

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Tuesday, March 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, Hastings, Nebraska on March 16, 2021.

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

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

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

Public Notice - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, March 12th, 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.

Moved by Hinton, seconded by Schoenhals, to approve the minutes of February 16th, 2021 meeting. Roll Call: Ayes: Lewis, Gaines, Kully, Schoenhals, Hinton, Hunt, Sinner. Nays: None. Absent: Cranson, Raitt, Srivastava. The motion carried.

9. Public Hearings

a. 2021-015 Public hearing to recommend approval for an ordinance to amend Hastings City Code 28-104, adopting the 2018 International Energy Conservation Code

Mark Evans discussed the agenda item

The City of Hastings Development Services is requesting that the City Council adopt the 2018 International Energy Conservation Code (IECC). The model codes are developed and published by the International Code Council and are updated on a three-year cycle. Current State law requires cities that adopt a model energy code to adopt the 2018 International Energy Conservation Code. (Neb Rev Stat 81-1618). This update is to fulfill the State requirement. The State adopted the 2018 IECC during the 2019 legislative session, with an effective date of July 1, 2020. This adoption brings the City of Hastings in line with State Statute.

There are several updates to the Energy Conservation Code, as the State jumped from the 2009 IECC to the 2018 IECC.

With this adoption, there are five main local amendments the Development Services is recommending:

1. Delete the mandatory blower door test. The code, as written would require a blower door test to be performed on each new home. The local amendment makes it optional, not required.
2. Amend duct testing to provide the option of adding spray foam insulation to the ductwork located in the unconditioned attic space in lieu of sealing and then testing the ductwork. The

rationale is that the cost of testing the ductwork is comparable to the application of spray foam in the attic space, so why not spend the money on spray foam insulation, and be done with it.

3. Wall cavities may be used for duct or plenum as long as they are completely panned and sealed. This amendment especially addresses floor spaces and wall spaces that have been used as air returns in the past. The code, as written would require a complete return air duct in this space. The local amendment allows use of these spaces as long as they are properly sealed and pan material is used to enclose the space. This will result in cost and space savings.

4. Mandatory requirement for mechanical ventilation has been deleted. This amendment eliminates the mandate for mechanical whole house ventilation. This amendment makes it optional.

5. Basement walls need to be insulated to minimum R13 rather than the prescribed R15 or R19. This would eliminate 2x6 basement furring for walls.

These amendments are essentially the same as the City of Lincoln, and they are what a number of jurisdictions that are members of the Nebraska Code Officials Association have stated they plan to adopt.

Moved by LaDaun Schoenhals seconded by Lou Kully to recommend approval to the Mayor and City Council for an ordinance to amend Hastings City Code 28-104, adopting the 2018 International Energy Conservation Code. Roll Call: Ayes: Lewis, Gaines, Kully, Schoenhals, Hinton, Hunt, Sinner. Nays: None. Absent: Cranson, Raitt, Srivastava. The motion carried.

b. 2021-012. Public hearing to recommend a request for a Conditional Use Permit (CUP) for self-storage and storage areas to be located at property commonly addressed as 306 W 2nd Street in the City of Hastings, Adams County, Nebraska.

Lisa Parnell-Rowe discussed the agenda item

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

Surrounding land uses are:

This lot is surrounded in almost all directions by C-2, Central Business district. There is also some Light Industrial adjacent to the southeast corner of this lot. Zoning for this lot is also C-2. C-2 in Table of Uses and Districts is listed as an "R", which indicates it is allowed subject to specific use standards. When you go to Article III where these standards are normally listed, there are none established in this section for self-storage and storage areas. Making this even more confusing there are use standards specifically spelled out in City Code Section 34-404 (9) specifically for storage units, but these are for conditional uses. The real problem in interpreting this all is that there is also a line that is completely contrary to allowing the use with restrictions spelled out in the C-2 District intent, Section 34-210 (1). Here in the actual intent of this district it states, "This district is intended to protect and enhance the central business district core for efficient performance of its primary function as a center for retail, commercial, financial, professional and service facilities; and to discourage uses not requiring a prime central location. This district is not intended for storage as a use and there shall not be storage as a primary use on the first floor of a store front throughout the central business district." So, in one section of our code it states this use is allowed for this C-2 district and then another section it discourages

