## HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission has been scheduled for Tuesday, February 16, 2021 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, February 12, 2021. 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. January 19, 2021

7. Special Order of Business

   a. Election of Officers: Chair; First Vice-Chair; Second Vice-Chair.

8. Unfinished Business

9. Public Hearings.

   a. **2020-061.** Public hearing to recommend a request for Randy Chick regarding Plan Modification No. 2021-1 to Redevelopment Area Number #7, Redline Properties, for the following collective property, to wit: Lot Two (2), Redline Properties Subdivision, a replat of Lot Two (2) Garden Subdivision in the City of Hastings, Adams County, Nebraska.

   b. **2021-005.** Public hearing to recommend a request for Randy Chick regarding Plan Modification No. 2021-2, an amendment to Plan Modification 2019-2 for Redevelopment Area Number #1, Brant Rentals LLC, 731 W 2nd St, for the following collective property, to wit: Units #3, #4, #5, #6, Central Block Condominium, in the City of Hastings, Adams County, Nebraska

   c. **2021-003.** Public hearing to recommend approval for an ordinance to amend Hastings City Code 34.217, Airport Zoning regulations, location boundaries zones, and height restrictions.

      Motion to recommend approval for an ordinance to amend Hastings City Code 34.217, Airport Zoning regulations, location boundaries zones, and height restrictions.

   d. **2021-001.** Public hearing for a change of zoning for Schardt Family Partnership, LTD, Lots One (1), Two (2), and Three (3), Block Four (4), Assembly of God Second Subdivision, an addition to City of Hastings, Adams County, Nebraska from "R-3, Multiple Family Residential" to "C-O, Commercial Office Non-Retail" and to amend the Official Zoning District Map.

Motion to recommend approval for an ordinance and amendment to the Official Zoning District Map to rezone Schardt Family Partnership, LTD, Lots One (1), Two (2), and Three (3), Block Four (4), Assembly of God Second Subdivision, an addition to the City of Hastings, Adams County, Nebraska from "R-3, Multiple Family Residential" to "C-O, Commercial Office Non-Retail".

10. Subdivisions

11. Reports

Adjourn

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Tuesday, January 19, 2021

Pursuant to due call and notice thereof, a Regular Meeting of the Hastings Planning Commission was conducted via video conference on January 19, 2021, as allowed by the executive order issued from Governor Ricketts on November 25, 2020.

The meeting was called to order at 4:05 p.m. in Regular Session by Chair Gaines with the following members present: Michelle Lewis, Mac Rundle, Marshall Gaines, Lou Kully, LaDaun Schoenhals, Ann Hinton. Absent: Eric Arneson, Gavin Raitt, Rakesh Srivastava, Willis Hunt.

Moved by Rundle, seconded by Hinton, to adopt current agenda for January 19, 2021 Regular Meeting. Roll Call: Ayes: Lewis, Rundle, Gaines, Kully, Schoenhals, Hinton. Nays: None. Absent: Arneson, Raitt, Srivastava, Hunt. The motion carried.

**PUBLIC NOTICE** - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, January 8, 2021. 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 can be found on the City of Hastings' website, cityofhastings.org.

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

**9. Public Hearing.**
**a. 2020-060. Public hearing to consider adjusting the Two Mile Jurisdiction Amendment as approved in Ordinance No. 4602 to exclude the Northwest Quarter of the Southwest Quarter of Section 31, Township 8 North, Range 10 West of the 6th P.M., Adams County Nebraska thereby releasing property found within extra-territorial jurisdiction and amending the Official Two Mile Jurisdiction Map.**

Lisa Parnell-Rowe discussed the agenda item.

Releasing property within this area will allow property owners Timothy & Jeanne Cook to pursue subdivision with the County. Currently, Mr. Cooks property straddles the Two Mile Jurisdiction line, making about a quarter of his land within the extra-territorial jurisdiction while the other three quarters remain outside this ETJ and in the County. Additionally, Mr. Cook desires to do a subdivision to incorporate an accessory structure and additional land to the south into his land from the adjacent land owners, Vernon & Phillis Cook. This farm operation and land is best fit in the County where this primary use is most conducive. Also, this split in the structures found on this property was clearly an oversight in the 2019 adjustment of the Two Mile Jurisdiction boundary. The physical structures should remain on one side or the other without being split jurisdictionally. In fact, this Two Mile line divides County from ETJ across their largest structure. Staff recommends approval.

Moved by Kully, seconded by Schoenhals, to recommend approval to the Mayor and City Council an ordinance to adjust the Two Mile Jurisdiction Amendment as approved in Ordinance No. 4602 to exclude the Northwest Quarter of the Southwest Quarter of Section 31, Township 8 North, Range 10 West of the 6th P.M., Adams County Nebraska, thereby releasing property found within extra-territorial jurisdiction and amending the Official Two Mile Jurisdiction Map.
Roll Call: Ayes: Lewis, Rundle, Gaines, Kully, Schoenhals, Hinton. Nays: None.
Absent: Arneson, Raitt, Srivastava, Hunt. The motion carried.

**a. 2020-062. Public hearing for a change of zoning for a parcel of record in part of the Southwest Quarter of the Southwest Quarter of Section 21, of Township 7, Range 9 West of the 6th P.M., within the two-mile zoning jurisdiction of the City of Hastings, Adams County, Nebraska, from “A, Agricultural” to “R-1A, Single Family Large Lot Residential District”, and to amend the Official Zoning District Map.**

Lisa Parnell-Rowe discussed the agenda item.

Surrounding zoning is as follows: North – A Agricultural and R-1A Single Family Large Lot Residential South – A Agricultural East – A Agricultural West – A Agricultural The Comprehensive Plan and Future Land Use map show this area slatted for the A, Agricultural District. It is not uncommon to see residential single-family large lot zoning on the outskirts of cities due to the larger lot sizes—a minimum of 20,000 square feet. R-1A, Single Family Large Lot Residential is the most compatible residential zone to place to next to 5-acre minimum agriculturally-zoned parcels and lots. There are several large lot single-family residential R-1A subdivisions directly to the north and also to the southwest of this area. As our Comprehensive Plan and Future Land Use Map age, we have seen the two-mile extra-territorial jurisdiction (ETJ) extended out and many growth signs in the southeast ETJ of the City of Hastings. Staff recommends approval.

Moved by Kully, seconded by Lewis, to recommend approval to the Mayor and City Council an ordinance and the amendment to the Official Zoning District Map for a parcel of record in part of the Southwest Quarter of the Southwest Quarter of Section 21, of Township 7, Range 9 West of the 6th P.M., within the two-mile zoning jurisdiction of the City of Hastings, Adams County, Nebraska, from “A, Agricultural” to “R-1A, Single Family Large Lot Residential District”. Roll Call: Ayes: Lewis, Rundle, Gaines, Kully, Schoenhals, Hinton. Nays: None. Absent: Arneson, Raitt, Srivastava, Hunt. The motion carried.

**b. 2020-053. Public hearing for a change of zoning for Lots 1 and 2 of Buhr Addition from “A, Agricultural” and “R-1, Urban Single-Family Residential District” to “R-1A, Single Family Large Lot Residential District” and to amend the Official Zoning District Map.**

Lisa Parnell-Rowe discussed the agenda item.

Surrounding zoning is as follows: North – A Agricultural and R-1 Urban Single Family Residential South – A Agricultural and R-1 Urban Single Family Residential East – A Agricultural West – R-1A, Single Family Large Lot Residential The comprehensive plan and future land use map does show this area slatted for future Suburban Residential. The proposed zoning of R-1A, Single Family Large Lot Residential District is an ideal zone considering it allows for lower population densities with larger lots sizes—a minimum of 20,000 square feet. Only the future Suburban Residential zone can accommodate lots up to 20,000 square feet.

Moved by Rundle, seconded by Hinton, to recommend approval to the Mayor and City Council, approval of an ordinance and the amendment to the Official Zoning District Map to rezone Lots 1 and 2 of Buhr Addition from “A, Agricultural” and “R-1, Urban Single-Family Residential District” to “R-1A, Single Family Large Lot Residential District”. Roll Call: Ayes: Lewis, Rundle, Gaines, Kully, Schoenhals, Hinton. Nays: None. Absent: Arneson, Raitt, Srivastava, Hunt. The motion carried.

**c. 2020-054. Public hearing to consider bringing a tract of land described as the North 1/2 of the North 1/2 of the Southeast 1/4 of the Northwest 1/4, excepting the west 33**

**feet thereof, and the east 132 feet of the south 330 feet of the Northeast 1/4 of said Northwest 1/4, all in Section 5, Township 7 North, Range 9 West, of the 6th p.m., in the City of Hastings, Adams County, Nebraska into the City as part of Buhr Addition final plat.**

Lisa Parnell-Rowe discussed the agenda item.

As part of the final plat, Lots 1 & 2 of Buhr Addition are recommended to be brought into the City by plat. This addition is contiguous in that it shares and touches the border to the City limits. This adjacent location allows City to incorporate this area by way of plat in accordance with Nebraska State Statute 19-916 (3) which states, "All additions laid out contiguous or adjacent to the corporate limits of a city of the first class, city of the second class, or village may be included within the corporate limits and become a part of such municipality for all purposes whatsoever if approved by the city council or village board of trustees under this subsection." Utilities has provided applicant with both inside and outside of City limits pricing for tying into City water and sewer. The costs for in City rates for these utilities are of greater benefit to applicant. Additionally, Staff views pulling this property into the City as the start of necessary administrative clean up to some City residential rezoning that inadvertently crept over the City limits into the extra-territorial jurisdiction. This small strip starts south of 26th Street to the north and ends just south of the Buhr property where 14th Street runs parallel but does not intersect. It is ideal to pull property into City limits at the time of rezone when rezoning occurs to contiguous property that is further developing and extending City infrastructure due to the fact that the City and County zoning districts might vary and our City infrastructure is in place. Current zoning for this tract of land is both A, Agricultural and R-1, Single Family Residential and Buhr Addition is also being considered for a rezone to larger lot single family residential zoning. As such, adding this to City as part of plat and in conjunction with the rezone is highly recommended by Staff. 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 38-202 & 38-203 have been met.

Moved by Hinton, seconded by Schoenhals, to recommend approval to the Mayor and City Council the bringing into the corporate limits of the City a tract of land being part of the North 1/2 of the North 1/2 of the Southeast 1/4 of the Northwest 1/4, excepting the West 33 feet thereof, and the East 132 feet of the South 330 feet of the Northeast 1/4 of said Northwest 1/4, all in Section 5, Township 7 North, Range 9 West, of the 6th p.m., as part of Buhr Addition final plat. Roll Call: Ayes: Lewis, Rundle, Gaines, Kully, Schoenhals, Hinton. Nays: None. Absent: Arneson, Raitt, Srivastava, Hunt. The motion carried.

**10. Subdivisions**

**a. 2020-058. Final plat for Buhr Addition, a plat of two 2 separate tax lots into 2 platted lots for residential development.**

The Development Department and Plat Track review teams (to include County officials) have reviewed this final plat and the applicant has incorporated all recommendations found to be relevant with subdivision design standards and regulations in both 38-202 and 38-203. This subdivision is a plat of existing Tax Lots 2 & 13, owned by Ronald and Deborah Buhr. This land is being platted into 2 separate lots. Lot 1 will remain the property of the landowners and Lot 2 will be sold to their daughter and eventually a single-family home will be placed on it. Applicant has been advised of all infrastructure requirements and costs to tie into sewer and water and has agreed to these requirements. All related drainage requirements have been reviewed and approved by Civil Engineer. Applicant has agreed to and applied for rezone and addition to City by plat. Staff recommends approval.

Moved by Kully, seconded by Lewis, to recommend approval to the Mayor and City Council the final plat for Buhr Addition.  Roll Call: Ayes: Lewis, Rundle, Gaines, Kully, Schoenhals, Hinton. Nays: None.  Absent: Arneson, Raitt, Srivastava, Hunt. The motion carried.

**b. 2020-059. Preliminary/Final plat for Kurt Perry Subdivision, a replat of Seifert/Perry Lot 2 into 2 lots and incorporation of a parcel of record within Lot 2 into Kurt Perry Subdivision Lot 2.**

The Development Department and Plat Track review teams (to include County officials) have reviewed this preliminary/final subdivision plat and the applicant has incorporated all recommendations found to be relevant with subdivision design standards and regulations in both 38-202 and 38-203. This is a replat of Seifert/Perry Lot 2 into 2 lots and it also incorporates a parcel of record within Lot 2 into the entirety of Kurt Perry Subdivision Lot 2. Our applicant, Mr. Kurt Perry has stated that Lot 1 (to the north) will be maintained as pasture land for now, but may be sold in the future. Lot 2 incorporates a separate parcel of record, noted on the plat as tax lot of a sublot. This is where the existing primary structure; single-family home is located. This tax lot is now incorporated into the surrounding land shown on Lot 2 in order to also place an accessory structure on this lot over the tax parcels previous boundary. All related drainage requirements have been reviewed and approved by Civil Engineer. Applicant has agreed to and applied for rezone.  Staff recommends approval.

Moved by Lewis, seconded by Kully, to recommend approval to the Mayor and City Council, the preliminary/final plat for Kurt Perry Subdivision.  Roll Call: Ayes:  Lewis, Rundle, Gaines, Kully, Schoenhals, Hinton. Nays: None.  Absent: Arneson, Raitt, Srivastava, Hunt. The motion carried.

Moved by Rundle, seconded by Schoenhals to adjourn.

________________________________

Chairman

Department: Development Services
Staff Contact: Lisa Parnell-Rowe
Planning Commission Meeting Date: 2/16/2021
File No: 119
Prepared By: Emilia Kienbaum, Administrative Assistant

# AGENDA ITEM SUMMARY SHEET

**Description of Item:**

Second Vice Chair Mac Rundle, Lou Kully, Eric Arneson all have expired terms as of 2/1/2021. Rundle is leaving and Kully was reappointed at the City Council Meeting on February 8, 2021. New Commissioner, Greg Sinner was recently appointed replacing Arneson. Elections for positions of Chair, First Vice-Chair and Second Vice-Chair will be established at this meeting.

**Names of People/Business affected by this action:**

The applicant, the people of Hastings and the City

**Why Planning Commission action is required:**

The second vice-chairman shall during the absence of both the Chair and First Vice-chair or their inability to act, have and exercise all of the duties and powers of the Chair, and shall perform such other duties as may from time to time be assigned to the Chair by the Commission. It will be important to have this chair established when the Chairman and Vice Chairman cannot attend.

In accordance with City of Hastings Rules of Procedures nomination of officers shall be made from the floor at the annual organizational meeting in February of each year, and the elections of officers shall follow immediately thereafter.

**Type of action requested:**

Motion

**Suggested motion:**

**Deadlines associated with action:**

This needs to occur in the month of February of each year.

**Department head comments:**

Chairman - The Chairman shall preside over Commission meetings and on behalf of the Commission shall exercise general supervision over the affairs of the Commission, the appointment of committees and representatives, the determination of points of order and procedure, and the signing of all official documents.

First Vice-chair - The First Vice-chair shall have authority to act as chairman of the Commission during the absence or disability of the chairman.

Second Vice-chair – The Second Vice-chair shall during the absence of both the Chair and First Vice-chair or their inability to act, have and exercise all of the duties and powers of the Chair, and shall perform such other duties as may from time to time be assigned to the Chair by the Commission. It will be important to have these chairs re-established or continued continuity of the board.

**Recommendation:**

Staff recommends election of officers be established as prescribed in the Planning Commission Rules and Procedures.

