suburban Residential
Urban Residential



Mixed-Use - Neighborhood
Mixed-Use - Community
Mixed-Use Downtown
Commercial/Retail
Employment/Industrial



Public / Semi-Public
Parks & Recreation
Agriculture

Overlay Districts:



South Burlington Overlay
Highway 6 Overlay
Urban Industrial Overlay



Floodplain
City Boundary
ETJ Boundary



Future Land Use City of Hastings, Nebraska



0 100 200 400 Feet

Land Use:

- Rural Residential
- Suburban Residential
- Urban Residential

- Mixed-Use - Neighborhood
- Mixed-Use - Community
- Mixed-Use Downtown
- Commercial/Retail
- Employment/Industrial

- Public / Semi-Public
- Parks & Recreation
- Agriculture

Overlay Districts:

- South Burlington Overlay
- Highway 6 Overlay
- Urban Industrial Overlay
- Floodplain
- City Boundary
- ETJ Boundary

Department: Development Services
Staff Contact: Lisa Parnell-Rowe
Planning Commission Meeting Date: 9/15/2020
File No: 2020-033
Prepared By: Lisa Parnell-Rowe, Director of Development Services

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing to recommend a request for a Conditional Use Permit (CUP) amendment for Recreational Vehicle Park use when established and covered more recently under Table 34-200-1, Outdoor Entertainment and Recreation Business in current City code, for property located 302 East 26th Street, Hastings, Nebraska.

Motion to recommend approval of CUP amendment for Recreational Vehicle Park use when established and covered more recently under Table 34-200-1, Outdoor Entertainment and Recreation Business in current City code, for property located 302 East 26th Street, Hastings, Nebraska.

Names of People/Business affected by this action:

The applicant, the people of Hastings, and the City.

Why Planning Commission action is required:

Neb. Rev. Stat. 19-929 requires a conditional use permit to be approved by the City Council unless the City Council has, through a zoning ordinance or special ordinance, generally authorized the Planning Commission to exercise such power and has approved the standards and procedures adopted by the Planning Commission for equitably and judiciously granting such conditional uses or special exceptions. City Code 34-401 requires a recommendation from the Planning Commission before City Council can approve a CUP.

Type of action requested:

Motion

Suggested motion:

Motion to recommend approval of a Conditional Use Permit (CUP) amendment for Recreational Vehicle Park use when established and covered more recently under Table 34.200-1, Outdoor Entertainment and Recreation Business in current City code, for property located 302 East 26th Street, Hastings, Nebraska, subject to the conditions proposed.

Deadlines associated with action:

This item is scheduled to be heard at the next regular City Council meeting October 12, 2020.

Department head comments:

Background: The Hastings Campground was started nearly 30 years ago. There have been various owners since the time that this originally proposed KOA campground was erected, but a Conditional Use Permit (CUP) stays with the land and does not change with ownership. Thus, this campground was established based on a Conditional Use Permit (CUP) application that was approved by City Council on April 11, 1994. The original approval carried 11 conditions (see attached approval). Those conditions as approved were:

1. Submission of a revised site plan with landscaping details shown and that the revised site plan include the tree screen on the east side of the property and the fence around the other three sides of the property.
2. That a two-half inch fire hydrant be provided at the south end of the site for Fire Department Use; the hydrant and its location are to be approved by the Hastings Fire Chief.
3. That the sign indicating the space numbers be placed at the north end of each row of the camping spaces; the size of the numbers and the location of the sign are to be approved by the Hastings Fire Chief.
4. That the access road adjacent to the tent camping area be increased from 15 to 20 feet in width.
5. That the onsite sewer and water distribution system plan be approved by the Hastings Utilities, Director of Engineering and the City Plumbing Inspector.
6. That the revised site plan show the location of trash receptacles and dumpsters.
7. That a perimeter fence of chain link or similar fabric be provided around the site on the east, south and west sides of the property adjacent to the camping areas.
8. That plans for the K.O.A sign be submitted to and approved by the Planning Commission prior to construction.
9. That the revised site plan be approved by the Planning Commission prior to any construction on the site.
10. That camping bays shall not exceed a duration of two weeks.
11. That if for some reason that the campground does not go, that it be written in the Land Agreement that this can be nothing else besides an RV Campground.

This CUP amendment was triggered after receiving multiple complaints that the campground was not in compliance with the original CUP conditions. Section 34-402 (4) provides for a CUP review by the Zoning Official and (based on this outcome) a public hearing as courses of action that can be pursued when there is a failure to observe and maintain the conditions and restrictions of the CUP. In response to complaints Zoning Official and Director of Development Services, Lisa Parnell-Rowe, instructed Building Inspector, Mark Evans, to visit the campground and assess the campgrounds to the conditions stated above and found in the originally approved CUP.

Mr. Evans conducted this site review/inspection on April 29, 2020. Of the 11 conditions there

were 5 conditions (i.e., condition #s 1, 3, 4, 7 & 10) that appeared to be in violation. A formal letter documenting these violations was sent certified mail and received by applicant on May 9, 2020 (see attached letter). The applicant was given 60 days to comply with these conditions. Applicants shared concerns for the survival of their business and viability of a two-week duration for their campers. Stating many do comply with criteria this but there have been a few that desire longer stays as their work in the City is not fulltime and/or entails travel and at times the campgrounds have also been of economic assistance to construction crews that needed an affordable option for stays during large development projects.

These violations were reassessed after the 60 days and all violations were satisfactorily mitigated with the exception of Condition #10, That camping bays shall not exceed a duration of two weeks. A follow-up letter was sent certified mail and received by applicant on July 14, 2020. Applicants were given the option to propose a realistic plan for longer-term stay for a portion of their camping areas that was not fulltime, but longer than two-weeks. Staff also followed with several phone calls and site visits.

Staffs goal is a plan that will still afford the applicant an opportunity to stay in business, meet economic demands for a longer (yet not permanent) temporary housing but also be realistic within the city code without allowing the campground to exceed a more short-term duration as was originally expressed in the hearings for this CUP.

CUP Criteria Reassessment: Staff has also reassessed all the original CUP criteria and finds that the continued use of this campground is acceptable for the following reasons so long as the violation to the two-week stipulation can be mitigated.

1. Though the future land use designation shows Suburban Residential, the area was rezoned and approved to be C-3 on June 13, 1994, shortly after the approval of this CUP in April 1994. Though current code 34-200-1 Table of Uses and Districts does not list Recreational Vehicle Parks, it does list a similar category of Outdoor Entertainment and Recreational Business and this use shows as conditional in the C-3 District. It should be noted that the Section defining standards for Recreational Vehicle Parks is still found in Section 34-404 (12) and it appears that this Use Table was added with the 2010 Zoning Code update and that this category was simply not incorporated into that table. Additionally, maintaining this land for a campground was clearly important to the City Council as they added Condition #11 stating “That if for some reason that the campground does not go, that it be written in the Land Agreement that this can be nothing else besides an RV Campground.” Additionally, north and west this area is also all developing and zoned for commercial and industrial uses.
2. The barrier requirements stipulated in the CUP meet the Required Buffer Area between C-3 and residential. There is a fence on east and south sides and they have now planted the required evergreen treeline. It should also be noted that though the area to the east is zoned R-1A and to the southwest R-1, this is currently all farmed and agriculture in use. When corn is planted there is an additional barrier that naturally occurs for several months.
3. Adjacent property letters, public notice signs and advertising all occurred without any public

comment as of the time of drafting this report.

4. Staff internal review was distributed with only a few concerns for propane tanks which is covered in the new proposed conditions.

5. Economically, this campground has been relied upon by several construction crews as temporary housing during projects, which has been important to our cities development efforts.

There is also now a major attraction north of here with the Smith Softball Complex. Many of the people that travel here for games utilize this campground for their stays.

Staff Proposed Conditions: The applicant is proposing 7 longer term parking areas on the farthest west side of the campgrounds as noted and discussed in their narrative. Staff has reviewed their proposal and has discussed some additional conditions that were either not proposed or not well enough defined in their narrative. The following are conditions that are proposed to be added as conditions for an amended CUP that will be supported by Staff and recommended for approval to Planning Commission and City Council. These would only replace Condition #10 but be added to the rest of the conditions found in the original CUP. The additional conditions will better define and lend value to monitoring length of stay which is the only violation still standing.

1. There will be 7 camp areas that will be allowed to stay for up to a 3-month maximum. These areas are to be located in the far northwest corner of the western side of the campground and will be not be allowed to be scattered among this side of the campground but must instead be concentrated to the first 7 areas in this row (numbered as 33-39 on the Site Plan). The remaining parking areas in this campground will continue to remain at a two-week or less stay. There will be 2 exceptions allowable for exceeding the 3-month maximum, but all stays longer than 3 months must be placed in the far west row. The following are two qualifying exceptions to the 3-month maximum stipulation:

a. One long-term camper will be allowed if they are employed by owner to maintain campgrounds and/or manage the campgrounds. Proof of employment with a copy of a W-2 or paystub must be provided as proof of employment.

b. If there is a City development / economic need proven with employment documentation or a copy of a contract that would make it necessary for a stay longer than the 3-month maximum, this could be approved by Director of Development Services or designee for an additional 3 months at a time for as long as the project occurs.

2. The 7 areas allowing stays for up to a 3-month maximum shall be clearly and neatly marked with a small durable sign that indicates these are for extended stay not exceeding 3 months.

Building Inspector must approve these signs with a sign permit to document their approval.

3. Owner will update Site Plan to clearly mark spots on their maps as two-weeks or less and extended stay (not exceeding 3 months). This will be resubmitted to Director of Development Services for approval. All obsolete maps are to no longer be distributed and discarded once this CUP is approved.

4. Extended stay campers must pack everything up and leave for at least 72 hours (3 days) before returning if staying longer than 3 months and this would be only allowable with documentation in a log on a use agreement for these parties that both owner and the camper signs.

5. Owner must create and submit to Director of Development Services for approval a new user

agreement that will include the following:

- a. An area to log camper name, area #, date, time and initials of individuals checking in and checking out.
 - b. Includes condition regarding propane tanks allowable as stipulated in this CUP for less than two weeks and up to 3 months.
 - c. Includes skirting limitations as stipulated in this CUP.
 - d. Clearly notes which type of camping the camper is allowed to have. You can list 2 weeks or less and up to 3 months and circle whichever is applicable for each camper.
6. All short-term (two-week or less campers) shall be permitted to have up to two 40-pound cylinders, provided they are mounted on and attached to the camper, RV, etc. by approved means in NFPA 58. Campers staying longer (up to 3 months) will be allowed no more than one cylinder not greater than 120 pounds, provided they are placed on the 3X3 concrete pad that will be provided for these 7 parking areas. Building and Fire inspectors will determine the appropriate placement of these pads on each space and must final approve the finished pads.
7. Fire Department will provide a cheat sheet to the owner for cylinder installation that will be provided to campers when signing user agreements. This handout will instruct each camper on appropriate Propane Tank mounting and capacity requirements.
8. Applicant will be responsible for ensuring any electrical rewiring and/or other longer-term infrastructure are upgraded in the first 7 dedicated areas for extended stays not lasting longer than 3 months in duration.
9. Skirting for extended stay guests will be limited to winter months of December, January, February and March.
10. This resolution shall be filed with the register of deeds so as to provide notice to any person examining the real estate records of the existence of this CUP. The recording costs incurred to comply with this section shall be paid by the applicant for the CUP.
11. There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply.

Recommendation:

Staff recommends motion to recommend approval with the replacement of Condition #10 with the above proposed conditions.



City of Hastings
Development Services Department
Zoning Development Approval (ZDA)
Conditional Use Permit Application

Date:

Please fill out the Pre-Qualification form first if you are unsure of what action needs to occur. Contact Development Services for minimum requirements at 402-461-2302. Incomplete applications will not be processed. All applications must be complete prior to submission. Deadline for Planning Commission Approval is the last Monday of each month or ZDA will be held until the next months session.

Property Address:	302 E 26 TH ST HASTINGS 68901
Legal Description:	
Current Zoning:	
Proposed Use:	CAMPGROUND / RV PARK
Description of Proposed Use:	

Applicant:	TERICK LLC	HASTINGS CAMPGROUND	Company:	TERICK LLC
Address:	302 E 26 TH ST		Telephone:	402-462-5621
City/State/Zip:	HASTINGS NE 68901		Email:	TRCPMADUS@HOTMAIL
Property Owner:	TERICK LLC		Company:	
Address:	302 E 26 TH ST		Telephone:	
City/State/Zip:	HASTINGS NE 68901		Email:	
Key Contact:	RICHARD THOMPSON		Company:	
Address:	1114 N SAINT JOSEPH		Telephone:	
City/State/Zip:	HASTINGS NE 68901		Email:	

If the Applicant is not the Owner, an Owner Verification Form must be filled out and sent to the Owner for authorization of the application. This form is also available at www.cityofhastings.org.

I hereby acknowledge that all information provided with this application is true to the best of my knowledge. You will be required to upload a copy of a Site Plan and a Detailed Narrative Statement. Sections 34-402 through 34-404 of the Hastings City Code will assist in your preparation. You must affirm receipt and review of these codes as part of your permit process.

Signature of Applicant:		Date:	7-22-20
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HDS Staff Comments:			
HDS Staff Acceptance:		Date:	
HDS Application Number:		HDS Case #:	
Total Fee:			



City of Hastings
Development Services Department
Zoning Development Approval (ZDA)
Conditional Use Permit Affirmation

As the applicant named herein, I acknowledge that I have familiarized myself with the City of Hastings Conditional Use Permit regulations as established in Chapter 34 - Zoning City Code, Sections 34-401 through 34-404. I agree to uphold all required conditions and cooperate with any necessary site inspections by the Code Enforcement Official for continued maintenance. I also further acknowledge the written and graphic information provided as part of this application are true and accurate to the best of my knowledge and belief.

Please click the link provided below for access to the Hastings City Code, Chapter 34 - Zoning City Code:

Signature of Applicant:

Date: 7-22-20

City of Hastings
220 N. Hastings Avenue
Hastings NE 68901

Payee: RICK THOMPSON

Date: 7/24/2020 Time: 4:17 PM

Receipt Number: DS1 / 90170

Clerk: TERI

ITEM	REFERENCE	AMOUNT
ZONE CUP HASTINGS CAMP		
Zoning Fees		400.00
Total:		400.00
assor	V2018	400.00
Change:		0.00

CITY OF HASTINGS, NEBRASKA
APPLICATION FOR CONDITIONAL USE PERMIT

DATE: March 7, 1994

FEE: \$50.00

THE UNDERSIGNED RESPECTFULLY MAKES APPLICATION FOR A CONDITIONAL USE PERMIT TO THE MAYOR AND CITY COUNCIL AS FOLLOWS:

INTENDED USE: KOA Campground

ADDRESS: 302 E. 26th Ave., Hastings, NE

LEGAL DESCRIPTION: Fractional Section 6, T7N, R9W of the 6th P.M.

IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

THE BUILDING AND/OR LAND AREA IS: Building _____ Sq. Ft.,

Land Area _____ Sq. Ft.; Fire Zone _____

THE APPLICANT HEREBY AGREES TO BUILD AND DEVELOP THE LAND IN ACCORDANCE WITH ALL APPLICABLE ORDINANCES OF THE MUNICIPAL CODE OF THE CITY OF HASTINGS, NEBRASKA.

RECOMMENDATION: Denied

OWNER'S ADDRESS: Elmer Hohlen, 2205 N. Elm Ave.

CHAIRMAN: Walt Miller

TELEPHONE: 463-8537

DATE: March 21, 1994

SIGNATURE: Elmer Hohlen

=====

CONDITIONAL USE PERMIT FOR K.O.A. Campground GRANTED BY COUNCIL ACTION ON THE 11th DAY OF April, 19 94, UNDER THE FOLLOWING CONDITIONS AND OR LIMITATIONS, ALL OF WHICH MUST BE COMPLIED WITH BY APPLICANT FOR SAID PERMIT TO CONTINUE VALID FOR THE

PERIOD GRANTED AS FOLLOWS:

That the Mayor and Council approve the request of Mr. & Mrs. Elmer Hohlen for a Conditional Use Permit to allow the construction of a K.O.A. RV Camper park at 302 East 26th Street, the east-west Bypass Road, subject to the following conditions:

1) Submission of a revised site plan with landscaping details shown and that the revised site plan include the tree screen on the east side of the property and the fence around the other three sides of the property.

2) That a two-half inch fire hydrant be provided at the south end

of the site for Fire Department Use; the hydrant and its location are to be approved by the Hastings Fire Chief.

- 3) That a sign indicating the space numbers be placed at the north end of each row of camping spaces; the size of the numbers and the location of the sign are to be approved by the Hastings Fire Chief.
- 4) That the access road adjacent to the tent camping area be increased from 15 to 20 feet in width.
- 5) That the on-site sewer and water distribution system plan be approved by the Hastings Utilities, Director of Engineering and the City Plumbing Inspector.
- 6) That the revised site plan show the location of trash receptacles and dumpsters.
- 7) That a perimeter fence of chain link or similar fabric be provided around the site on the east, south and west sides of the property adjacent to the camping areas.
- 8) That plans for the K.O.A. sign be submitted to and approved by the Planning Commission prior to construction.
- 9) That the revised site plan be approved by the Planning Commission prior to any construction on the site.
- 10) That camping bays shall not exceed a duration of two weeks.
- 11) That if for some reason that the campground does not go, that it be written in the Land Agreement that this can be nothing else besides an RV Campground.

also subject to review and approval by the City Attorney.



Mayor



City Clerk

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Development Services Department
220 N HASTINGS AVE
HASTINGS NE 68901-5144

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TERICK LLC
1114 N SAINT JOSEPH AVE
HASTINGS NE 68901-3939



Reference	Hastings Campground 302 E. 26th St.
USPS #	9407110898765058971904
USPS Mail Class	Certified with Electronic Delivery Confirmation
USPS Status	Your item was delivered to an individual at the address at 10:54 am on May 9, 2020 in HASTINGS, NE 68901.
USPS History	Out for Delivery, 05/09/2020, 7:10 am, HASTINGS, NE 68901 Arrived at Unit, May 9, 2020, 6:12 am, HASTINGS, NE 68901 Arrived at USPS Regional Facility, May 8, 2020, 9:24 pm, GRAND ISLAND NE DISTRIBUTION CENTER Departed USPS Regional Facility, May 8, 2020, 9:16 am, OMAHA NE DISTRIBUTION CENTER Arrived at USPS Regional Facility, May 7, 2020, 8:59 pm, OMAHA NE DISTRIBUTION CENTER Accepted at USPS Origin Facility, May 7, 2020, 7:44 pm, HASTINGS, NE 68901 Shipping Label Created, USPS Awaiting Item, May 5, 2020, 3:11 pm, HASTINGS, NE 68901

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Date Verified: 05/10/2020 (UTC)



May 5, 2020

TERICK LLC
1114 N. St. Joseph Ave.
Hastings, NE 68901

RE: Conditional Use Permit for Hastings Camp Ground at 302 E. 26th St.
in Hastings, Nebraska

Dear Sir or Madam:

This letter is in regard to the operation of the Hastings Campground, formerly operated as a KOA Campground, and located at 302 E. 26th St in Hastings, Nebraska.