and even instructs us to not allow this use. As Director I am allowed discretion in City Code Section 34-104 to interpret uses and how they are applied when there is more than one option or none at all (and in this case 2 opposing directives). In reviewing this use to those standards, I do not feel the intent of the C-2 district is up-to-date with our Comprehensive Plan and, in particular, the vision for downtown to be a mixed-use center that includes residential uses. In fact, I believe this section was written well before most of our mixed uses were incorporated into this C-2 Central Business District. The intent does not list that C-2 is for residential and only acknowledges retail, commercial, financial, professional and service facilities. Therefore, where residential uses are allowed and there would be needs for self-storage (as such) in the vicinity, I do not feel this use should be excluded. It is my judgement call that as there are standards for self-storage established with a conditional use permit (CUP) and as the CUP is the middle ground allowing Planning Commission and City Council to vet the facts and make a final decision, we are taking the path in between the 2 extremes that are contradictory and applying the use standards that do exist for storage units in City Code Section 34-404 (9) towards this use.

Future land use of this area is for mixed downtown so establishing this use in this area should be acceptable if we are looking to support the residential living spaces now incorporated in this area and anticipating support for more of it in our future.

2. The use does not have a permanent negative impact that is substantially greater than the impact anticipated from development permitted in the base zone district.

Pedestrian and vehicular traffic circulation and safety. The applicant provided this concept to Staff in mid-February 2021 and it was initially reviewed with engineering staff representing the streets during this time as part of Engineering Meeting. This was also emailed out for formal internal review on 1/27/21, 2/23/21 & 2/25/21. City Engineering staff has discussed and will approve the change in parking (as agreed upon). This would be to change some existing parallel parking in front of this building off of 2nd Street to diagonal parking; however, it was agreed that this would be done at the expense of the applicant. Effort has been taken on the part of the applicant to ensure parking will be available in the immediate area, but staff notes that there are not Off-street parking requirements in C-2 District. However, specific parking requirements for the self-storage use found in Section 34-404 9, e, iii. have been addressed in their narrative and are listed on the site plan.

Reasonable and economic extension of public utilities and facilities. As this is within City limits and already serviced by the City there is no extension of service required. Utilities has reviewed and approved this site plan.

Noise, fumes and/or environmental pollution. No noise, fumes and/or environmental pollution are anticipated. The following rules for the use of the self-storage units and area will be included in the lease documents and be posted inside the facility. These rules will include but are not limited to the following:

a. It shall be unlawful for any owner, operator or lessee of any self-service storage facility or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever, other than leasing of the storage units, or to permit same to occur upon any area designated as a self-service storage facility.

b. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline storage tank is prohibited.

c. All storage shall be kept within an enclosed building

Applicant is also installing a temperature control system and a state-of-the-art video security

system throughout the storage facility as well as externally at the entrance points. Additionally, access to the facility will only be granted with a random generated code and lock box for both the access doors and the roll up doors. This will also alert the management team of any access granted after hours when there is no one onsite.

The maintenance of logical and efficient development patterns and land use mixtures. The addition of these storage uses to this area is logical due to its use compatibility to the now present and growing trend for a mixture of residential with commercial in our downtown C-2 Central Business District. This use of storage will fit nicely within this existing structure and make good use of space that has been vacant for many years now, while also adding to the appeal of the downtown area with its building updates and upgrades, which will inevitably have a positive impact on the area property values.

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

The use of storage unit should not evoke safety concerns and property values should remain, if not increase due to the property improvements that will be made to this structure. Providing these units will provide a service that is currently not provided in this district at all and also provide greater selection within the City for temperature-controlled units. This is demonstrated in the market research that is provided as part of our applicant's narrative. Adjacent property notice letters were sent out to all properties within 300 feet of this location and there have been calls to inquire into the matter, but none have communicated opposition to this use. In fact, a few were quite supportive of this added use in the downtown area.

