

HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission has been scheduled for Tuesday, May 18, 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, May 14th, 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. April 20th, 2021
7. Special Order of Business
8. Unfinished Business
 - a. **2021-019.** Public hearing to recommend a request for a Conditional Use Permit (CUP) for First Presbyterian Church Peace Center commonly addressed as 715 W. 7th St, City of Hastings, Adams County, Nebraska.

Motion to recommend approval for a CUP resolution for First Presbyterian Church Peace Center commonly addressed as 715 W. 7th Street, City of Hastings, Adams County, Nebraska.
9. Public Hearings.
 - a. **2021-026.** Public hearing for a change of zoning for remaining unplatted property southeast of Cimarron Meadows 9th Addition, east of Cimarron Meadows 7th Addition, north of Cimarron Meadows Subdivision #4, and west of Fishermen Lane from "CP-3, Commercial Business Planned" to "R-1, Urban Single Family Residential", and to amend the Official Zoning District Map.

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone unplatted property southeast of Cimarron Meadows 9th Addition, east of Cimarron Meadows 7th Addition, north of Cimarron Meadows Subdivision #4, and west of Fishermen Lane from "CP-3, Commercial Business Planned" to "R-1, Urban Single Family Residential".
 - b. **2021-032.** Public hearing to recommend approval for an ordinance to amend the Hastings City Code Section 34-320, regulating solar energy uses.

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Motion to recommend approval for an ordinance to amend the Hastings City Code Section 34-320, regulating solar energy uses.

- c. **2021-030.** Public hearing for a change of zoning for property generally located between 825 S Elm Ave and 1007 S Elm Ave from "I-2, Heavy Industrial" to "R-1A, Single Family Large Lot Residential," and to amend the Official Zoning District Map.

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone property generally located between 825 S Elm Ave and 1007 S Elm Ave from "I-2, Heavy Industrial" to "R-1A, Single Family Large Lot Residential".

- d. **2021-000.** Public hearing to consider an ordinance to amend the City of Hastings Comprehensive Plan Future Land Use Map by changing land use South of 2nd Street, East of Marian Road to Chestnut Avenue and south to the railroad from Urban Residential to Mixed Use – Neighborhood, Public/Semi-public and Employment/Industrial as recommended in Exhibit A.

Motion to recommend approval for an ordinance to amend the City of Hastings Comprehensive Plan Future Land Use Map by changing land use South of 2nd Street, East of Marian Road to Chestnut Avenue and south to the railroad from Urban Residential to Mixed Use – Neighborhood, Public/Semi-public and Employment/Industrial as recommended in Exhibit A.

10. Subdivisions

11. Reports

Adjourn

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Tuesday, April 20, 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 April 20, 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, Greg Sinner, Michelle Lewis, Jacque Cranson, Willis Hunt. Absent: Lou Kully, Gavin Raitt, Rakesh Srivastava.

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

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

Public Notice - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, April 16th, 2020. Pursuant to Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is located at the back of the Council Chambers. Also, a current copy of the Nebraska Open Meetings Act is posted on the south wall of the Council Chambers which is accessible to members of the public.

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

9. Public Hearings

a. 2021-018 Public hearing to consider an ordinance to amend the City of Hastings Comprehensive Plan Future Land Use Map by changing land use from Employment/Industrial to Suburban Residential for adjusting a tract of land comprising a part of the Southwest Quarter (SW ¼) of Section Seventeen (17), Township Seven (7) North, Range Nine (9) West of the 6th P.M., in the City of Hastings, Adams County, Nebraska, including part of Lots One (1), Two (2), Three (3) and Four (4) of Reed's Subdivision of Reed's Addition and Lots (1) and Two (2) of Osborne Subdivision to the City of Hastings, Adams County, Nebraska

Lisa Parnell-Rowe discussed the agenda item.

Staff first reviewed this matter when approached about a legal non-conforming residential structure located on the piece of land commonly addressed as 901 S. Elm Avenue that was built in 1936. Because this structure was built prior to the inception of zoning regulations in as far back as 1952 it can exist in the Heavy Industrial Zoning District in its current form. However, to change this structure by enlarging or altering it in a way that increases its non-conformity for both use and structure would violate City Code sections 34-603 & 34-604. Applicants have brought this to staff attention in a genuine attempt to vet any issues of this potential addition in order to comply with the zoning codes that regulate their property before adding onto their home. This particular owner owns several surrounding pieces of land in this area, besides the piece of land in Reeds Subdivision where this home lies.

In visiting this area, staff evaluated the overall uses not just of this particular property owner's use but also the stretch of land surrounding this area. More specifically the strip of land located directly to the east of US Highway (HWY) 6, just after it transitions from J Street to HWY 6 and curves north on the southeastern corner of the City limits line to the southwest corner of the City of Hastings Dog Park, then jogging southeast down this lot line to the edge of the city limits again, and then following the City limits line south. After analyzing this area further, staff realized the entire stretch is a hodgepodge of uses and structures, and most no longer seem to fit into a Heavy Industrial area. It's easy to see that this area has sat stagnant for some time while industrial uses migrated northeast off of South Street and also directly south of this area. Staff has traced this area as far back as 1976 where it was zoned Heavy Industrial, yet at that time was just outside the City limits. Where it once was likely appropriate to zone this area heavy industrial with a landfill located just to the north of this area (where the dog park now sits) and it being located on the outskirts of City limits; however, we now feel this strip no longer pertains to a heavy industrial zone. Times have changed. The dog park to the north remains industrial zoned due to the continual EPA-monitored issues staining this land from a less controlled and environmentally friendly landfill. Back when this was a landfill there were less Federal mandates to control landfills. This stretch will be more appropriately rezoned as a part of the City Parks and Recreation spaces or a City Public/Semi-public District (not yet in our current zoning districts) when these EPA issues are finally mitigated. It should be noted there was a conscious effort made when it became this use to change the Future Land Use Map for this area from its previous slated use of Urban Residential to Public/Semi-public in anticipation of zoning it to Parks and Recreation once these issues were fully mitigated. Directly to the south of the Dog Park and to the north of Reeds Subdivision there is farm land with an accessory structure. Further to the south of our applicant's property is a small-scale automobile sales business. Though this business is permitted in heavy industrial, it is also permitted in a commercial district, which could easily be justified as an extension of the commercial strip that follows the highway corridor. Again, as we are not rezoning the entire strip, we are assessing the future needs for zoning of this area. A business existing in the current zoning will remain until uses are rezoned at an applicant's request, at which time the FLU for this area is considered.