On March 7, 1994, the City of Hastings granted a conditional use permit to the applicant to operate a KOA Campground, subject to the terms of the conditional use permit. I have attached a copy for your reference.

On April 29, 2020, the Building Inspector observed the items that are in violation of the terms of the conditional use permit:

1. Item 1 of the Conditional Use Permit requires a tree screen to be installed on the east side of the property. Said tree screen has not been installed/planted.
2. The individual spaces are not identified with signs indicating the space number as required in item 3 of the conditional use permit.
3. Access roads are not maintained at 20 feet in width, as required by item number 4 of the conditional use permit.
4. Item 7 of the Conditional Use Permit requires that the east, south and west sides of the property have a perimeter fence of chain link or similar fabric installed. This fence has not been installed.
5. Item 10 of the Conditional Use Permit limits the stay of campers to two weeks. Several campers were observed to have semi-permanent skirting and enclosures indicating they have been there more than two weeks.

The Building Inspector has found that the property at 302 E. 26th St. is in violation of the Conditional Use Permit granted by the City of Hastings. You are hereby ordered to

220 North Hastings Avenue
Hastings, NE 68901



www.cityofhastings.org

Inspection: (402) 461-2302
Planning: (402) 461-2302
Fax: (402) 461-2304

complete the work necessary to correct the above deficiencies within 60 days of the date of this letter.

If you would like to request an amendment to the Conditional Use Permit to address some of these issues, you will need to apply for an amendment to the Conditional Use Permit. Contact this office at your earliest convenience to discuss this matter.

If you have any other specific questions regarding this matter, please contact me at your earliest convenience.

Sincerely,



Mark W. Evans
Building Inspector

CC: Lisa Parnell-Rowe, Development Services Director
Clint Schukei, City Attorney

Enclosures



CITY OF HASTINGS, NEBRASKA
APPLICATION FOR CONDITIONAL USE PERMIT

DATE: March 7, 1994

FEE: \$50.00

THE UNDERSIGNED RESPECTFULLY MAKES APPLICATION FOR A CONDITIONAL USE PERMIT TO THE MAYOR AND CITY COUNCIL AS FOLLOWS:

INTENDED USE: KOA Campground

ADDRESS: 302 E. 26th Ave., Hastings, NE

LEGAL DESCRIPTION: Fractional Section 6, T7N, R9W of the 6th P.M.

IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

THE BUILDING AND/OR LAND AREA IS: Building _____ Sq. Ft.,

Land Area _____ Sq. Ft.; Fire Zone _____

THE APPLICANT HEREBY AGREES TO BUILD AND DEVELOP THE LAND IN ACCORDANCE WITH ALL APPLICABLE ORDINANCES OF THE MUNICIPAL CODE OF THE CITY OF HASTINGS, NEBRASKA.

RECOMMENDATION: Denied

OWNER'S ADDRESS: Elmer Hohlen, 2205 N. Elm Ave.

CHAIRMAN: Walt Miller

TELEPHONE: 463-8537

DATE: March 21, 1994

SIGNATURE: Elmer Hohlen

=====

CONDITIONAL USE PERMIT FOR K.O.A. Campground GRANTED BY COUNCIL ACTION ON THE 11th DAY OF April, 19 94, UNDER THE FOLLOWING CONDITIONS AND OR LIMITATIONS, ALL OF WHICH MUST BE COMPLIED WITH BY APPLICANT FOR SAID PERMIT TO CONTINUE VALID FOR THE

PERIOD GRANTED AS FOLLOWS:

That the Mayor and Council approve the request of Mr. & Mrs. Elmer Hohlen for a Conditional Use Permit to allow the construction of a K.O.A. RV Camper park at 302 East 26th Street, the east-west Bypass Road, subject to the following conditions:

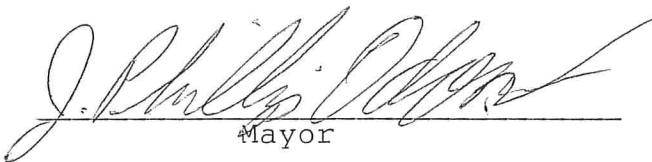
1) Submission of a revised site plan with landscaping details shown and that the revised site plan include the tree screen on the east side of the property and the fence around the other three sides of the property.

2) That a two-half inch fire hydrant be provided at the south end

of the site for Fire Department Use; the hydrant and its location are to be approved by the Hastings Fire Chief.

- 3) That a sign indicating the space numbers be placed at the north end of each row of camping spaces; the size of the numbers and the location of the sign are to be approved by the Hastings Fire Chief.
- 4) That the access road adjacent to the tent camping area be increased from 15 to 20 feet in width.
- 5) That the on-site sewer and water distribution system plan be approved by the Hastings Utilities, Director of Engineering and the City Plumbing Inspector.
- 6) That the revised site plan show the location of trash receptacles and dumpsters.
- 7) That a perimeter fence of chain link or similar fabric be provided around the site on the east, south and west sides of the property adjacent to the camping areas.
- 8) That plans for the K.O.A. sign be submitted to and approved by the Planning Commission prior to construction.
- 9) That the revised site plan be approved by the Planning Commission prior to any construction on the site.
- 10) That camping bays shall not exceed a duration of two weeks.
- 11) That if for some reason that the campground does not go, that it be written in the Land Agreement that this can be nothing else besides an RV Campground.

also subject to review and approval by the City Attorney.



Mayor



City Clerk

FOLD OVER TOP OF ENVELOPE

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FOLD OVER TOP OF ENVELOPE

Development Services Department
220 N HASTINGS AVE
HASTINGS NE 68901-5144

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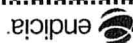
TERICK LLC
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HASTINGS NE 68901-3939



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Hastings Camp Ground 302 E. 26th St.

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Development Services Department
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TERICK LLC
1114 N SAINT JOSEPH AVE
HASTINGS NE 68901-3939



Reference	Hastings Camp Ground 302 E. 26th St.
USPS #	9407110898765062257254
USPS Mail Class	Certified with Electronic Delivery Confirmation
USPS Status	Your item was delivered at 12:51 pm on July 14, 2020 in HASTINGS, NE 68901.
USPS History	Reminder to Schedule Redelivery of your item Notice Left (No Authorized Recipient Available), 07/07/2020, 12:20 pm, HASTINGS, NE 68901 In Transit to Next Facility, 07/06/2020 In Transit to Next Facility, 07/05/2020 In Transit to Next Facility, 07/04/2020 In Transit to Next Facility, 07/03/2020 Arrived at USPS Regional Facility, July 2, 2020, 9:15 pm, LINCOLN NE DISTRIBUTION CENTER In Transit to Next Facility, 07/02/2020 Arrived at USPS Regional Facility, July 1, 2020, 11:03 pm, OMAHA NE DISTRIBUTION CENTER Accepted at USPS Origin Facility, July 1, 2020, 9:48 pm, HASTINGS, NE 68901 Shipping Label Created, USPS Awaiting Item, July 1, 2020, 12:52 pm, HASTINGS, NE 68901

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Date Verified: 07/14/2020 (UTC)



July 1, 2020

TERICK LLC
1114 N. St. Joseph Ave.
Hastings, NE 68901

RE: Conditional Use Permit for Hastings Camp Ground at 302 E. 26th St.
in Hastings, Nebraska

Dear Mr. & Mrs. Thompson:

This letter is in reference to the operation of the Hastings Campground, formerly operated as a KOA Campground, located at 302 E. 26th St in Hastings, Nebraska, and the previous letter sent to you on May 5, 2020.

The violations identified in the May 5, 2020 letter have been corrected with the single exception of the extended stay issue, where campers' stays extend well beyond 2 weeks, in some cases up to 2-3 years. This violation needs to be corrected.

In previous phone calls and discussions, the City has indicated that it would be willing to entertain an application for an amendment to the Conditional Use Permit, to allow an extended stay for a portion of the campground. I have enclosed an application and the relevant sections of Hastings City Code regarding the conditional use permit. Upon receipt of your application, we will stay any enforcement action until the matter has been heard by the Planning Commission and Hastings City Council.

The application fee is \$400.00 for an amendment to a Conditional Use Permit. Please return the following items to our office no later than July 27, 2020:

- Completed application form
- A site plan and a written narrative for operations
- Signed CUP Affirmation indicating you have read and understand the enclosed sections of Hastings City Code
- Application fee of \$400.00

The deadline for the August 17, 2020 Planning Commission Meeting is July 27, 2020. After the amendment has been heard at the Planning Commission, it will be forwarded to the City Council for consideration and public hearing on September 14, 2020.

220 North Hastings Avenue
Hastings, NE 68901



www.cityofhastings.org

Inspection: (402) 461-2302
Planning: (402) 461-2302
Fax: (402) 461-2304

If you have any other specific questions regarding the application or process please contact me at your earliest convenience.

Sincerely,



Mark W. Evans
Building Inspector

CC: Lisa Parnell-Rowe, Development Services Director

Enclosures





City of Hastings
Development Services Department
Zoning Development Approval (ZDA)
Conditional Use Permit Application

Date:

Please fill out the Pre-Qualification form first if you are unsure of what action needs to occur. Contact Development Services for minimum requirements at 402-461-2302. Incomplete applications will not be processed. All applications must be complete prior to submission. Deadline for Planning Commission Approval is the last Monday of each month or ZDA will be held until the next months session.

Property Address:	
Legal Description:	
Current Zoning:	
Proposed Use:	

Description of Proposed Use:

Applicant:		Company:	
Address:		Telephone:	
City/State/Zip:		Email:	
Property Owner:		Company:	
Address:		Telephone:	
City/State/Zip:		Email:	
Key Contact:		Company:	
Address:		Telephone:	
City/State/Zip:		Email:	

If the Applicant is not the Owner, an Owner Verification Form must be filled out and sent to the Owner for authorization of the application. This form is also available at www.cityofhastings.org.

I hereby acknowledge that all information provided with this application is true to the best of my knowledge. You will be required to upload a copy of a Site Plan and a Detailed Narrative Statement. Sections 34-402 through 34-404 of the Hastings City Code will assist in your preparation. You must affirm receipt and review of these codes as part of your permit process.

Signature of Applicant:		Date:	
-------------------------	--	-------	--

HDS Staff Comments:

HDS Staff Acceptance:		Date:	
HDS Application Number:		HDS Case #:	
Total Fee:			



City of Hastings
Development Services Department
Zoning Development Approval (ZDA)
Conditional Use Permit Affirmation

As the applicant named herein, I acknowledge that I have familiarized myself with the City of Hastings Conditional Use Permit regulations as established in Chapter 34 - Zoning City Code, Sections 34-401 through 34-404. I agree to uphold all required conditions and cooperate with any necessary site inspections by the Code Enforcement Official for continued maintenance. I also further acknowledge the written and graphic information provided as part of this application are true and accurate to the best of my knowledge and belief.

Please click the link provided below for access to the Hastings City Code, Chapter 34 - Zoning City Code:

Signature of Applicant:		Date:	
-------------------------	--	-------	--

Sec. 34-401. - Scope of article.

Conditional uses may be approved by the Hastings City Council following a public hearing and receipt of a recommendation from the Planning Commission in accordance with the required findings set forth in this Chapter and the additional standards set forth in this article. In considering an application for a conditional use, the Commission and the Council shall require the applicant to produce satisfactory evidence of compliance with both the general and applicable specific standards set forth in this Article. The Commission may recommend and the Council may impose any conditions they deem reasonable and necessary to further the purposes and intent of this Article, to protect the public health, safety and welfare, and to meet the planning goals set forth in the City's Comprehensive Plan.

(Ord. No. 4233-11/2009)

Sec. 34-402. - General standards for all conditional uses.

- (1) The Planning Commission shall hold a public hearing to review the required submission documents of each application for a conditional use to assure that 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. No conditional use design may be approved which will have a permanent negative impact on those items listed below substantially greater than that anticipated from development permitted without a conditional use. The Commission, following its public hearing, shall forward its recommendation on the application to the Hastings City Council, which shall have final authority following a public hearing to either approve the application, with or without conditions, or to reject the application:
 - (a) Pedestrian and vehicular traffic circulation and safety.
 - (b) Reasonable and economic extension of public utilities and facilities.
 - (c) Noise, fumes, dust or other environmental pollution.
 - (d) The maintenance of logical and efficient development patterns and land use mixtures.
- (e) The maintenance of property values in accordance with established and permitted land uses.
- (2) Where the approval of a conditional use application would result in the interface of residential and non-residential uses, any approval of the conditional use shall impose conditions and design standards necessary to ensure the maintenance of residential property values and the safety, health, comfort and repose of residents.
- (3) All standards contained in this Chapter are minimum standards. More restrictive conditions may be recommended by the Planning Commission and imposed by the Hastings City Council where necessary to ensure compliance with the Comprehensive Plan or the purpose and intent of the zoning regulations.
- (4) Failure to observe and maintain the conditions and restrictions of the conditional use permit shall be considered a violation of this chapter subject to penalty as provided herein and shall be grounds for review of the conditional use permit. Review of a conditional use permit may be requested by the Zoning Official, the Planning Commission or by the City Council. In the event of the review of a conditional use permit as provided herein, a public hearing shall be held by the Planning Commission. Notice for such hearing shall be given in the manner provided for in Neb. Rev. Stat. § 19-904 and § 19-905, as the same may, from time to time, be amended. Following said hearing, the Planning Commission may recommend to leave the conditional use permit unaltered, revoke the permit, or alter the permit by adding, deleting or modifying the conditions and restrictions contained in the permit. Any recommendation by the Planning Commission following a hearing

shall be forwarded to the Hastings City Council, which shall have final authority following a public hearing to leave the conditional use permit unaltered, revoke the permit, or alter the permit by adding, deleting or modifying the conditions and restrictions contained in the permit.

(Ord. No. 4233-11/2009, 4598-8/2019)

Sec. 34-403. - Application requirements.

- (1) Applications for a conditional use permit shall be submitted to the Development Services Department at least three weeks prior to the Planning Commission's scheduled monthly meeting date. The application shall be signed by the property owner as indicated on the Adams County Register of Deeds Office records at the time of application. The application shall be submitted on forms provided by the Development Services Department and shall be accompanied by the following, unless waived by the Department:
 - (a) A site plan drawn to scale indicating the property location, scale, north point, adjacent property for a distance of 300 feet, location of all buildings and uses within the site, access points and traffic circulation.
 - (b) Existing and proposed topographic contours.
 - (c) Detailed site development plans.
 - (d) Detailed building plans, including elevations.
 - (e) Site profiles and drainage plans.
 - (f) Detailed parking and landscaping plans.
 - (g) Detailed underground utility plans.
 - (h) Other graphic materials necessary to fully depict the proposed development.
- (2) A detailed narrative statement shall be submitted with the application for the conditional use permit. Such narrative shall explain the intent of the project, the factors which make the project desirable to the general public and to the surrounding areas, the features and details of the project development, schedule and timing of the development program, and any material or information which the applicant believes to be relative to the case. Where it deems necessary, the Commission or the City Council may require, in addition to the narrative statement:
 - (a) Marketability or economic feasibility studies.
 - (b) Geologic or soil boring and test.
 - (c) Traffic counts in the area.
 - (d) Other detailed technical material as necessary to fully explain the proposed development.
- (3) Upon approval of the conditional use permit by the Hastings City Council, development shall be completely in accordance with the approving plan. Minor revisions to the plan may be approved by the Planning Commission following the public hearing.
 - (a) Major revisions to the plan are subject to the same public hearing requirements by the Planning Commission and the Hastings City Council as required for the original conditional use permit.
- (4) The Council may require landscaping and planting as necessary to preserve compatibility with the surrounding area. If required, the conditional use permit shall contain provisions for permanent maintenance of the landscaping and/or planting.
- (5) In any case where the Council determines that the design of a proposed structure may affect the compatibility of a proposed development with the area in which it is proposed to be located, the Council may require changes in the design or may reject the proposed development if no suitable correction can be made.

- (6) All buildings, structures and activities, including permitted uses proposed within a conditional use permit development application, shall be analyzed with respect to minimum yard requirements maximum lot coverage, and maximum limitations, in relationship to the development concept as a complete and functional unit. General requirements use should be based upon zoning districts where such uses are permitted as a matter of right. However, every use comply with the general requirements of this Chapter, including but not limited to signs, off-street parking and lot
- (7) The Hastings City Council in approving a conditional use permit development plan may at its option relax the minimum dimensional requirements of this Chapter, when the Council finds such variances are in the best interest of the total development plan, will not adversely affect adjacent property and the public health, safety and general welfare of the community are not compromised. The Council shall not allow a use under this section which is not permitted as a permitted principal use, a permitted accessory use or as a conditional use under the schedule of district regulations for the zoning district in which the property is located.
- (8) The Hastings City Council shall require adequate guarantee of compliance in approving all conditional use permits. Such guarantee may be a performance bond in the total amount necessary to assure compliance, such bond to be reduced as stages of construction are completed and the public liability for assuring compliance is correspondingly reduced. Alternatively or in concert with a bond, such guarantee may be a stipulation in the event of the applicant's failure to comply, authorizing the City to take the steps necessary to assure compliance, including performing the construction or maintenance itself, and charge all costs thereof as an assessment against the property.
- (9) The Development Services Department staff shall submit a written report to the Planning Commission and the Hastings City Council with findings as to how the application complies with the requirements of this Chapter. No permit should be approved until the Hastings City Council is satisfied all requirements of this Chapter have been met.
- (10) Concept tentative approval. Applications for a conditional use permit shall be for either concept approval or final approval. Applications for concept approval may be accompanied by schematic preliminary design plans rather than detailed final design construction plans.
- (a) Concept approval shall be valid for a period not to exceed 18 months unless otherwise extended after additional public hearings by both the Planning Commission and the Hastings City Council.
- (b) No construction shall take place on the site until final approval has been granted by the Hastings City Council unless expressly authorized by the Council at the time of concept approval. In which case said construction shall be limited to incidental site grading, not including excavation for building sites or water retention areas.

(Ord. No. 4233-11/2009)

Sec. 34-404. - Specific standards for conditional uses.

- (1) *Hospitals, sanitariums, convalescent centers, nursing or rest homes, rehabilitation centers, correctional institutions, psychiatric institutions and similar institutions.*
- (a) The site shall have direct access from a street or avenue of city arterial street or greater designation on the City's major thoroughfares plan depicted in the Comprehensive Plan. This standard may be waived by the Hastings City Council if the Council finds such waiver is in the best interest of the total development plan, will not adversely affect adjacent property and existing uses thereon, and does not compromise the public health, safety and general welfare of the community.
- (b) A site plan, drawn to scale, shall be provided with the application for the conditional use permit. Such site plan shall show the location of all buildings and structures on the site, ingress and egress points,

Sec. 34-404. - Specific standards for conditional uses.