Department: Development Services
Staff Contact: Lisa Parnell-Rowe
Planning Commission Meeting Date: 2/16/2021
File No: 2020-061
Prepared By: Emilia Kienbaum, Administrative Assistant

# AGENDA ITEM SUMMARY SHEET

**Description of Item:**

Public hearing to recommend a request for Randy Chick regarding Plan Modification No. 2021-1 to Redevelopment Area Number #7, Redline Properties, for the following collective property, to wit: Lot Two (2), Redline Properties Subdivision, a replat of Lot Two (2) Garden Subdivision in the 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:**

In addition to this Plan Modification which assesses the initial concept to fit with the Imagine Hastings Comprehensive plan,

**Deadlines associated with action:**

This case will be presented for final approval at the March 8, 2021 regular City Council meeting.

**Department head comments:**

Redline Properties 2, LLC will purchase property north of physical address 2415 Osborne Drive E and just west of Osborne Drive East between 24th and 26th streets. The developer intends to build a 7,000-sq. ft building on the approximately 29,844-sq. ft site. Grading and new paved parking lot will be installed as part of the development. This will be used for a medical/office/retail center with a modern upscale look. The developer plans to purchase the property in the winter of 2020/2021 and commence construction in the spring of 2021. Development of this project is anticipated to be completed between April 2021 and December 2022.

The applicant intends to utilize Tax Increment Financing (TIF) 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. Total anticipated project costs are approximately $1,600,000.00 for construction and installation of the project and related ancillary improvements. Cost of TIF eligible public improvements are estimated to exceed $450,000.00 and encompasses acquisition, public sidewalks, sewer fees, façade enhancements, planning and engineering services and capital interest. Up to $300,000.00 in TIF over the 15-year TIF period will be used for eligible public expenditures associated with the Project. The redevelopment project area currently has an estimated valuation of $37,305. The proposed redevelopment will create additional valuation of $1,362,695.

Future Land Use for this area is Commercial – Retail. The Imagine Hastings Comprehensive Plan stated a desire for a land use pattern that is supportive of similar and/or supportive uses, like the development of commercial that serves the residents of Hastings at the neighborhood and community level through the creation of mixed-use centers. The City continues to develop commercial property along the Urban Principal Arterial, Tom Osborne Expressway. This area is currently zoned C-3 and will not require rezone to accommodate this use.

Plan Modification 2021-1, attached, details further information.

**Recommendation:**

Recommend a motion to recommend approval of a resolution for Plan Modification #2021-1 for Redevelopment Area Number 7, Redline Properties 2, LLC Redevelopment Project, for the following collective property, to wit: Lot Two (2), Redline Properties Subdivision, a replat of Lot Two (2) Garden Subdivision in the City of Hastings, Adams County, Nebraska.

DATE 12/ 28 /2020 FILE NO.

HASTINGS
DEVELOPMENT SERVICES

# 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
- X Plan Modification to Redevelopment Plan
- ☐ Comprehensive Plan / Amendment
- ☐ Annexation Petition / Addition to the City

## PROJECT INFORMATION

Project Name: Plan Modification #2021-1 to Redevelopment Area #7

Project Address: 2400 Block of Osborne Drive 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: 29,844 sq ft

Legal Description: Lot Two (2), Redline Properties Subdivision, a replat of Lot Two (2) Garden Subdivision in the City of Hastings, Adams County, Nebraska according to the recorded plat thereof.  Number of Lots: (1) One

## APPLICANT INFORMATION

Applicant: Randal Chick, Director, CRA  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: Redline Properties, LLC  Company: Redline Properties, LLC

Address: 2415 Osborne Drive East  Tel: 402-462-9213  Fax:

City: Hastings  State: NE  Zip: 68901  Email: tim@redlinepharmacy.com

Key Contact: Tim Redline  Company: Redline Properties, LLC

Address: 2415 Osborne Drive East  Tel: 402-462-9213  Fax:

City: Hastings  State: NE  Zip: 68901  Email: tim@redlinepharmacy.com

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

| | | | |
|---|---|---|---|
| T Redline | 12/28/2020 | Randal Chick | 12/28/2020 |
| Property Owner Signature | Date | Applicant Signature | Date |

**DEPARTMENTAL USE ONLY**

Fees: $400.00  Receipt No.

Accepted by Staff: ____________ Case No.

Signature

Revised 4/10/13

# Plan Modification No. 2021-1
# to Redevelopment Area #7
## (Redline Properties 2, LLC Redevelopment Project)

**The Community Redevelopment Authority (CRA) of the City of Hastings intends to amend the Redevelopment Plan for Area #7 within the city, pursuant to the Nebraska Community Development Law (the "Act") and provide for the financing of specific related project in Area #7.**

**Executive Summary:**

**Project Description**
THE PURCHASE AND REDEVELOPMENT OF THE LAND LOCATED AT LOT 2, REDLINE PROPERTIES SUBDIVISION, IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA FOR THE CONSTRUCTION OF A MEDICAL/OFFICE/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 7,000 sq ft building on the approximately 29,844 sq. ft site located just west of Osborne Drive East between 24th and 26th Street. 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 7,000 sq. ft medical/office/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 developer plans to purchase the property in the winter of 2020/2021 and commence construction in the spring of 2021. 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.

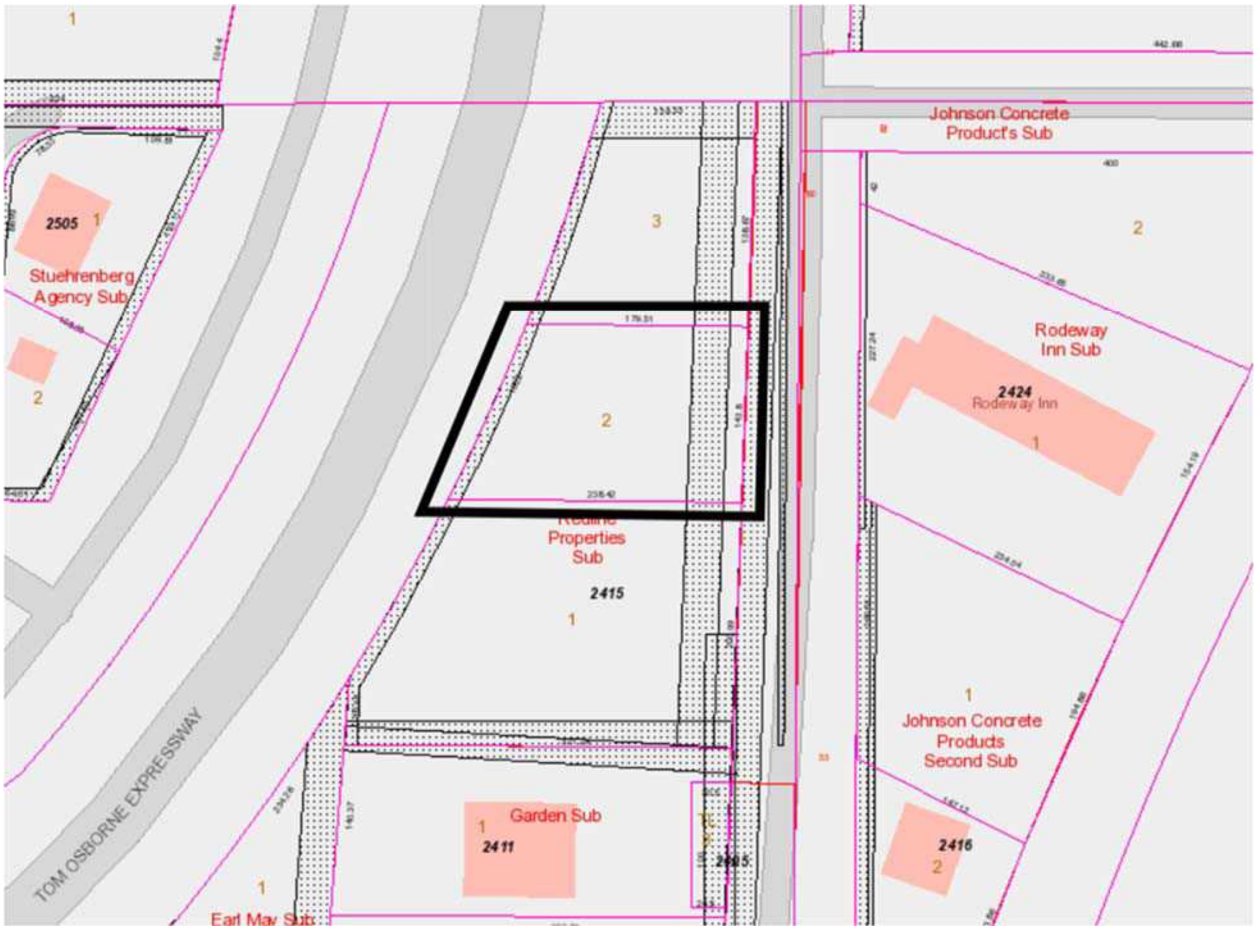
TAX INCREMENT FINANCING TO PAY FOR THE ACQUISITION, SITE DEVELOPMENT AND CONSTRUCTION OF THE RETAIL CENTER WILL COME FROM THE FOLLOWING REAL PROPERTY:

**Property Description (the "Redevelopment Project Area")**

Just west of Osborne Drive East between 24th and 26th Street.

> **Legal Descriptions:** Lot Two (2), Redline Properties Subdivision, a replat of Lot Two (2) Garden Subdivision in the City of Hastings, Adams County, Nebraska according to the recorded plat thereof.

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 October 24, 1994. (§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 January 19, 2021 to approve Plan Modification No. 2021-1 to Redevelopment Plan #7 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 #7 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 medical/office/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 $300,000 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 - $275,000
b) public sidewalks - $6,000
c) out of district sewer fees - $4,300
d) façade enhancements - $106,700
e) planning related expenses for Engineering services - $41,000
f) capitalized interest for TIF borrowing - $18,000

The total TIF eligible expenses for this project are $451,000. 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 $300,000 from the proceeds of the TIF which after interest is paid will result in approximately $399,000 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.

**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 April 2021 and December 2022. Excess valuation should be available for this project for 15 years beginning with the 2022 tax year.

**9. Justification of Project**

Acquisition, public improvements, façade enhancements 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 medical/retail/office 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 $399,000 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 $300,000. This investment by the Authority will leverage $1,600,000 in private sector financing; a private investment of $5.33 for every TIF dollar invested.

| USE OF FUNDS | | SOURCE OF FUNDS | |
|---|---|---|---|
| Site Acquisition/site development | $294,000 | Bank Financing | $980,000 |
| Façade Enhancements | $106,700 | Owner Equity | $320,000 |
| Out of district sewer fees | $4,300 | TIF | $300,000 |
| Engineering & Architecture | $41,000 | | |
| Construction costs | $1,154,000 | | |

| | | | |
|---|---|---|---|
| **TOTALS** | **$1,600,000** | **TOTALS** | **$1,600,000** |

**Tax Revenue.** The property to be redeveloped has a January 1, 2021, valuation of approximately $37,305. Based on the 2020 levy of $2.258474 this would result in a real property tax of approximately $843.00. It is anticipated that the assessed value will increase by $1,362,695 upon full completion, as a result of the site redevelopment. This development will result in an estimated tax increase of over $30,776 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 berealized.

| | |
|---|---|
| Estimated 2021 assessed value | $ 37,305 |
| Estimated value after completion | $ 1,400,000 |
| Estimated incremental value | $ 1,362,695 |
| Estimated Levy | $ 0.022585 |
| Estimated annual TIF generated | $ 30,776 |
| Estimated total TIF revenue | $ 461,640 |

**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 $1,300,000 and TIF funding will fill the remaining gap, making this project feasible. The project is asking for $300,000 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 .1% which is an unacceptable return on investment in today's market.

**Proforma Operating Statement Without TIF**

| | **Year 1** | **Year 2** | **Year 3** |
|---|---|---|---|
| Rent Revenue | $52,500 | $78,750 | $105,000 |
| Expenses | -$13,500 | -$20,000 | -$27,750 |
| Debt Service | -$60,075 | -$68,485 | -$76,896 |
| Net Income W/O TIF | -$21,075 | -$9,735 | $354 |
| | | | |
| Equity Investment | $250,000 | $285,000 | $320,000 |
| **Rate of Return** | **-8.4%** | **-3.4%** | **.1%** |

**Proforma Operating Statement With TIF**

| | **Year 1** | **Year 2** | **Year 3** |
|---|---|---|---|
| Rent Revenue | $52,500 | $78,750 | $105,000 |
| Expenses | -$13,500 | -$20,000 | -$27,750 |
| Debt Service | -$42,052 | -$50,463 | -$76,896 |
| Net Income With TIF | -$3,052 | $8,287 | $18,377 |
| | | | |
| Equity Investment | $250,000 | $285,000 | $320,000 |
| **Rate of Return** | **-1.2%** | **2.9%** | **5.7%** |

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

The redevelopment project area currently has an estimated valuation of $37,305. The proposed redevelopment will create additional valuation of $1,362,695. 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 $1,600,000 for construction and installation of the Project and related and ancillary improvements. It is proposed that up to $300,000.00 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 $450,000. 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 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 not 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 will not have a material adverse 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***

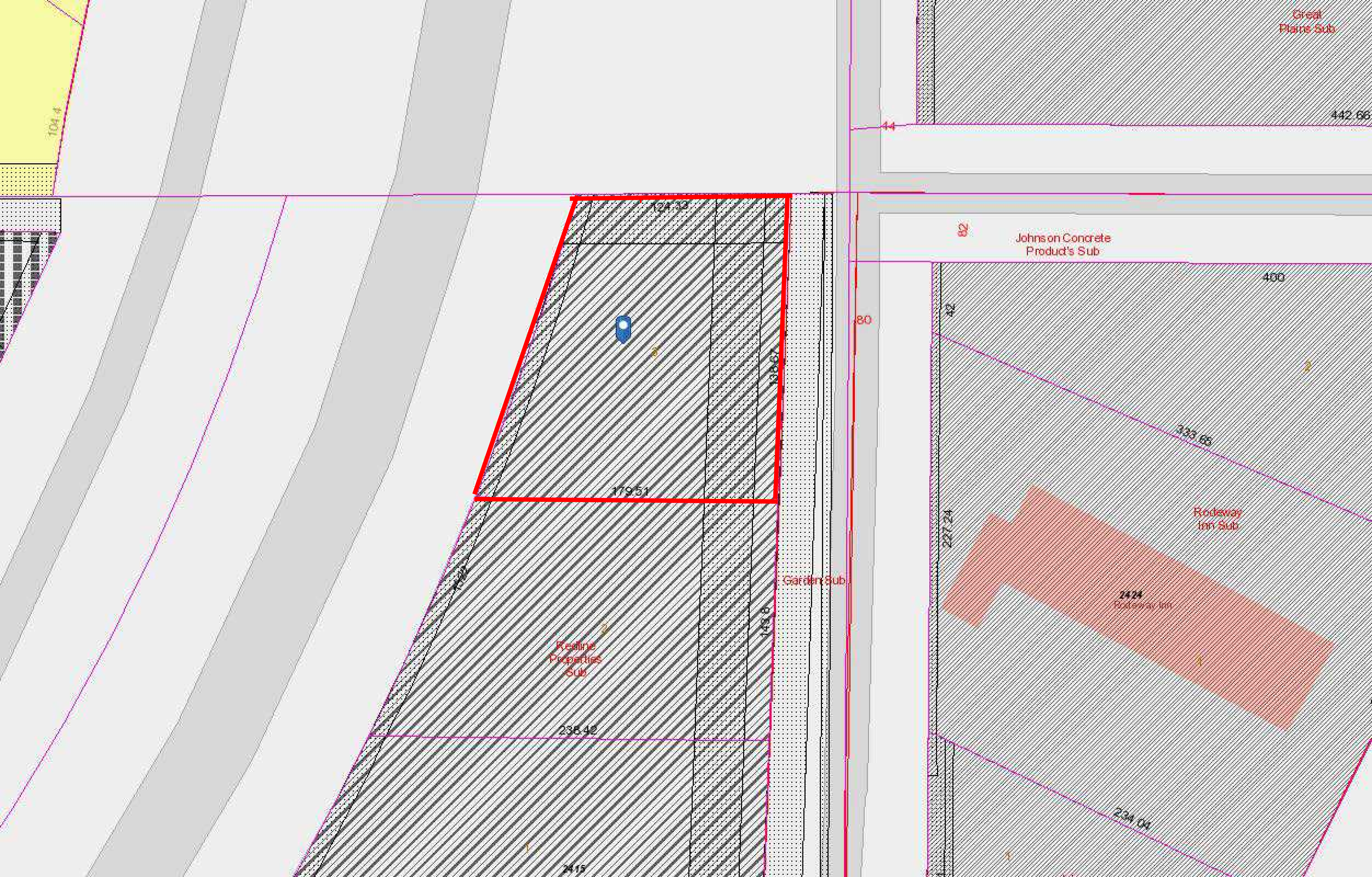
There is no additional housing associated with this project and it is not anticipated that this will impact schools in any significant way.