The real picture is revealed in our Comprehensive Plan vision for this surrounding area. In reviewing the FLU map, we see a strip of commercial which appears to follow the US HWY 6 corridor. This is a common place to see commercial expected to develop. What you will also observe is that on the west side of HWY 6 there is predominantly Urban Residential anticipated and to the north of the Public/Semi-public-zoned Dog Park there is more Urban Residential future outlook (i.e., Good Samaritan Village) and Parks and Recreation space.

In light of the final Housing Study 2020 recommendations to start addressing missing middle housing, it will be important to start identifying and slating additional areas within the City limits that could potentially serve this need. This also includes reassessing areas in our existing FLU that may be better served to fit residential housing needs. As we look at the overall FLU of the entire City you will also observe that the areas to the north, west and south all have areas identified as placeholders for residential use, but if you look at the southeastern quadrant of the Cities FLU there is considerably less slated for residential development and nearly none for Suburban Residential. With Industrial developments pushing further east and south we need to consider some of these areas as potential candidates for residential uses. As this same housing study also stated the importance of *ensuring the inclusive residential districts are equally allocated within all portions of the community*. This also means ensuring our Comprehensive FLU allows for that to happen equally.

In summary, the surrounding area has been identified in the FLU for residential use and while this immediate area has been zoned and slated for heavy industrial use for nearly the last 50

years, the full capacity of that has never been realized because as the City grew and expanded these heavier uses pushed out further leaving the potential for this area limited to uses that no longer fit.

Moved by Sinner, seconded by Lewis, to recommend approval to the Mayor and City Council an ordinance to amend the City of Hastings Comprehensive Plan Future Land Use Map by changing land use from Employment/Industrial to Suburban Residential for adjusting a tract of land comprising a part of the Southwest Quarter (SW ¼) of Section Seventeen (17), Township Seven (7) North, Range Nine (9) West of the 6th P.M., in the City of Hastings, Adams County, Nebraska, including part of Lots One (1), Two (2), Three (3) and Four (4) of Reed's Subdivision of Reed's Addition and Lots (1) and Two (2) of Osborne Subdivision to the City of Hastings, Adams County, Nebraska. Roll Call: Ayes: Cranson, Lewis, Hunt, Sinner, Gaines, Hinton, Schoenhals. Nays: None. Absent: Kully, Raitt, Srivastava. The motion carried.

b. 2021-022 Public hearing to recommend a request for Randal Chick regarding Plan Modification No. 2021-3 to Redevelopment Area #1 for DAVALWAT Properties LLC for property located at 306 W 2nd Street.

Lisa Parnell-Rowe discussed the agenda item.

DAVALWAT Properties LLC will purchase property located at 306 W. 2nd Street. The developer intends to renovate this property for mixed-use with a 4500-SF medical office on the eastern portion of the structure and 60 indoor temperature controlled self storage units on the western portion of the structure. Specific details and Site Plan were already provided with a Conditional Use Permit that for the storage units that are proposed as part of this project. The developer is in the process of finalizing development plans and will provide evidence that they have secured adequate debt financing and equity to cover the costs associated with the remodeling and rehabilitation of this building prior to the execution of a Redevelopment Contract. Development of this project is anticipated to be completed between June 2021 and December 2021.

The applicant intends to utilize Tax Increment Financing (TIF) to aid in in site acquisition, site preparation, interior demolition, 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.

Total anticipated project costs are approximately \$851,000 for acquisition, façade enhancements, renovation of the main floor to include climate-controlled storage and medical office space. Total cost of TIF eligible expenses for this project consisting of site acquisition, rehabilitation, public parking and sidewalks and capitalized interest equate to \$669,000.00. The anticipated project valuation when completed is \$750,000 and the developer projects an incremental valuation increase of approximately \$603,718.

Future Land Use for this area is Mixed Use – Downtown. Page 2-11 of the Imagine Hastings Comprehensive Plan 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”. This area is currently zoned C-2, Central Business District and will not require rezone to accommodate these uses. The use of medical offices is a permitted use in the C-2, Central Business District, and the use of storage units was approved in a Conditional Use Permit by City

Council on April 12, 2021 with the 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.
- 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.

Randal Chick, 520 West 1st St, Hastings, Adams County, Nebraska spoke on behalf of the agenda item. He gave some history background on the item and past concerns and issues. He spoke on behalf of the BIDCRA and their approval already for the DAVALWALT Properties LLC.

Moved by Hunt, seconded by Schoenhals, to recommend approval to the Mayor and City Council for a request for Randal Chick regarding Plan Modification No. 2021-3 to Redevelopment Area #1 for DAVALWAT Properties LLC for property located at 306 W 2nd Street. Roll Call: Ayes: Cranson, Lewis, Hunt, Sinner, Gaines, Hinton, Schoenhals. Nays: None. Absent: Kully, Raitt, Srivastava. The motion carried.

c. 2021-019 Public hearing to recommend a request for a Conditional Use Permit (CUP) for First Presbyterian Church Peace Center, commonly addressed as 715 W 7th Street, City of Hastings, Adams County, Nebraska.

Lisa Parnell-Rowe discussed the agenda item.

Staff is requesting that the public hearing on this item be opened to address any potential parties to speak for or against this item, but then continued for more time to prepare case. First submittal of this application and supporting narrative and site plans were incomplete and the second submittal of the narrative was again incomplete. A third attempt was not provided in a timely manner leaving staff with less than 15 calendar days to prepare. The CUP portion of this permit to allow the existing uses as a neighborhood assembly are complete, but the portion to detail the proposed Food Truck when finally received as part of the narrative included details not yet aware of based on Site Visit and past email discussions. These were submitted later than requested as well.

Staff is recommending at this time that this application be continued in the May 18, 2021 agenda after there is more time to assess the food truck and any changes regarding that portion of use on this property.

Reverend Greg Pickett, 621 N Lincoln St, Hastings, Adams County, Nebraska spoke on behalf of the church and gave background on the church and the middle school that the church has since purchased and changed into the PEACE Center. He also gave background to what events the PEACE center hosts and the communities it draws in for events. Pickett then gave brief information on the food truck that they will be having in their parking lot over the summer.

Moved by Sinner, seconded by Hunt, to recommend approval to the Mayor and City Council for a request for a Conditional Use Permit (CUP) for First Presbyterian Church Peace Center, commonly addressed as 715 W 7th Street, City of Hastings, Adams County, Nebraska. Roll Call: Ayes: Cranson, Lewis, Hunt, Sinner, Gaines, Hinton, Schoenhals. Nays: None. Absent: Kully, Raitt, Srivastava. The motion carried.

10. Subdivisions

a. 2021-020 Preliminary/Final Plat for Old Buddies Subdivision commonly addressed as 2115 N 2nd Ave, City of Hastings, Adams County, Nebraska.