- (1) *Hospitals, sanitariums, convalescent centers, nursing or rest homes, rehabilitation centers, correctional institutions, psychiatric institutions and similar institutions.*
 - (a) The site shall have direct access from a street or avenue of city arterial street or greater designation on the City's major thoroughfares plan depicted in the Comprehensive Plan. This standard may be waived by the Hastings City Council if the Council finds such waiver is in the best interest of the total development plan, will not adversely affect adjacent property and existing uses thereon, and does not compromise the public health, safety and general welfare of the community.
 - (b) A site plan, drawn to scale, shall be provided with the application for the conditional use permit. Such site plan shall show the location of all buildings and structures on the site, ingress and egress points, circulation patterns, parking areas, including the total number of parking spaces provided, and a general description of the building uses.
 - (c) Minimum lot size:
1—10 beds ½ acre (21,780 sq. ft.)
11—20 beds 1 acre (43,560 sq. ft.)
For each add'l ½ acre (or greater if ten beds required by the City Council)
 - (d) Minimum yard requirements—The City Council may specify such yard requirements as in its judgment will adequately protect the integrity of surrounding areas and uses.
 - (e) Maximum lot coverage by all buildings—20 percent.
 - (f) Maximum height of structures—Same as required for permitted uses in the zoning district where the site is located.
 - (g) Off-street parking—Adequate off-street parking shall be provided in connection with any permitted use. The minimum for each use to be as provided in Section 34-308(A).
 - (h) Landscaping—All areas of the site not devoted to buildings, structures, parking areas, walkways or driveways shall be covered with one or more of the following: asphaltic compound or concrete, lawn grass, natural or ornamental shrubbery, trees, or other approved landscaping material.
 - (i) Walls and screening—Where it deems necessary, the City Council may require that the site be fully enclosed by a wall or fence to prevent casual access to and from the site, or that the periphery of the site be suitably screened by evergreen planting or by other natural planting of sufficient height and density to provide and maintain a year-round visual screen. If the conditional use permit is granted, the wall or screening which is approved shall be fully constructed, inspected and approved by the Development Services Director prior to occupancy.
- (2) *Churches and other places of religious worship.*
 - (a) The site shall have direct access from a street or avenue of city arterial street or greater designation on the City's major thoroughfares plan depicted in the comprehensive plan.
 - (b) A site plan, drawn to scale, shall be provided with the application for the conditional use permit. Such site plan shall show the location of all buildings and structures on the site, ingress and egress points, circulation patterns and the total number of parking spaces provided.
 - (c) The minimum lot size for a church in any district where they are permitted as a conditional use shall be 14,000 square feet, minimum lot width shall be 100 feet.
 - (d) Minimum yard requirements—The City Council may specify such yards as in its judgment will adequately protect the integrity of surrounding areas and uses, provided that no yard shall be less than required for the

district in which the property is located.

- (e) Maximum lot coverage—Same as is required for permitted uses in the zoning district where the site is to be located.
 - (f) Maximum height of structures—Same as is required for permitted uses in the zoning district where the site is located.
 - (g) Off-street parking—At least one parking space shall be provided for each three occupants based upon maximum seating capacity of the nave, or for each three occupants based upon the maximum seating capacity of all meeting areas in the structure exclusive of the nave (whichever is greater) as calculated under the latest edition of the International Building Code which has been adopted by the City. Parking spaces shall be at least eight and one-half feet by 20 feet in size, and all driveways, maneuvering areas and parking areas shall be covered with asphaltic or concrete pavement.
 - (h) Landscaping—All areas of the site not devoted to buildings, structures, parking areas, walkways or driveways shall be covered with one or more of the following: lawn grass, natural or ornamental shrubbery or trees or other approved landscaping materials.
 - (i) Accessory uses such as day nurseries and kindergartens must be approved in the original application or by subsequent amendment to the conditional use permit.
 - (j) Signs. Signage for churches shall be as permitted for a civic or commercial use in the district in which they are located. Any increase beyond that which is allowed within the district in which the church is located shall require specific approval through a Conditional Use Permit application or amendment.
- (3) *Natural resource extraction.*
- (a) A site plan, drawn to scale, shall be submitted with any application for a conditional use permit. Such site plan shall show the following information:
 - (i) Graphic (and legal) description of the petition area.
 - (ii) Existing topographic contours (not less than ten foot contour intervals).
 - (iii) Finished topographic contours when extraction is completed (not less than ten foot contour intervals).
 - (iv) Existing and proposed buildings and structures on the site.
 - (v) Principal access points which will be used by trucks, and equipment including ingress and egress points and internal circulation.
 - (vi) Indication of the existing landscape features.
 - (vii) Location and nature of other operations, if any, which are proposed to take place on the site.
 - (b) A narrative statement shall also be submitted with the application for a conditional use. Such narrative shall set forth in detail the following definitive information.
 - (i) Method of drainage.
 - (ii) Method of fencing or barricading the petition area to prevent casual access.
 - (iii) Estimated amount of material to be removed from the site.
 - (iv) Estimated length of time necessary to complete the operation.
 - (v) Description of operations or processing which will take place on the site during and after the time the material is extracted.
 - (vi) Plan or program of regrading and shaping the land for future use.
 - (vii) Proposed hours of operation.
 - (viii) Other pertinent information that may pertain to the particular site.
 - (c) General requirements.

- (i) Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in make them dust free; further, where access roads intersect arterial streets, suitable traffic controls shall be
- (ii) A strip of land at the existing topographic level, and not less than 15 feet in width, shall be retained at the periphery of the site wherever the site abuts a public right-of-way. That periphery strip shall not be altered except for access points.
- (iii) All banks shall be left with a slope ratio of no greater than 4:1 (25 percent slope) unless it can be shown to the Planning Commission's satisfaction that a greater slope is not detrimental to the beneficial future use of the subject property.
- (iv) Sufficient attention should be paid to drainage of the site, both during the extraction period and after the site has been regraded. Where a finished grading plan indicates that surface water will be conducted from the site onto adjacent lands, the plan will be subject to the approval of the Public Works Department.
- (v) During periods of inactivity, the owner of the pit shall take whatever precautions as are necessary to prevent the site from becoming an attractive nuisance.

(4) *Junk yards.*

- (a) The term "junk yard" shall include, for the purposes of this section, the terms auto-wrecking yard and salvage or scrap yard.
- (b) All junk yards, in addition to the conditions implied herein, shall comply with the provisions of Chapter 18 of the Hastings City Code.
- (c) General requirements:
 - (i) The proposed site shall not be located within 500 feet of any school, hospital, public building, residential subdivision, or place of public assembly.
 - (ii) A site plan, drawn to scale, shall be provided with the application. Such site plan shall state the legal description of the property, the location of all buildings and structures on the site, access points, off-street parking areas, vehicular circulation and prominent topographical features, if any, of the site or adjacent lands within 300 feet of the site.
 - (iii) The minimum lot size for junk yard in any district where they are permitted as a conditional use shall be two acres. The minimum lot width shall be 150 feet.
 - (iv) The junk yard shall be completely enclosed and obscured from the public view by a solid fence or wall eight feet in height, by topography, and evergreen planting of sufficient height and density to provide and maintain a year-round visual screen. The specific type of screening shall be specified in the application. If the permit is granted, the screening which is approved shall be fully constructed, inspected and approved by the Development Services Director prior to the yard being utilized.
 - (v) Failure to maintain the screen as specified shall be cause for the permit to be rescinded and the junk yard shall be removed at the cost of the owner of the land upon which it is located.
 - (vi) Provisions shall be made to prevent any contamination of the domestic water supply or excessive surface run-off from the property onto adjoining lands or streams. Where it deems necessary, the City Council may require the submission of a site drainage plan. A drainage plan which carries water off of the site shall be subject to the approval of the City Engineer.
 - (vii) Failure to prevent such contamination of the domestic water supply or to prevent excessive surface run-off from the site onto adjoining lands or streams shall be cause for the permit to be rescinded and the junk yard to be removed at the cost of the owner of the land upon which it is located.

(5) *Storage of vehicles in impound yard.*

- (a) No dismantling, processing or salvaging of vehicles or repair work to vehicles may be performed in an

impound yard.

- (b) The minimum size of an impound yard shall be one acre.
 - (c) There shall not be stored in an impound yard at any time more than one vehicle for each (10 × 35) 350 square feet of available storage space in the impound yard.
 - (d) A fence, sufficient to control access to the impound yard, shall be constructed around the impound yard. The fence shall be not less than six feet in height.
 - (e) The surface of the impound yard shall at all times be covered with concrete, asphalt or crushed rock.
 - (f) Weeds, grass and other bushes shall not be permitted to grow more than six inches above the ground at any time in an impound yard.
 - (g) Vehicles may not be stacked in an impound yard, but must at all times be stored directly upon the surface of the impound yard.
 - (h) Any lights on an impound yard must be cut off lighting, so as to not allow light to escape outside of the boundary of the impound yard.
 - (i) The impound yard may not be located closer than 250 feet from property which is zoned to allow residential use nor within 100 feet of a residence, except when such residence is located on a property zoned for industrial use and is being used as an accessory use to a proper industrial use on said property.
 - (j) Vehicles stored in an impound yard must be removed from the yard within nine months of the time when they are first placed therein; provided however, an impounded vehicle may, upon request of a prosecuting attorney, be kept in an impound yard for so long as such prosecuting attorney requests. To assist in the enforcement of this requirement, the operator of the impound yard shall at all time do the following:
 - (i) The operator shall keep a book, listing all vehicles which arrive at the impound yard in the order in which they arrive; and the date of arrival, and include therein the name and address of the person from whom each vehicle is received, the name and address of the party controlling the disposition of the vehicle, the name of the manufacturer of the vehicle, the model and type number of the vehicle, and motor number and license number thereof. Said information shall be placed on the record book within 48 hours after a vehicle is placed in the impound yard.
 - (ii) Any person who shall make any false entry or statement concerning matters required to be set out in the record book shall be deemed guilty of a misdemeanor, and may be fined in the amount of \$100.00 per violation. Each separate vehicle for which a false entry or not entry is made shall constitute a separate violation.
 - (k) The provisions of Subsection (i) shall not prohibit the use of property for residential purposes, when said use arises after the establishment of an impound yard in compliance with the provisions of this section. However, said residential use shall not affect the validity of the use of the impound yard, for so long as said impound yard shall remain in existence on the continuous basis.
- (6) *Off-street parking spaces and structures.*
- (a) A site plan, drawn to scale, shall be provided with the application. Such site plan shall show the location of the principal building or structure, the location of the proposed parking lot or structure, the dimensions of the lot, access points, circulation patterns, total number of parking spaces provided, and the details of the parking structure, if such is contemplated.
 - (b) The minimum lot size for any off-street parking structure in any district where they are permitted as a conditional use shall be 10,000 square feet, minimum lot width shall be 80 feet.
 - (c) Minimum yard requirements—The City Council may specify such yards as in its judgment will adequately protect the integrity of surrounding areas and uses, and the safe and orderly flow of pedestrian and vehicle traffic.

- (d) Maximum lot coverage—None.
 - (e) Maximum height of structures—Same as is required for a permitted use in the zoning district where the site is located.
 - (f) Landscaping—All areas not devoted to buildings, structures, drives, walks, parking areas or other authorized installations shall be covered with one or more of the following: lawn grass, natural or ornamental shrubbery or trees. Further, where any side yard abuts residential property, it shall be planted with mature evergreen shrubs of at least five feet in height or screened with privacy fencing at least five feet in height.
 - (g) Paving, drainage and parking stall size:
 - (i) The off-street parking area, including all ingress and egress points, shall be covered with asphaltic or concrete pavement.
 - (ii) Parking spaces shall be at least eight and one-half feet by 20 feet in size and shall be marked.
 - (iii) If the site plan indicates that surface drainage will be carried off the site, the plan will be subject to the approval of the City Engineer.
- (7) *Townhouses, row houses, and office buildings built to a common wall(s).*
- (a) A site plan, drawn to scale, shall be provided with the application. Such site plan shall show the location of all buildings and structures on the site, courts and open space areas, circulation patterns, ingress and egress points, parking areas (including the total number of parking spaces provided), and a general floor plan of the principal buildings.
 - (b) Minimum lot requirements.
 - Lot area—2,000 sq. ft.
 - Lot width—20 ft.
 - (c) Minimum yard requirements:
 - Front yard—20 ft.
 - Side yard—at the common wall(s)—none.
 - Other—Ten ft. rear yard—Ten ft.
 - (d) Maximum lot coverage—Same as is required for permitted uses in the zoning district where the site is located.
 - (e) Maximum height of structure—Same as is required for permitted uses in the zoning district where the site is located.
 - (f) Off-street parking:
 - (i) Town houses, row houses—At least two parking spaces shall be provided for each dwelling unit.
 - (ii) Office buildings—Per use, the minimum to be as provided in Section 40-308. All parking spaces shall be at least eight and one-half feet by 20 feet in size, and all driveways, maneuvering areas and parking areas shall be covered with asphaltic or concrete pavement.
 - (g) Ground cover—All areas of the site not devoted to buildings, structures, parking areas, courts, walkways or drive-ways shall be covered with one or more of the following: lawn grass, shrubbery, trees or other approved landscaping materials.
 - (h) Building standards and agreements:
 - (i) The applicant or his agent shall provide with his application a property line wall(s) agreement for the land, building and development in question.
 - (ii) The City Council requires that the design and construction of the property line walls be reviewed by the Development Services Director and the Fire Department to insure compliance with pertinent Building an

Fire Codes.

(8) *Standards for mobile home parks.*

- (a) The minimum size of a proposed mobile home park shall be two acres, except as otherwise required for the pertinent use district.
- (b) Proposed sites of five acres or less shall have adequate access to dedicated streets having a minimum right-of-way of 60 feet. All other sites shall have direct access to a collector street.
- (c) Density for proposed mobile home parks shall not exceed eight units per gross acre.
- (d) All areas not devoted to mobile home spaces, buildings, structures, drives, walks, off-street parking facilities, or other authorized installations, shall be covered with one or more of the following: lawn grass, shrubbery, trees, or other suitable ground cover materials. Where it deems necessary, the Planning Commission may require the site to be suitably screened from adjacent lands by evergreen planting or by other materials of sufficient height and density to provide and maintain a year-round visual screen.
- (e) All mobile home parks shall meet the standards set forth in article V of this chapter.

(9) *Standards for self service storage facilities.*

- (a) Site plan:
 - (i) The plan shall be drawn at a scale of one inch equals 20 feet. Said plan shall include all building locations, drives, parking, fencing and signage. A landscape plan shall also be incorporated as part of the submittal and must be included as part of the site plan or submitted on a separate sheet. Building elevation shall also be included on the plan along with specification of the colors of buildings and materials to be used.
 - (ii) Site drainage shall be incorporated in the plan so that storm water run-off from the site will not increase as a result of the proposed development. The facility shall be designed to control the storm water run-off from at least 25-year return frequency storm as certified by the City Engineer.
- (b) Minimum site areas: None.
- (c) Building setbacks shall be the same as in the C-3 District.
- (d) The site shall abut and have direct access to a city street.
- (e) Other requirements:
 - (i) The storage facility shall be enclosed by a six foot high, sight-proof fence whenever the site abuts residentially zoned or developed property. Said fence, when abutting any residential district, shall be solid or semi-solid and constructed to prevent the passage of debris or light, and constructed of either brick, stone, masonry units, wood or similar materials. Chain-link fence may be used so long as it has slats installed to prevent the passage of light through the unit. The side and rear of a building located upon the site may serve as fencing.
 - (ii) Landscaping shall be provided in the areas outside the fences between the fence and the property line.
 - (iii) Two parking spaces shall be provided, plus one additional space for each employee. Internal drives and parking shall comply with Section 34-308 of this chapter for paving requirements.
 - (iv) Building heights shall be limited to one story (not to exceed 14 feet at the eaves), unless waived for an existing building by the Planning Commission and the City Council.
 - (v) Buildings shall be separated a minimum of 30 feet from one another within self service storage facilities. Storage bays within a single building shall not be interconnected by interior doors or other interior means providing access from one storage bay to another. The dimensions of any storage bay shall not exceed 22 feet in the narrowest dimension or 36 feet in the widest dimension.
 - (vi) A sign shall be limited to one ground pole sign at the entrance to the premises. Not more than 32 square feet in area shall be permitted with a maximum height of ten feet.

- (vii) All exterior lighting shall be of cut-off type to prevent off-site glare. Each tenant storage space shall be provided with interior lighting.
 - (viii) All storage shall be kept within an enclosed building.
 - (ix) Loading docks shall be prohibited and loading areas to storage bays shall be at the same elevation as the means of vehicular access thereto.
 - (f) Commercial activity: It shall be unlawful for any owner, operator or lessee of any self service storage facility or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever, other than leasing of the storage units, or to permit same to occur upon any area designated as a self service storage facility. Violation of this section shall be subject to the provisions of Section 34-804 of the Hastings City Code. Any violation may be cause for revocation of the conditional use permit by the City Council.
 - (g) Repair, reconditioning and fabrication prohibited:
 - (i) Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline storage tank is prohibited within or outside any structure on a tract of land designated as a self service storage facility.
 - (ii) This provision shall be posted and be included in the tenant lease agreement.
 - (h) An approved plan shall be valid for a period of 24 months following the date of approval by the Council. If construction has not been started within said 24 month period, the plan shall be null and void unless the time for start of construction has been extended by the Council.
- (10) *Standards for detached dwelling, accessory.*
- (a) Accessory detached dwellings shall be limited in use to housing immediate family members who live in the principal detached dwelling located on the lot. Immediate family members shall mean either the parent(s) or child(ren) of the owner of the principal dwelling.
 - (b) Accessory detached dwellings shall be located only on lots having an area of five acres or greater.
 - (c) Accessory detached dwellings shall not be in a mobile home. Manufactured homes utilized for Accessory Detached Dwellings shall meet the minimum requirements set forth in Hastings City Code 34-312.
 - (d) Accessory detached dwellings shall have a minimum habitable area of 850 sq ft.
 - (e) Accessory detached dwellings shall have utility services shared with the principal detached dwelling located on the lot.
 - (f) Accessory detached dwellings shall not be larger than the principal dwelling on the lot.
 - (g) When an accessory detached dwellings is no longer utilized by an immediate family member as defined in this section, the conditional use permit shall become null and void. The conditional use permit holder shall notify the Development Services Department in writing that the accessory detached dwellings is no longer being used within 30 days of cessation of use.
- (11) *Standards for construction and demolition waste landfill sites.*
- (a) The granting of a conditional use permit for a construction and demolition waste landfill shall constitute the City's approval of the construction and demolition waste landfill site as provided for in Neb. Rev. Stat. § 13-1701 et seq.
 - (b) The site for a construction and demolition waste landfill shall be located outside of the corporate limits of the City.
 - (c) The minimum site area for a construction and demolition waste landfill shall be 20 acres, unless, due to unusual circumstances, such area requirement is reduced by the City Council.