4. That the use, subject to conditions, maintains compliance with the Comprehensive Plan and the purpose and intent of the zoning regulations.

In this particular case, not allowing this use (which is advised in the intent of this district as found in our zoning regulations) would adversely go against the vision demonstrated in our Comprehensive Plan for the downtown C-2 District to move towards mixed use for both residential and commercial tenants. In fact, on page 2-11 of our existing Comprehensive Plan, Imagine Hastings it states "Downtown Hastings is a good example of a mixed-use center containing mix of cultural, financial, governmental, institutional, retail, entertainment, residential and recreational uses. The continued mix and growth of all types of land uses is appropriate for Downtown Hastings. Small industrial manufacturing that is not a detriment to the surrounding uses with regard to noise, odor/other noxious practices are also allowed within downtown".

Based on the character and nature of this structure and area of the C-2 District, Staff feels comfortable with the use of storage units as described in the applicant's narrative and site plan, with the conditions established in the Staff recommendation.

A self-service storage facility has additional criteria that it must meet as spelled out in Chapter 34-404 (9). The applicant has received a copy of these criteria and has either incorporated those things in their site plan or talked to those aspects in their narrative. The proposed Site Plan includes the dimensions of the interior storage spaces and exterior parking locations. The narrative they provided addresses how each aspect will function. All zoning requirements for the C-2 zoning district are shown and also met with the existing structure, except the height of this existing structure does exceed the requirement spelled out in City Code Section 34-404 9, e, iv. This section states that the building heights should be limited to one story and not exceed 14' at the eaves. However, it also states that an applicant can ask for Planning Commission and City Council to waive this for an existing building. Our applicant is asking for this deviation in height requirement to be waived and a condition has been added to the recommendation to memorialize that waiver as part of this CUP approval recommendation.

Moved by Schoenhals, seconded by Kully, to recommend approval to the Mayor and City Council of a CUP resolution for self-storage and storage areas to be located at property commonly addressed as 306 W 2nd Street in the City of Hastings, Adams County, Nebraska, subject to following conditions:

1. The existing sidewalk was noted in the 2019 Hastings Barriers to Mobility study as being in poor condition (uneven, cracked, and lifted panels). At a minimum, portions of sidewalk that are uneven, cracked, or uplifted must be re-laid at the property owner's expense (City Code 25-203). The driveway/sidewalk looks to be in particular poor condition. This should be re-laid as paving at 6-inches thickness since it's also a driveway. Owner will contact City Engineering to ensure parking stall and markings, curb, and sidewalk placement also conforms to the latest ADA standards for Accessible Design.
2. As stipulated in the Specific Standards for conditional uses found in 34-404 (9) (e) (iv). This is an existing building with a disclosed height of 18.5', which deviates from the requirement for 14'. In approving this CUP for this use the Planning Commission and the City Council are waiving this particular requirement as is allowable in this section (see attached picture with elevation submitted on 3/8/21 by the applicant).
3. Applicant will need to provide ADA units for storage: 2% of units, not less than 1.56 units = 2 ADA units. Office restrooms will also need to be ADA compliant. Includes door hardware, accessible route, accessible entrance, etc.
4. There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply.
5. This resolution shall be filed with the registrar of deeds so as to provide notice to any person examining the real estate records of the existence of this CUP. The recording costs incurred to comply with this section shall be paid by the applicant for the CUP.

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

c. 2021-016. Public hearing for a change of zoning for undeveloped land that is currently being platted and is located directly to the south of 4635 N Baltimore Avenue in the extraterritorial 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 – R-1A, Single Family Large Lot Residential and A, Agricultural

South – A Agricultural

East – A Agricultural

West – A Agricultural

It is not uncommon to see residential single-family large lot zoning (R-1A) on the outskirts of cities due to the larger lot sizes—a minimum of 20,000 square feet. A draft Site Plan was provided by our applicant and demonstrates the ability to meet setback requirements. This newly created lot will also meet minimum lot requirements for the R-1A zoning District. The

Comprehensive Plan and Future Land Use map show this area slated for Suburban Residential. As the area is slated for future Suburban Residential, the 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. There are several large lot single-family residential R-1A subdivisions directly to the north of this area. In fact, once platted, this piece of land will be sold from the Saathoff & Saathoff Trustee ownership to the owner of the Wolfe Subdivision to the north. This new lot will serve as a residence for his farming help.