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 commonly addressed 2115 N. 2nd Avenue, City of Hastings, Adams County, Nebraska. This subdivision plats Tax Lot 10 into 3 lots of record, allowing the owner to sell off a portion of this land for others to utilize for residential development. Our applicant, Mr. Fred Cuba will purchase lots 2 & 3 and place a single-family home on Lot 3 for a home of his own. This proposed house meets all the related R-1A lot size and building setbacks requirements. All related utilities requirements were reviewed with the applicant and additional utility easements have been provided and approved by the Utilities Coordinator.

Moved by Hinton, seconded by Lewis, to recommend approval to the Mayor and City Council for Preliminary/Final Plat for Old Buddies Subdivision commonly addressed as 2115 N 2nd Ave, City of Hastings, Adams County, Nebraska. Roll Call: Ayes: Cranson, Lewis, Hunt, Sinner, Gaines, Hinton, Schoenhals. Nays: None. Absent: Kully, Raitt, Srivastava. The motion carried.

b. 2021-023 Final Plat for Theatre District commonly addressed as 3103 W 12th Street, City of Hastings, Adams County, Nebraska.

Lisa Parnell-Rowe discussed the agenda item.

This is a replat of a tract of land consisting of all of Block 9, Imperial Village Addition and Lot 1, Imperial Theatre Subdivision owned by Theatre District LLC. 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 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.

The intent of the Final Plat is three-fold and laid out in City Code Section 38-203 (1). Below is a brief discussion of each aspect and the how the Theatre District Subdivision Final Plat meets this intent.

Create accurate public record for Sale of Lot: As previously stated, the owner will develop this area in phases and so this plat was necessary to ensure appropriate division of each of area into lots for the various mixed uses so they can be easily sold off in the future as they are developed. Theatre District Subdivision will consist of 12 total lots and 1 Outlot for a Detention Pond. These lots account for a total of 37.42 acres.

Guarantee construction of all public improvements according to the standards in the subdivision regulations: City Engineering and Utilities has discussed and reviewed appropriate placement of easements (i.e., for access & utilities) with Rega Engineering. Discussions have occurred to better ensure the easements are accurately depicted for appropriate private or public noted purposes and a Post Construction Maintenance Agreement for Stormwater has also been reviewed and worked through between the City Attorney and their Project General Counsel, Mr. Tom Huston. City Engineering will have additional time to review the drainage plan and clarify the more detailed aspects of this important document as we move through the Development Plan, which also includes submittal of a Grading and Drainage Plan. The same is true for the Landscape Plan. In essence these plans are working documents that have from scratch as platting requirements to including greater details as we move through the more detailed Development Plan and then a final state when these important plans are submitted as final products to implement at the stage of pulling building permits. As such, City Planning and Zoning, Parks and Recreation, City Engineering and Utilities have all agreed the necessary content and detail for platting expectations has been met and these important supplemental plans will continue to grow and gain additional details as more information is acquired from other sources like the pending FAA recommendations regarding potential height infringements.

Ensure buildable lots to district zoning:

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.

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.

Applicant has satisfactorily met the conditions that were placed on this the Final Plat during Preliminary Plat review/approval. Proof of property tax payments has been provided. Native species for landscaping has been provided in the Landscape Plan and street trees have been reviewed and approved to the extent possible at this time with appropriate notation on this document that these may change to meet FAA recommendations and will be relooked and approved as part of the Development Plan. As stated above the drainage study, grading plan and landscape plan will all continue to be fine-tuned moving forward into Development Plan approval in the near future and the Stormwater Post Construction Agreement has been finalized. This plan also incorporated native vegetation and should promote infiltration and storm-sewer water quality with BMPs. The sidewalks and trails have been added to the final plat, lienholders have been paid and will no longer need to be included as signatories of this plat.

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.

Tom Huston, 9200 Andermatt Dr, Lincoln, Lancaster County, Nebraska spoke on behalf of the Theatre District Final Plat. Huston spoke on the landscape plans, parking lots, and drainage.

Moved by Hunt, seconded by Sinner, to recommend approval to the Mayor and City Council for Final Plat for Theatre District commonly addressed as 3103 W 12th Street, City of Hastings, Adams County, Nebraska. Roll Call: Ayes: Cranson, Lewis, Hunt, Sinner, Gaines, Hinton, Schoenhals. Nays: None. Absent: Kully, Raitt, Srivastava. The motion carried.

11. Reports

Lisa Parnell-Rowe reported the Transportation and Parking Plan launched a survey to look at projects in near term and long term. Also, informed that Kimely-Horn consultant would be around in May to do a parking audit with a drone and one person.

Lisa Parnell-Rowe reported that she has a cabin retreat for the week of the June 15th Planning Commission Meeting, and wondered is possible to move the meeting to June 8th.

Moved by Hinton, seconded by Sinner to adjourn

Chairman

Department: Development Services
Staff Contact: Lisa Parnell-Rowe
Planning Commission Meeting Date: 5/18/2021
File No: 2021-019
Prepared By: Emilia Kienbaum, Administrative Assistant

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing to recommend a request for a Conditional Use Permit (CUP) for First Presbyterian Church Peace Center commonly addressed as 715 W. 7th St, City of Hastings, Adams County, Nebraska.

Motion to recommend approval for a CUP resolution for First Presbyterian Church Peace Center commonly addressed as 715 W. 7th Street, City of Hastings, Adams County, Nebraska.

Names of People/Business affected by this action:

The applicant, the people of Hastings, and the City

Why Planning Commission action is required:

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

Type of action requested:

Motion

Suggested motion:

Deadlines associated with action:

This item will be heard at the next regular City Council Meeting on June 14, 2021.

Department head comments:

The First Presbyterian Church purchased this property in September 17, 2007. Previous to this the property was used as the Middle School Gymnasium. A change in use was not assessed during the exchange of property filed as Deed #20083846. In December 2020 Staff was approached by members for the church to evaluate the possibilities to place a food truck in the Peace Center parking lot. At this time staff confirmed that the Peace Center, though used as a community center for quite some time, had not been permitted with an approved Conditional Use Permit (CUP). The

Peace Center houses 3 very important food missions for our community and others (even in other countries). A large mixture of uses from dog obedience to dance classes are also accomplished in this structure. This property is currently zoned R-1, Single Family Residential, and in this use district a community center or *assembly, neighborhood*, is not allowed without a CUP. The R-1 use district is intended for urban single-family residential areas with low to medium population densities, but commercial uses are not permitted in this district. Additionally, the use of a restaurant or a food truck is currently not addressed at all in the City Code. Staff felt that with this particular use, and the fact that an assembly, neighborhood use in the R-1 zone already would require a CUP, that processing the use of the food truck with a CUP was the best course of action. The First Presbyterian Church views this food truck as a part of the overall mission for outreach to the Latino community and the church as the property owner will not profit from this business. Therefore, it is the Directors decision to require one CUP that would be vetted by internal review and a public hearing for both this community center use and the food truck use in one CUP. If Planning Commission does not agree with this logic then the preference of Staff would be to still approve the Peace Center for the CUP and then Staff will advise FPC of a second option to Rezone the Peace Center. Either way, no matter what the zoning district, the CUP would have been necessary.