- (d) No solid waste other than construction and demolition waste may be put in a construction and demolition waste
- (e) A fence, sufficient to control access and prevent airborne debris from leaving the site, shall be constructed around each portion of the construction and demolition waste landfill site being used for construction and demolition waste activities.
- (f) No construction and demolition waste landfill operations shall be conducted so that fill will be placed in streambeds or other areas where water courses would be obstructed or where erosion by the stream would remove cover material.
- (g) Routes used by trucks to and from the construction and demolition waste landfill shall be approved by the Director of the Public Works Division, or his designee.
- (h) When mud, dirt or spilled debris accumulates on streets from trucks or from construction and demolition waste landfill equipment, it shall be removed by the person holding the conditional use permit.
- (i) The conditional use permit shall provide a date by which the construction and demolition waste landfill shall be terminated or the conditional use permit renewed.
- (j) The conditional use permit shall require that when the construction and demolition waste landfill has been brought up to within 18 inches of the desired grade, it shall be covered and maintained with at least 18 inches of compacted dirt and seeded in such a manner so as to prevent erosion.
- (k) Within 90 days following the granting of a conditional use permit, the applicant shall record with the Register of Deeds a permanent instrument notifying the public of the existence of a construction and demolition waste landfill at the site, the type, depth and location of the waste which is to be placed upon the property, as well as the existence of any monitoring systems thereon, and any restrictions on the use of the property which may be provided to protect the integrity of the final cover, liner, monitoring systems or any other components of the containment system.
- (l) No site shall be approved except on a determination by the City Council that it complies with the provisions of Nebraska law, including the notice and public hearing requirements set forth in Neb. Rev. Stat. § 13-1701 et seq.

(12) Standards for recreational vehicle parks.

- (a) The minimum size of a recreational vehicle park shall be two acres, except as otherwise required for the pertinent use district.
- (b) Density for recreational vehicle parks shall not exceed 24 recreational vehicles per gross acre.
- (c) All areas not devoted to recreational vehicle spaces, buildings, structures, drives, walks, off-street parking facilities, or other authorized installations, shall be covered with lawn grass, shrubbery, trees, or other suitable ground cover materials.
- (d) The council may require suitable screening around all or any part of the site boundary.
- (e) A recreational vehicle park operation shall have adequate solid waste collection facilities, which will be constructed and maintained in accordance with all municipal health regulations, and shall be designed to bar animals from access to the solid waste. Solid waste shall be removed from the park at least once a week.
- (f) The recreational vehicle park shall be served by an on-site service building containing a public water supply and public toilet facilities, and by a storm shelter which, for the purposes of this section, shall mean a structure designed to withstand a 200 mile-per-hour wind, and which has a designed occupant load of no less than 20 square feet per recreational vehicle space.
- (g) Recreational vehicle parks may have accessory uses and buildings including, but not limited to, restroom and shower facilities, convenience facilities, dump stations, playgrounds, and areas for tenting.
- (h) Convenience facilities of a commercial nature may include, but not be limited to, stores and laundry facilities, and shall be subject to the following:

- (i) The facilities and related parking shall not occupy more than ten percent of the recreational vehicle park.
- (ii) The facilities shall be located, designed, and operated for the primary purpose of serving the trade or service needs of park patrons.
- (iii) In agricultural and residential mobile home districts, the facilities and any signage shall present no visible evidence of their commercial character in a manner which is apparent from any public street.
- (i) Recreational vehicle parks located in Agricultural (A) may have signs subject to the requirements of Hastings City Code Section 34-309(5), and recreational vehicle parks located in Commercial Business Districts (C-3) and Light Industrial Districts (I-1) may have signs subject to the limitations of Hastings City Code Section 34-309(6).

(13) *Standards for kennels.*

- (a) All points on the perimeter of any kennel facility, dog run or exercise area shall be at least 100 feet from any property line.
- (b) Outdoor exercise areas, runs, or yards when provided for training or exercising, shall be restricted to use during daylight hours.
- (c) A site plan, drawn to scale shall be provided with the application showing all existing and proposed buildings and structures, fencing and landscaping.
- (d) A narrative statement shall be provided with the application describing:
 - (i) The maximum total number of animals to be kept on the premises at any time.
 - (ii) The expected male/female mix of animals at any time.
 - (iii) The type of kennel enclosure including the size of the enclosures.
 - (iv) The type and height of fencing.
 - (v) The type and size of year-round shelters.
 - (vi) The source and location of water supply.
 - (vii) The sanitary maintenance plan, including provision for collection and disposal of excrement and other waste solution or material.
 - (viii) Lighting.
 - (ix) Landscaping and other visual and noise barriers.
 - (x) Surface drainage.
 - (xi) Expected weekly traffic related to the keeping of animals.
 - (xii) Hours of operation.
- (e) The total number of animals on the premises at any one time will be established as part of the conditional use permit process.
- (f) The applicant must demonstrate that:
 - (i) The location and operation of the kennel is appropriate for housing multiple animals and will be consistent with the health and safety of the animals and of the neighbors.
 - (ii) The location of the kennel on the property will have no significant adverse effect on the peace and quiet or sanitary conditions of the neighborhood.
 - (iii) The kennel will be operated in a manner that it will cause no nuisance to the public.
 - (iv) The kennel will be operated in a safe, sanitary, and humane condition.

(14) *Standards for bed and breakfast establishments.*

- (a) *General requirements.*
 - (i) Each bed and breakfast shall be established, maintained and operated so as to preserve and compliment the residential character and integrity of the surrounding area when the facility is established in a

residential zoning district.

- (ii) The bed and breakfast shall be occupied and operated by the owner as their principal residence.
- (iii) The single family dwelling used as a bed and breakfast shall have a minimum of 2,000 sq. ft. in living area.
- (iv) The home shall not be used by the public or paying guests for the hosting of receptions, private parties or the like.
- (v) Any meals provided and any amenities connected with the guest rooms, such as a swimming pool or tennis court shall be solely for the use of the owner, the owner's family and the owner's registered guest.
- (vi) There shall be no separate or additional kitchen facility for the guests.
- (vii) A person who does not reside at the home shall not be employed to assist in the conduct of a bed and breakfast except as usual for a single family residence (e.g., maid, housekeeper).
- (viii) A bed and breakfast must comply with all other provisions of the zoning district in which it is located and must comply with all other ordinances of the City.

(b) *Guest rooms.*

- (i) Rooms utilized for guest rooms shall be part of the single family dwelling unless specifically approved by the conditional use permit.
- (ii) A guest room shall not be located in a basement.
- (iii) No more than three occupants per guest room shall be allowed.
- (iv) Each guest room shall be equipped with a properly installed and functioning smoke detector. Further, a smoke detector shall be properly installed and functioning on or near the ceiling in the room or hallway from which each guest room exits.
- (v) A fire escape plan shall be developed and graphically displayed in each guest room.

(c) *Parking.*

- (i) The bed and breakfast will provide two off-street parking spaces for the residence and one additional space per guest room.
- (ii) Off-street parking shall be developed in such a manner that the residential character of the property is preserved.

- (d) *Register.* Every person operating a bed and breakfast residence shall keep at all times a book, to be known as the register, in which it shall be required that every person to whom a room is let shall have his, her or their name or names and address registered there in ink, along with the date on which the room was let, the date it was vacated, the correct number or other designation of the room let, and the number of the occupants assigned to the room. No page of the register may be disposed of until two years after the date of the most-recent entry recorded on it. The register shall be available to Development Services on request.

- (e) *Signs.* Signage shall be limited to one non-illuminated wall-mounted sign not to exceed six square feet in area.

(f) *Application.*

- (i) The application shall contain:
 - (1) The name, address and telephone number of the owner(s) and address of proposed bed and breakfast.
 - (2) A plan, drawn to scale showing the floor plan of the dwelling, together with any proposed changes, renovations and additions to the dwelling.
 - (3) A site plan drawn to scale and including the following information:
Title of the drawing

North arrow, scale and date

Boundaries of the project site

Location of all existing or proposed site improvements, including buildings, additions, expansions, driveways, parking area, streets, retaining walls, fences and hedges

Location of all existing and proposed access and egress drives

Location, design and size of all proposed signs and outdoor lighting facilities

Location of existing and proposed buffer and screen areas, structures and vegetation

- (ii) Development Services may require such additional or supportive information as it deems necessary for a complete assessment of the proposed bed and breakfast.

(g) *Permit.*

- (i) The owner shall not make any change, deviation, modification or variation from the application and site plan once the same is approved by the City Council.
- (ii) Any amendments to an approved conditional use permit shall be reviewed by the Planning Commission and approved by the City Council if found to be consistent with these standards. Minor amendments to the permit may be approved by the Development Services Director. Such administrative approval shall be limited to parking lot and landscaping improvements, exterior facade changes and signs. An appeal of the Development Services Director's denial of a requested minor change may be taken to the Planning Commission. The procedure for such appeals shall be the same as provided for amendments under Section 34-801(2).
- (iii) The use is subject to review at any time and may be revoked after a hearing by the City Council and a finding by the Council that the use has become detrimental to the neighborhood.
- (iv) Upon the issuance of a permit for bed and breakfast establishment, an annual inspection and certificate of compliance for the bed and breakfast shall be issued by Development Services for continued operation.
- (v) An application for a certificate of compliance shall be filed with Development Services with the inspection fee as set by the current fee schedule.
- (h) *Review considerations.* The City's review of the application and site plan shall include but not be limited to the following considerations:

Adequacy and arrangement of vehicle traffic access and circulation

Location, arrangement, appearance and sufficiency of off street parking

Location, arrangement, size and design of lighting and signs

Relationship and compatibility of proposed use to uses of adjacent parcels together with their scale

Adequacy, type and arrangement of trees shrubs, fences and other landscaping or improvement constituting a visual or noise-deterring buffer between the site and adjacent or adjoining uses

Any other matter which may affect the health, welfare and safety of the community as a whole and the parcels in the immediate vicinity of the site.

8/23/20

Terick LLC dba Hastings Campground

To: City of Hastings

Request for Amendment of Conditional Use Permit Dated March 7th, 1994

Hasting Campground has taken measures to comply to the 5 requests from the city as followed.

- **Tree Blind ease side of campground: 23 fast growing arbores have been installed the trees are expected to reach to reach a Hight of approximant 30 plus feet and a width of 20 plus wide to eliminate the view of the campground from Elm street i.e. the east side of the property.**
- **All RV sites are identified by space numbers**
- **All fencing around the property is in place west, south and east leaving only the north access entrance open 26th street**
- **All access roads have been widened to 20ft in required area**
- **Proposal to two-week limits stays are as followed.**

Hastings Campground has a small number of guests some requesting longer than 3 months, these guests are normally consisting of various trades brought in by companies operating in the city i.e. medical staffing, construction, and business owners. Some consistently come and go leaving for days and upon returning requesting same spots.

We would like to implement a plan to place these tenants in an area identified on maps please see attached, as section 3 west side of campground farthest away from view to the east side corn field also identified as elm street. With exception to spaces 27 and 28 as electrical power for 30- and 50-AMP ability is mixed within the campground marked on map for your review. This row will at peak times need to used for daily and weekly customers also.

Also, space 16 designated as Managers quarters see map for marking

We will require all extended stay guest to limit winter skirting to winter months of December, January, February and March this is a necessity in the winter months for long- and short-term RV living as a precaution to avoid pipes freezing up and a standard throughout the industry.

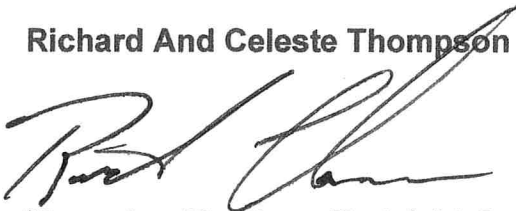
Also, we will require them to use only a certified propane company i.e. Bosselman's and Nutrien formally Crop productions to deliver propane some guest even sort term request delivery of a larger propane tank this also common in the Campground industry. There are only 4 propane bottles on site.

Hasting Campground provides an especially important lodging facility to this wonderful city ranging from tourist, workers, business related matters, and a place for lodging for events i.e. State Softball and other various functions.

Therefore, Terick LLC Hastings campground thanks the city of Hastings for their considerations in this matter and request this amendment request be granted.

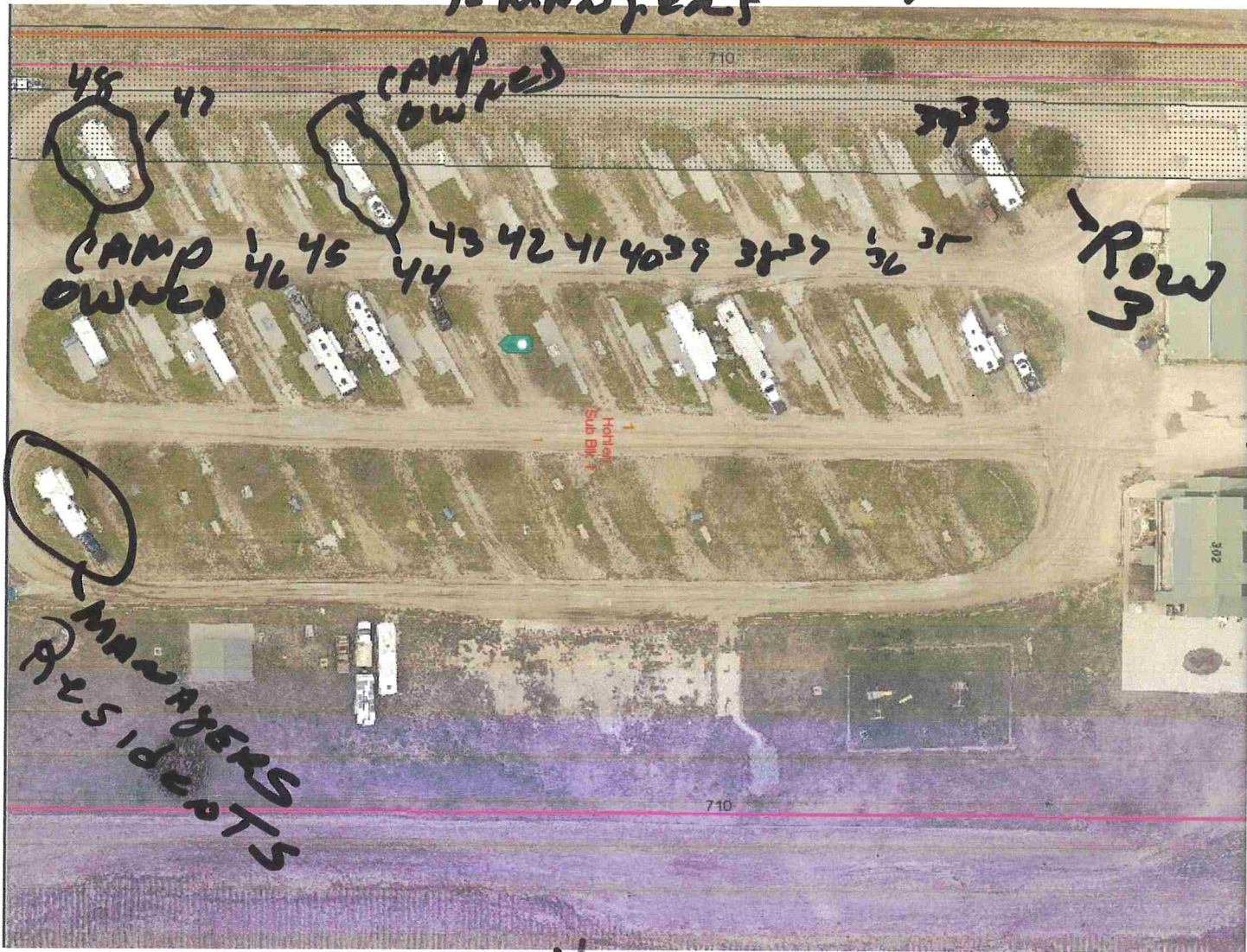
Thank you

Richard And Celeste Thompson

A handwritten signature in black ink, appearing to read 'Richard and Celeste Thompson', written over a horizontal line.

Managing Members Terick LLC

8-25-20 7. RVs over 30 days
1- managers



↓
East

→

Welcome to Hastings Campground

302 East 26th Street

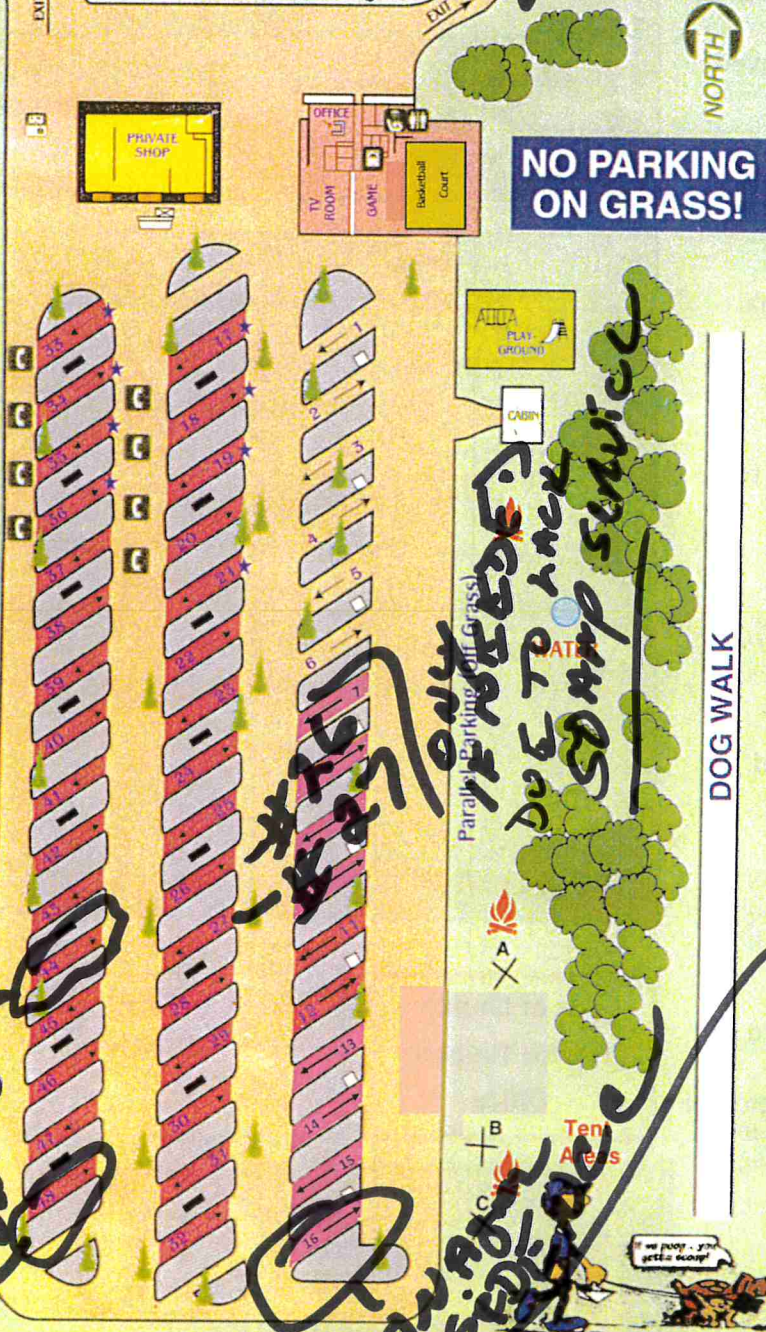
Hastings, NE 68901

Adams County

402-462-5621



8-25-20 7 long term / OVER 1-MA OPEN 3 MONTH



- TELEPHONE
- SHOWERS
- RESTROOMS
- LAUNDRY
- DUMP SITE
- TRASH DUMPSTER
- FIRE RING
- FULL HOOK - UPS
- ★ 50 AMP FULL HOOK UPS



"I didn't know they were so strict about not parking on the grass."