Moved by Sinner, seconded by Kully, to recommend approval to the Mayor and City Council for an ordinance and the amendment to the Official Zoning District Map for undeveloped land that is currently being platted and generally located directly to the south of 4635 N Baltimore Ave from "A, Agricultural" to "R-1A, Single Family Large Lot Residential District". Roll Call: Ayes: Lewis, Gaines, Kully, Schoenhals, Hinton, Hunt, Sinner. Nays: None. Absent: Cranson, Raitt, Srivastava. The motion carried.

10. Subdivisions

a.2021-013. Preliminary/Final plat for O'Keeffe Subdivision, platting of tax lot land south of address known as 4635 N. Baltimore Avenue

Lisa Parnell-Rowe discussed the agenda item.

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. Platting land located in the south of address commonly addressed 4635 N. Baltimore Avenue. This is a replat incorporates a portion of tax lot parcel of record into a 1 lot subdivision in order to Mr. Timothy O'Keeffe to provide housing for his farmland help. Our applicant, Mr. Timothy O'Keeffe has also provided a draft site plan that shows where he will place a single-family home on this lot. This structure will meet all the related R-1A lot size and building setbacks. Applicant has agreed to and applied for rezone to the R-1A Zoning District. All related utilities requirements were reviewed with the applicant. Due to the expense to tap into City services the applicant has decided to use a well out front and a septic to the rear of the property. The Civil Engineer is working with the Surveyor to acquire necessary invert elevations, size, and runoff calculations to confirm that the existing culvert to the north is adequate for the new development and impervious footprint.

Moved by Hunt, seconded by Lewis, to recommend approval to the Mayor and City Council of Preliminary/Final plat for O'Keeffe Subdivision. Roll Call: Ayes: Lewis, Gaines, Kully, Schoenhals, Hinton, Hunt, Sinner. Nays: None. Absent: Cranson, Raitt, Srivastava. The motion carried.

b.2021-014. Preliminary Plat for Theatre District Subdivision, commonly addressed 3101 W. 12th Street.

Lisa Parnell-Rowe discussed the agenda item.

This subdivision is a replat of a tract of land consisting of all of Block 9, Imperial Village Addition and Lot 1, Imperial Theatre Subdivision. Theatre District, LLC has purchased this land and will be utilizing this area for a mixed-use development to include both commercial and residential properties. This project will be done in phases and so this plat is being done to allow for eventually selling off lots for development in the future where there may be interest for purchasing outlying lots. The plan modification for tax increment financing (TIF) was approved

December 14, 2020 by City Council. The project plan is to repurpose and remodel the remaining K-Mart portion of the old mall for an indoor recreational facility, construct 2 multi-family structures geared at living for 55 and older, and the old mall theatre building will also be repurposed and remodeled back to its original use as a theatre. There are also plans for a few outlying lots to the north and east being proposed, where a variety of commercial uses are from retail to grocery in order to create a mixed neighborhood community atmosphere. Phase 1 is to include construction of the northern-most multi-family apartment building on Lot 3 of Block 1, Theatre District Subdivision, repurposing the former K-mart building into an indoor sports facility and redeveloping the former SunMart building into a multi-tenant building for neighborhood services. Phase 2 will be for the second the southern-most multi-family apartment building on Lot 2 of Block 1 and all subsequent phases will be dependent upon pad site interests.

The intent of the Preliminary Plat is three-fold and laid out in City Code Section 38-202 (1). Below is a brief discussion of each aspect and the how the Theatre District Subdivision Preliminary plat meets this intent.

