

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Tuesday, February 16, 2021

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the City Building, 220 North Hastings Avenue, on February 16, 2021.

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

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

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

PUBLIC NOTICE – Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, February 12, 2021. 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 at the back of the Council Chambers. Also, a current copy of the Nebraska Open Meetings Act is posted on the south wall of the Council Chambers which is accessible to members of the public.

Moved by Hinton, seconded by Lewis, to approve the minutes of the January 19, 2021 meeting. Roll Call: Ayes: Hunt, Gaines, Hinton, Lewis, Sinner, Schoenhals. Nays: None. Absent: Raitt, Kully, Srivastava. The motion carried.

7. Special Order of Business

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

Moved by Hinton, seconded by Lewis, to nominate Marshall Gaines as Chair. Roll Call: Ayes: Hunt, Gaines, Hinton, Lewis, Sinner, Schoenhals. Nays: None. Absent: Raitt, Kully, Srivastava. The motion carried.

Moved by Schoenhals, seconded by Hunt, to nominate Ann Hinton as First Vice Chair. Roll Call: Ayes: Hunt, Gaines, Hinton, Lewis, Sinner, Schoenhals. Nays: None. Absent: Raitt, Kully, Srivastava. The motion carried.

Moved by Gaines, seconded by Hunt, to nominate Gavin Raitt, as Second Vice-Chair. Roll Call: Ayes: Hunt, Gaines, Hinton, Lewis, Sinner, Schoenhals. Nays: None. Absent: Raitt, Kully, Srivastava. The motion carried.

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.

Lisa Parnell-Rowe discussed the agenda item.

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.

See Plan Modification 2021-1 which details further information.

Randy Chick, 522 W. 1st St, Hastings, Nebraska, spoke in favor of the application.

Moved by Hunt, seconded by Schoenhals, to recommend approval to the Mayor and City Council Plan Modification No. 2021-1 which assesses the initial concept to fit with the Imagine Hastings Comprehensive plan. Roll Call: Ayes: Hunt, Gaines, Hinton, Lewis, Sinner, Schoenhals. Nays: None. Absent: Raitt, Kully, Srivastava. The motion carried.

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

Lisa Parnell-Rowe discussed the agenda item.

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.

See Plan Modification 2021-2 which details further information.

Randy Chick, 522 W. 1st St., Hastings, Nebraska, spoke in favor of the application.

Moved by Sinner, seconded by Hunt, to recommend approval to the Mayor and City Council 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. Roll Call: Ayes: Hunt, Gaines, Hinton, Lewis, Sinner, Schoenhals. Nays: None. Absent: Raitt, Kully, Srivastava. The motion carried.

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.

Lisa Parnell-Rowe discussed the agenda item.

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 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.

Moved by Hunt, seconded by Schoenhals, to recommend approval to the Mayor and City Council an ordinance to amend Hastings City Code 34.217, Airport Zoning regulations, location boundaries zones, and height restrictions. Roll Call: Ayes: Hunt, Gaines, Hinton, Lewis, Sinner, Schoenhals. Nays: None. Absent: Raitt, Kully, Srivastava. The motion carried.

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.

Lisa Parnell-Rowe discussed the agenda item.

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 a 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 slated for future Suburban Residential. However, as stated above, with this area still undergoing transition with some areas not yet built out 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. Staff recommends approval.

Aaron Schardt, 1406 N. Shore Dr., Hastings, Nebraska, stated he originally purchased the area to develop under the R-3 regulations, however, it was not economically feasible to do so. The plan is to develop for a low impact medical office.

Moved by Schoenhals, seconded by Sinner, to recommend approval to the Mayor and City Council 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". Roll Call: Ayes: Hunt, Gaines, Hinton, Lewis, Sinner, Schoenhals. Nays: None. Absent: Raitt, Kully, Srivastava. The motion carried.

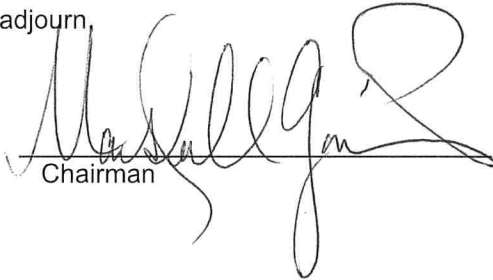
11. Reports

Chair Gaines acknowledged Mac Rundle and Eric Arneson for their service on the Planning Commission. Lou Kully was reappointed to the Commission on February 8. He also welcomed Greg Sinner to the Commission, who will be replacing Eric Arneson.

Ann Hinton reported the Ad Hoc Committee met on the airport item.

Lisa Parnell-Rowe welcomed Rachael Haynes, a new intern for the DSD and Emilia Kienbaum, the new administrative assistant for the Department. She also spoke on the new online permitting.

Moved by Hinton, seconded by LaDaun Schoenhals to adjourn.


Chairman