Your Site # Is _____

PARK FACILITIES

- LAUNDRY
- ARCADE ROOM
- TV & MEETING ROOM
- TENT VILLAGE
- CABINS
- PULL-THROUGH STALLS
- WATER, SEWER, & ELECTRIC
 - 30 AMP HOOKUPS
 - 50 AMP HOOKUPS (LIMITED)
- CITY WATER & SEWER

- PLEASE RE-REGISTER OR CHECK OUT BY 11:00 AM.
- NO BBQ'S ON PICNIC TABLES.

All Rights Reserved ©

EXIT

EXIT



7-TOTAL LONG TERM
1-WANDERS TRAILER



NO PARKING
ON GRASS!

roth



WATER

Parallel Parking (on Grass)



Tent
Areas

DOG WALK



CAMP OWNED

only if you need trip service
mature quarters



TOM OSBORNE EXPRESSWAY

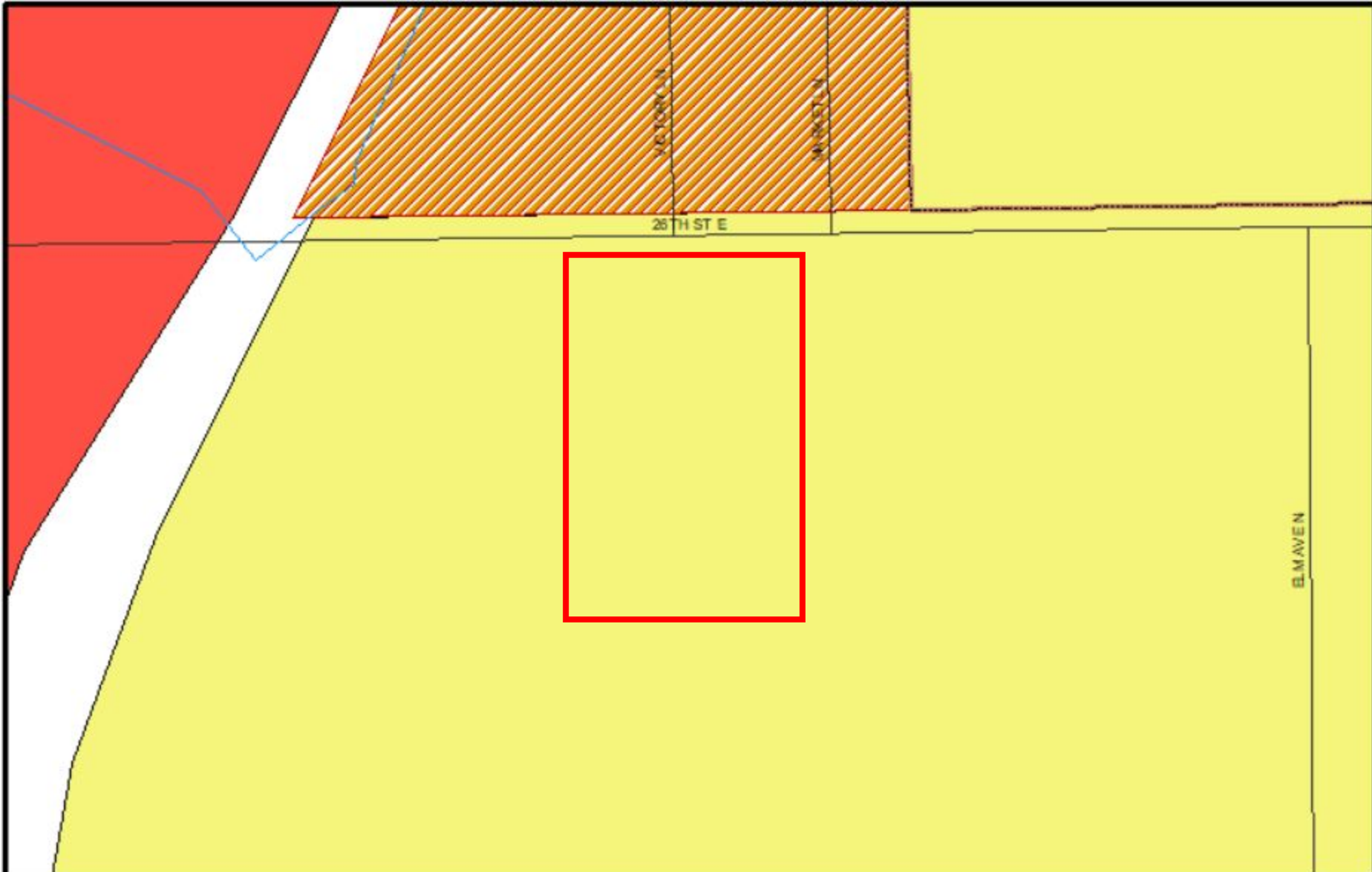
CARDINAL LN

22ND STW

VICTORY LN

MARKET LN

26TH STE



Future Land Use

City of Hastings, Nebraska



0 100 200 400 Feet

Land Use:

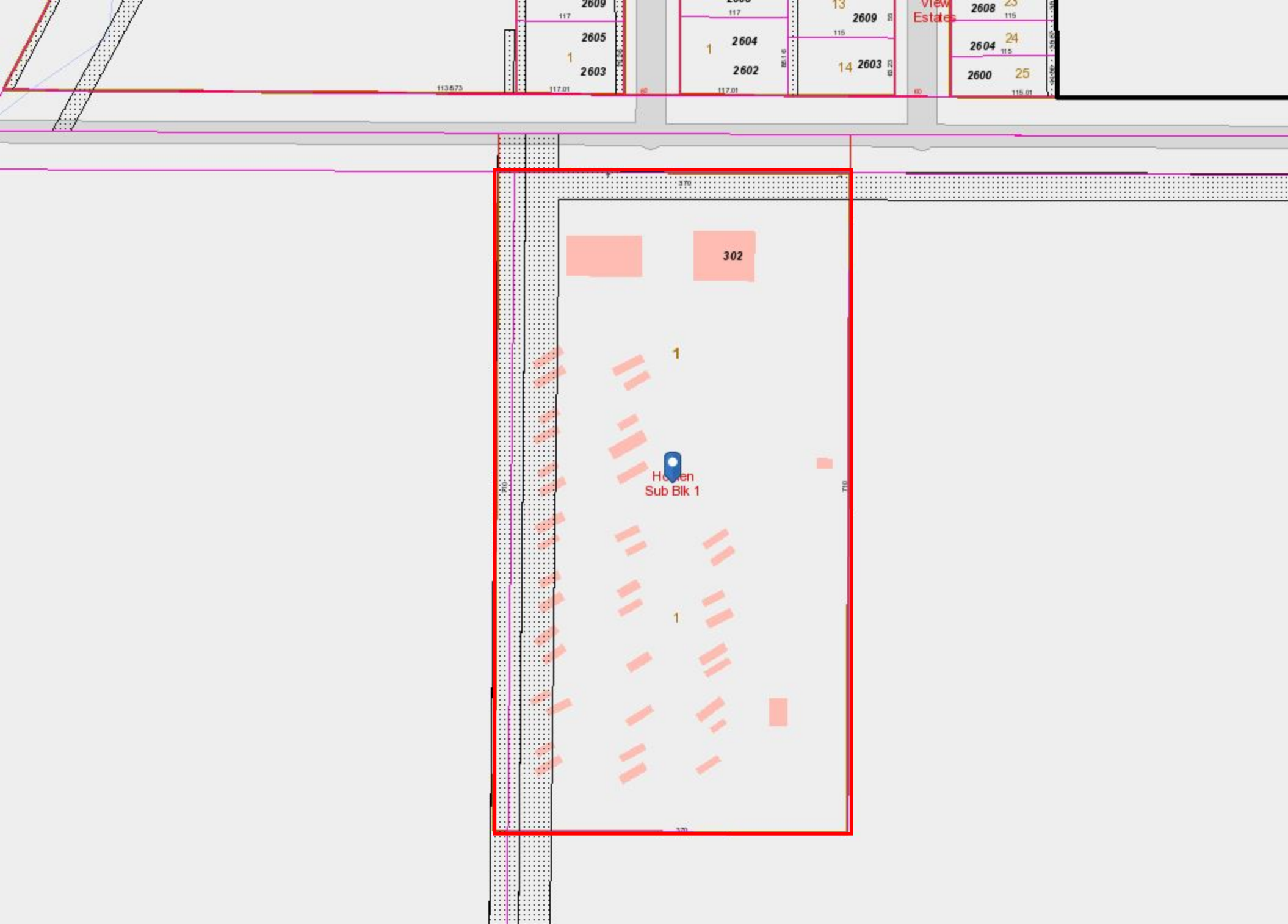
- Rural Residential
- Suburban Residential
- Urban Residential

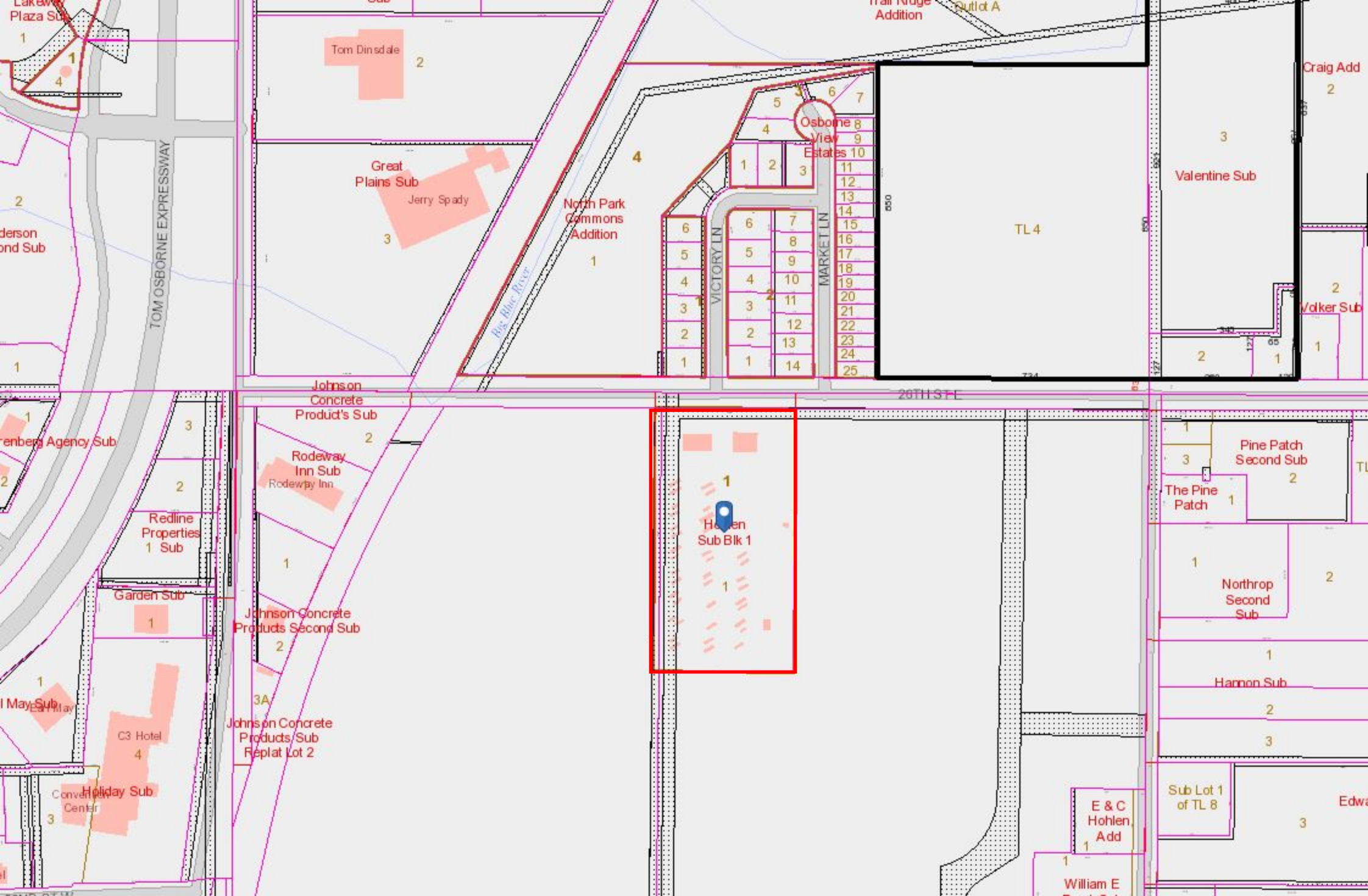
- Mixed-Use - Neighborhood
- Mixed-Use - Community
- Mixed-Use Downtown
- Commercial/Retail
- Employment/Industrial

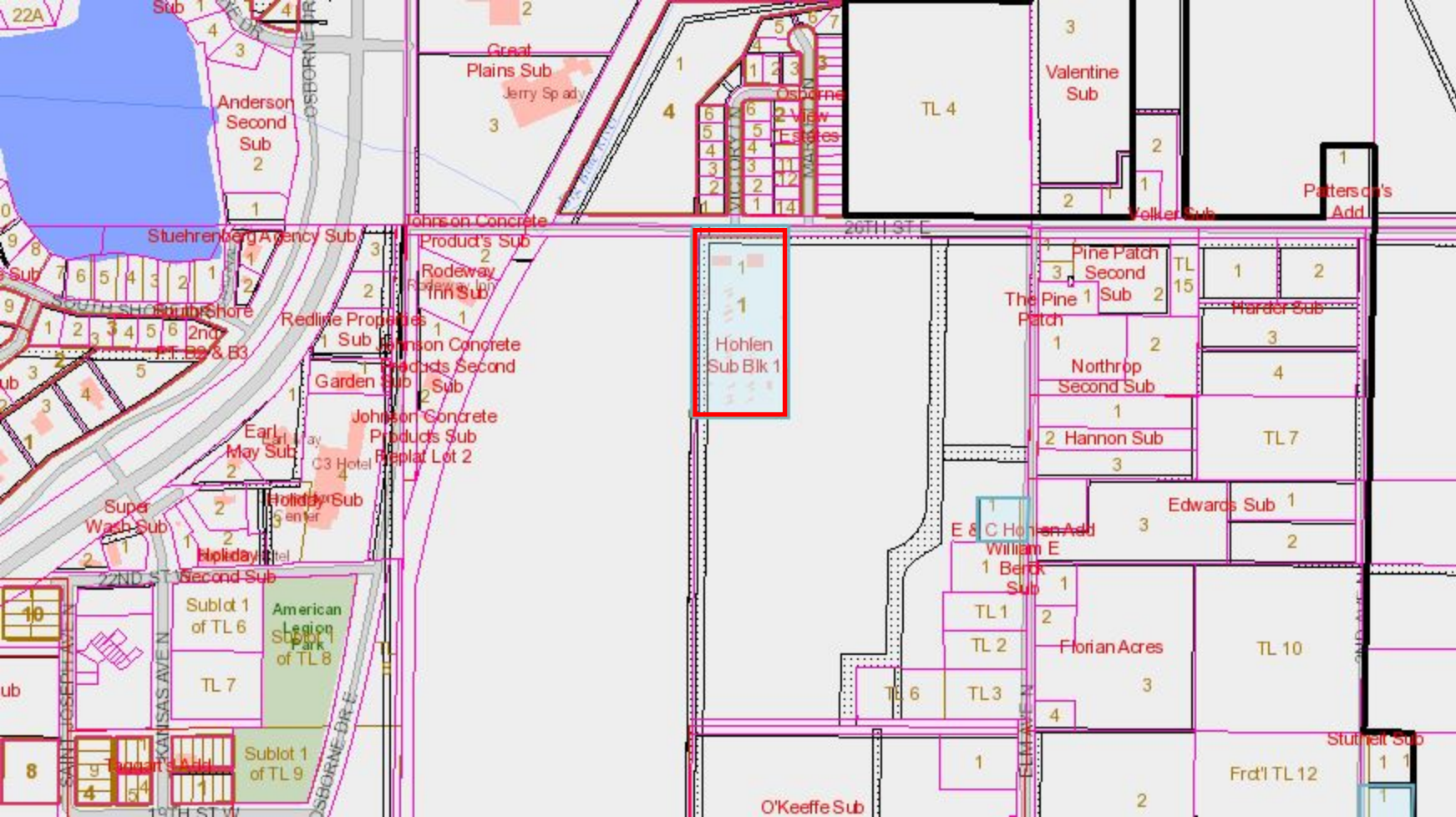
- Public / Semi-Public
- Parks & Recreation
- Agriculture