Compliance to Comprehensive Development Plan: Future Land Use for this area is Mixed Use – Community. The City of Hastings Comprehensive Plan discusses the need move away from segregating separate uses and the reliance on the automobile to travel within the community. It prescribes to encourage mixed uses where appropriate and locating services in proximity of neighborhoods and people as well as the reuse of land in older areas of town. The concept that has been provided to us for this redevelopment demonstrates this element very well and the uses incorporated fit the mixed use-community concept perfectly.

Compliance to Design Standards: All Planning and Community Design Standards found in Article III (38-301 to 38-304) have been incorporated. A few of these standards are not required in Preliminary plat (38-202) but are found to be required in Final Plat (38-203) requirements. These are covered in the conditions for final plat approval and also listed in the final plat checklist for developer to add.

Buildable lots Capability: All of this development is outside of floodplain areas and are considered an area of minimal flood hazard. This development is within the airport zoning space and the developers have submitted their plans to the Federal Aviation Administration (FAA) for review in Form 7460-1. Due to the zoning overlay of Planned Development District the developers will be submitting a Planned Development Plan as well. This Development Plan will not be fully processed for approvals until the recommendations from the FAA are received and these recommendations are fully considered against the local code requirements found in Section 34-217. As the platting process does not affect placement of structures Staff has determined that these case actions can be accomplished without these recommendations. Section 34-217 (5) (a) provides guidance for this assessment. The Planned Development Overlay should allow for some flexibility that may be needed to rearrange or approve potential deviations that would be necessary to mitigate when it comes time to assess FAA recommendations to the existing requirements of airport zoning. To be clear, these deviations will NOT be to the airport zoning requirements, but to any of the allowable variations and departures allowable in a Planned District as spelled out separately for residential and commercial developments (note: some of these vary) in sections 34-215 (3) and (4). In other words, should there need to be adjustments to fit the buildings to lots established in this plat the planned district overlay will provide allowance for departures including but not limited to: 1) buildings may be constructed on platted tracts which are smaller than the minimum lot size requirements where other adjacent permanent open space is provided; 2) buildings may be grouped in clusters or around courts; 3) buildings may be located closer to lot lines than otherwise permitted provided such buildings are architecturally suitable for such a relationship to adjoining buildings and property.

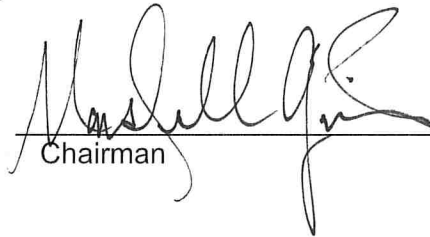
Meeting Existing / Proposed Zoning Regulations: The base zoning district for this subdivision is C-3, Commercial Business District. This base district allows outright as permitted uses for the multi-family dwellings, a large array of service, commercial and retail uses and conditionally allows for many of the recreation, assembly and entertainment uses proposed.

Additionally, though the Base C-3 Commercial Business District will in general need to comply to these regulations in the way of height and bulk of buildings, the amount of light, air and open space, and the parking and loading requirements all the deviations listed in the previous "building lot capability" discussion (above) will also be available for this development to utilize so long as it can be demonstrated as suitable to surrounding area. Further, the uses permitted and the performance standards shall be the same as the base district as well; however, that the applicant, when applying for the Planned Development Plan may voluntarily limit the plan as to buildings, improvements and use thereof.

In summary, the Development Department and Plat Track review teams (to include County officials) have reviewed this preliminary plat. The applicant has provided all the necessary submittal documentation (i.e., Grading & Drainage Plan, Landscape Plan, Public Road Plan & Profile), as well as additional plans to demonstrate all the submittal requirements required in City Code Section 38-202 (2) more accurately. All recommendations to the extent necessary to approve the Preliminary Plat have been satisfactorily mitigated with the conditions established as part of the Staff Recommendation for final plat approval.

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

Moved by Hinton, seconded by Schoenhals, to adjourn


Chairman