***(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 April 2021 and December of 2022. 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 2021 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 $451,000 on TIF eligible activities.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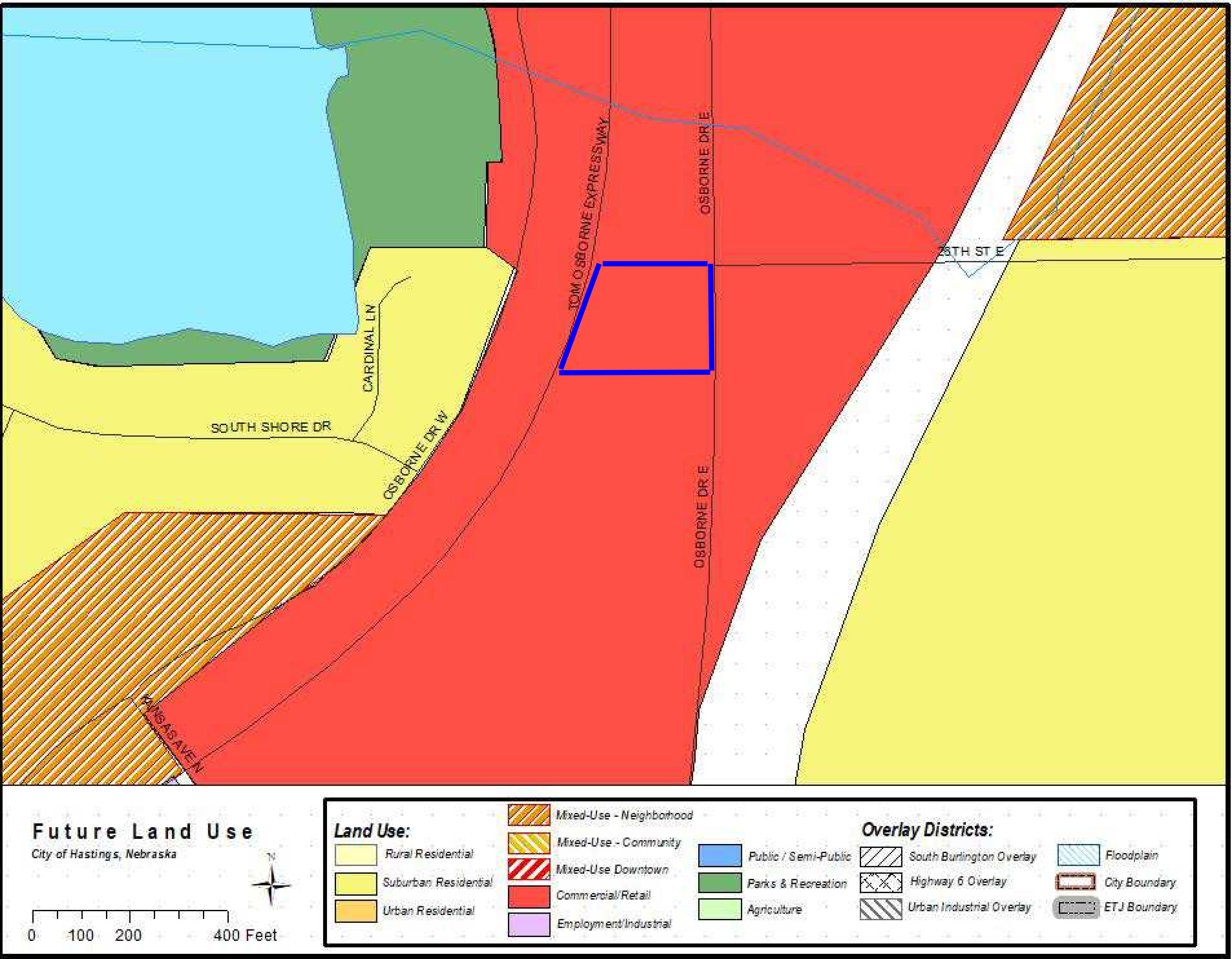
TOM OSBORNE EXPRESSWAY
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Future Land Use
City of Hastings, Nebraska
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0 100 200 400 Feet
Land Use:
Rural Residential
Suburban Residential
Urban Residential
Mixed-Use - Neighborhood
Mixed-Use - Community
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: 2/16/2021
File No: 2021-005
Prepared By: Emilia Kienbaum, Administrative Assistant

# AGENDA ITEM SUMMARY SHEET

**Description of Item:**

Public hearing to recommend a request for Randy Chick regarding Plan Modification No. 2021-2, an amendment to Plan Modification 2019-2 for Redevelopment Area Number #1, Brant Rentals LLC, 731 W 2nd St, for the following collective property, to wit: Units #3, #4, #5, #6, Central Block Condominium, in the 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:**

Recommend a motion to recommend approval of a resolution for Plan Modification #2021-2, an amendment to Plan Modification 2019-2 for Redevelopment Area Number 1, Brant Rental, LLC Redevelopment Project, for the following physical addresses 731 W. 2ND, AKA UNITS #3, #4, #5, #6.

**Deadlines associated with action:**

This case will be presented for final approval at the March 8, 2021 regular City Council meeting.

**Department head comments:**

Brant Rentals, LLC has purchased and is developing condominiums located at physical addresses 731 W. 2ND, AKA UNITS #3, #4, #5, #6. These units are currently under construction. The project consists of redevelopment of all three levels and the basement area of the property into a mixed-use building containing up to four residential condominiums on the 2nd and 3rd levels of the building and main floor commercial condo space. The project will result in renovating this historic building into a combination of commercial space and residential space.

There has been drastic change in the actual costs from what was estimated initially when approved in Plan Modification 2019-2. At the beginning of the Project, costs for the acquisition, façade, elevator, basement parking garage, common hallways and stairways, and white box spaces were estimated to be $1,000,000. The actual cost of the white box space is $1,400,000. When each condo space is fully renovated the total project, costs are anticipated to be $2,500,000. The new anticipated project valuation when completed is $1,700,000 and the developer projects an incremental valuation increase of approximately $1,587,940. The CRA has reviewed the information by applicant regarding his increased costs and has approved his request for additional TIF funding. The Hastings Community Redevelopment Authority (CRA) intends to pledge the ad valorem taxes generated over the 15-year period beginning January 1, 2021 towards the allowable costs and associated financing for rehabilitation. The Authority will assist the project by granting the sum of $350,000 from the proceeds of the TIF which after interest is paid will result in approximately $466,000 of direct aid to the project. The CRA will reserve the right to issue additional debt in the form of a second bond issuance for public parking and other public improvements to benefit the Brant Rentals, LLC - 731 W. 2nd Redevelopment project upon verification that there is sufficient valuation to support such debt.

Future Land Use for this area remains Mixed Use-Downtown. One of the Imagine Hastings Comprehensive Plan guiding principles best states the importance of this project. This is that the Downtown is physically and socially the heart of the community and the future. Though this project has clearly come in much higher than anticipated in Plan Modification 2019-2, it is in the heart of the community and many projects have followed suit since this one began; it's clearly investing in the heart of our community and also preserving a historical time and place that our community loves. Existing zoning remains C-2. The move towards a mixed use of commercial and residential fits nicely with the future land use for this area. 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.

Plan Modification 2021-2, attached, details further information.

**Recommendation:**

Staff recommend a motion to recommend approval of a resolution for Plan Modification #2021-2, an amendment to Plan Modification 2019-2 for Redevelopment Area Number 1, Brant Rental, LLC Redevelopment Project, for the following physical addresses 731 W. 2ND, AKA UNITS #3, #4, #5, #6.

DATE 1 / 23 / 2021 FILE NO.

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# 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
- X Plan Modification to Redevelopment Plan
- ☐ Comprehensive Plan / Amendment
- ☐ Annexation Petition / Addition to the City

## PROJECT INFORMATION

Project Name: Plan Modification No. 2021-2 to Redevelopment Plan I

Project Address: 731 W. 2nd Within City Limit ☒ Yes ☐ No

Existing Zoning: C-2 Commercial Proposed Zoning / Use: C-2 Commercial

Existing Comprehensive Plan Designation: Mixed-Use Downtown Gross Area: 5,500 sq ft

Legal Description: Unit #3, #4, #5, #6, Central Block Condominium, City of Hastings, Adams County, Nebraska Number of Lots: Four

## APPLICANT INFORMATION

Applicant: Randal Chick, Director, Community Redevelopment Authority 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: Brant Rentals, LLC Company:

Address: 725 W. 2nd Tel: 402-984-7001 Fax:

City: Hastings State: NE Zip: 68901 Email:

Key Contact: Jeb Brant Company:

Address: 725 W. 2nd Tel: Fax:

City: Hastings State: NE Zip: 68901 Email: jbrant@shelterinsurance.com

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

| | | | |
|---|---|---|---|
| | 1/23/2021 | Randal Chick | 1/23/2021 |
| Property Owner Signature | Date | Applicant Signature | Date |

**DEPARTMENTAL USE ONLY**

Fees: $400.00 Receipt No.

Accepted by Staff: Case No.

Signature

Revised 4/10/13

**PLAN MODIFICATION NO. 2021-2**
**TO REPLACE**
**PLAN MODIFICATION 2019-2**
**TO REDEVELOPMENT PLAN #1**
(Brant Rentals, LLC - 731 W. 2nd Redevelopment Project)

**The Community Redevelopment Authority (CRA) of the City of Hastings intends to modify Redevelopment Plan #1 within the city, pursuant to the Nebraska Community Development Law (the "Act") to 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 PROPERTY LOCATED AT 731 W. 2$^{ND}$, AKA UNITS #3, #4, #5, #6, CENTRAL BLOCK CONDOMINIUM, CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA. THE PROPERTY HAS BEEN ACQUIRED AND IS BEING 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 all three levels and the basement area of the property into a mixed-use building containing up to four residential condominiums on the 2$^{nd}$ and 3$^{rd}$ levels of the building and main floor commercial condo 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.

BRANT RENTALS, LLC has purchased the property and all levels of the building are currently under construction. The Hastings Community Redevelopment Authority (CRA) intends to pledge the ad valorem taxes generated over the 15-year period beginning January 1, 2021 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")**

731 W. 2nd Street in Hastings, Nebraska

> **Previous Legal Description:** Lots Eight (8) and Nine (9), Block Twenty-Two (22), in the Original Town, now City of Hastings, Adams County Nebraska, according to the recorded plat thereof.
>
> **New Legal Description:** UNITS #3, #4, #5, #6, CENTRAL BLOCK CONDOMINIUM, CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

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

**Map of Existing Land Use and Proposed Redevelopment Site**


731 W. 2nd Street Zoning and Existing Land Use Map

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**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 up to 4 owner occupied or rental residential condominiums and 1-2 main floor commercial condos as permitted in the C-2 Commercial Zoning District. The tax increment will be captured for the tax years 2021 through 2035 inclusive. Provided, however, if there is no increase in valuation for the 2021 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.**

At the beginning of the Project, costs for the acquisition, façade, elevator, basement parking garage, common hallways and stairways, and white box spaces were estimated to be $1,000,000. The actual cost of the white box space is $1,400,000. The developer has sold three white box condo spaces to owners who plan to build out their individual spaces. When each condo space is fully renovated the total project, costs are anticipated to be $2,500,000. The new anticipated project valuation when completed is $1,700,000 and the developer projects an incremental valuation increase of approximately $1,587,940.

**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 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 held a public hearing at their meeting on February 16, 2021 and approved Plan Modification No. 2020-2 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 provide for real property acquisition and this plan amendment does not prohibit such acquisition. The Community Redevelopment Authority is the current owner of the building on which the Project will be constructed and the developer plans to acquire 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. This property is owned by the Community Redevelopment Authority. [§18-2103(b) and §18-2111) The attached map also is an accurate site plan of the area after redevelopment. [§18-2111(5))

Future Land Use Map


731 W. 2nd Street Future Land Use Map

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**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. The developer may be required to extend a water line capable of providing sufficient water for the sprinkler system required to convert this building into a mixed-use building.

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 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 is part of the request for tax increment financing. The CRA has been asked to provide $350,000 in TIF funding to this project to offset the cost of TIF eligible expenditures. The CRA has identified the following developer TIF eligible expenses for the developers "white box" portion of the project;

a) site acquisition - $85,000
b) planning related & engineering services - $60,000
c) structure rehabilitation costs - $991,250
d) façade enhancements & accessibility enhancements - $250,000
e) capitalized interest on TIF borrowing - $13,750

The total TIF eligible expenses for this project are $1,400,000. The property has been transferred to redevelopers by the Authority and the developer will provide and secure all the remaining 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 $350,000 from the proceeds of the TIF which after interest is paid will result in approximately $466,000 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, 2021 through December 2035.

**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 August 2019 and December 2021. Excess valuation should be available for this project for 15 years beginning with the 2021 tax year.

