

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Tuesday, October 20, 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 October 20, 2020.

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

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

Moved by Hunt, seconded by Srivastava, to approve the current agenda for the Planning Commission Meeting. Roll Call: Ayes: Arneson, Lewis, Srivastava, Schoenhals, Hinton, Hunt. Nays: None. Absent: Rundle, Raitt, Gaines, Kully. 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 Hunt, seconded by Schoenhals, to approve the minutes of the meeting of September 15, 2020. Roll Call: Ayes: Arneson, Lewis, Srivastava, Schoenhals, Hinton, Hunt. Nays: None. Absent: Rundle, Raitt, Gaines, Kully. The motion carried.

7. Special Order of Business

a. 2020-043. Consider recommendation for approval of the City of Hastings Engineering Department 2021-2026 One and Six Year Street Improvement Plan.

Lee Vrooman, Director of Engineering, Interim City Engineer, gave a brief review of the One & Six Year Plan. He stated this is an annual requirement and next year the review will be held in conjunction with the budget so it will come to the Planning Commission in July-August timeframe. He discussed completed projects and those still in progress. To date, the City has expended \$4,174,416.00 on projects between paving, asphalt, water and sewer. Quiet crossings are still being discussed. The West Highway 6 project from Elm to Baltimore will be bid this fall, with construction to begin in the spring. The second project is the Hastings Southeast project, from "J" Street, Elm to Showboat. The City is currently conducting a transportation study, with a recommendation of one-way versus two-way streets downtown. He also discussed the 16th Street viaduct.

Moved by Hunt, seconded by Srivastava, to recommend approval to the Mayor and City Council, at the November 9th, meeting, the 2020-2026 One and Six Year Street Improvement Plan. Roll Call: Ayes: Arneson, Lewis, Srivastava, Schoenhals, Hinton, Hunt. Nays: None. Absent: Rundle, Raitt, Gaines, Kully. The motion carried.

9. Public Hearings

a. 2020-044. Public hearing to consider bringing a tract of land being part of the south ½ of Section 5, Township 7 North, Range 10 West, of the 6TH P.M., Adams County, Nebraska into the City as part of Westbrook Village 17th Addition final plat.

Mark Evans, City Building Inspector, gave his report. Staff recommends approval.

As part of the final plat for Westbrook Village 17th Addition a tract of land is being considered for incorporation into City limits. This tract is part of the south ½ of Section 5, Township 7 North, Range 10 West, of the 6TH P.M., Adams County, Nebraska. This tract is legally described as beginning at the northwest corner of Lot 3 Westbrook Village 16TH Addition to the City of Hastings, Adams County, Nebraska, thence N00°37'47"W on the extended west line of said Lot 3 a distance of 25.00 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 S63°14'55"W on the north of said Lot 3 a distance of 150.01 feet to the point of beginning, containing 0.04 acres more or less. Staff originally was advised this addition would only need to go before City Council for approval, but upon further research, it appears this was incorrect and it will need public hearing at Planning Commission for recommendation to City Council.

Currently zoning for this tract of land is both A, Agricultural and R-1, Single Family Residential. Planning Commission recommended for approval a rezone and the final plat with a condition at the September 15, 2020 Planning Commission Meeting.

The plat and its inclusive addition to City was reviewed by the development review team and the applicant has made all suggested revisions. Requirements of Hastings City Code Sections 38-203 have been met. Approval of the final plat carries a condition that has been affirmed for filing by our applicant to accomplish a preliminary plat if adding any additional territory to Westbrook subdivision.

Vice-Chair Hinton stated the Commission did discuss this item at a previous meeting, however, the Commission did not approve bringing the parcel into the City of Hastings limits.

Moved by Lewis, seconded by Schoenhals, to recommend approval to the Mayor and City Council bringing a tract of land being part of the south ½ of Section 5, Township 7 North, Range 10 West, of the 6TH P.M., Adams County, Nebraska into the City as part of Westbrook Village 17th Addition final plat. Roll Call: Ayes: Arneson, Lewis, Srivastava, Schoenhals, Hinton, Hunt. Nays: None. Absent: Rundle, Raitt, Gaines, Kully. The motion carried.

b. 2020-045. Public hearing to consider a request for a Conditional Use Permit (CUP) for Southern Bell Heartland LLC, as is required for a creative sign for property located in the C-2, Central Business District, commonly addressed as 109 North Burlington Avenue, Hastings, NE 68901.

Mark Evans, City Building Inspector, gave his report. Staff recommends approval.