As with all CUP requests, we have reviewed this use to the CUP criteria as laid out in City Code Section 34-402. The discussion that follows addresses how this criteria is met.

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

Surrounding land uses are:

North: CMP, Campus Institutional District and R-3 Multiple Family

South: C-3, Commercial Business and C-2, Central Business districts

East: C-O, Commercial Office Non-retail District and CMP, Campus Institutional District;

West: Directly to the west of this location there is also R-3, Multiple Family Residential District & C-3, Commercial business

When considering the use of a Community Center in this area we look not just to the zoning of the property itself but also the surrounding properties. Though this property is zoned residential R-1, Urban Single Family Residential, some surrounding properties to the east and south are commercially zoned. In fact, the Peace Center faces the heavily traversed Minor Arterial of 7th Street that is just one block east of our Principal Arterial, Burlington Avenue. It's not surprising to staff that this previously used public structure was originally zoned R-1, as the vast majority of public-owned structures have been and continue to be zoned R-1 in the absence of a Public/Semi-Public Zoning District. In May of 2010 the main portion of that school was rezoned to change the use of that structure to accommodate more commercial uses. At that time the portion of the property where the main school building sits was rezoned from this R-1 zoning district to C-2, Central Business District in Ordinance No. 4254. Though there is some R-3, Multiple-family

residential zoning to the west, northwest and north, the uses in these areas are predominantly public and community in nature as well. The First Presbyterian Church sits on the R-3 zoning to the west, the City park is northwest and is nestled behind a bank while the apartment building directly north and across 7th Street is called Maryland Living Center and is actually a transitional living facility for homeless youth ages 16-21. If anything, this makes the Peace Center and the many free classes, resources and food pantries even more appropriately positioned. There are also many commercial uses and professional businesses within walking distance in all directions from this area due to its close proximity to Burlington Avenue. Great Western Bank, Dunkin Donuts, Pinnacle Bank and Mary Lanning Hospital are all in the surrounding area. Therefore, we do not feel that the use of a Neighborhood Assembly, or even the subsidiary mission of this food truck is incompatible to the surrounding area. In fact, staff views it as a resource to the surrounding area.

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. This area has optimal vehicular traffic circulation with local street access off of Lincoln and Hastings avenues into a large parking lot to the south of the Peace Center. The Peace Center also fronts off of 7th Street which is a Minor Arterial so there is also appropriate connections to circulate traffic to and from this center. Additionally, there is a large ingress/egress access point into and out of this parking lot to accommodate large semi-trucks that bring food in for the United Harvest Mobile Food Pantry once a month. The parking lot does have large potholes and needs repair, but the church is in the process of patching these holes and also is addressing the maintenance of this parking lot for the long-term with an action plan. The food truck will be making monthly donations towards the parking lot repair and maintenance fund in return for being allowed usage of the parking lot. The church has provided a section on their off-street parking lot and Staff has assessed parking to the maximum occupancy allowed in the Peace Center of 299. An assembly requires 1 space for every 3 seats. For events at maximum occupancy of 299, there would be 99 spaces needed. The parking lot is just shy of this but Staff feels that other than for special events in the parking lot, there would be enough for larger events within the Peace Center if you include the parking spaces across the street at the church parking lot. As for pedestrian access there are areas that are also in need of repair and updates for ADA compliance. The church is within the 4-block radius of the City Hall northern parking lot that has been awarded a Mobility CDBG grant and they are working with the Civil Engineer to address these areas. The City Civil Engineer has stated that the church being a Civic organization that serves the public would fall into the priority group to receive these upgrades.

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 for the Peace Center. However, the Food Truck did require a separate meter and the church has installed a new power pole in the parking lot with its own separate meter.

Noise, fumes, dust or other environmental pollution. No noise, fumes and/or environmental pollution are anticipated as part of the programs accomplished in the Peace Center or with the Food Truck. The church is, however, proposing a maximum of 6 special outdoor events each year where they would have a more extensive Food Truck Roundup. With special events of this magnitude

there could be more noise and pollution. The church has provided general event details to demonstrate what these events might entail and their forethought to mitigating these factors. There may be music during these events, but events will be for a short period of time starting at 4 P.M. and ending at 8 P.M. Section 18-113.01 (1) does make an exception to noise in conjunction with any activity coordinated for a church. They would contract for extra trash receptacles and the Peace Center would be unlocked to allow attendees access to bathrooms. Staff has expressed some concern for special events in the parking lot attracting more than the occupancy maximum allows for within the Peace Center if more than one food truck at a time is allowed. However, if these special events were limited to summer months only or when the sun stays up for longer hours, and the church were to provide copies of State licensure of these trucks then any concerns we might have for the food preparation and storage standards or noise would be vetted. The State licensure indicates that the food truck owner meets FDA Food Code 2017 requirements and the food truck owner must comply to these standards. However, the enforcement of these regulations being met falls back on the municipality the food truck resides in. Therefore, as part of this CUP, Staff is recommending that any food trucks being utilized (i.e., daily or for special event) should provide a copy or picture of this certificate to the Development Services department to maintain on file prior to each event or once a year when it is annually renewed. The applicants have been advised that there are State requirements for temporary food establishments that must be met and enforced locally. They understand that this includes not operating in the same spot for more than 14 consecutive days. Though they were informed, they would like to stay in one spot due to the owner of the food truck having physical limitations to perform this maneuver regularly. Locally, we would enforce this only if there were complaints filed.

The maintenance of logical and efficient development patterns and land use mixtures. The development pattern of uses in this area has been somewhat displaced due to the limitations of appropriate district categories in our current zoning. We have seen this issue in the past and Staff is aware of the need to add a Public/Semi-Public category to current zoning. This is something we are hoping to rectify in our next zoning code update, along with adding appropriate types for restaurants and food trucks. As previously stated, this area was originally zoned R-1 because it was a public school. Despite this property and some surrounding properties being zoned residential, the uses found in these zones are not necessarily residential in nature. Those that are would benefit from these services and not be adversely impacted. development of this plaza which appears to have all along been known to house commercial professional personal services and retail. In fact, the northern portion of this complex is zoned C-3, Commercial business district. A good majority of the adjacent property is also commercial-used and zoned, yet there are areas in close proximity of high density residential that will benefit from another community-oriented assembly.