**9. Justification of Project**

This is a historic building in downtown Hastings that will be preserved with this project. The addition of new 2$^{nd}$ and 3$^{rd}$ 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 tenant space and the basement for tenant parking. 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 $466,000 in public funds from tax increment financing provided by the Hastings Community Redevelopment Authority and $200,000 in CDBG Downtown Revitalization Funds will be required to complete the project. This investment by the Authority and the City will leverage $1,950,000 in private sector financing; a private investment of $4.18 for every public/TIF dollar of investment.

| USE OF FUNDS | | SOURCE OF FUNDS | |
|---|---|---|---|
| Site Acquisition | $85,000 | Financing & Owner Equity | $1,950,000 |
| Façade Renovation | $250,000 | TIF Loan | $350,000 |
| Rehab & remodeling | $2,091,250 | CDBG Façade Grant | $200,000 |
| Engineering & Architecture | $60,000 | | |
| Capitalized TIF Loan Interest | $13,750 | | |
| **TOTALS** | **$2,500,000** | **TOTALS** | **$2,500,000** |

**Tax Revenue.** The property to be redeveloped is anticipated to have a January 1, 2020, valuation of approximately $112,060. Based on the 2020 levy of .2258474 this would result in real property taxes of approximately $2,530.85 which will be paid out to all the existing taxing entities. It is anticipated that the assessed value will increase by $1,587,940 upon full completion, as a result of the building redevelopment. This development will result in an additional estimated tax increase of over $35,863 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 berealized.

| | |
|---|---|
| Estimated 2019 assessed value: | $112,060 |
| Estimated value after completion | $1,700,000 |
| Increment value | $1,587,940 |
| Annual TIF generated (estimated) | $35,863 |
| TIF bond issue | $350,000 |

**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 and the individual condo owners are contributing owner equity/bank financing of $1,950,000 and TIF and façade grant funding are intended to fill the remaining gap, making this project feasible. The project is asking for $350,000 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 shows recent sales of downtown buildings or condo spaces in need of redevelopment. The average sales prices are significantly lower ($46+ per square foot) than the developers proposed costs even with the use of incentives. The highest sale price per square foot is $27.00 lower than the developers proposed sale price. The developer will face regular market challenges on the sale of the condo units with the use of TIF and CDBG funding. Without these incentives the Authority believes the developer will find it impossible to sell white box condo space in today's Hastings market.

| RECENT SALES | | | | |
|---|---|---|---|---|
| | SQ Footage | | Sale Price | Cost PSF |
| Location | | | | |
| 601 W. 1st | 4,000 | $ | 51,000 | $ 12.00 |
| 801 W. 2nd | 2700 | $ | 55,000 | $ 20.00 |
| 109 N. Burlington | 22,500 | $ | 250,000 | $ 11.00 |
| 620 W. 2nd #103 | 1406 | $ | 50,000 | $ 35.00 |
| 620 W. 2nd #100 | 1450 | $ | 58,000 | $ 40.00 |
| **Average Sale PSF** | | | | $ 21.40 |
| | | | | |
| **Developer Cost PSF WO Incentives** | 12,600 | $ | 1,400,000 | $ 111.11 |
| | | | | |
| **Developer Cost PSF W/CDBG** | 12,600 | $ | 1,200,000 | $ 95.23 |
| | | | | |
| **Developer Cost W/CDBG & TIF** | 12,600 | $ | 850,000 | $ 67.46 |
| **Average Cost PSF - Other Sales** | | | | $ (21.40) |
| | | | | |
| **PSF Gap with Incentives** | | | | **$ 46.06** |

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

The redevelopment project area currently has an estimated valuation of $112,060.
The proposed redevelopment will create additional valuation of $1,587,940. No tax shifts are anticipated from the project. The project creates new valuation from the rehabilitation of all 4 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 fire sprinklers, 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 new opportunities for these same firms to acquire unique and renovated commercial space. The project will also provide additional residences 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. The units to be developed with this project are unlikely to be family units, especially for families with school age children. These are anticipated to be large two+ bedroom condominium units located in the historic downtown and it is likely that 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 August of 2019 and December of 2021. The base tax year should be calculated on the value of the property as of January 1, 2020. Excess valuation should be available for this project for 15 years beginning in 2021 with taxes due in 2022. 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 $350,000 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 $350,000 on TIF eligible activities in excess of other grants given. The CRA will reserve the right to issue additional debt in the form of a second bond issuance for public parking and other public improvements to benefit the Brant Rentals, LLC - 731 W. 2nd Redevelopment project upon verification that there is sufficient valuation to support such debt.

2ND ST W
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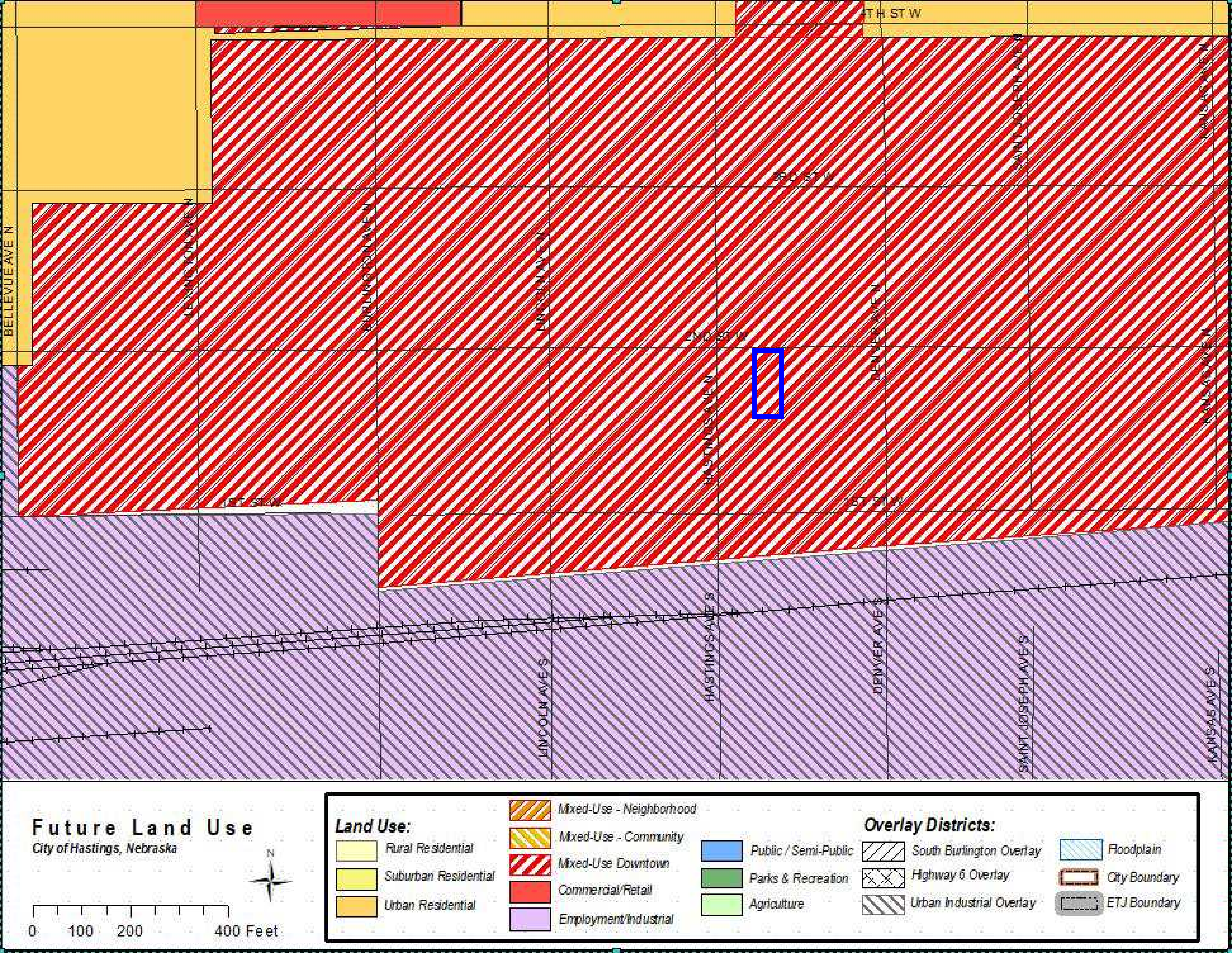

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LEXINGTON AVE N
BURLINGTON AVE N
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DENVER AVE N
SAINT JOSEPH AVE N
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LINCOLN AVE S
DENVER AVE S
SAINT JOSEPH AVE S
KANSAS AVE S
Future Land Use
City of Hastings, Nebraska
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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: 2/16/2021
File No: 2021-003
Prepared By: Emilia Kienbaum, Administrative Assistant

# AGENDA ITEM SUMMARY SHEET

**Description of Item:**

Public hearing to recommend approval for an ordinance to amend Hastings City Code 34.217, Airport Zoning regulations, location boundaries zones, and height restrictions.

Motion to recommend approval for an ordinance to amend Hastings City Code 34.217, Airport Zoning regulations, location boundaries zones, and height restrictions.

**Names of People/Business affected by this action:**

People developing in or near the airport zoning district, people of Hastings, City of Hastings and County.

**Why Planning Commission action is required:**

Amendments to the zoning map, the text of Chapter 34 Zoning, or any part of the Comprehensive Plan may be made after a public hearing by the Planning Commission. Upon the final hearing of such application, the Commission shall approve or deny the same and a report of such action, together with a recommendation for final approval or denial, shall be made by the Commission to the City Council (34-801).

**Type of action requested:**

Motion

**Suggested motion:**

**Deadlines associated with action:**

This case is scheduled to be heard at the March 8, 2021 regular meeting of city council.

**Department head comments:**

City Code Section 34.217, Airport Zoning regulations provides guidance regarding location boundaries of this zone, as well as restrictions. These regulations were last updated over 12 years ago in 2009. Nebraska State statutes 3-301 and 3-302 are the State guidance handed down to municipalities to ensure regulations are in place to prevent airport hazards for the general public health, public safety, and general welfare. While 3-301 addresses the reason and intent for these regulations, it is Section 3-302 that actually establishes specific thresholds to for ensure safe distances are maintained to achieve this hazard prevention. It is imperative that our local City code comply to these particular standards and be as restrictive as the State on all accounts. This must occur to ensure the safety of all citizens prior to any upcoming development that might encroach on the Airport airspace. Unfortunately, with the latest State statute amendment dated 2013 and the latest City Code amendment for these regulations, it is clear that our code is not up-to-date. Therefore, Staff has prepared a text amendment to bring our City code for Airport Zoning up to par with the State directives.

Changes to this section are to add definitions, update important dimension and height changes, and better define the related permit and the process for which it is reviewed and handled. Below is a summary of these proposed changes:

Definitions: In our previous version there were no definitions, however, much of the material that is discussed is better understood with definitions of the basic terminology that is unique to this particular content. These definitions were added and can be found in 34.217 (1), which is at the beginning of this section. Some key changes were the addition of the term Electrical Facility, which covers all towers, wires, poles and transmitters and tree which is defined to cover all natural growth. The term inner area that was used previously to describe a portion of the approach was removed all together.

Dimension & Height Changes: There description of this zone is still further broken out into the Operation, Approach, Transition and Turning zones; however, the way these various zones are calculated and defined has changed. Many of these changes appear to be done to better differentiate the necessary variances for an instrument runway versus a visual or other runway. Though there was an acknowledgement in the previous version of the 2 different runways and some differentiation; this has been expanded upon greatly in the 2013 State guidance. The newer version even goes so far as to differentiate a turf versus paved runway. Below is a summary of these changes for each zone:

Operation Zone:
Dimensions:
Starting point for Operation Zone now based on whether runway is paved or turf.
Turf - begins and ends at the same points as the runway begins and ends
Paved - 200 feet beyond the end of each runway
Feet width measurements now specified to be split evenly on either side of centerline. (Both Instrument & Visual)
Height: WAS: described as above finished grade or runway. NOW: above runway centerline elevations (Both Instrument & Visual)

Approach Zone:
Dimensions:
WAS: Starting point used to begin at the end of operation zone for both Instrument & Visual. NOW: Instrument runway extends 10 miles from the respective operation zone and is measured along the extended runway center line and Visual runway extends from the operation zone to the limits of the turning zone as measured along the runway centerline.

WAS: Instrument runway extended at a rate of 30 feet of width for each 100 feet of horizontal length and All other runways rate of 20 feet of width for each 100 feet of horizontal length. NOW: Instrument runway is 1000 feet wide at the end of the zone nearest the runway and expands uniformly to 16,840 feet wide at the farthest end of the zone or 10 miles from the operation zone and for Visual runway is five hundred 500 feet wide at the end of the zone nearest the runway and expands uniformly so that at a point on the extended runway centerline three (3) miles from the operation zone, the approach zone is 3700 feet wide.

Height: WAS: described as not allowable in excess of 150 feet above the elevation at end of runway. NOW: For Visual runways not to exceed 150 feet above the elevation at end of runway when within three (3) miles of the end of the operation zone at that runway end. In addition, for Instrument runways, at the 3 miles the height limit resumes sloping at 50:1 horizontally to the 10-mile limit.

Transition Zone:
Dimension: Description of this area cut significantly to now state it extends outward at a right angle to the runway centerline and upward. Upward rates figured with same ratio.
Height: WAS: described as to a height above the planes forming transition slope. NOW: it starts at the height limit of the adjacent approach zone or operation zone and ends at a height of 150 feet above the highest elevation (Both Instrument & Visual)

Turning Zone:
Dimension: Distance remained 3 miles but descriptive of where 3 miles was figured from changed slightly. WAS: nearest points along the airport property lines. NOW: the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines.

Permit / Approval Process:
Unfortunately though our City Code stated a permit was to be available in Development Services, there was not one found. A Permit application for this purpose has been added to our new software. Fee will be forthcoming in future fee schedule for 2022. We are close to updating this schedule in the coming months so for as little as this permit will be used we are recommending the related fee be added at that time.

Also missing from this guidance was the fact that each individual must first submit FAA 7460-1 at the start of their development and then a form 7460-2 at the end to facilitate an inspection by the FAA, as required. This has now all been added to this section. We also added added language that planning & zoning or building permits involving placement of structures, trees or electrical facilities would not be fully processed or approved until Airport Zoning Permit is approved. There are some exceptions to this, such as subdivisions, conditional use permits and rezoning.

The exception that was stated in (5) (b). no permit shall be required for any construction or planting which is not higher than 75 feet above the elevation of the end of the nearest runway or landing strip, has been removed. After discussions with our Kirkham Michael consultant and discovering that technically the FAA requires 7460-1 without exception we have replaced this language to read, Initial assessment of applicability for permit processing will be determined by Development Services. Consultant will provide Development Services an overlay on the Airport Airspace Map indicating permit applicability. We also replaced references to administer to local

Ordinance # with reference to the Nebraska State amendments, in event they change guidance again this will bridge the gap to update, ensuring we comply to State Statute. Lastly, we also added a paragraph to establish Airport Advisory Boards given roles in making recommendations to airport layout changes, as well as any area development that might be affected by this zoning. This is to better establish the appropriate procedure for their review and advise on such matters prior to Planning Commission and City Council.

Other changes: The Airport Layout Plan was added. This was not referenced in our code previously. As state statute references it multiple times and refers us to this plan for all designated instrument approaches it was felt that it should also be memorialized in our city code. Both the Airport Layout Plan and the Hastings Airport Airspace Maps are now available on our website and are located in document central for Development Services and also a document central being developed on Airport page. We removed the language stating that a copy of the Airspace map would be on file with the Clerk at all times and replaced this to say both are available on our City website.

On February 8, 2021 Staff presented this proposed Code Change to the Airport Advisory Board and the matter was recommended to move forward to Planning Commission with only one comment. The board would like for Planning Commission to consider recommendation to new Theater District Development to cover potential noise pollution as a notation in their lease and/or rental contracts. Staff advised them this would be more appropriate to recommend at the time they review this particular development plan, but still passes this as it was a part of their motion.

**<u>Recommendation:</u>**

Staff recommends a motion to recommend approval for an ordinance to amend Hastings City Code 34.217, Airport Zoning regulations, location boundaries zones, and height restrictions.

Sec. 34-217. - A.P. Airport zoning regulations—Location, boundaries zones, and height restrictions.

These regulations pertain to the ~~vicinity of the~~area surrounding the ~~-~~Hastings Municipal Airport, located in Section 3, Township 7 North, Range 10 West, (Denver Township) and Southwest ¼ of Section 34, Township 8 North, Range 10 West, (Highland Township) of 6th P.M., in Adams County, Nebraska~~, from the boundaries of such airport, to a distance of three statute miles in all directions from the adjacent boundaries of the airport to the extent such property is located within the corporate or jurisdictional limits of the City, is hereby declared an airport hazard area and is hereby zoned as follows:~~

(1) The following are definitions are to better assist in the interpretation of this zone district:

(a) Airport: area of land or water that is used or intended to be used for the landing and takeoff of aircraft and includes any related buildings

(b) Airport Hazard Area: any structure or tree or use of land that penetrates any approach, operation, transition, or turning zone.