Southern Bell Heartland LLC desires to incorporate elements that are reminiscent to the interior sign, as was recommended by several members of the CRA that were on tour (this was not a requirement, but was a suggestion). The design the applicant has chosen is made of a raw steel material that is similar to the interior sign. Though a Projecting Sign is allowable in the C-2, Central Business District, this particular proposed sign, due to the nature of the building and the material, will require it to be affixed to the outside of the building at a much higher level than the maximum height of 12 feet allowed for with a projecting sign. In order to properly anchor a projecting sign in a building with old brick, it was recommended for safety reasons that the anchors be a threaded rod that goes completely through to the inside of the building where a large square plate would be placed in order to give the most stability for the sign. It would not be possible to do this where the glass and the cast are located (see photo of the interior room on the other side of this wall in the applicant's narrative). Anchoring the sign is also not possible on the area behind where the ACME sign is painted, as there would be nowhere to place the anchor because of the second-floor joists. This leaves the space above this area as the only option for a projecting sign. The anchor plate will be about a 1-foot square steel plate, so it would have to be centered at least 6 inches above the floor on the second level. Due to the unavoidable height constraint it was also recommended that this sign be larger than the maximum allowable square feet (10 sf). The sign consequently also exceeds the maximum projection (4 ft.) for this type of signage. Therefore, this sign exceeds the requirements of a projecting sign in its design height, maximum square feet and projection. The height is 22' 6" from the ground to the bottom of the sign (a deviation of 10' 6"), the square feet is 12 sf (a deviation of 2 sf) and the projection is 6' 8" (a deviation of 2' 8" sf).

All CUPs must meet the following general standards in accordance with Section 34-402 of City Code:

1. The proposed development will integrate compatibility with existing land uses and with permitted uses that may be established within any area to be affected by the proposed development.

Surrounding land uses are:

North – C-2, Central Business District

South – I-2, Heavy Industrial

East – C-2, Central Business District

West – I-1, Light Industrial & C-2, Central Business District

This lot and most of the surrounding property is zoned C-2, Central Business District. The applicant owns this property and utilizes this as mixed use property which is in line with the future land use map and the *Imagine Hastings* Comprehensive Plan. According to Districts Requirements Table found in the Sign Code 34-309, a projecting sign is allowable in the C-2 Use District. In fact this same type of sign was used at the Provident storefront a few doors north, however, that particular projecting sign was permitted under the pre-existing Sign Code (changed in 2019), but would not meet the requirements of our current sign code.

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. Due to this signage being placed on a storefront off State right-of-way (Burlington Avenue) the applicant also must submit an application of encroachment to NDOT. This application is underway and a condition for approval of this CUP. In reviewing the sign design to these requirements and discussing with our representative in Grand Island, there does not appear to be any reason to believe that this sign will not be approved. The extra precautions being taken to

anchor this sign with a rod to the interior of the building and a square plate demonstrates the applicant and sign contractor's thoughtful consideration to pedestrian and vehicular safety below the sign. There are no bright and distracting lights to divert the attention of those passing by.

Reasonable and economic extension of public utilities and facilities. No utilities & facilities changes are anticipated with this particular use.

Noise, fumes, dust or other environmental pollution. No pollution is anticipated with this particular use.

The maintenance of logical and efficient development patterns and land use mixtures. Projecting signs are common on the older brick storefront buildings in the City and tend to fit nicely to the historical value of the structure where there are larger and taller than normal structure. Much of the decade when many of these buildings were erected utilized wall and or projecting signs as opposed to the more recent trend of free-standing signs. In fact, as mentioned before, there is a projecting sign a few doors north on this same storefront.

The maintenance of property values in accordance with established and permitted land uses. Should not present a negative impact on adjacent property values. In fact, this sign is a classy representation of a tradition used in the era that this storefront originated, and, in the material predominantly used during that decade. These things better preserve the historical element and will lend value-added to the 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.* The condition to approve only with proof of NDOT approval of the Encroachment application will ensure safety, health, comfort or repose of residents as their standards are imposed to ensure the safety of those using their sidewalks and ROW.

4. That the use, subject to conditions, maintains compliance with the Comprehensive Plan and the purpose and intent of the zoning regulations. This lot and most of the surrounding property is zoned C-2, Central Business District. Southern Bell Heartland LLC owns this property and utilizes this as mixed-use property which is in line with the future land use map and Imagine Hastings Comprehensive Plan. According to Districts Requirements Table found in the Sign Code 34-309, a projecting sign is allowable in the C-2 Use District. All surrounding property is also zoned commercial and industrial so a sign of this caliber will fit not only the zoning of this lot but also to the intent of the area.