The maintenance of property values in accordance with established and permitted land uses. If anything, having a neighborhood assembly and church within walking distance of residential can be seen as a perk for a property owner to easily integrate into the community and may have more of a positive impact on property values than a negative impact in this area. Adjacent property owner letters were sent to property owners within 300 feet and Staff has only received a few calls that by the time the matter was explained, seemed supportive of the use.

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

Staff has conducted a site visit and assessed the building capacity to its condition. Though the building condition is well-maintained, the maximum occupancy of all spaces within this large structure of over 24,000 SF if fully utilized would require the building to meet today's standards. Doing these improvements would be far too costly for the church. As such, Staff is willing to lower the allowable occupancy to a level that would not require them to do these improvements and place a condition on this permit. According to the NFPA and IBC codes if your occupancy remains less than 300 one could avoid these improvements. The church does not feel that they ever exceed 300 and has agreed to comply to no more than 299 people at one time. This new occupancy will be posted and old occupancy listed in each room will be adjusted and re-posted accordingly.

The upstairs areas violate many building codes and could compromise safety. Head clearance, step width, electrical outlets and much more are disconcerting. Building and Fire inspector agree that if these areas were locked and inaccessible to the public that this would be an agreeable solution at this time. Applicant agrees and has added this to his narrative but Staff will also add a condition to address this formally as part of permit approval.

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

The Comprehensive Plan Future Land Use for this property is Urban Residential which is compatible to the current zoning of R-1, Urban Single Family Residential. Though it is compatible to the zone, it is not necessarily compatible to the use; however, the rest of this area is not necessarily compatible to use of Urban Residential either. We have seen many areas in the FLU that were once Urban Residential slated but now, due to urban sprawl and growth on the outskirts are no longer appropriately slated. The CUP corrects this variance in use and places conditions on the use to ensure it will better meet the area needs. However, in this scenario, in order to have an *assembly, neighborhood* use a CUP would be required in all zoning districts. Staff feels the Peace Center provides valuable services and programs to our community and surrounding communities. Though the food truck ministry is unique and not a norm, it would fit if just looking at the area uses. Though we would not prescribe to allow this use in a residential zone as a norm, for all practical purposes this zone is not particularly appropriate for the area.

Recommendation:

Staff recommends a motion to recommend continuance for a CUP resolution for First Presbyterian Church Peace Center commonly addressed as 715 W 7th Street, City of Hastings, Adams County, Nebraska with the following conditions:

- 1) Applicant agrees to enforce Peace Center reduced maximum occupancies to no more than 299 persons in the Peace Center at one time. Occupancies listed in each room and for the overall building must be re-posted and approved by Building Inspector.
- 2) Due to several hazards in the upstairs storage areas, public will be banned from this area and the doors at the top of the stairs shall be locked at all times. Additionally, the stairs going up to the top will be roped or chained off so that public cannot use the stairs.

- 3) Applicant agrees to pull building permit for southern parking lot improvements when ready to accomplish this project. At that time City staff will review this parking lot site plan improvement Conditional Use Permit standards as found in Chapter 34-404 (6).
- 4) Any food trucks being utilized (i.e., daily or for the Food Truck Roundup event) will provide a copy or picture of their State certification to the Development Services department to maintain on file prior to each event or once a year when it is annually renewed.
- 5) There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply.
- 6) 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.



Zoning Application

Date: 03/11/2021

Project

Permit Type: Conditional Use
Project Name: PEACE Center
Project Address: 715 West 7th
City, State, Zip: HASTINGS, NE 68901
In City Limits: Yes
Legal:

Existing Zoning: R-1, Urban Single Family Residential
Proposed Zoning:
Comprehensive Plan:
Gross Area: 69960
of Lots: All?
Proposed Use: Neighborhood assembly <350

Reason for Request: no permit was ever filed upon church purchase

Applicant / Owner

Applicant Name: Tony Calhoun
Company: First Presbyterian Church
Address: 621 N Lincoln Ave
City, State, Zip: Hastings NE 68901
Phone: 402-469-5677
Email: tony@fpchastings.org

Owner Name: FIRST PRESBYTERIAN CHURCH OF HASTINGS NE
Address: 621 N LINCOLN AVE
City, State, Zip: HASTINGS, NE 68901-0000
Phone:
Email:

Key Contact

Key Contact: Tony Calhoun
Company: First Presbyterian Church
Phone: 402-469-5677

Address: 621 N Lincoln Ave
City, State, Zip: Hastings NE 68901
Email: tony@fpchastings.org

I do hereby certify that the information contained herein is true and correct.

Tony Calhoun

Applicant

03/11/2021

Date

03/11/2021

Date

Owner

City of Hastings

220 N. Hastings Avenue

Hastings NE 68901

Payee: FIRST PRESBYTERIAN CHURCH

Date: 3/22/2021 Time: 3:23 PM

Receipt Number: DS1 / 90949

Clerk: TERI

ITEM	REFERENCE	AMOUNT
ZONE	CUP	
Zoning Fees		400.00
DEED Name	FILING FE	
Recording Fees		16.00
Total:		416.00
ass#996457		416.00
Change:		0.00

To: Lisa Parnell-Rowe

From: Tony Calhoun and Rev. Greg Allen-Pickett, First Presbyterian Church

RE: PEACE Center Narrative

Included in this document are:

Color coded map of building

Parking lot map (with proposed electricity pole location on the west side with a red X)

Room dimensions

Fire extinguisher locations

Escape Route

1. **Room #1** is color coded RED, and it is the SW Garage
Dimensions: 33x35
Total square Footage: 1155 sq. ft
Use: Van Storage, Workshop, Piano Studio
2. **Room #2** is color coded GREEN, and it is the Senior High Fellowship Room
Dimensions: 35x35
Total square Footage: 1225 sq. ft
Use: Senior High Fellowship Classes
3. **Room #3** is color coded PURPLE, and it is the NW Classroom (with kitchenette and bathroom)
Dimensions: 35x35
Total square Footage: 1225 sq. ft
Use: Spanish Language Classes, United Harvest Staging Area, Walker's Fellowship Group, Family Reunions
4. **Room #4** is color coded BLACK and is the Gymnasium (includes 3 separate storage rooms located under the bleachers. One is used by Hastings Food Pantry for overflow canned goods, 2 are used by Hearts and Hands Against Hunger)
Dimensions: 80x94
Total square Footage: 7520 sq. ft
Use: Pickleball, Red Tide Basketball teams, United Harvest, Walker's exercise group, Multi-Purpose Worship Center
5. **Room #5** is color coded YELLOW, and is the NE Classroom (with large, mirrored wall)
Dimensions: 33x36
Total square Footage: 1188 sq. ft
Use: Spanish Folkloric Dance Group, Dog Obedience Classes, United Harvest Staging, Birthday Parties, Day of the Dead Celebrations
6. **Room #6** is color coded ORANGE and is the East Central Room (has upstairs locked access area as well as the roof hatch)
Dimensions: 22x46
Total square Footage: 1012 sq. ft
Use: United Harvest Staging/Prayer Room, Spanish Folkloric Dance Group, Dog Obedience class waiting room
7. **Room #7** is color coded BLUE and is the SE Garage
Dimensions: 16x35
Total square Footage: 560 sq. ft
Use: United Harvest Storage, Farmers to Families weekly food box distribution