(c) Electrical Facility: an overhead electrical line, including poles or other supporting structures, owned or operated by an electric supplier ~~as defined in section 70-1001.01~~, for the transmission or distribution of electrical power to the electric supplier's customers.

(d) Existing runway: an instrument runway or a visual runway that is paved or made of turf that has been constructed or is under construction.

(e) Instrument Runway: an existing runway with precision or non-precision instrument approaches as developed and published by the Federal Aviation Administration or an existing or proposed runway with future precision or non-precision instrument approaches reflected on the airport layout plan. After September 6, 2013, an airport shall not designate an existing or proposed runway as an instrument runway if the runway was not previously designated as such without the approval of the airport's governing body after a public hearing on such designation.

(f) Proposed runway: an instrument runway or a visual runway that has not been constructed and is not under construction but that is depicted on the airport layout plan that has been conditionally or unconditionally approved by, or has been submitted for approval to, the Federal Aviation Administration.

(g) Runway: a defined area at an airport that is prepared for the landing and takeoff of aircraft along its length.

(h) Structure: object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission or distribution lines

(i) Tree: any object of natural growth.

(j) Visual Runway: a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an airport layout plan approved by the Federal Aviation Administration, a military service-approved military layout plan, or any planning documents submitted to the Federal Aviation Administration by a competent authority.

**Commented [LP1]:** I think in previous days all measurements were 3 miles but now with instrument runways this can vary so I think we remove this here.

**Commented [LP2]:** State Statute defines "Airport" and what it includes as well as what an "airport hazard area" is…local code does not include these definitions. I think we should add these to Chapter 34 definitions or at very least "Airport hazard area".

**Commented [LP3]:** This section does not exist.

~~(1)~~ *Hazard area description.* The hazard area consists of the following zones: operation, approach, ~~operation zones, approach zones, turning zones and~~ transition and turning ~~zones~~. The outer boundary of the hazard area, be that land or water, ~~is composed of a series of connected tangents and simple curves which also constitute the outer boundaries of the approach and turning zones.~~ ~~Such area~~ shall not extend in any direction a distance in excess of the limits established below for ~~operation zones, approach zones, turning zones and transitional~~all zones.

(2) *Zone description and dimensions:~~.~~*

(a) Operation Zone: ~~—~~The ~~operation~~ Operation zone~~s~~ shall be ~~located~~ longitudinally centered ~~along~~ on each existing or proposed runway~~, –~~. The starting point for this measurement varies according to runway material. For paved runways this zone extends ~~landing strip or other portion of the airfield used regularly, or to be used regularly, for the landing or taking off of airplanes and shall begin or end at each end of each landing strip and~~ 200 feet beyond the end of each runway. For turf runways this zone begins and ends at the same points as the runway begins and ends.

1. For an instrument runway this zone ~~and shall be~~is 1,000 feet in width with 500 feet on either side of the runway centerline ~~for each instrument runwa~~.

2. All other runways ~~y or landing strip and~~are 500 feet in width with 250 feet on either side of the runway ~~for all other runways and landing strips~~ centerline.

(b)

~~(b)~~ ~~The~~ ~~A~~approach zone~~s~~: extends from the end of each operation zone and are centered along the extended runway centerlines.

1. Existing or proposed instrument runway ~~shall begin at the ends of~~extends 10 miles from ~~their~~the respective operation zone~~s~~ and ~~shall extend and~~ ~~i~~expand~~s~~ measured along the extended runway center line. The approach zone is one thousand feet wide at the end of the zone nearest the runway and expands uniformly to sixteen thousand eight hundred forty feet wide at the farthest end of the zone or 10 miles from the operation zone.~~–uniformly centered along the extended centerline of the respective runway or landing strip, to the outer boundary of the approach zone at a rate of 30 feet of width for each 100 feet of horizontal length for the instrument runway or landing strip and 20 feet of width for each 100 feet of horizontal length for all other runways.~~

2. Existing or proposed visual runway extends from the operation zone to the limits of the turning zone as measured along the runway centerline. The approach zone is five hundred (500) feet wide at the end of the zone nearest the runway and expands uniformly so that at a point on the extended runway centerline three (3) miles from the operation zone, the approach zone is three thousand seven hundred (3700) feet wide.

~~(c) The Inner Area of each Approach Zone shall be that portion of the approach zone beginning at the end of the respective or proposed operation zone and extending to the intersection of the controlling glide angle with a plane 150 feet above the highest elevation of the end of the respective runway or landing strip.~~

~~The outer area of each approach zone shall be the area between the outer limit of the inner area of the approach zone and the outer limit of the approach zone.~~

(c~~d~~) T~~he t~~ransition zone: ~~s~~ ~~shall be the areas bounded by the operation zones of the hazard area, the sides of contiguous inner areas of approach zones and the outer limits of the transition zones; said outer limits of the transition zones being the intersections, at elevations of 150 feet above the highest elevation at the ends or edges of the closest runway or landing strip or proposed runway or landing strip, of a series of contiguous~~

**Commented [LP4]:** Reorder to better jive with state statute and how we discuss will be re-arranged as well.

**Commented [LP5]:** We will need to define in definitions or this chapter what an instrument runway and a visual runway is

~~planes originating from bases established by the operation zones of the hazard area and the edges of adjacent inner areas of approach zones; said planes rising from their respective bases along lines perpendicular~~ This zone extends outward at a right angle to the runway centerline and upward at a~~to the center line of the landing strip or runway at the~~ rate of one foot vertically to seven feet horizontally (7:1). ~~to the lines of intersection previously referred to.~~

(~~e~~d) T~~The t~~urning Zone: This zone~~zones shall~~ comprises of all portions of the hazard area not contained in the operation zones, approach zones and in the transition zones. The outer limit means the area located at a distance of three (3) miles as a radius from the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines.~~outer limits of the turning zones shall be a series of points forming a line which is the horizontal distance of three statute miles from the nearest points along the airport property lines.~~

(3) *Zone Height restrictions.* No ~~building~~ structure, ~~transmission line~~electrical facility, ~~communication line, pole~~, tree, ~~smoke-stack, chimney~~, wires, ~~tower~~ or other structure or appurtenance thereto of any kind or character shall hereafter be erected, constructed, repaired ~~or~~ established, ~~nor shall any tree~~ or ~~other object of natural growth be~~ allowed to grow, above the heights described below~~:~~. Height restrictions vary by zone and are as follows.

(a) Operation Zone: — Same as the height of the runway centerline elevation on an existing or proposed runway or the surface of the ground, whichever is higher.~~In inner areas of approach zones to a height above the elevation of the nearest point on the end or proposed end of said instrument runway or landing strip in excess of 1/50, and all other runways or landing strips in excess of 1/40 of the distance from the end of the approach zone (the end nearest the runway or landing strip) to said structure or object;~~

(b) Approach Zone:

1. Existing or proposed visual runway begins at the elevation of the runway end for which it is the approach and rises one (1) foot vertically for every forty (40) feet horizontally, except that the height limit shall not exceed one hundred fifty (150) feet above the nearest existing or proposed runway end elevation within three (3) miles of the end of the operation zone at that runway end. ~~In the outer area of approach zones and in turning zones to a height in excess of 150 feet above the elevation at the end or proposed end of the nearest runway or landing strip~~;

2. Existing or proposed instrumental runway begins at the elevation of the runway end for which it is the approach and rises one foot vertically for every fifty feet horizontally (50:1), except that the height limit shall not exceed one hundred fifty (150) feet above the nearest existing or proposed runway end elevation within three (3) miles of the end of the operation zone at that runway end. At three (3) miles from such operation zone, the height limit resumes sloping one foot vertically for every fifty (50:1) feet horizontally and continues to the ten (10) mile limit

(c) T~~In the t~~ransition zone: ~~s~~ Begins at the height limit of the adjacent approach zone or operation zone and ends at a height of one hundred fifty (150) feet above the highest elevation on the existing or proposed runway~~to a height above the planes forming the transition slopes; and~~

(d) ~~In the existing or proposed operation zones to a height above the existing or proposed finished grade of said runway or landing strips or surface of the ground~~Turning Zone: ~~-~~ One hundred fifty (150) feet above the highest elevation on the existing or proposed runway

(4) *Location sketch and zoning map.*

**Commented [LP6]:** We will need to define in definitions or this chapter what an instrument runway and a visual runway is

(a) ~~—~~Existing and proposed land, buildings, and facilities necessary for the operation and development of an airport can be identified in the Airport Layout Plan , a copy of which shall at all times will be located on the City of Hastings website.

(b) Boundaries, operation zones, approach zones, transition zones, and turning zones of said airport are as indicated on the ~~Zoning Map~~Hastings Airport Airspace Map, Drawing No. ZN-~~HT~~HSI-~~02~~ 09 which accompanies and is hereby made a part of these regulations, a copy of which shall at all times ~~be on file in the Office of the City Clerk, Hastings, Nebraska~~will be located on the City of Hastings website.

(5) *Permit required, exceptions, application forms and permit fees.*

(a) *Permit required.* It shall hereafter be unlawful to erect, construct, reconstruct, repair, or establish any ~~building~~structure, ~~transmission line, communication line, pole, tower, smoke-stack, chimney~~electrical facility, tree, wires or other structure or appurtenance thereto of any kind ~~or character or to plant or replant any tree or other object of natural growth~~, within the boundary of the zoned area of said airport without first obtaining a "permit" from the ~~Administrative Agency~~Development Services. This permit will require the applicant to first submit a form FAA 7460-1 with the FAA for an initial hazard recommendation and then after construction fill out an FAA 7460-2 form to ensure the construction meets their submittal requirements. Initial assessment of applicability for permit processing will be determined by Development Services. Additional planning and zoning, as well as building permits involving placement of structures, trees or electrical facilities would not be fully processed or approved until Airport Zoning Permit is approved.

(b) *Exceptions*~~. In the Outer Area of Approach Zones and within the Turning Zones, no permit shall be required for any construction or planting which is not higher than 75 feet above the elevation of the end of the nearest runway or landing strip.~~

(c) *Application forms.* Application for a permit as required under these regulations shall be made upon a form to be available in the Development Services Department, City of Hastings, and shall indicate the ~~approximate~~ location and height of any structure, electrical facility, tree, wires or other structure or appurtenance thereto of any kind and~~,~~ depict ground elevation with reference to the elevation at the end of the nearest runway or landing strip ~~and height of the proposed structure or planting~~. (Mean Sea Level Elevation)

(6) *Nonconforming structures.*

(a) Within the zoned area as herein before defined, no nonconforming No ~~building~~ structure, electrical facility, ~~communication line, pole~~, tree, ~~smoke-stack, chimney~~, wires, ~~tower~~ or other structure or appurtenance thereto of any kind or character shall hereafter be erected, constructed, repaired ~~or~~ established, ~~nor shall any tree~~ or ~~other object of natural growth be~~ allowed to grow~~building, transmission line, communication line, pole, tree, smoke-stack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character or object of natural growth shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted or allowed to grow~~, as the case may be, to a height which constitutes a greater hazard to air navigation than existed before these regulations were adopted nor above the heights permitted by these regulations if such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of 30 percent or more of their original condition, or abandoned for a period of 12 months or more. ~~Transmission lines and communication lines as referred to in these regulations shall be interpreted to~~Electrical Facility as defined will mean all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the zone regulated.

(7) *Marking of nonconforming structures.*

**Commented [LP7]:** 3-301 talks about a plan that in

**Commented [LP8]:** State Statute asks for an Airport Layout Plan that is scaled drawing of existing and proposed land, buildings, and facilities necessary for the operation and development of an airport prepared in accordance with state rules and regulations and federal regulations and guidelines. Should we include in this section and (if so) do we have that plan. Maybe it is in the Airport section of the code and we reference it here to another section in the code? Added placeholder for it.

**Commented [LP9]:** Correct me if I am wrong, but I think that we have a new version provided for airport zoning but I don't think its been incorporated into the code…did this version get replaced? These needs updated then, I believe. Is this map the same thing as what is referred to in the state statute as the Airport Layout plan? State says it must demonstrate proposed and existing building, facilities…I don't think that is what I have seen. Do we have the right map or has this since changed and more detail is expected? If Airport Layout Plan is different then do we have something that can be added to this amended ordinance that shows all the airport buildings now and in future?

**Commented [LP10]:** This was reaccomplished and Eric will send this to me. Rather than retaining it on file I would like to place on website. Should consider language to amend/review this as part of Airport and PC board every so often…thougths?

**Commented [LP11]:** Which administrative agency…airport or development services? Assume us…change to Development Services

**Commented [LP12]:** Eric- Nothing in state dictates this…can you confirm we wouldn't need a permit in the areas…and since language changed from outer area of approach zone not sure but we may want to reword to exactly where in no permits are required…maybe it's a layer on our map…a layer indicating where permits are required?

(a) Whenever the Administrative Agency shall determine, or shall be notified by the Planning Commission or the Nebraska Department of Aeronautics, that a specific nonconforming structure or object exists and has existed prior to the passage of these regulations and within the zoned area herein before described at such a height or in such a position as to constitute a hazard to the safe operation of aircraft landing at or taking off from said airport, the owner or owners and lessor or lessors of the premises on which such structure or object is located shall be notified in writing by the said Administrative Agency and shall within a reasonable time permit the marking thereof by suitable lights or other signals designated by the Agency and based on the recommendations of the Nebraska Department of Aeronautics. The cost of such marking shall not be assessed against the owner or lessor of said premise.

(8) *Administrative agency.*

~~(a)~~ The Development Services Director of the City of Hastings, Nebraska shall administer and enforce these regulations, and shall be the administrative agency provided for in Section 3-~~319~~301~~, R.R.S., 1943~~ of the Nebraska State statutes as amended, and shall have all the powers and perform all the duties of the administrative agency as provided by the Airport Zoning Act.

(9) *Airport Advisory Board.*

The Airport Advisory Board of the City of Hastings, Nebraska, shall (as part of their responsibilities) make recommendations to Mayor, City Council and City Administrator regarding the layout of Airport, long-term development and expansion which may affect required Airport Layout Plan. This board will also review nearby development and advise Planning Commission, Mayor and City Council as to any potential encroachments into airspace and airport grounds that might violate FAA regulations or the Nebraska Airport Zoning Act. Development Services Director will coordinate all such permits with this board for review.

(10) *Zoning board of adjustment.*

~~(a)~~ The Zoning Board of Adjustment of the City of Hastings, Nebraska, shall be the Board of Adjustment with respect to these regulations, to have and exercise the powers conferred by Section 3-32-0, of the Nebraska State statutes as amended~~R.R.S., 1943~~, and such other powers and duties as are conferred and imposed by law.

(Ord. No. 3893-3/03 and 4233-11/2009)

**Commented [LP13]:** I think this reference is dated but not sure what it should be. In fact, I really think that if there is another board reviewing it would be the Airport Advisory Board…is that who should go here??? Section 2-704 (2) states, "The Board shall review nearby development and advise the Planning Commission and/or Mayor and Council as to any potential encroachments into airspace or airport grounds that may be a violation of an FAA regulation or Nebraska Airport Zoning Act (Neb. Rev. Stats. §§ 3-301—3-333, as amended).

Sec. 34-217. - A.P. Airport zoning regulations—Location, boundaries zones, and height restrictions.

These regulations pertain to the area surrounding the Hastings Municipal Airport, located in Section 3, Township 7 North, Range 10 West, (Denver Township) and Southwest ¼ of Section 34, Township 8 North, Range 10 West, (Highland Township) of 6th P.M., in Adams County, Nebraska.