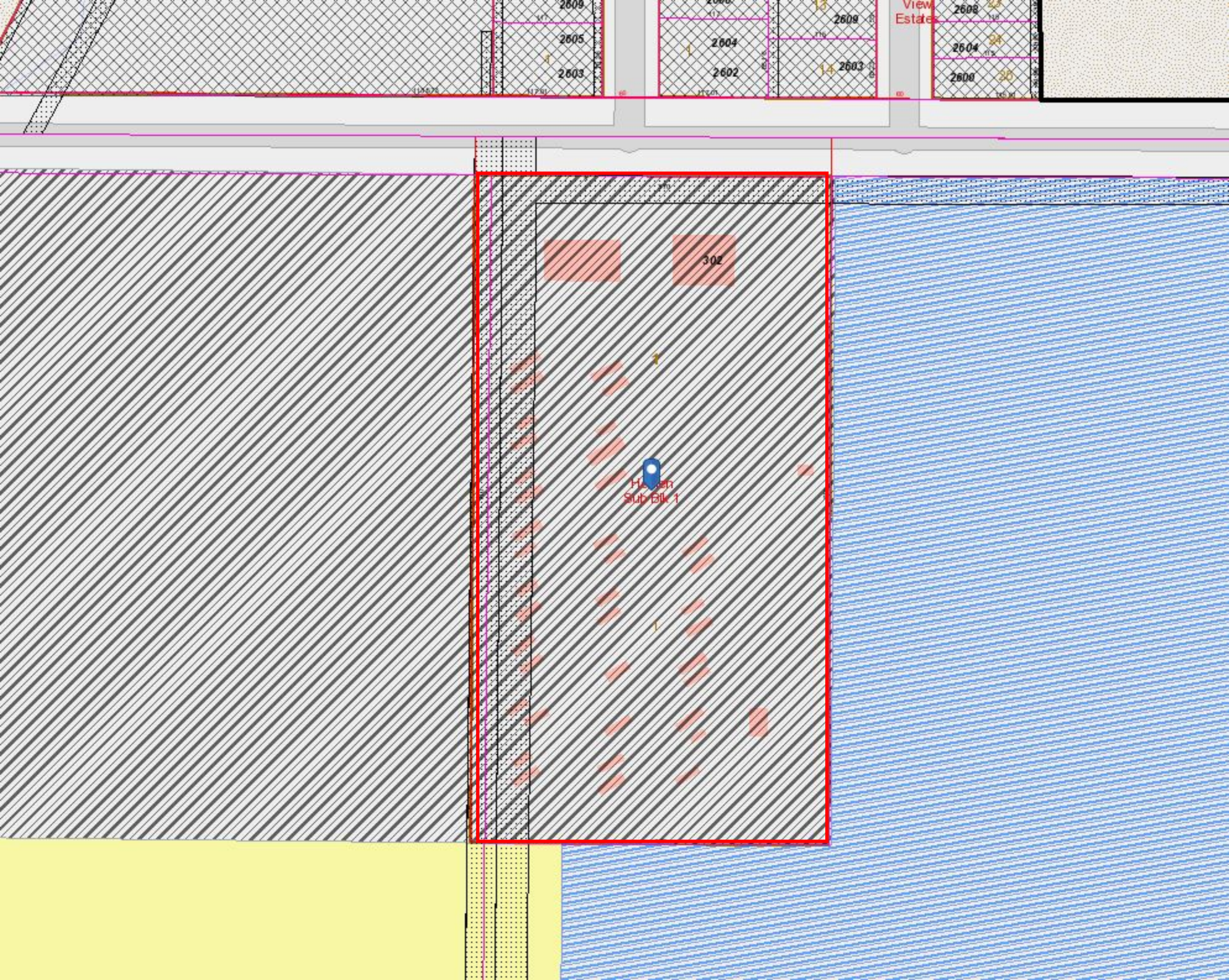
Overlay Districts:

- South Burlington Overlay
- Highway 6 Overlay
- Urban Industrial Overlay
- Floodplain
- City Boundary
- ETJ Boundary





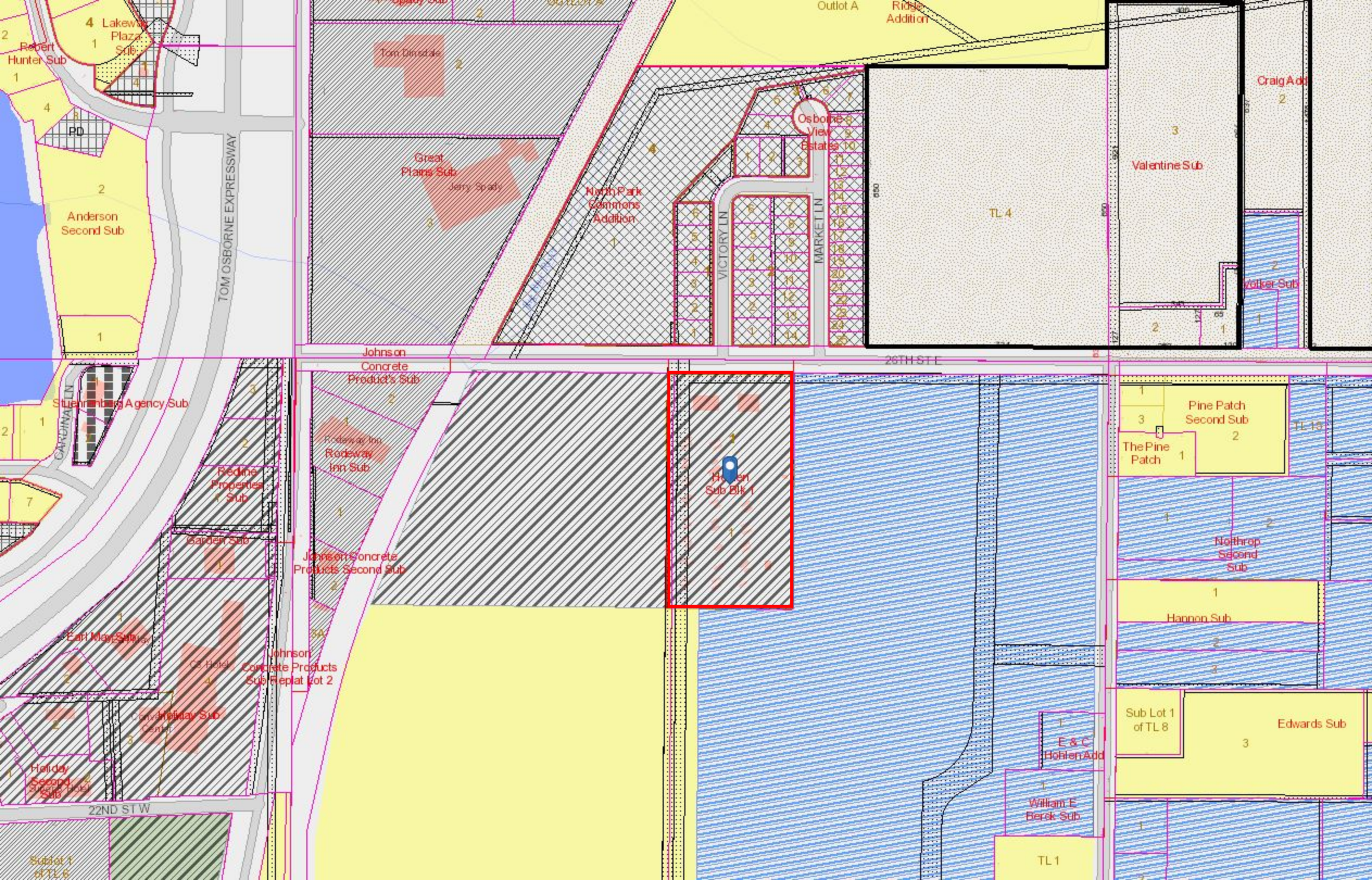




302

302

Hansen
Sub Blk 1



Department: Development Services

Staff Contact: Lisa Parnell-Rowe

Planning Commission Meeting Date: 9/15/2020

File No: 2020-034

Prepared By: Lisa Parnell-Rowe, Director of Development Services

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing for a change of zoning for Westbrook Village 17th Addition, City of Hastings, Adams County, Nebraska, from R-1, Urban Single Family Residential and A, Agricultural to R-1, Urban Single Family Residential District and to amend the Official Zoning District Map.

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone Westbrook Village 17th Addition, City of Hastings, Adams County, Nebraska, from R-1, Urban Single Family Residential and A, Agricultural to R-1, Urban Single Family Residential District.

Names of People/Business affected by this action:

The applicant, prospective buyers, the people of Hastings, and the City.

Why Planning Commission action is required:

Neb. Rev. Stat. 19-902 provides the city council shall receive the advice of the planning commission before taking definite action on any contemplated amendment, supplement, change, modification, or repeal, and no such regulation, restriction, or boundary shall become effective until after separate public hearings are held by both the planning commission and the city council in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be given by publication thereof in a legal newspaper in or of general circulation in such municipality at least one time ten days prior to such hearing.

Type of action requested:

Motion

Suggested motion:

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone Westbrook Village 17th Addition City of Hastings, Adams County, Nebraska, from R-1, Urban Single Family Residential and A, Agricultural to R-1, Urban Single Family Residential District.

Deadlines associated with action:

Westbrook Village 17th Addition Plat approval is in concurrent review with this rezone. City Council will also need to approve an ordinance to annex in the portion of this plat that is being added to this lot as it currently lies in the extra-territorial jurisdiction.

Department head comments:

Surrounding zoning is as follows:

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

South – R-1 Urban Single Family Residential

East – R-1 Urban Single Family Residential

West – A Agricultural

The future land use plan designation for the portion of the area being integrated into Lot 1, Westbrook Village 17th Addition is shown as agriculture. However, in reviewing current zoning a significant portion of this area, slated for agriculture, is already zoned R-1. A very small western piece of this new lot would be left agriculturally zoned. Rezoning this piece to the same zoning as the remainder of the lot better defines the area for its full use as a residential lot. This new area will also be annexed into the City as a part of this newly platted lot making the newly defined zoning even more crucial once brought into the City limits. Rezoning to R-1 best meets the minimum lot requirements and also cleans up the mixture of zoning currently occurring for what will become Lot 1, Westbrook Village 17th Addition with concurrent approval of final plat and annexation.

Recommendation:

Staff recommends motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone Westbrook Village 17th Addition, City of Hastings, Adams County, Nebraska, from R-1, Urban Single Family Residential and A, Agricultural to R-1, Urban Single Family Residential District.



City of Hastings
Development Services Department
Zoning Development Approval (ZDA)
Zoning Change/Amendment Application

Date: 08/21/2020

Please fill out the Pre-Qualification form first if you are unsure of what action needs to occur. Contact Development Services for minimum requirements at 402-461-2302. Incomplete applications will not be processed. All applications must be complete prior to submission. Deadline for Planning Commission Approval is the last Monday of each month or ZDA will be held until the next months session.

☒ Zoning Change (Rezone) ☐ Comprehensive Plan Amendment ☐ Zoning Text Amendment

Property Address:	Lot 3 westbrook 16th addition 2 17th
Within City Limits:	☐ Yes ☒ No
Current Zoning:	ag
Proposed Zoning:	r-1
Proposed Use:	housing
Reason for Request:	adding 25 ft to west property line to add larger side yard

Applicant:	Alan Anderson	Company:	Westbrook Village
Address:	701 North Shore Dr	Telephone:	4024611785
City/State/Zip:	Hastings	Email:	farmbo5252@yahoo.com
Property Owner:	westbrook village llc	Company:	
Address:	701 North Shore Dr	Telephone:	4024611785
City/State/Zip:	Hastings	Email:	farmbo5252@yahoo.com
Key Contact:	Alan M Anderson	Company:	
Address:	701 North Shore Dr	Telephone:	4024611785
City/State/Zip:	Hastings	Email:	farmbo5252@yahoo.com

If the Applicant is not the Owner, an Owner Verification Form must be filled out and sent to the Owner for authorization of the application. This form is also available at www.cityofhastings.org.

I hereby acknowledge that all information provided with this application is true to the best of my knowledge.

Signature of Applicant:	 Key: d8e550fa2a1d1b400033042260502893	Date:	08/21/2020
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HDS Staff Comments:			
HDS Staff Acceptance:		Date:	
HDS Application Number:		HDS Case #:	
Total Fee:			

City of Hastings
220 N. Hastings Avenue
Hastings NE 68901

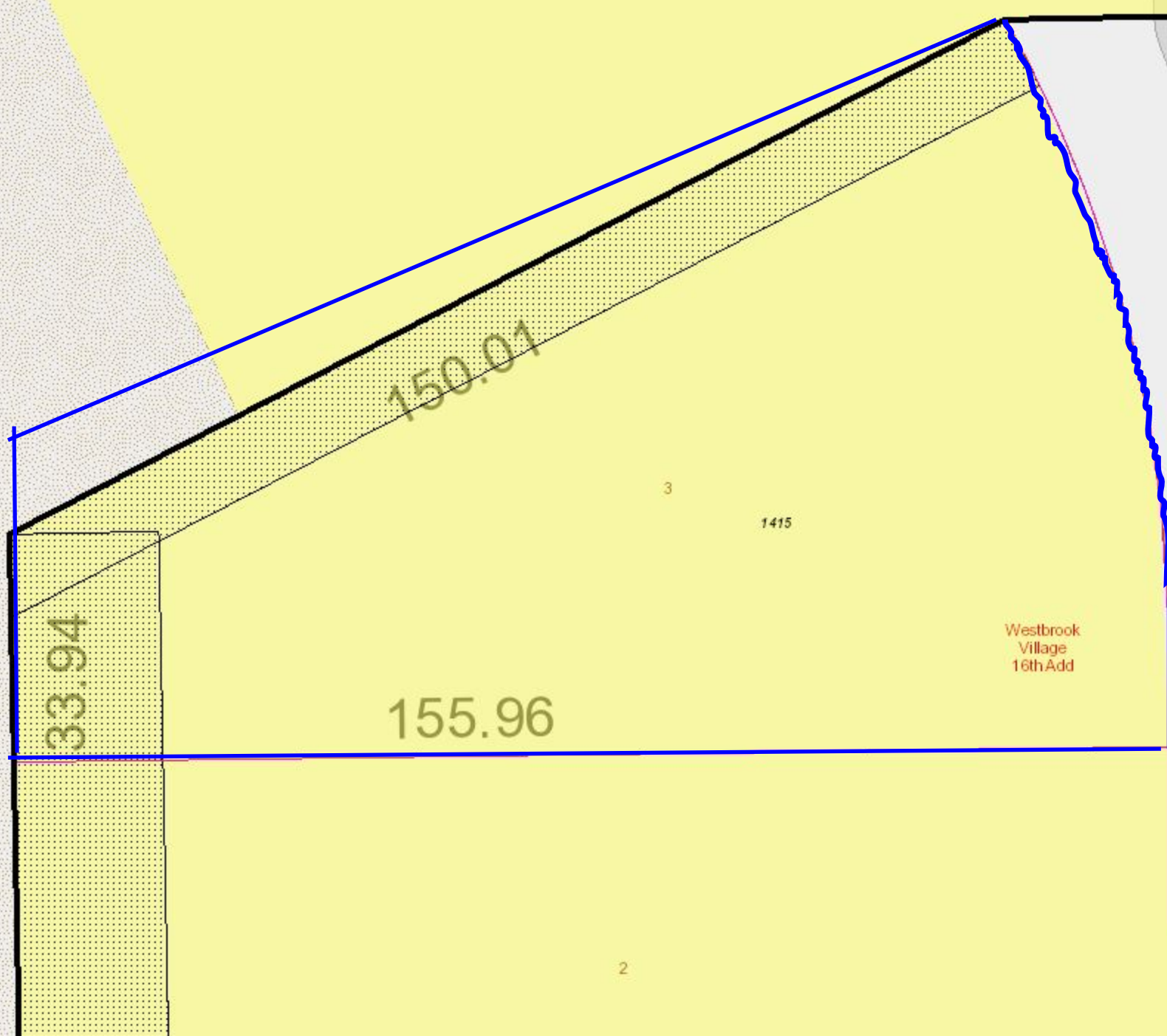
Payee: ALAN ANDERSON

Date: 8/21/2020 Time: 11:04 AM

Receipt Number: DS1 / 90259

Clerk: TERI

ITEM	REFERENCE	AMOUNT
ZONE	REZONE WESTBROOK 17	
	Zoning Fees	450.00
	Total:	450.00
	assor #3061	450.00
	Change:	0.00