8. **Room #8** is color coded BROWN and is Quilter's room
Dimensions: 15x33
Total square Footage: 495sq. ft
Use: FPC Quilter's
9. **Room #9** is color coded RED and is Heart's and Hands Against Hunger East (has small unused space upstairs that is **kept locked and is inaccessible.**)
Dimensions: 33x36
Total square Footage: 1188 sq. ft
Use: Heart's and Hands Against Hunger-Use material from the Orphan Grain Train from Norfolk, NE, to assemble meals which are then distributed worldwide to predominately third world countries as of March 2021, over 7M meals have been packed at this location
10. **Room #10** is color coded PURPLE and is Heart's and Hands Against Hunger West (has small unused space upstairs that is **kept locked and is inaccessible.**)
Dimensions: 33x46
Total square Footage: 1518. ft
Use: Heart's and Hands Against Hunger
11. **Room #11** is color coded BROWN and is the Boiler Room
Dimensions: 15x33
Total square Footage 495 sq. ft
Use: Building Mechanical Room
12. **Room #12** are the Male and Female Locker Rooms and restrooms (Showers are decommissioned) Both locker rooms have upstairs storage rooms that are **kept locked and are inaccessible.**
Use: Red Tide Basketball teams

Additional Narrative Information:

REGULAR COMMUNITY USE OF THE BUILDING

Food/Feeding Ministries (See attached photos)

- Hearts and Hands Against Hunger Food Packing Ministry – A collaborative community ministry run by the Kiwanis Club that uses the space in rooms 9 and 10 on the map. They bring in outside groups to pack meals that are shipped around the world for disaster response and food relief by Orphan Grain Train. They have 1-4 food packing events each week with groups of 5-50 people.
- United Harvest Mobile Food Pantry – A joint ministry of First Presbyterian Church of Hastings and First United Methodist Church of Hastings. Once a month, on the 3rd Saturday of the month, the entire PEACE Center is converted into a mobile food pantry. 400-500 families are served with a food distribution equivalent to about one weeks worth of groceries. The food comes in on Saturday morning in a semi truck from the Foodbank of the Heartland in Omaha. It is off loaded into the PEACE Center, broken down into food boxes, and distributed to families. Families come from about a 50 mile radius around Hastings to receive the distribution. The distribution takes place over 4 hours, so there are never more than 200 people in the building including recipients and volunteers. This utilizes the whole building.
- Hastings Food Pantry Storage and Sorting Facility – A joint ministry of many churches in Hastings, the Hastings Food Pantry provides a food box distribution to families in need. The Hastings Food Pantry stores and sorts the nonperishable canned goods in the PEACE Center. Every time there is a food drive in Hastings (boy scouts, postal service, etc.) they get thousands of pounds of food that are stored and sorted in the PEACE Center and then taken to the distribution center at First St. Paul's church.

Recreation Ministries (See attached photos)

- Weekday Walking Group – Most weekday mornings, 5-10 senior citizens gather and walk around the gym for 30-60 minutes and then share coffee in the northwest classroom (room 3 on map.)
- Pickleball Group – On Mondays there is an open-gym pickleball group that attracts 4-10 players. On Tuesday and Thursday Evenings the Hastings Pickleball Club plays in the gym.
- Red Tide Homeschool Basketball League – PEACE Center Gym, used 2 times per week
- Wednesday Night Live and Youth Group – Building is utilized on Wednesday afternoons for recreation for a community-wide Children's Christian Education program called "Wednesday Night Live." On Wednesday evenings the building is utilized for recreation and meeting space for the high school youth group
- Boy Scouts – Troop 200 utilizes the PEACE Center for recreation
- Raices de mi Pueblo – Mexican folkloric dance group holds their practices and social events in the PEACE Center. This is part of First Presbyterian Church's outreach to the Hispanic/Latino Community in Hastings

Community Use (See attached photos)

- Central Community College utilizes classroom space
- Classroom space is offered for local families to hold birthday parties and graduation parties
- Hannah Jensen-Heitmann has a piano studio with 50+ private piano students

PARKING

The current configuration of the parking lot provides 95 parking spaces.

Once a month during the United Harvest Mobile Food Pantry, all of the parking lot spots are in use. Food recipients cycle through the parking lot over a 4 hour period.

At special events like weddings and funerals, up to 95 of the parking spots can be in use.

On Sunday mornings during the church hour, 50-80 of the parking spots are in use.

During the rest of the week, there are generally 20-30 cars parked in the lot on a given day, most often in the parking spots that are adjacent to the building.

We are aware that the parking lot is in need of attention and are putting a plan in place to patch the holes in the parking lot. The Trustees of the church are also looking at a long-term plan for how to manage the maintenance and repair of the parking lot that will provide safety and long-term durability.

OCCUPANCY

We are applying for a CUP as a "Neighborhood Community Center." We understand that usage for a "Community Center" is defined in the City Code to not exceed 350 maximum capacity. The church would prefer to maintain a maximum building capacity of 299 as opposed to allowing for 350. This reduced maximum capacity of 299 would avoid certain improvements (i.e., sprinklers) that are too costly at this time to install and maintain. The church is willing to allow this condition of 299 regarding this maximum capacity and we will enforce that capacity.

The church also understands and is willing to enforce a condition in our permit that the upstairs areas in the PEACE Center will remain locked, unused and inaccessible due to the many safety concerns/code issues with these areas. Those areas will be locked and the Facilities Manager of First Presbyterian Church of Hastings will be the only person with a key. That will keep people out of those spaces when various groups are using the building.

BUILDING USE AGREEMENT

Included is a copy of our building use agreement which also explains the rates charged (member and non-member), the requirements, the scheduling and the process to go about using the facility for an event. The point of contact for outside groups that wish to use the building is the church's Office Administrator. She works Monday-Friday, 8:30am-4:30pm and can be reached by phone at 402-462-5147

Building use agreements are all approved by the Trustees of the church, a group of 9 volunteers who meet monthly to oversee the facilities and finances. We ask that building use requests be submitted with at least 1 month notice for approval. The requirements to clean and pickup and close the building are included in the building use agreement.

FOOD TRUCK MINISTRY PROPOSAL

In addition to the use of the PEACE Center (old middle school annex building) outlined above, we also propose using the parking lot for a food truck ministry.