(1) *The following are definitions are to better assist in the interpretation of this zone district:*

(a) Airport: area of land or water that is used or intended to be used for the landing and takeoff of aircraft and includes any related buildings

(b) Airport Hazard Area: any structure or tree or use of land that penetrates any approach, operation, transition, or turning zone.

(c) Electrical Facility: an overhead electrical line, including poles or other supporting structures, owned or operated by an electric supplier, for the transmission or distribution of electrical power to the electric supplier's customers.

(d) Existing runway: an instrument runway or a visual runway that is paved or made of turf that has been constructed or is under construction.

(e) Instrument Runway: an existing runway with precision or non-precision instrument approaches as developed and published by the Federal Aviation Administration or an existing or proposed runway with future precision or non-precision instrument approaches reflected on the airport layout plan. After September 6, 2013, an airport shall not designate an existing or proposed runway as an instrument runway if the runway was not previously designated as such without the approval of the airport's governing body after a public hearing on such designation.

(f) Proposed runway: an instrument runway or a visual runway that has not been constructed and is not under construction but that is depicted on the airport layout plan that has been conditionally or unconditionally approved by, or has been submitted for approval to, the Federal Aviation Administration.

(g) Runway: a defined area at an airport that is prepared for the landing and takeoff of aircraft along its length.

(h) Structure: object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission or distribution lines

(i) Tree: any object of natural growth.

(j) Visual Runway: a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an airport layout plan approved by the Federal Aviation

Administration, a military service-approved military layout plan, or any planning documents submitted to the Federal Aviation Administration by a competent authority.

*Hazard area description.* The hazard area consists of the following zones: operation, approach, transition and turning. The outer boundary of the hazard area, be that land or water shall not extend in any direction a distance in excess of the limits established below for all zones.

(2) *Zone description and dimensions:*

(a) Operation Zone: The Operation zone shall be longitudinally centered on each existing or proposed runway. The starting point for this measurement varies according to runway material. For paved runways this zone extends two hundred (200) feet beyond the end of each runway. For turf runways this zone begins and ends at the same points as the runway begins and ends.

1. For an instrument runway this zone is one thousand (1,000) feet in width with five hundred (500) feet on either side of the runway centerline.

2. All other runways are five hundred (500) feet in width with two hundred (250) feet on either side of the runway centerline.

(b) Approach zone: extends from the end of each operation zone and are centered along the extended runway centerlines.

1. Existing or proposed instrument runway extends ten (10) miles from the respective operation zone and is measured along the extended runway center line. The approach zone is one thousand feet wide at the end of the zone nearest the runway and expands uniformly to sixteen thousand eight hundred forty feet wide at the farthest end of the zone or ten (10) miles from the operation zone~~.~~

2. Existing or proposed visual runway extends from the operation zone to the limits of the turning zone as measured along the runway centerline. The approach zone is five hundred (500) feet wide at the end of the zone nearest the runway and expands uniformly so that at a point on the extended runway centerline three (3) miles from the operation zone, the approach zone is three thousand seven hundred (3700) feet wide.

(c) Transition zone: This zone extends outward at a right angle to the runway centerline and upward at a rate of one foot vertically to seven feet horizontally (7:1).

(d) Turning Zone: This zone comprises of all portions of the hazard area not contained in the operation zones, approach zones and in the transition zones. The outer limit means the area located at a distance of three (3) miles as a radius from the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines.

(3) *Zone Height restrictions.* No structure, electrical facility, tree, wires, or other structure or appurtenance thereto of any kind or character shall hereafter be erected, constructed, repaired established, or allowed to grow, above the heights described below. Height restrictions vary by zone and are as follows:

(a) Operation Zone: Same as the height of the runway centerline elevation on an existing or proposed runway or the surface of the ground, whichever is higher.

(b) Approach Zone:

1. Existing or proposed visual runway begins at the elevation of the runway end for which it is the approach and rises one (1) foot vertically for every forty (40) feet horizontally, except that the height limit shall not exceed one hundred fifty (150) feet above the nearest existing or proposed runway end elevation within three (3) miles of the end of the operation zone at that runway end.

2. Existing or proposed instrumental runway begins at the elevation of the runway end for which it is the approach and rises one foot vertically for every fifty feet horizontally (50:1), except that the height limit shall not exceed one hundred fifty (150) feet above the nearest existing or proposed runway end elevation within three (3) miles of the end of the operation zone at that runway end. At three (3) miles from such operation zone, the height limit resumes sloping one foot vertically for every fifty (50:1) feet horizontally and continues to the ten (10) mile limit

(c) Transition zone: Begins at the height limit of the adjacent approach zone or operation zone and ends at a height of one hundred fifty (150) feet above the highest elevation on the existing or proposed runway

(d) Turning Zone: One hundred fifty (150) feet above the highest elevation on the existing or proposed runway

(4) *Location sketch and zoning map.*

(a) Existing and proposed land, buildings, and facilities necessary for the operation and development of an airport can be identified in the Airport Layout Plan (ALP). The ALP also identifies the instrument (precision/non-precision) or visual runway classifications for each runway. A copy of the ALP shall at all times will be located on the City of Hastings website.

(b) Boundaries, operation zones, approach zones, transition zones, and turning zones of said airport are as indicated on the Hastings Airport Airspace Map, Drawing No. ZN-HSI-09 which accompanies and is hereby made a part of these regulations, a copy of which shall at all times will be located on the City of Hastings website.

(5) *Permit required, exceptions, application forms and permit fees.*

(a) *Permit required.* It shall hereafter be unlawful to erect, construct, reconstruct, repair, or establish any structure, electrical facility, tree, wires or other structure or appurtenance thereto of any kind, within the boundary of the zoned area of said airport without first obtaining a "permit" from the Development Services. This permit will require the applicant to first submit a form FAA 7460-1 with the FAA for an initial hazard recommendation and then after construction fill out an FAA 7460-2 form to ensure the construction meets their submittal requirements. Initial assessment of applicability for permit processing will be determined by Development Services. Additional planning and zoning, as well as building permits involving placement of structures, trees or electrical facilities would not be fully processed or approved until Airport Zoning Permit is approved.

(b) *Application forms.* Application for a permit as required under these regulations shall be made upon a form to be available in the Development Services Department, City of

Hastings, and shall indicate the location and height of any structure, electrical facility, tree, wires or other structure or appurtenance thereto of any kind and depict ground elevation with reference to the elevation at the end of the nearest runway or landing strip. (Mean Sea Level Elevation)

(6) *Nonconforming structures.* Within the zoned area as herein before defined, no nonconforming No structure, electrical facility, tree, wires, or other structure or appurtenance thereto of any kind or character shall hereafter be erected, constructed, repaired established, or allowed to grow, as the case may be, to a height which constitutes a greater hazard to air navigation than existed before these regulations were adopted nor above the heights permitted by these regulations if such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of 30 percent or more of their original condition, or abandoned for a period of 12 months or more. Electrical Facility as defined will mean all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the zone regulated.

(7) *Marking of nonconforming structures.* Whenever the Administrative Agency shall determine, or shall be notified by the Planning Commission or the Nebraska Department of Aeronautics, that a specific nonconforming structure or object exists and has existed prior to the passage of these regulations and within the zoned area herein before described at such a height or in such a position as to constitute a hazard to the safe operation of aircraft landing at or taking off from said airport, the owner or owners and lessor or lessors of the premises on which such structure or object is located shall be notified in writing by the said Administrative Agency and shall within a reasonable time permit the marking thereof by suitable lights or other signals designated by the Agency and based on the recommendations of the Nebraska Department of Aeronautics. The cost of such marking shall not be assessed against the owner or lessor of said premise.

(8) *Administrative agency.* The Development Services Director of the City of Hastings, Nebraska shall administer and enforce these regulations, and shall be the administrative agency provided for in Section 3-301 of the Nebraska State statutes as amended, and shall have all the powers and perform all the duties of the administrative agency as provided by the Airport Zoning Act.

(9) *Airport Advisory Board.* The Airport Advisory Board of the City of Hastings, Nebraska, shall (as part of their responsibilities) make recommendations to Mayor, City Council and City Administrator regarding the layout of Airport, long-term development and expansion which may affect required Airport Layout Plan. This board will also review nearby development and advise Planning Commission, Mayor and City Council as to any potential encroachments into airspace and airport grounds that might violate FAA regulations or the Nebraska Airport Zoning Act. Development Services Director will coordinate all such permits with this board for review.

(10) *Zoning board of adjustment.* The Zoning Board of Adjustment of the City of Hastings, Nebraska, shall be the Board of Adjustment with respect to these regulations, to have and exercise the powers conferred by Section 3-320, of the Nebraska State statutes as amended, and such other powers and duties as are conferred and imposed by law.

# City of Hastings
# Airport Advisory Board
# Sign-In Sheet

February 8, 2021
11:30 a.m.

| | NAME | AFFILIATION | PHONE NO. | EMAIL ADDRESS |
|---|---|---|---|---|
| 1. | Deb Bergmann | COH | 402-469-7063 | dbergmann@cityofhastings.org |
| 2. | Phil Beck | NWS | 214 755 2553 | Phillip.Beck@noaa.gov |
| 3. | TED SCHROEDER | CITY COUNCIL | 402-461-9205 | ted@cityofhastings.org |
| 4. | Matt Kuhr | Hastings Advisory Board | 402-984-5223 | Kuhr.matthew1@gmail.com |
| 5. | Brent Hoops | Advisory Board | 402-984-7649 | brent.hoops@gmail.com |
| 6. | JAMES HOWSDEN | AIRPORT TECH | 402-705-2420 | jhowsden@cityofhastings.org |
| 7. | Aaron Schardt | Advisory Board | 402 363 1526 | aschardt@outlook.com |

**(Please Print Legibly)**

**CITY OF HASTINGS AIRPORT ADVISORY BOARD MINUTES**

Monday February 8, 2021, 11:30 a.m.

Hastings Municipal Airport Terminal

3300 W. 12th Street, Hastings, NE

## Call TO ORDER

Chairman _Matt Kuhr_______________ called the meeting to order at 11:30a.m.

## 1. ROLL CALL AND DETERMINATION OF QUORUM

**Present**

Matt Kuhr, Aaron Schardt, Brent Hoops, Phil Beda, Ted Schroeder

**Absent**

**Others Present**

Deb Bergmann, Jim Howsden, Eric Johnson (call in)

## 2. MOTION TO ADOPT CURRENT AGENDA

*Moved by _Hoops_ to adopt the current agenda for the Monday, February 8, 2021 meeting. Second: _Beda___.*

*Motion Carried – By consensus of the Advisory Board.*

## 3. APPROVAL OF MINUTES

*Moved by _Schardt____ to approve the minutes from the November, 2020 meeting. Second: _Schroeder__.*

*Motion Carried – By consensus of the Advisory Board*

## 4. PUBLIC NOTICE

Official Notice of the meeting was published in the Hastings Tribune on *Wednesday, February 3, 2021 and a copy of the meeting was posted at City Hall and the Hastings Airport.* Pursuant to the Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is located in the lobby of the Hastings

Airport Terminal Building. Additionally, a current copy of the Nebraska Open Meeting Act is posted on the south wall of the Airport Terminal Lobby, as well as in the large conference room at City Hall, which is accessible to members of the public.

**5. Discussion of proposed Airport zoning code update.**

Lisa Parnell-Rowe presented on the proposed code changes (see attached slides). Aaron Schardt asked for clarification on exceptions. Development Services will determine applicability of the 7460-1 requirement utilizing an overlay map provided by Kirkham Michael.

Moved by Hoops and Second by Schardt to approve forwarding proposed code changes to the Planning Commission and City Council for approval. Motion Carried by consensus of the Advisory Board.

**6. Public Comment Section**

No comments

**7. Adjournment**

Motion by Schardt Second Beda Time: __1:00 p.m. ___

HASTINGS

*Nebraska*

# A.P. Airport Zoning Regulations – Section 34-217

## Why update?

- Last City Code updated 2009 (over 12 years ago)
  - Airport Zoning Act 3-301 & 3-302 of Nebraska State Statute updated in 2013
  - City Code must follow suit to State Statutes
  - State Statute 3-302 (2) states, "(b) it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented, and (c) the prevention of airport hazards should be accomplished, to the extent legally possible"
  - State Statute 3-301 establishes dimensions & height thresholds for airports to establish that will ensure prevention of hazards.
  - Area developments forthcoming.

## What Changed?

- Definitions added
  - Electrical facility now covers all wires, lines & towers.
  - Building became structure.
  - Tree covers all natural growth.

# A.P. Airport Zoning Regulations – Section 34-217

## What Changed? (CONT.)

- Inner area terminology (as was described within approach zones) are removed.
- Greater differentiation of measurements as distinguished by Instrument vs. Visual runway. (as follows)

➢ Operation Zone:

- Starting point for Operation Zone now based on whether runway is paved or turf.
  - Turf - begins and ends at the same points as the runway begins and ends
  - Paved - 200 feet beyond the end of each runway
- Feet width measurements now specified to be split evenly on either side of centerline. (Both Instrument & Visual)
- Height **WAS:** described as above *finished grade or runway.* **NOW:** above *runway centerline elevations (Both Instrument & Visual)*

➢ Approach Zone:

- **WAS**: Starting point used to begin at the end of operation zone for both Instrument & Visual. **NOW:** Instrument runway extends 10 miles from the respective operation zone *and* is measured along the extended runway center line *and* Visual runway extends from the operation zone to the limits of the turning zone as measured along the runway centerline.
- **WAS:** Instrument runway extended at a rate of 30 feet of width for each 100 feet of horizontal length *and* All other runways rate of 20 feet of width for each 100 feet of horizontal length. **NOW:** Instrument runway is 1000 feet wide at the end of the zone nearest the runway and expands uniformly to 16,840 feet wide at the farthest end of the zone or 10 miles from the operation zone *and for* Visual runway is five hundred 500 feet wide at the end of the zone nearest the runway and expands uniformly so that at a point on the extended runway centerline three (3) miles from the operation zone, the approach zone is 3700 feet wide.
- Height **WAS:** described as not allowable in excess of 150 feet above the elevation at end of runway. **NOW:** For Visual runways not to exceed 150 feet above the elevation at end of runway when within three (3) miles of the end of the operation zone at that runway end. In addition, for Instrument runways, at the 3 miles the height limit resumes sloping at 50:1 horizontally to the 10-mile limit.