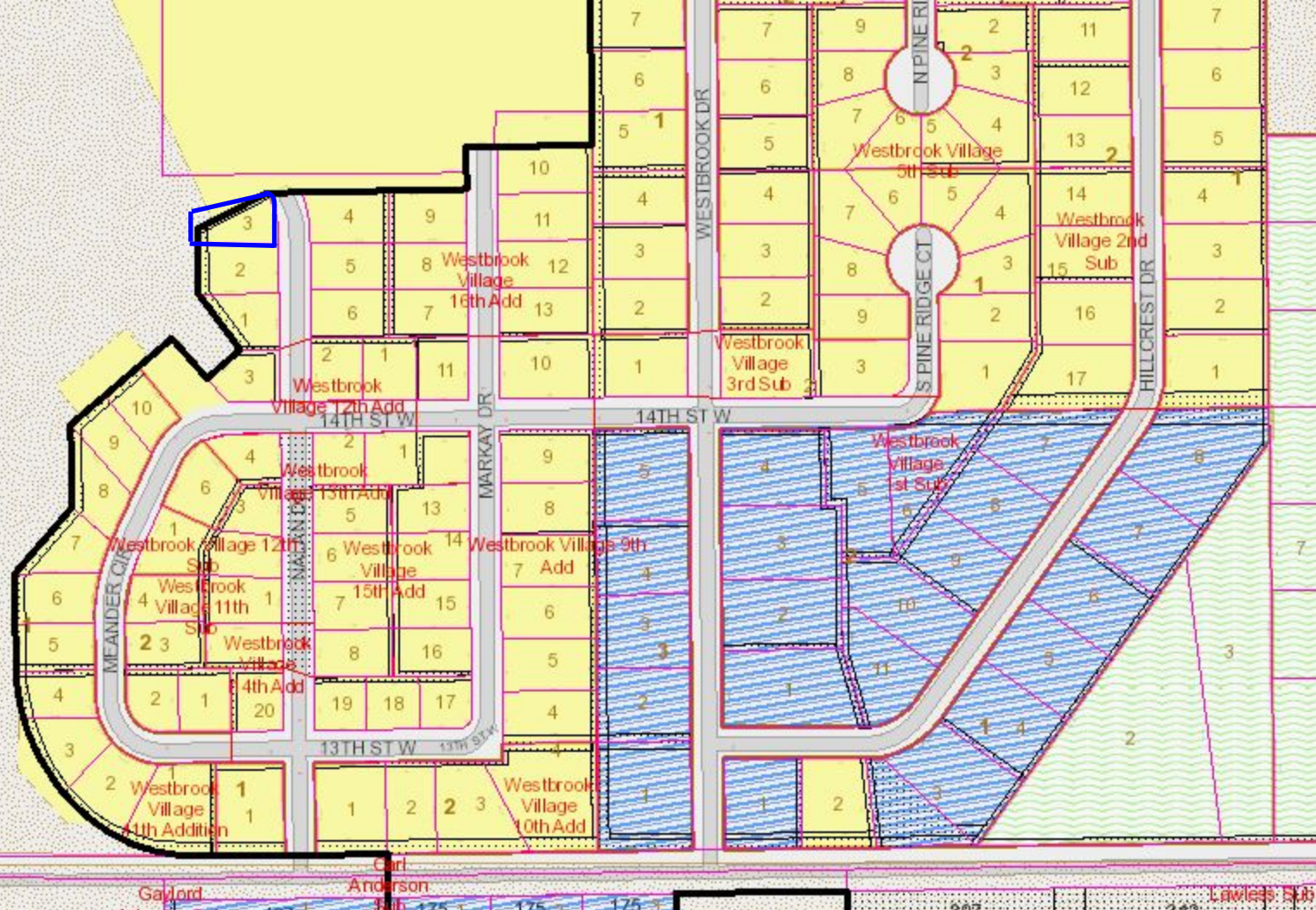
Westbrook
Village
16th Add

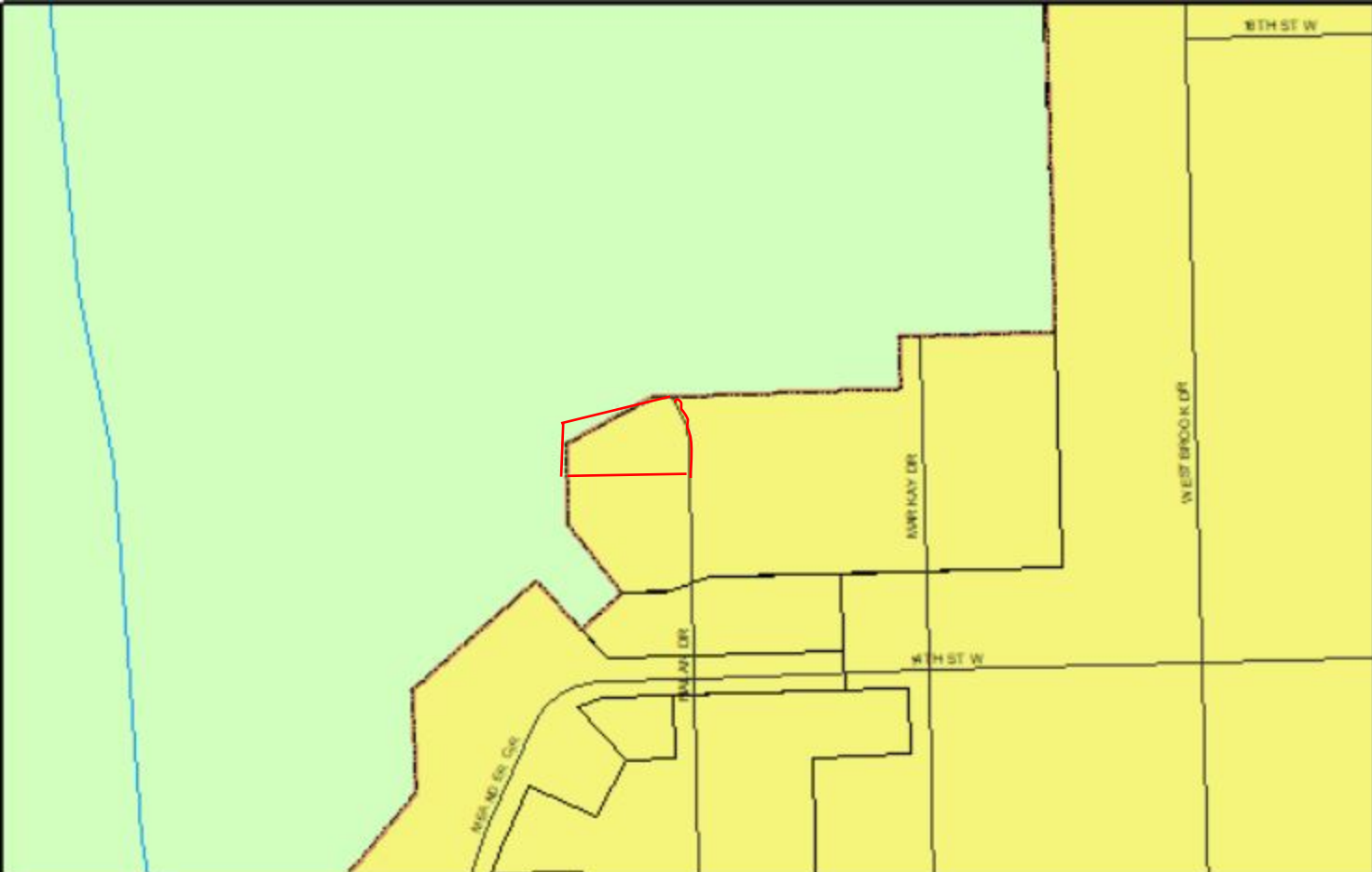
NALAN DR

3

1415

2





Department: Development Services
Staff Contact: Lisa Parnell-Rowe
Planning Commission Meeting Date: 9/15/2020
File No: 2020-035
Prepared By: Lisa Parnell-Rowe, Director of Development Services

AGENDA ITEM SUMMARY SHEET

Description of Item:

Final plat for Westbrook Village 17th Subdivision, a replat of a tract of land being all that of Lot 3, Westbrook 16th Addition to the City of Hastings, Adams County, Nebraska, and a part of the south ½ of Section 5, Township 7 north, Range 10 west of the 6th P.M., Adams County, Nebraska.

Names of People/Business affected by this action:

The applicant, prospective buyer, the City Hastings and Adams County.

Why Planning Commission action is required:

Neb. Rev. Stat. 19-929 states that city council shall not take final action on subdivision development matters without the recommendation of the Planning Commission.

Type of action requested:

Motion

Suggested motion:

Motion to recommend approval of Final plat for Westbrook Village 17th Subdivision, a replat of a tract of land being all that of Lot 3, Westbrook 16th Addition to the City of Hastings, Adams County, Nebraska, and a part of the south ½ of Section 5, Township 7 north, Range 10 west of the 6th P.M., Adams County, Nebraska.

Deadlines associated with action:

A rezone of Westbrook Village 17th Addition is also in concurrent review. Both items, along with an annexation ordinance are scheduled for consideration at the October 12, 2020 regular meeting of City Council.

Department head comments:

The Development Department and Plat Track review teams have reviewed this plat and the applicant has incorporated all recommendations. The prospective buyers of this lot desire to have a larger side yard on the north side of their house for their dogs to run and to allow for more room for their children to play in the future. Staff would normally desire to see a greater amount of land brought in with the prescribed preliminary plat procedures, particularly with this being area

brought in from the 2-mile extra-territorial jurisdiction, as prescribed in Section 38-202. However, the applicant would like this small addition to occur as quickly as possible as the prospective buyers are expecting a child in the very near future. The applicant is not interested in accomplishing a large preliminary plat and bringing more area into the City. In discussing with City Administrator and City Attorney it was suggested that the preliminary plat procedures could be postponed for the applicant for this one lot to be realigned. Staff has agreed to this with the condition that any further changes (replats or plats) for in the Westbrook Village subdivision would require a preliminary plat to move forward. The applicant has provided a narrative with all of this included and will sign an affirmation statement that will be filed with this replat so as to indicate to staff in the future of this obligation.

Recommendation:

Staff recommends motion to recommend approval of Final plat for Westbrook Village 17th Subdivision, a replat of a tract of land being all that of Lot 3, Westbrook Village 16th Addition to the City of Hastings, Adams County, Nebraska, and a part of the south ½ of Section 5, Township 7 north, Range 10 west of the 6th P.M., Adams County, Nebraska with the following condition:

- 1) Any further changes (replats) or development not final platted for in the Westbrook Village subdivision would require a preliminary plat to move forward and an affirmation of this agreement shall be signed by the applicant and filed with this replat at the applicants expense.



City of Hastings
Development Services Department
Zoning Development Approval (ZDA)
Final Plat Application

Date: 07/14/2020

Name of Plat: Westbrook 17th Addition

Inside City Limits ☐ YES ☒ NO ~~NO~~ Portion adding is in ETJ

Owner:	Westbrook, LLC	Phone Number:	4024611785
	701 N. Shore Drive	E-mail:	farmbo5252@yahoo.com
	Hastings, NE 68901		

Surveyor:	Josh Grummert	Phone Number:	4028795701
	PO Box 37	E-mail:	jmgrummert@yahoo.com
	Kenesaw, NE 68956		

Notes or Comments:

Applicant's Signature: Joshua E. Grummert 07/14/2020
Key: a7da9220ba41588d3e87304d09c21f7

DSD Staff Use

Administrative Plat: ☐ YES ☒ NO ~~NO~~

Staff Comments:

Met with applicant 8/17/20 to discuss path forward w/ added area to lot 1 in ETJ. As approved by city Administrator we will proceed as a Final Plat through PC & CC w/ understanding ^{any} future adjustments

Number of Lots:		Gross Area:	
Mylar Size:		Number of Pages:	
Fee:		Case Number:	

Staff Signature:

Lis Parnell-Bowe

Placement hinders applicants desire to add more than adjustment to Lot 3 (New Lot 1) @ this time. We will also require corresponding rezoning to R-2. Narrative from Mr. Anderson Required.

CC trigger a new Prelim first. Pivot

PC - 9/15
if ready
CC 9/28

City of Hastings
220 N. Hastings Avenue
Hastings NE 68901

Payee: WESTBROOK VILLAGE LLC

Date: 8/17/2020 Time: 4:14 PM

Receipt Number: DS1 / 90240

Clerk: TERI

ITEM	REFERENCE	AMOUNT
ZONE WESTBROOK 17TH		
Zoning Fees		200.00
ZONE 1 LOT		
Zoning Fees		20.00
DEEDS FILING FEE		
Recording Fees		22.00
Total:		242.00
assor	#3056	242.00
Change:		0.00

August 21, 2020

Planning & Zoning Commission:

This is in reference to Westbrook 17th Addition which is basically extending the west lot line 25 feet to the North. This lot was sold to a new couple moving to town John Grinde and his wife Bailey. We are building a new house for them on this lot. When discussing with the Grindes it was mentioned that they have 2 dogs and Bailey is expecting their first child in November. Bailey wondered if there was any way to make a larger side yard. After reviewing the preliminary (which was filed about 20 years ago) I decided that I could in fact add 25 feet to the North and NOT affect any future lots.

In discussion with the P&Z director and City Manager about adding more lots at this time I informed Them that the Pivot on the farm is down to a 40-acre parcel and if I add anymore lots to the North I Will have to take the pivot, well and all equipment associated with it off of the property and then have a Dryland farm. I explained that to add more lots (say an additional 12) would be the most efficient, However, with the current pandemic crisis no one knows what the future holds and at this time I am not Prepared to remove the pivot.

It was also looked at by adding 25 ft. to the back of this lot if it would affect and future lots. I stated That I had looked at it and that it would not. This was the only lot I could find that had the narrow back Yard. P&Z director stated that they would like to see a complete new preliminary plat when the next Addition is added and they wanted to make that a condition. I see no problem with that as it has been 20 years and there are "eyebrows" etc. that although they looked good 20 years ago, they may not be What is most efficient in today's world.

So, in a nutshell 2 dogs and a new baby is the reason that we are doing this sliver addition by Adding 25 ft. North to the west property line.

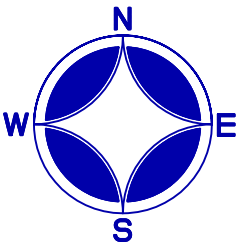
Westbrook Village LLC

Alan M Anderson

A handwritten signature in black ink, appearing to read "Alan M Anderson", with a long horizontal flourish extending to the right.

WESTBROOK VILLAGE 17TH ADDITION

AN ADDITION TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.
A REPLAT OF LOT 3, WESTBROOK VILLAGE 16TH ADDITION, AND A TRACT OF LAND LOCATED IN THE SOUTH 1/2, OF SECTION 5-T7N-R10W, OF THE 6TH, P.M., ADAMS COUNTY, NEBRASKA.

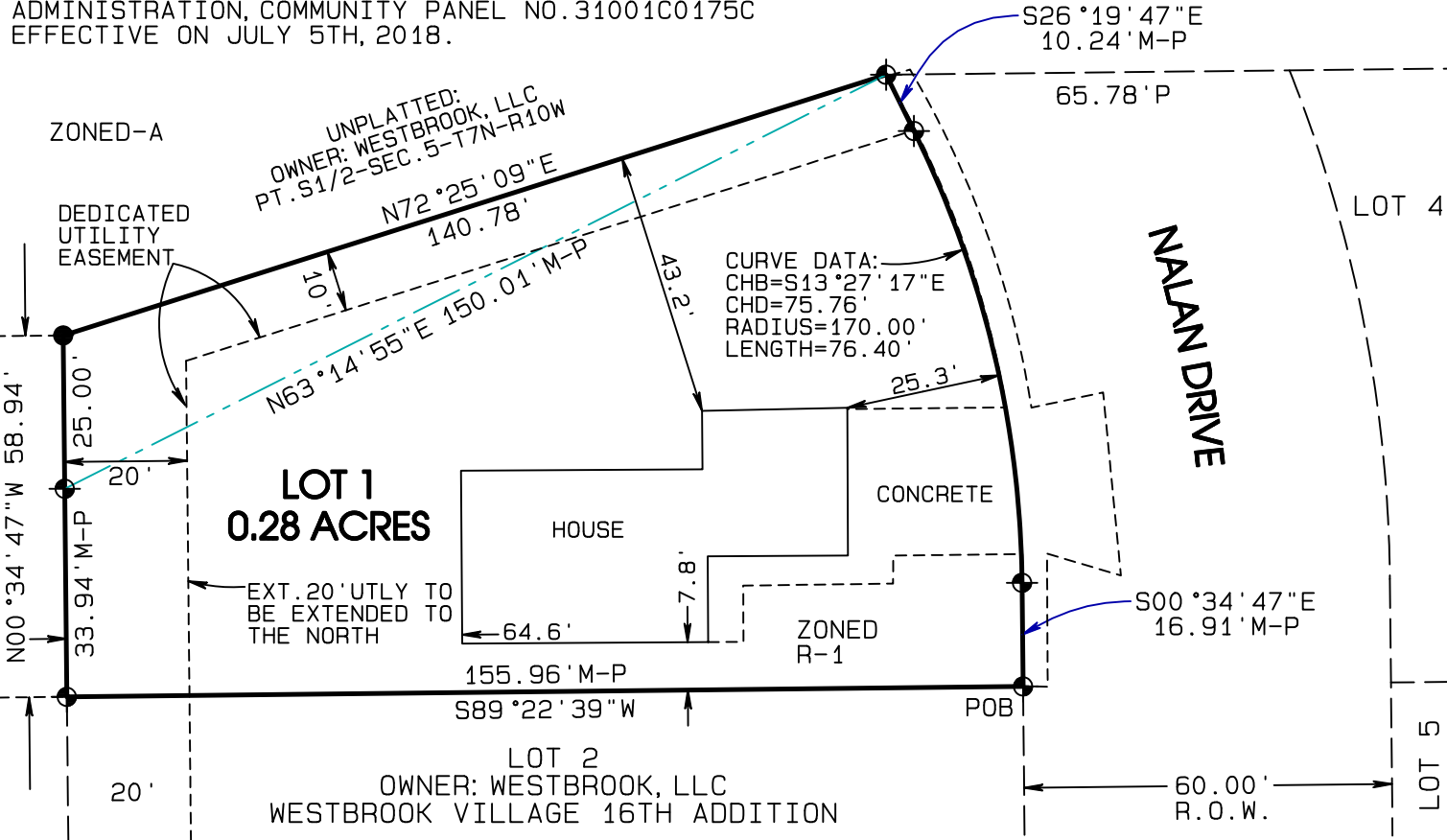


ALL BEARINGS ARE ASSUMED
SCALE: 1"=30'



FLOOD PLAIN NOTE:

NO PORTION OF THE PROPERTY SHOWN ON THIS FINAL PLAT IS LOCATED WITHIN THE 100 YEAR FLOOD HAZARD ZONE "A" ACCORDING TO THE FLOOD HAZARD BOUNDARY MAPS AS PROVIDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL INSURANCE ADMINISTRATION, COMMUNITY PANEL NO.31001C0175C EFFECTIVE ON JULY 5TH, 2018.



CURRENT ZONING:
R-1 URBAN SINGLE FAMILY
RESIDENTIAL DISTRICT AND
A-AGRICULTURAL DISTRICT

FUTURE ZONING:
R-1 URBAN SINGLE FAMILY
RESIDENTIAL DISTRICT

LEGAL DESCRIPTION:

A TRACT OF LAND BEING ALL OF LOT 3, WESTBROOK VILLAGE 16TH ADDITION TO THE CITY OF HASTINGS, AND A PART OF THE SOUTH 1/2 OF SECTION 5, TOWNSHIP 7, NORTH, RANGE 10 WEST, OF THE 6TH P.M., ADAMS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3, THENCE S89°22'39"W (ASSUMED BEARING) ON THE SOUTH LINE OF SAID LOT 3 A DISTANCE OF 155.96 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3, THENCE N00°34'47"W ON THE EXTENDED WEST LINE OF SAID LOT 3 A DISTANCE OF 58.94 FEET, THENCE N72°25'09"E A DISTANCE OF 140.78 FEET TO THE NORTHEAST CORNER OF SAID LOT 3, AND ALSO BEING THE WESTERLY RIGHT OF WAY LINE OF NALAN DRIVE, THENCE ON SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING, S26°19'47"E A DISTANCE OF 10.24 FEET TO THE BEGINNING OF A CURVE THAT IS CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 170.00 FEET, A CHORD BEARING OF S13°27'17"E, A CHORD DISTANCE OF 75.76 FEET AND AN ARC LENGTH OF 76.40 FEET, THENCE S00°34'47"E A DISTANCE OF 16.91 FEET TO THE POINT OF BEGINNING, CONTAINING 0.28 ACRES MORE OR LESS.

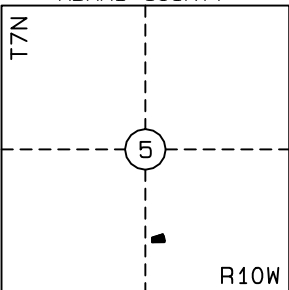
GPS PROJECT # 056-2020

SHEET 1 OF 3
VICINITY SKETCH
ADAMS COUNTY

SURVEYOR'S CERTIFICATE:

LEGEND :

- M-MEASURED DISTANCE
- R-RECORD DISTANCE
- G-GOVERNMENT DISTANCE
- P-PLATTED DISTANCE
- D-DEED DISTANCE
- FOUND 1/2" REBAR WITH BLUE LS-783 CAP UNLESS NOTED OTHERWISE
- SET 1/2" X 24" REBAR WITH BLUE LS-783 CAP UNLESS NOTED OTHERWISE



I, HEREBY CERTIFY THAT THIS PLAT OF A SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE, AND THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA. COMPLETED ON SEPTEMBER 8TH 2020.

JOSHUA E. GRUMMERT | LS-783

GRUMMERT PROFESSIONAL SERVICES, LLC
2837 WEST HIGHWAY 6, SUITE 206, HASTINGS, NE 68901
PHONE 402-879-5701 EMAIL jmgrummert@yahoo.com
WEBSITE www.grummertsurveying.com

OWNERS CERTIFICATE AND DEDICATION:

KNOW ALL MEN BY THESE PRESENTS, THAT WESTBROOK VILLAGE, LLC, A "NEBRASKA" LIMITED LIABILITY COMPANY, BEING THE OWNER OF RECORD OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED IN THE LEGAL DESCRIPTION HEREON, HAVE CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS "WESTBROOK VILLAGE 17TH ADDITION", AN ADDITION TO THE CITY OF HASTINGS, LOCATED IN THE SOUTH 1/2 OF SECTION 5, TOWNSHIP 7 NORTH, RANGE 10 WEST OF THE 6TH, P.M., ADAMS COUNTY, NEBRASKA, AND THAT SAID SURVEYING, SUBDIVIDING, PLATTING AND DESIGNATION WAS DONE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AND WISHES OF THE UNDERSIGNED OWNERS. BE IT FURTHER KNOWN, THAT SAID OWNERS DO HEREBY DEDICATE ALL STREETS AND EASEMENTS SHOWN ON THE PLAT TO THE CITY OF HASTINGS.