There are two components of this proposal described in detail below:

1. "Beto's Tacos" Food Truck parked on an ongoing basis

We propose to provide a very small portion of our parking lot space on an ongoing basis for a minority entrepreneur. Our church has been doing outreach into the Hispanic/Latino community over the last four years, and this is a natural outgrowth of that outreach. We were approached by the owner of Beto's Tacos with a request to park his food truck in the PEACE Center parking lot. He approached us because of our church's ministry, hospitality, and geographic location. To read more details about how this idea came about and was implemented, you can access our church newsletter: <http://bit.ly/FPCHNews4-11>

The church does not own the food truck. The church is not seeking to earn revenue from the food truck. The church sees this as part of our ministry and mission, much like providing rooms in the PEACE Center for community groups to use at a nominal cost. This fulfills our vision of the PEACE Center and parking lot being a resource for the community, a "community center" by creating an additional opportunity for the church to reach out to the community through facilitating a space for fellowship in our church parking lot and providing an opportunity for an entrepreneur.

Once the food truck gets established, it will make a monthly donation to the church that goes to the parking lot repair and maintenance fund. This is similar to the payments we accept for groups that use the classroom space in the PEACE Center, it will go to offset some of our maintenance costs. This does not impact the non-profit status of the church because the church is allowed to accept donations and facility use fees to offset maintenance, custodial, and utility costs. Included is a sample use agreement between First Presbyterian Church and Beto's Tacos.

In the use agreement between the food truck and the church, it is the responsibility of the food truck to secure his own liability insurance as well as all state and local permits. The owner has done this and we have submitted copies of all permits to the city. Currently neither the state, nor the city of Hastings, have a specific permit for food trucks, so the state recommends that the trucks get a "Temporary Food Establishment" permit, which the food truck owner has done. A provision of that permit states that the truck must move every 14 days, but the state is only enforcing that provision if a complaint is filed. The preference of the church and the food truck owner would be for the truck not to have to move every 14 days. The owner of the food truck is wheelchair bound and has a ramp that has to be disassembled and reassembled every time the truck is moved. However, if a complaint is filed and relocation becomes necessary, the food truck could be relocated to a different part of the parking lot on a rotating basis.

The food truck intends to be open 7 days per week. The tentative hours of operation will be 7am-8pm Monday-Saturday and 12pm-8pm on Sundays. The owner will coordinate with the church to ensure that the days and hours of operation don't interfere with other church activities.

The food truck owner has not yet decided if the operations will be seasonal or year-round, so for the sake of this conditional use permit, we are requesting year round approval. The food truck is equipped with both heating and air conditioning, as well as all of the refrigeration and heating elements necessary to maintain proper and safe food temperatures, per the health department. All of that equipment and the food truck are designed to operate year-round.

The food truck will remain on the church property overnight and during the week. The food truck owner will add picnic benches for the customers to sit. Those benches will not disrupt the flow and use of the parking lot and will remain out during the week and overnight.

There is no plan to add additional lighting or exterior heating units for outdoor dining.

Based upon the data from the soft opening of the food truck on the adjacent property, we anticipate that the food truck will serve 100-150 customers per day.

In order to facilitate this ministry, the church has installed a new power pole in the parking lot with a separate meter. Below is a site plan that shows the location of the power pole and the proposed location of the food truck and picnic benches.



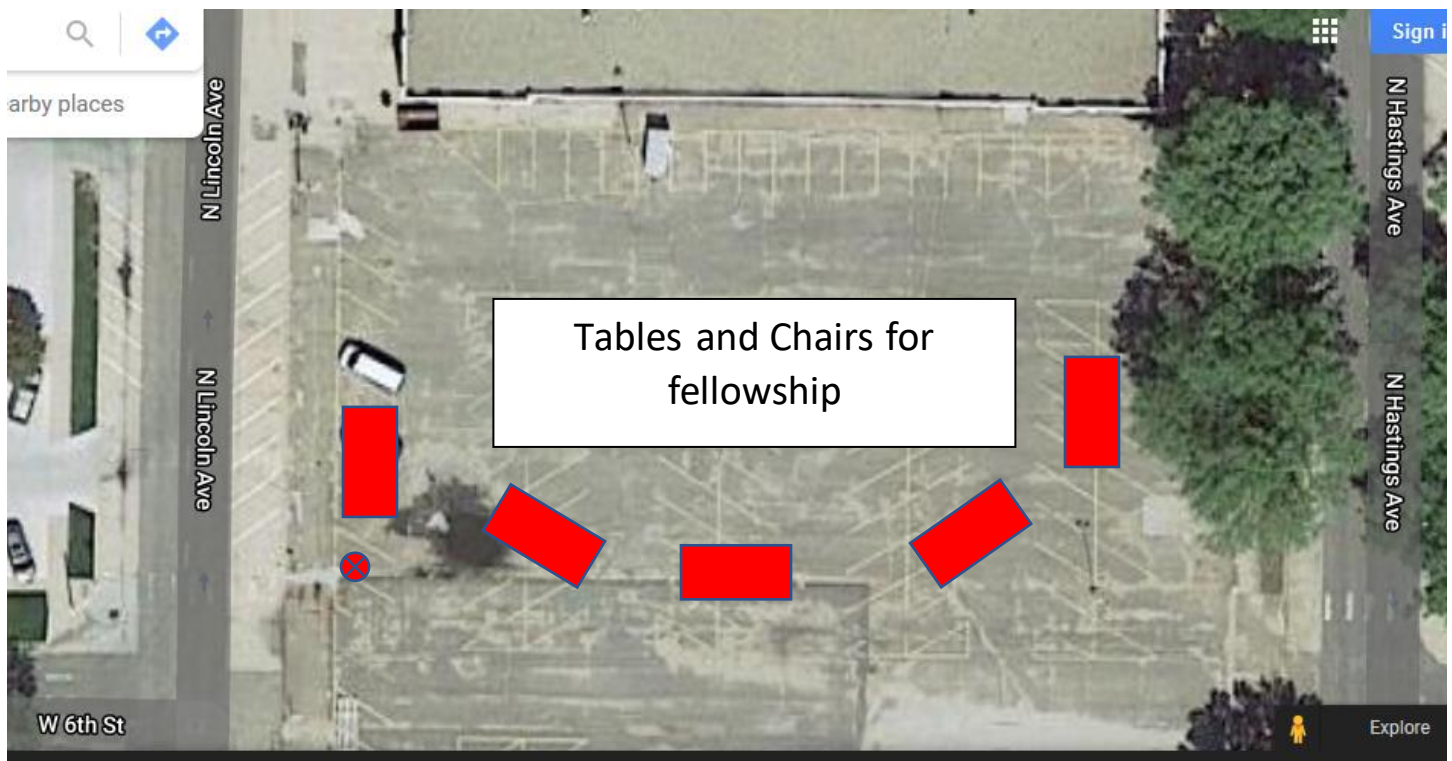
2. Food Truck Roundup (occasional one day event)

On occasion, no more than 6 times per year, the church would like to host one day events where we would invite 4-6 food trucks to park in a semi-circle in the PEACE Center parking lot.