# A.P. Airport Zoning Regulations – Section 34-217

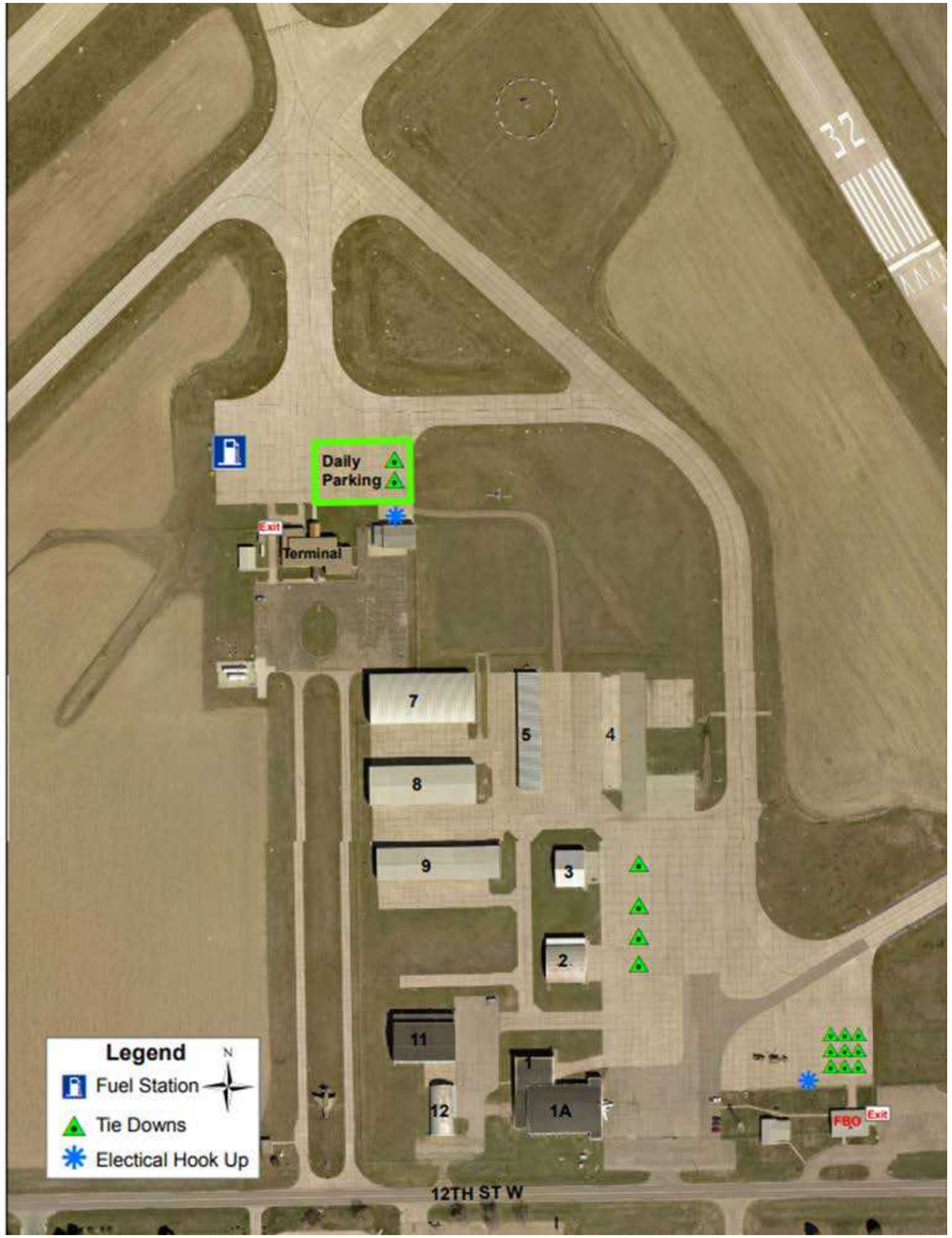
## What Changed? (Cont.)

- <u>Transition Zone</u>:
  - Description of this area cut significantly to now state it extends outward at a right angle to the runway centerline and upward. Upward rates figured with same ratio.
  - Height **WAS:** described as to a height *above the planes forming transition slope.* **NOW:** it starts *at the height limit of the adjacent approach zone or operation zone and ends at a height of 150 feet above the highest elevation (Both Instrument & Visual)*
- <u>Turning Zone</u>:
  - Distance remained 3 miles but descriptive of where 3 miles was figured from changed slightly. **WAS**: nearest points along the airport property lines. **NOW:** the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines.

# A.P. Airport Zoning Regulations – Section 34-217

## What Changed? (Cont.)

- The Airport Layout Plan was added as state statute references it multiple times and refers us to this plan for all designated instrument approaches. This was not referenced in our code previously.
- Airport Layout Plan and the Hastings Airport Airspace Maps **WAS:** on file with the Clerk at all times **NOW:** available on our City website. Note: Both are located in document central for Development Services and also a document central being developed on airport page.
- Permits Section:
  - Permit added – no permit application found. Fee forthcoming in future fee schedule for 2022.
  - Added FAA required forms 7460-1 & 7460-2 as required documentation for permit.
  - Added language that planning & zoning or building permits would not be fully processed or approved until Airport Zoning Permit is approved.



# A.P. Airport Zoning Regulations – Section 34-217

## What Changed? (Cont.)

- Permits Section:
  - Removed exception (5) (b). *no permit shall be required for any construction or planting which is not higher than 75 feet above the elevation of the end of the nearest runway or landing strip.*
    - FAA requires 7460-1 without exception. Instead language was added that, *Initial assessment of applicability for permit processing will be determined by Development Services.* Consultant will provide Development Services an overlay on map indicating applicability.
  - Replaced references to administer to local Ordinance # with reference to Nebraska State amendments, in event they change guidance again; ensuring we comply to State Statute.
  - Added paragraph to establish Airport Advisory Boards given roles in making recommendation to airport layout changes as well as any area development that might be affected by this zoning.  Establishing further their role to review and advise such matters prior to Planning Commission and City Council.

Sec. 34-217. - A.P. Airport zoning regulations—Location, boundaries zones, and height restrictions.

The vicinity of the Hastings Municipal Airport, located in Section 3, Township 7 North, Range 10 West, (Denver Township) and Southwest ¼ of Section 34, Township 8 North, Range 10 West, (Highland Township) of 6th P.M., in Adams County, Nebraska, from the boundaries of such airport, to a distance of three statute miles in all directions from the adjacent boundaries of the airport to the extent such property is located within the corporate or jurisdictional limits of the City, is hereby declared an airport hazard area and is hereby zoned as follows:

(1) *Hazard area description.* The hazard area consists of operation zones, approach zones, turning zones and transition zones. The outer boundary of the hazard area is composed of a series of connected tangents and simple curves which also constitute the outer boundaries of the approach and turning zones.

(2) *Zone description.*

(a) The operation zones shall be located along each existing or proposed runway, landing strip or other portion of the airfield used regularly, or to be used regularly, for the landing or taking off of airplanes and shall begin or end at each end of each landing strip and 200 feet beyond the end of each runway and shall be 1,000 feet in width for each instrument runway or landing strip and 500 feet in width for all other runways and landing strips.

(b) The approach zones shall begin at the ends of their respective operation zones and shall extend and expand uniformly centered along the extended centerline of the respective runway or landing strip, to the outer boundary of the approach zone at a rate of 30 feet of width for each 100 feet of horizontal length for the instrument runway or landing strip and 20 feet of width for each 100 feet of horizontal length for all other runways.

(c) The Inner Area of each Approach Zone shall be that portion of the approach zone beginning at the end of the respective or proposed operation zone and extending to the intersection of the controlling glide angle with a plane 150 feet above the highest elevation of the end of the respective runway or landing strip.

The outer area of each approach zone shall be the area between the outer limit of the inner area of the approach zone and the outer limit of the approach zone.

(d) The transition zones shall be the areas bounded by the operation zones of the hazard area, the sides of contiguous inner areas of approach zones and the outer limits of the transition zones; said outer limits of the transition zones being the intersections, at elevations of 150 feet above the highest elevation at the ends or edges of the closest runway or landing strip or proposed runway or landing strip, of a series of contiguous planes originating from bases established by the operation zones of the hazard area and the edges of adjacent inner areas of approach zones; said planes rising from their respective bases along lines perpendicular to the center line of the landing strip or runway at the rate of one foot vertically to seven feet horizontally to the lines of intersection previously referred to.

(e) The turning zones shall comprise all portions of the hazard area not contained in the operation zones, approach zones and in the transition zones. The outer limits of the turning zones shall be a series of points forming a line which is the horizontal distance of three statute miles from the nearest points along the airport property lines.

(3) *Height restrictions.* No building, transmission line, communication line, pole, tree, smoke-stack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character shall hereafter be erected, constructed, repaired or established, nor shall any tree or other object of natural growth be allowed to grow:

(a) In inner areas of approach zones to a height above the elevation of the nearest point on the end or proposed end of said instrument runway or landing strip in excess of 1/50, and all other runways or landing strips in excess of 1/40 of the distance from the end of the approach zone (the end nearest the runway or landing strip) to said structure or object;

(b) In the outer area of approach zones and in turning zones to a height in excess of 150 feet above the elevation at the end or proposed end of the nearest runway or landing strip;

(c) In the transition zones to a height above the planes forming the transition slopes; and

(d) In the existing or proposed operation zones to a height above the existing or proposed finished grade of said runway or landing strips or surface of the ground.

(4) *Location sketch and zoning map.*

(a) Boundaries, operation zones, approach zones, transition zones, and turning zones of said airport are as indicated on the Zoning Map, Drawing No. ZN-HT-02 which accompanies and is hereby made a part of these regulations, a copy of which shall at all times be on file in the Office of the City Clerk, Hastings, Nebraska.

(5) *Permit required, exceptions, application forms and permit fees.*

(a) *Permit required.* It shall hereafter be unlawful to erect, construct, reconstruct, repair, or establish any building, transmission line, communication line, pole, tower, smoke-stack, chimney, wires or other structure or appurtenance thereto of any kind or character or to plant or replant any tree or other object of natural growth, within the boundary of the zoned area of said airport without first obtaining a "permit" from the Administrative Agency.

(b) *Exceptions.* In the Outer Area of Approach Zones and within the Turning Zones, no permit shall be required for any construction or planting which is not higher than 75 feet above the elevation of the end of the nearest runway or landing strip.

(c) *Application forms.* Application for a permit as required under these regulations shall be made upon a form to be available in the Development Services Department, City of Hastings, and shall indicate the approximate location, ground elevation with reference to the elevation at the end of the nearest runway or landing strip and height of the proposed structure or planting. (Mean Sea Level Elevation)

(6) *Nonconforming structures.*

(a) Within the zoned area as herein before defined, no nonconforming building, transmission line, communication line, pole, tree, smoke-stack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character or object of natural growth shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted or allowed to grow, as the case may be, to a height which constitutes a greater hazard to air navigation than existed before these regulations were adopted nor above the heights permitted by these regulations if such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of 30 percent or more of their original condition, or abandoned for a period of 12 months or more. Transmission lines and communication lines as referred to in these regulations shall be interpreted to mean all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the zone regulated.

(7) *Marking of nonconforming structures.*

(a) Whenever the Administrative Agency shall determine, or shall be notified by the Planning Commission or the Nebraska Department of Aeronautics, that a specific nonconforming structure or object exists and has existed prior to the passage of these regulations and within the zoned area herein before described at such a height or in such a position as to constitute a hazard to the safe operation of aircraft landing at or taking off from said airport, the owner or owners and lessor or lessors of the premises on which such structure or object is located shall be notified in writing by the said Administrative Agency and shall within a reasonable time permit the marking thereof by suitable lights or other signals designated by the Agency and based on the recommendations of the Nebraska

Department of Aeronautics. The cost of such marking shall not be assessed against the owner or lessor of said premise.

(8) *Administrative agency.*

(a) The Development Services Director of the City of Hastings, Nebraska shall administer and enforce these regulations, and shall be the administrative agency provided for in Section 3-319, R.R.S., 1943, and shall have all the powers and perform all the duties of the administrative agency as provided by the Airport Zoning Act.

(9) *Zoning board of adjustment.*

(a) The Zoning Board of Adjustment of the City of Hastings, Nebraska, shall be the Board of Adjustment with respect to these regulations, to have and exercise the powers conferred by Section 3-32 0, R.R.S., 1943, and such other powers and duties as are conferred and imposed by law.

(Ord. No. 3893-3/03 and 4233-11/2009)

Department: Development Services
Staff Contact: Lisa Parnell-Rowe
Planning Commission Meeting Date: 2/16/2021
File No: 2021-001
Prepared By: Emilia Kienbaum, Administrative Assistant

# AGENDA ITEM SUMMARY SHEET

**Description of Item:**

Public hearing for a change of zoning for Schardt Family Partnership, LTD, Lots One (1), Two (2), and Three (3), Block Four (4), Assembly of God Second Subdivision, an addition to City of Hastings, Adams County, Nebraska from "R-3, Multiple Family Residential" to "C-O, Commercial Office Non-Retail" and to amend the Official Zoning District Map.

Motion to recommend approval for an ordinance and amendment to the Official Zoning District Map to rezone Schardt Family Partnership, LTD, Lots One (1), Two (2), and Three (3), Block Four (4), Assembly of God Second Subdivision, an addition to the City of Hastings, Adams County, Nebraska from "R-3, Multiple Family Residential" to "C-O, Commercial Office Non-Retail".

**Names of People/Business affected by this action:**

The applicant, prospective buyers, surrounding neighborhood, 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 Schardt Family Partnership, LTD, Lots One (1), Two (2), and Three (3), Block Four (4), Assembly of God Second Subdivision, an addition to the City of Hastings, Adams County, Nebraska from "R-3, Multiple Family Residential" to "C-O, Commercial Office Non-Retail".

**Deadlines associated with action:**

Schardt Subdivision administrative replat is in concurrent internal review to this rezone. The rezone will be heard at the City Council Regular meeting on March 8, 2021.

**Department head comments:**

Surrounding zoning is as follows:
North – R-1 Urban Single Family Residential
South – R-1 Urban Single Family Residential
East – C-3 Commercial Business District
West – R-1 Urban Single Family Residential

As stated in the Narrative provided by the applicant the rezone request is to C-O in order to build an approximate 10,000-SF medical office. Currently this property is zoned R-3, *Multiple Family Residential*. A medical office is not permitted in the R-3 District, but it is in the C-O district. This property has been vacant and zoned as R-3 for at least 10 years. The R-1 zoning to the south has been partially developed to the southwest off of Fisherman Lane. The R-1 to the southeast has not yet been developed and only the street cut exists at this time for access to the lots on this portion of the R-1 strip to the south. Any development of the remaining R-1 would need to accomplish and be willing to develop this street right-of-way (ROW) for it to be utilized for access. This may not be cost-beneficial for development of the six remaining R-1 lots. However, a commercial endeavor may have greater return to finish it in the future. To the north across the 60' street ROW for 33rd we also have R-1, but this is also where a church has been developed. There is C-3 Commercial Business District directly to the east. It would seem with the church directly to the north and commercial to the east that potential residential development across from this area would be unlikely. Utilizing this land for a low-impact medical office for surgeons, where only a limited number of patients would be seen per day for pre & post operation instructions is a nice option for this space. The rezone to C-O would still allow for residential uses in the future once this area is fully developed and not permit outright many of your higher impact commercial uses. This zone district is intended for both "*urban and suburban residential and professional office uses that are appropriate in areas undergoing a transition, or in areas where commercial uses might be damaging to established residential neighborhoods.*"

Additionally, Staff has been provided with the attached Site Plan to demonstrate the applicant's willingness to ensure an appropriate 30' buffer of landscaping to the south between any adjacent R-1 residential structures. It also demonstrates that once this is rezoned to C-O the development will be able to meet the required setbacks for this zoning district.

The comprehensive plan and future land use map does show this area slatted for future Suburban Residential. However, as stated above, with this area still undergoing transition with some areas not yet built our and considering there is only a few residential lots on the east side remaining with the street ROW yet to be developed it is felt that this remaining area will have a greater likelihood of development as a low-impact commercial zone. The proposed zoning of C-O will still allow for multiple family, as well as Single Family residential property to develop. The use will be a low impact commercial use with minimal traffic generated on a daily basis.

**Recommendation:**

Staff recommends motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone Lots One (1), Two (2), and Three (3), Block Four (4), Assembly of God Second Subdivision, an addition to the City of Hastings, Adams County, Nebraska from “R-3, Multiple Family Residential” to “C-O, Commercial Office Non-Retail”.