City Code for Creative Projecting Sign is found in 34-309.04 (1 & 2) & 34-309.05 (4). There can be only 1 per lot and all other design standards and requirements are not applicable if sign is approved as a Creative Sign in this CUP. An applicant must demonstrate in a narrative and plans how the proposed creative sign would contribute to the following:

1. A substantial aesthetic improvement to the site: The recommendation made by CRA was a good one. A historical site such as this deserves a sign that better compliments the era that it was erected. The more modern internally lit projecting sign is not as aesthetically appealing against the original brick and ornamental molding on the exterior of such a building.
2. A positive visual impact on the surrounding area by enhancing the character of the building and site: This sign is a classy representation of a tradition used in the era that this storefront originated and, in the material, predominantly used during that decade. These things better preserve the historical element and will lend value-added to the property values.
3. Unique design exhibiting a high degree of thoughtfulness, imagination, inventiveness, and spirit: The sign will be reminiscent of what is found inside her business and is a thoughtful concept to capture the historical value of this building that will be used in a more modern time.
4. Strong visual character through the imaginative use of graphics, color, texture, quality materials, scale, and proportion: The scale is fitting for this sign to be visible from the height that is necessary to anchor it. The material is a good accent to maintain historical consistency and the script used portrays the elegance and character of her business to those she will serve.

The applicant must also demonstrate how the sign contains at least one of the following contextual elements:

1. Creative image reflecting current or historic character of the city: This sign is a classy representation of a tradition used in the era that this storefront originated and, in the material, predominantly used during that decade.
2. Symbols or imagery relating to the use of the property: The industrial gear used to frame the title of this business portrays the industrial character of the applicant's historical event venue business in an elegant fashion to

those she will serve at their most memorable events. The title of her business reminiscent of the material so predominantly found in this building and at a date in which it was established lending immediate historical recognition to those utilizing the services.

3. Inventive representation of the use, name, logo, structure, or business. The script used portrays the elegance and character of her historical event venue business to those she will serve.

Staff feels there are no negative impact from the sign. The pedestrian/vehicular circulation safety was one of the concerns with the mounting attachment, so we were supportive that the sign would be adequately anchored to the building. Staff did request the Department of Transportation in Grand Island to look at the sign and they have asked that the applicant complete an encroachment application to notify the State that there will be a projection over the right-of-way. Staff recommends approval with the aforementioned conditions.

Moved by Hunt, seconded by Srivastava, to recommend approval to the Mayor and City Council, a CUP resolution to allow a creative sign for property located in the C-2, Central Business District, commonly addressed as 109 North Burlington Avenue, Hastings, NE 68901, subject to following conditions:

- 1) There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply. Specifically, a Nebraska Department of Transportation Application for Encroachment must be submitted to NDOT and receive approval prior to the sign being installed. A copy of this approval must be provided to the Development Services Department.
- 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 for the CUP.

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

10. Subdivisions

a. **2020-046. Motion to recommend approval of C & R Subdivision, a re-plat of Lot 8, Lakeview 5th Addition and a tract of land located in the Southwest Quarter of Section 36, Township 8 North, Range 10 West of the 6th P.M in the City of Hastings, Adams County, Nebraska.**

Mark Evans, City Building Inspector, gave his report. Staff recommends approval.

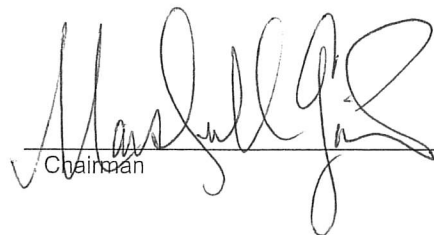
The Development Department and Plat Track review teams have reviewed this plat and the applicant has incorporated all preliminary recommendations. Street right-of-way to complete Dorothy Avenue dedication along the west side of this new lot has been dedicated as part of this final plat. Additional 10' Utility easements to the north and northeast sides of this additional area added to Lot 8 were also incorporated. All requirements of Hastings City Code Section 38-203 have been met, and the final re-plat can be approved. Staff recommends approval.

Moved by Schoenhals, seconded by Lewis, to recommend approval to the Mayor and City Council C & R Subdivision, a re-plat of Lot 8, Lakeview 5th Addition and a tract of land located in the Southwest Quarter of Section 36, Township 8 North, Range 10 West of the 6th P.M in the City of Hastings, Adams County, Nebraska. Roll Call: Ayes: Arneson, Lewis, Srivastava, Schoenhals, Hinton, Hunt. Nays: None. Absent: Rundle, Raitt, Gaines, Kully. The motion carried.

11. Reports

- a. Committee Reports. Vice Chair Hinton reported the Ad Hoc Committee did not meet this month.
- c. Staff Reports. None.

Moved by Schoenhals, seconded by Srivastava, to adjourn.


Chairman