SIGNED THIS _____ DAY OF _____, 2020.

WESTBROOK VILLAGE, LLC

ALAN M. ANDERSON, MANAGING MEMBER

ACKNOWLEDGEMENT

STATE OF NEBRASKA}
COUNTY OF ADAMS } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2020, BY ALAN M. ANDERSON (MANAGING MEMBER), MY COMMISSION EXPIRES THE _____ DAY OF _____, _____.

(SEAL) _____
NOTARY

WAIVER:

APPLICANTS HEREBY WAIVES ANY AND ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES OR THE ALTERATION OF THE SURFACE OF ANY PORTION OF THE STREETS AND ALLEYS TO CONFORM TO SAID GRADES AS ESTABLISHED.

SIGNED THIS _____ DAY OF _____, 2020.

WESTBROOK VILLAGE, L.L.C.

ALAN M. ANDERSON, MANAGING MEMBER

CITY PLANNING COMMISSION RECOMMENDATION

THIS PLAT OF WESTBROOK VILLAGE 17TH ADDITION, AN ADDITION TO THE CITY OF HASTINGS, ADAMS COUNTY NEBRASKA, HAS BEEN SUBMITTED TO AND REVIEWED BY THE CITY PLANNING COMMISSION FOR APPROVAL AND IS HEREBY TRANSMITTED TO THE GOVERNING BODY OF THE CITY OF HASTINGS, ADAMS

COUNTY, NEBRASKA, WITH THE RECOMMENDATION THAT SAID PLAT BE _____AS PROPOSED

DATED THIS _____ DAY OF _____, _____.

CHAIRMAN

DIRECTOR

CITY ENGINEER'S APPROVAL

I, THE UNDERSIGNED, DO HEREBY _____ THIS PLAT OF WESTBROOK VILLAGE 17TH ADDITION, AN ADDITION TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

CITY ENGINEER

COUNTY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO TAXES ARE DUE OR DELINQUENT UPON THE PROPERTY IN THE LEGAL DESCRIPTION ON THIS PLAT AS OF

THIS _____ DAY OF _____ , _____.

ADAMS COUNTY TREASURER

CITY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO SPECIAL ASSESSMENTS ARE DELINQUENT UPON THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION ON THIS PLAT.

CITY OF HASTINGS TREASURER

MAYOR AND CITY COUNCIL ACTION

THIS PLAT OF WESTBROOK VILLAGE 17TH ADDITION, AN ADDITION TO THE CITY OF HASTINGS, ADAMS

COUNTY NEBRASKA, IS HEREBY _____, DATED THIS _____ DAY OF _____ , _____.

MAYOR

CITY CLERK

REGISTER OF DEEDS CERTIFICATE

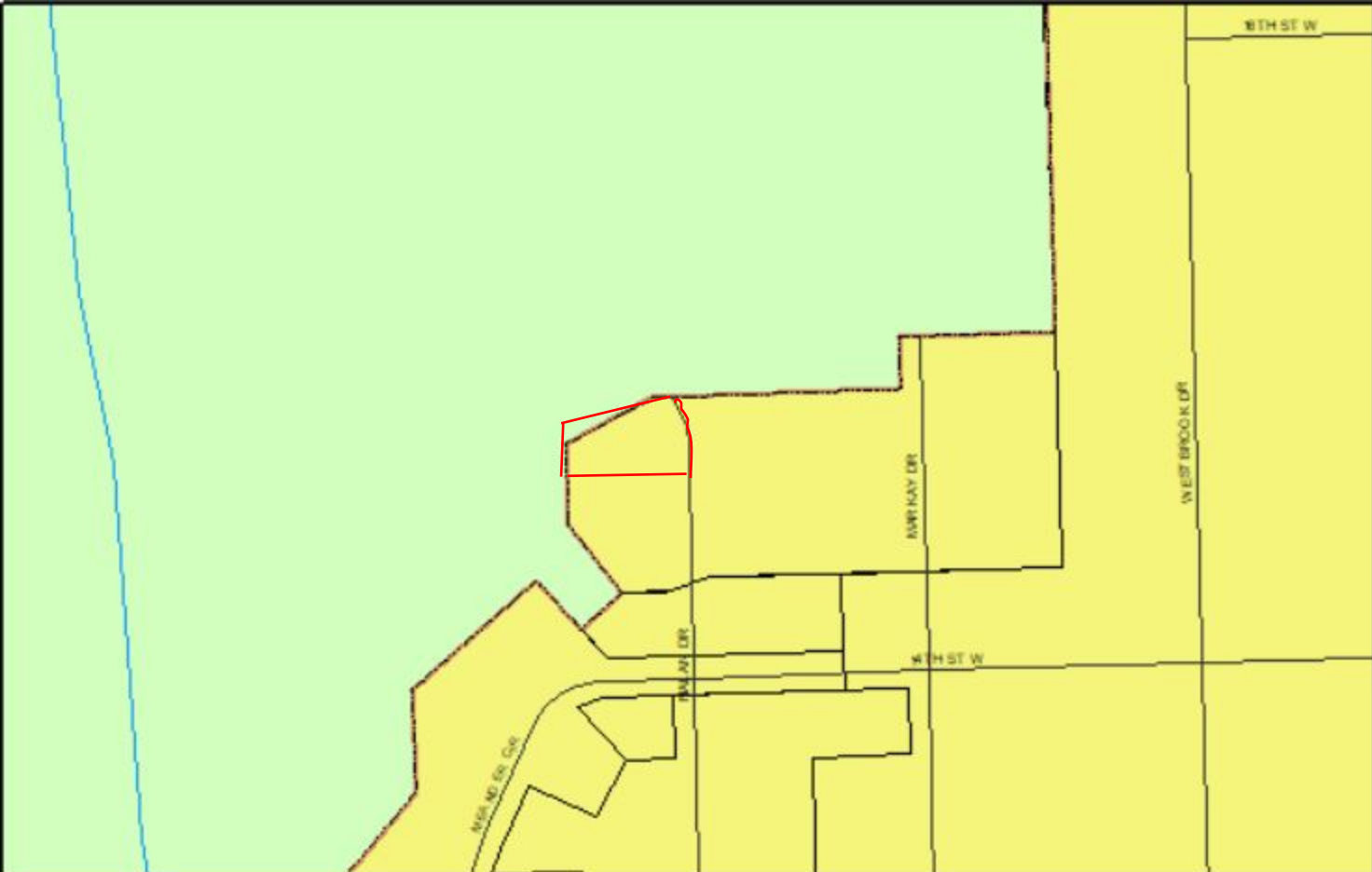
STATE OF NEBRASKA }
 } SS
COUNTY OF ADAMS }

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE OF ADAMS COUNTY, NEBRASKA

DATE: _____ TIME: _____

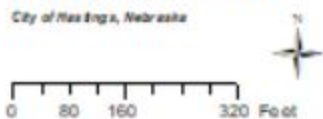
INSTRUMENT NO.: _____

REGISTER OF DEEDS



Future Land Use

City of Hastings, Nebraska

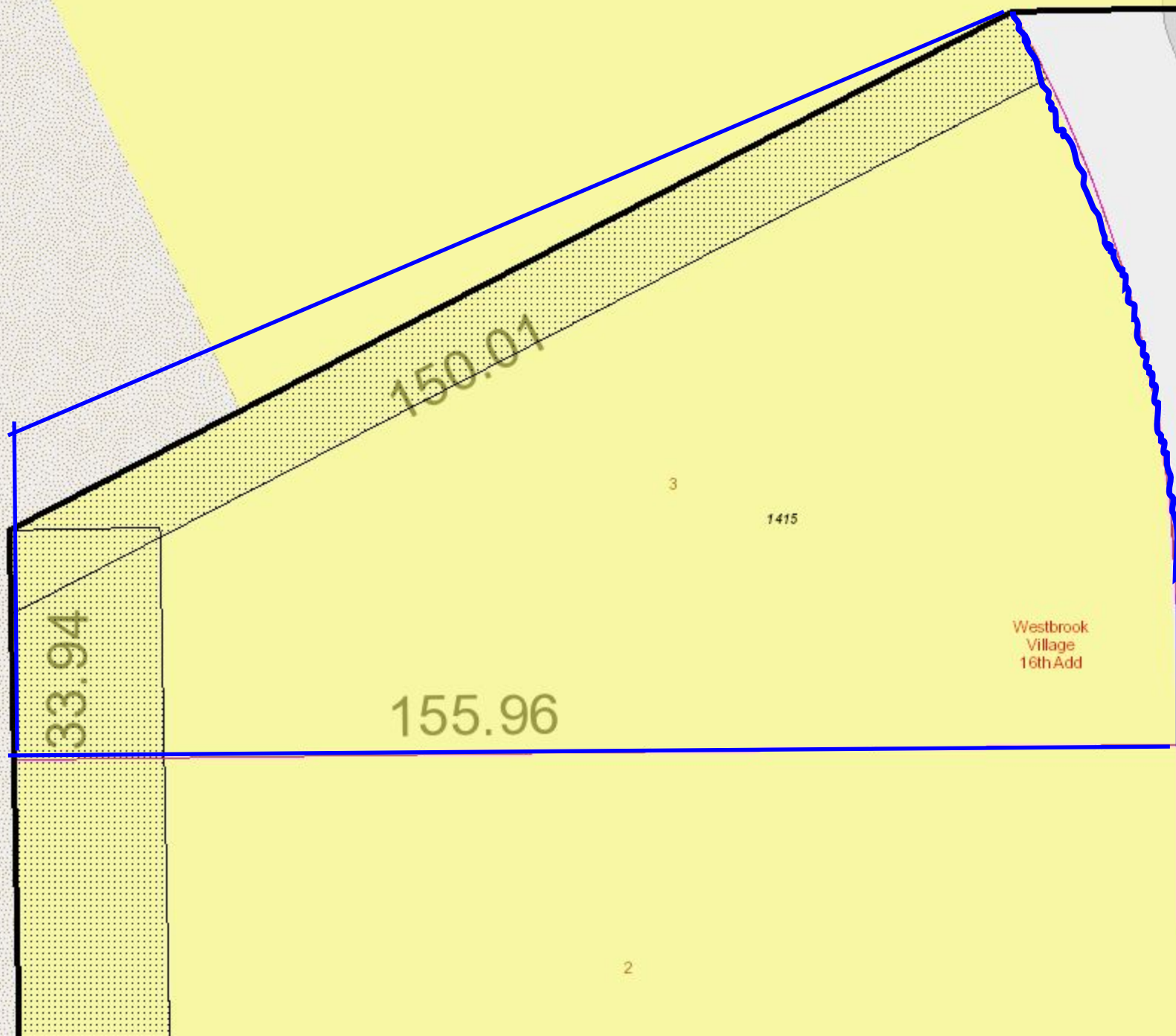


Land Use:

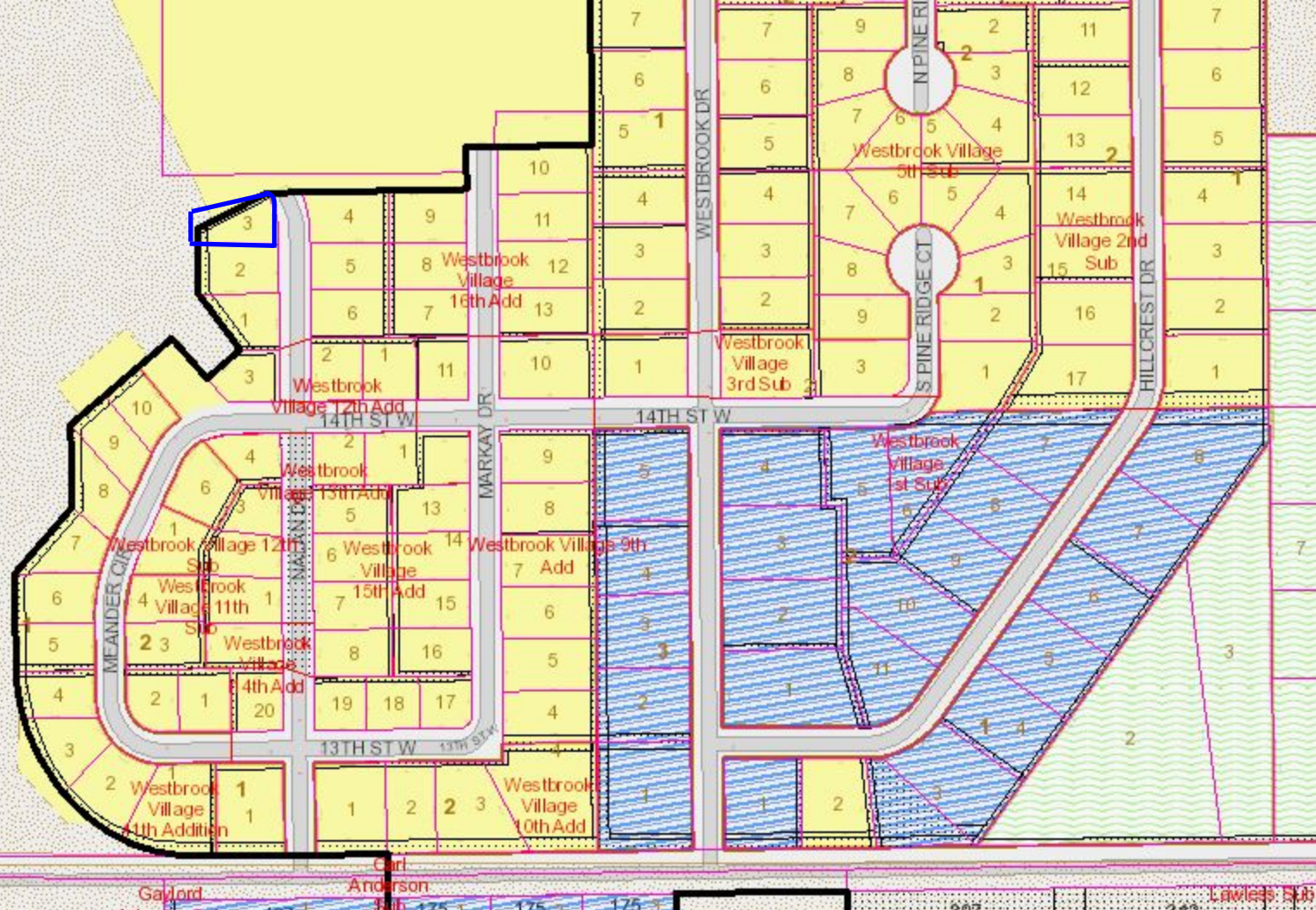


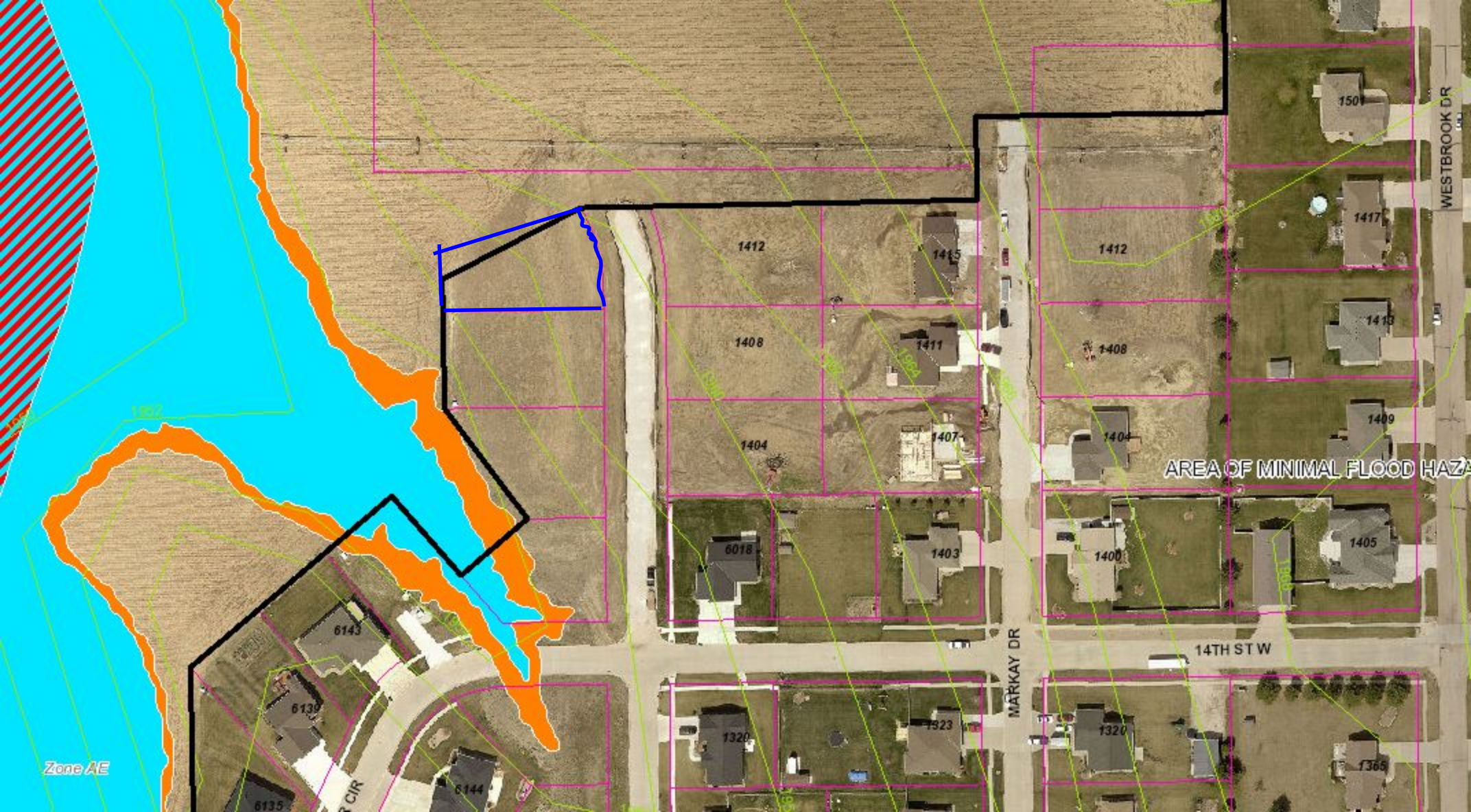
Overlay Districts:











Zone AE

AREA OF MINIMAL FLOOD HAZARD