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

HASTINGS Nebraska

**Date:** 01/04/2021

**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 Commision 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:** | 100 WEST 33RD STREET (LOT 1,2,3 BLK 4 ASSEMBLY OF GOD SECOND SUB- |
| **Within City Limits:** | ● Yes ○ No |
| **Current Zoning:** | R-3 |
| **Proposed Zoning:** | C-0 |
| **Proposed Use:** | NON RETAIL PROFESSIONAL OFFICE |

**Reason for Request:**
FACILITATE CONSTRUCTION OF BUILDING

| | | | |
|---|---|---|---|
| **Applicant:** | AARON SCHARDT | **Company:** | SCHARDT FAMILY PTNR. |
| **Address:** | 1406 NORTH SHORE DRIVE | **Telephone:** | 4023631526 |
| **City/State/Zip:** | HASTINGS, NE 68901 | **Email:** | ASCHARDT@OUTLOOK.COM |
| **Property Owner:** | SCHARDT FAMILY | **Company:** | |
| **Address:** | 1406 NORTH SHORE DRIVE | **Telephone:** | 4023631526 |
| **City/State/Zip:** | HASTINGS, NE 68901 | **Email:** | ASCHARDT@OUTLOOK.COM |
| **Key Contact:** | AARON SCHARDT | **Company:** | |
| **Address:** | 1406 NORTH SHORE DR. | **Telephone:** | 4023631526 |
| **City/State/Zip:** | HASTINGS, NE 68901 | **Email:** | ASCHARDT@OUTLOOK.COM |

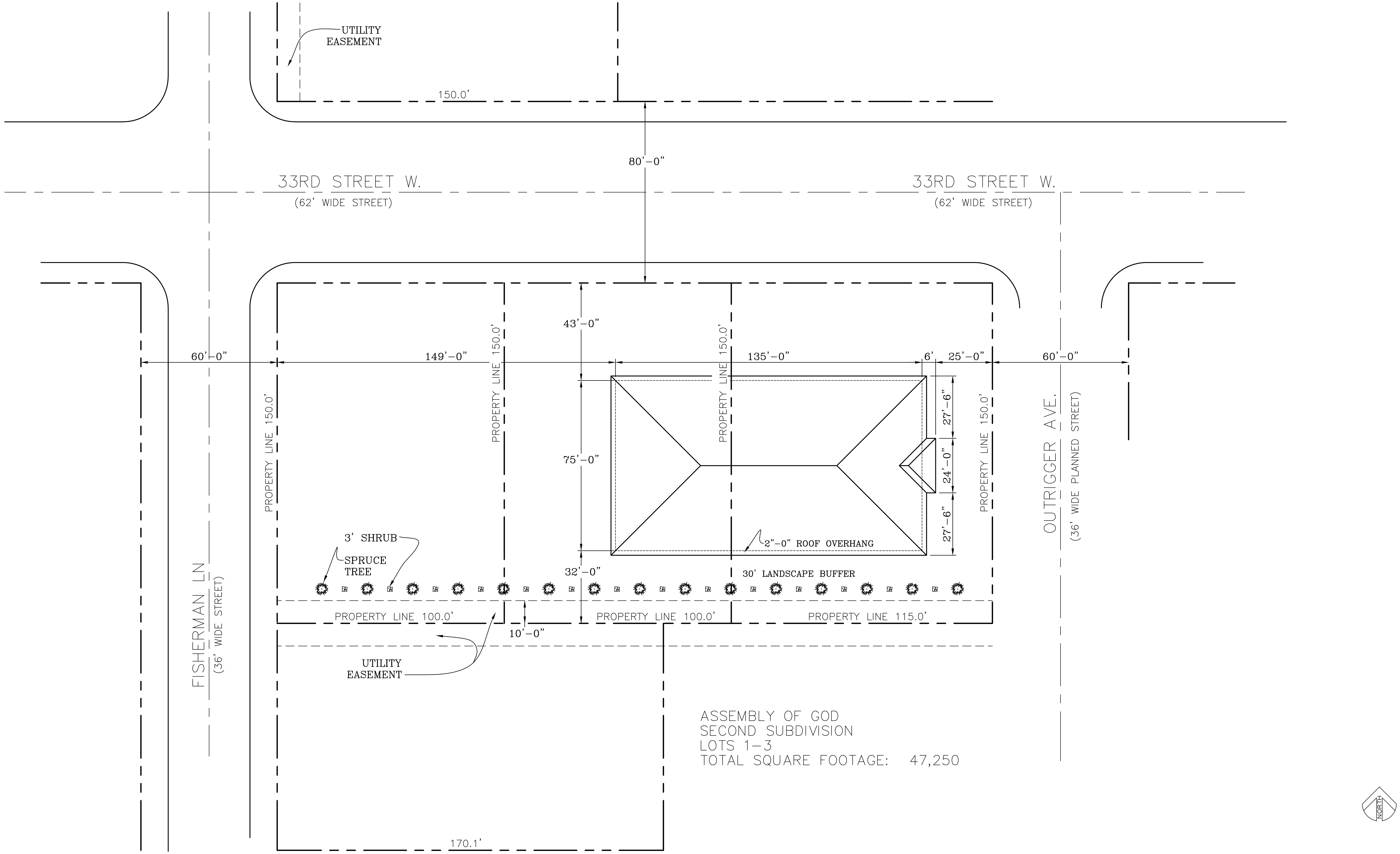
**If the Applicant is not the Owner, an Owner Verification Form must be filled out and sent to the Owner for authorization of the application. This form is also available at www.cityofhastings.org.**

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

| | | | |
|---|---|---|---|
| **Signature of Applicant:** | eSigned via SeamlessDocs.com AARON SCHARDT Key: d8e95505a2a1ddbe8083634220092663 | **Date:** | 01/04/2021 |

**HDS Staff Comments:**

| | | | |
|---|---|---|---|
| **HDS Staff Acceptance:** | | **Date:** | |
| **HDS Application Number:** | | **HDS Case #:** | |
| **Total Fee:** | | | |




PROPOSED MEDICAL BUILDING

SITE PLAN

| | |
|---|---|
| SCALE: 1"=20'-0" | DR. BY: DMc |
| DATE: 12-14-2020 | DR. NO: 1 |

**Lisa Parnell-Rowe**

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**From:** tomcafferty@realtor.com
**Sent:** Wednesday, February 3, 2021 8:29 PM
**To:** Lisa Parnell-Rowe
**Subject:** Re: VM and narrative update

Dear Lisa Parnell-Rowe,

Per our conversation, the buyer and seller are requesting said property, Legal Lot 3 Block 4 Assembly of God Second Sub-Division, be rezoned from R-3 to C-O. The reason for the rezoning request is so that a medical office of 10,000 sq. ft can be built on that property. A limited number of patients will be seen per day as the doctor’s in this office are surgeons. This will not be for in-patient care or a surgery center. They will not have regular patient office visits, only surgical patients for pre-op or post-op visits.

Thank you,

Tom Cafferty, The Real Estate Group of Hastings (tomcafferty@realtor.com) - Sun, 01/10/21 12:27:42 -0600

**Show Full Headers | Print | Close Printer View**

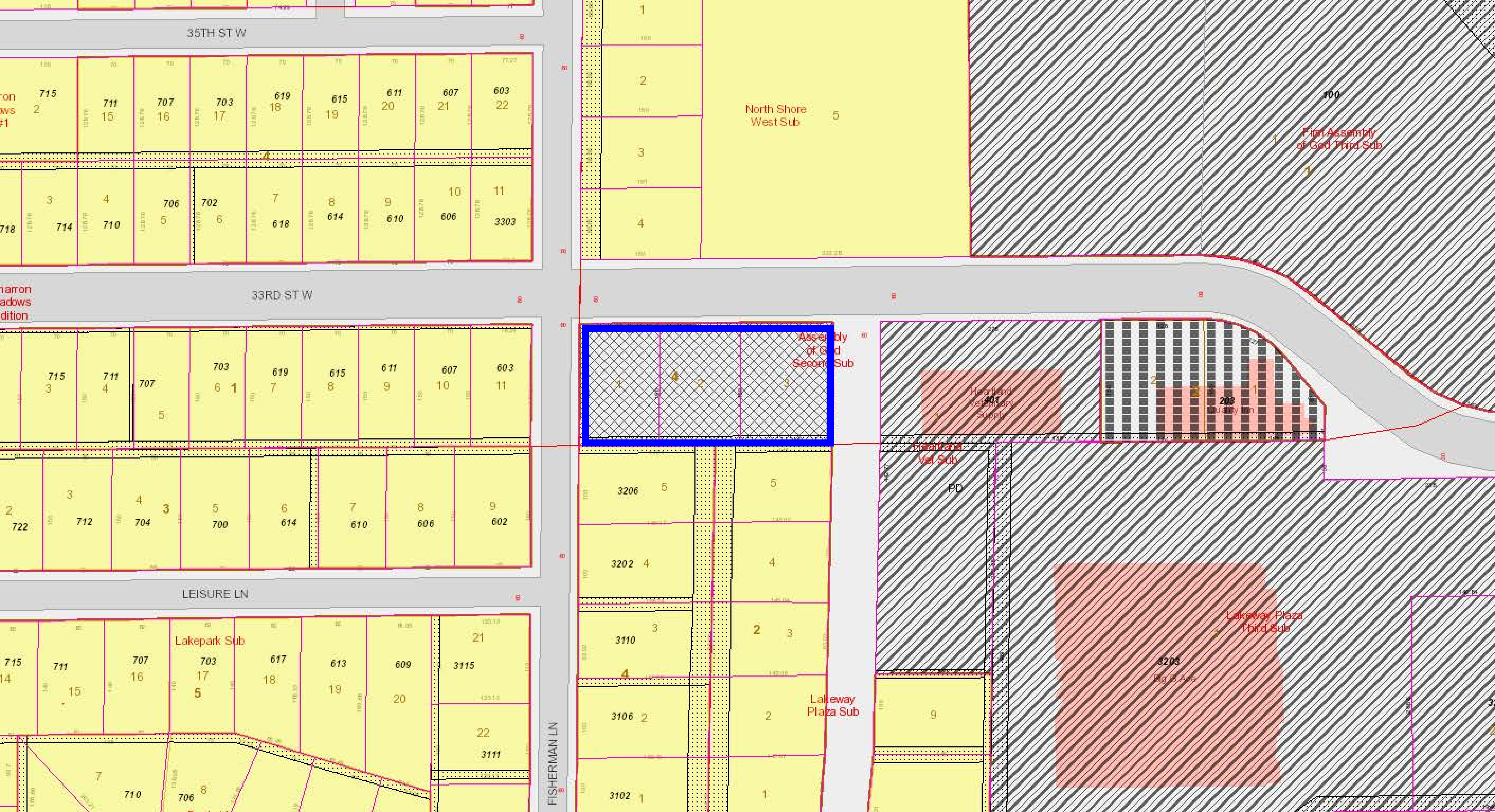
**From:** Cathleen Cafferty <tccafferty@gmail.com>
**To:** Cafferty Tom <tomcafferty@realtor.com>
**Subject:** Rezoning Request
**Date:** Sat 01/09/21 09:20 AM

Dear Lisa Parnell-Rowe,

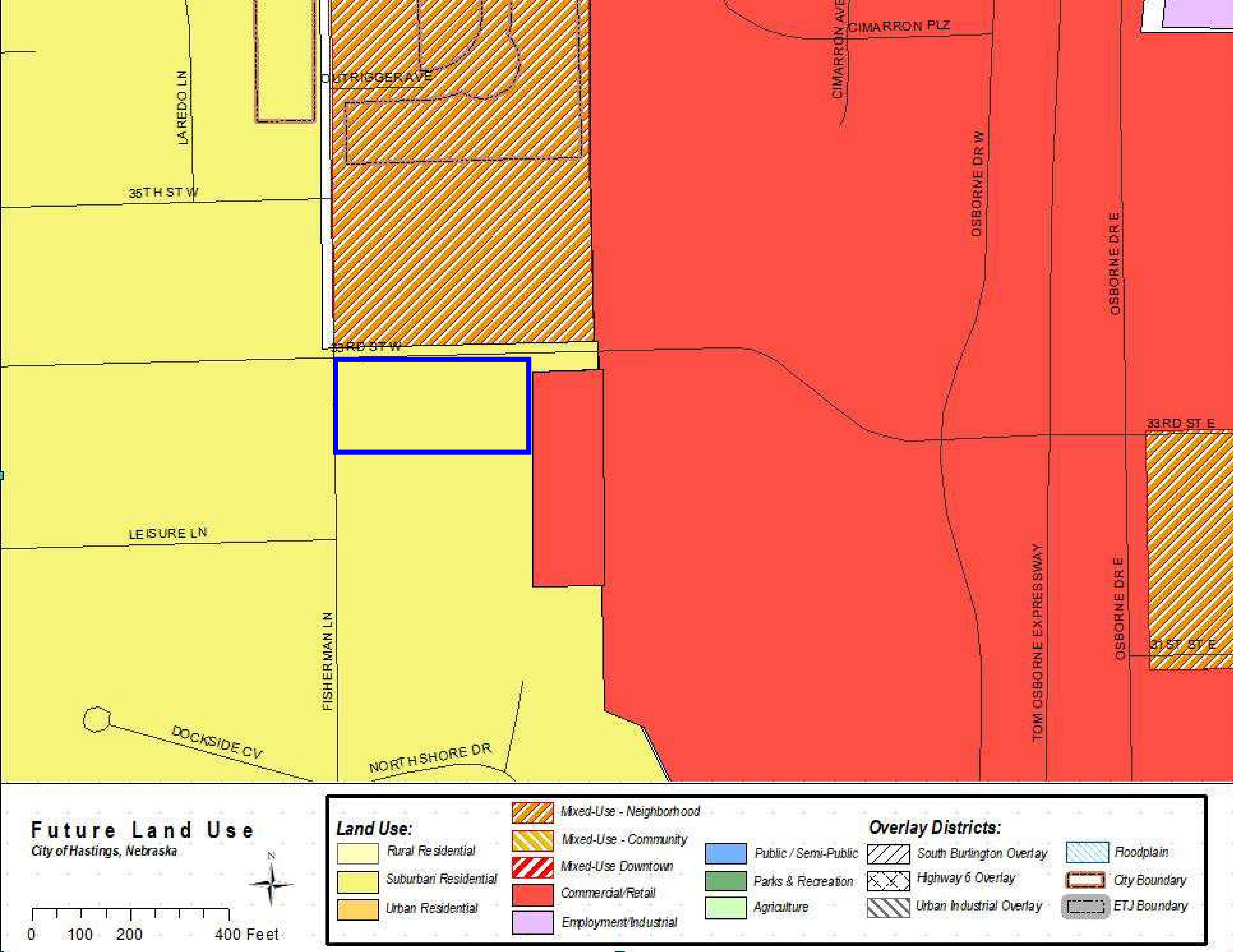
Per our conversation, the buyer and seller are requesting said property, Legal Lot 3 Block 4 Assembly of God Second Sub-Division, be rezoned from R-3 to C-O. The reason for the rezoning request is so that a medical office of 10,000 sq. ft. can be built on that property.

Thank you,
Tom Cafferty, The Real Estate Group of Hastings

(tomcafferty@realtor.com) - Sun, 01/10/21 12:27:42 -0600



35TH ST W
33RD ST W
LEISURE LN
FISHERMAN LN
North Shore West Sub
First Assembly of God Third Sub
Assembly of God Second Sub
Lakepark Sub
Lakeway Plaza Sub
Lakeway Plaza Third Sub
PD


CIMARRON PLZ
CIMARRON AVE
OUTRIGGER AVE
LAREDO LN
35TH ST W
OSBORNE DR W
OSBORNE DR E
33RD ST W
33RD ST E
LEISURE LN
FISHERMAN LN
TOM OSBORNE EXPRESSWAY
OSBORNE DR E
31ST ST E
DOCKSIDE CV
NORTHSHORE DR
Future Land Use
City of Hastings, Nebraska
N
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