General Event Details:

- These events would be open to church members as well as the community.
- Duration of the events would be 4pm-8pm
- Frequency would be at most once per month in May-October
 - An example would be “Food Truck Roundup, the third Thursday of the month” or “Friday Food Truck Festival.” Although the specific day of the week has not been determined.
- Alcohol: The church has a policy of no alcohol on our property, so no alcohol would be served at these events.
- Attendance: We don’t anticipate more than 400 people attending over the course of 4 hours
- Bathrooms: We would unlock the PEACE Center for access to the bathrooms. We don’t anticipate more than 299 people needing access to the bathrooms simultaneously, so we would be able to stay under our maximum occupancy
- Trash: We have a contract with Woodward’s for trash and would order extra trash bins for the events
- Parking: Available in the Church parking lot, as well as on-street parking on Lincoln and Hastings streets
- Seating: We would set up folding tables and chairs in the middle of the semicircle and would invite the community to come and enjoy the food from the food trucks. People could also bring their own chairs.
- Entertainment: We may also include live music and games and activities like cornhole.
- Safety/Regulation: It is the policy of the church that all contractors coming on the church property must have appropriate licenses and insurance. The church would do its due diligence on food truck vendors.
- Purpose: This event/ministry would provide support to local businesses and also create an opportunity for fellowship and community building.

Below is a site plan that approximates what these events could look like.





Hearts & Hands
Against Hunger
Hearts & Hands Against Hunger

Orphan Grain Train

ST. CECILIA HAWKETTES

Player	Grade
ERIN GIBBY	11
ALLISON STRETT	10
BALLEE KISSINGER	11
SHAYE BUTLER	11
OLIVIA KYLA	11
TATUM KOSKAC	11
ANNE DENNIS	11
RYAN SARATKA	11
HANNA SCHMIDT	11
EDNA LANGRISH	11
ANNE KROGGARD	11
KATHARINE HANSEN	11

Head Coach: Greg Gault
Assistant Coach: Michael Gault
Manager: Mary Gault, Angela Gault, Alan Gault

42/28





MAKE EXERCISE
A PRIORITY
BEFORE IT BECOMES
A PRIORITY

HOME & VISITOR
FOUL PLAYER FOUL

Start a
habit...
Exerc

Start a
habit...
Exerc

Start a
habit...
Exerc



NEBRASKA

Good Life. Great Service.

DEPARTMENT OF REVENUE

0000043

DATE 03/09/2021

SALES TAX PERMIT FOR THIS LOCATION

NONTRANSFERABLE
STATE ID NUMBER
014102641

LOCATION ADDRESS

MAILING ADDRESS

BETO'S TACOS
FRANCISCO DIAZ
103 UNIVERSITY APT 1
HASTINGS NE 68901

BETO'S TACOS
103 UNIVERSITY APT 1
HASTINGS NE 68901

DISPLAY PROMINENTLY AT BUSINESS LOCATION

To cancel, see instructions on reverse.

Tony Fulton
Tax Commissioner

STATE OF NEBRASKA
DEPARTMENT OF AGRICULTURE
FOOD SAFETY & CONSUMER PROTECTION

Permit for Temp. Food Serv.

Fee Paid \$ 158.46

THIS PERMIT IS NOT TRANSFERABLE TO PERSON OR LOCATION

INSPECTION FEE PAID FOR 08/01/2020 - 07/31/2021

056985-04A

01 07

Diaz, Francisco
103 University St #1

Betos Tacos

103 University St #1

Hastings NE 68901

Hastings NE 68901

POST THIS PERMIT IN A CONSPICUOUS PLACE.

NEBRASKA

Good Life. Great Service.

DEPARTMENT OF REVENUE

0000044

DATE 03/09/2021

INCOME TAX WITHHOLDING CERTIFICATE

NONTRANSFERABLE
STATE ID NUMBER
014102641

LOCATION ADDRESS

MAILING ADDRESS

BETO'S TACOS
FRANCISCO DIAZ
103 UNIVERSITY APT 1
HASTINGS NE 68901

BETO'S TACOS
103 UNIVERSITY APT 1
HASTINGS NE 68901

RETAIN THIS FOR YOUR RECORDS

To cancel, see instructions on reverse.

Tony Fulton
Tax Commissioner

Lisa Parnell-Rowe

From: Panec, Bill <bill.panec@nebraska.gov>
Sent: Monday, May 3, 2021 6:55 AM
To: Lisa Parnell-Rowe
Cc: Venteicher, Brenda; Kahler, Dan
Subject: Betos Tacos

Lisa:

Betos Tacos is permitted with the Department of Agriculture their permit number is 56985. If you have questions Brenda Venteicher is the inspector that covers the Hastings area her phone number is 531-207-2035.

Bill Panec

Supervisor / REHS FOOD SAFETY & PROTECTION

Nebraska Department of Agriculture

OFFICE 402-471-3422

CELL 402-430-5533

bill.panec@nebraska.gov

nda.nebraska.gov | [Facebook](#) | [Twitter](#)

First Presbyterian Church

Facility Use Request Form

Account

Today's Date _____
Organization _____
Address _____
Address _____
City _____ State _____ Zip Code _____
Home Telephone _____ Work Phone _____

Contact

Name _____
Telephone _____ Cell Phone _____
E-mail _____

Building

Presbyterian Church _____ Yes _____ No
FPC Annex _____ Yes _____ No
Proposed Dates of Use: _____
Proposed Hours of Use: From _____ (am or pm) To _____ (am or pm)

Organization

1. Is either a business or organization sponsoring? _____ Yes _____ No
- is your organization a registered 501©(3) not-for-profit entity? _____ Yes _____ No
- is your organization a church? _____ Yes _____ No
- is your organization an educational institution? _____ Yes _____ No
- is your organization a governmental agency? _____ Yes _____ No
2. Is a private individual sponsoring this event? _____ Yes _____ No
-who will be sponsoring this event? _____

General Use

Have you booked an event using our facilities before? _____ Yes _____ No
Is this booking for third party use (booking for someone else)? _____ Yes _____ No
Is your event open to the public? _____ Yes _____ No
Will you collect donations (admission fees are not allowed)? _____ Yes _____ No
Is your event a fundraiser? _____ Yes _____ No
Will you be advertising your event? _____ Yes _____ No

Specific Use	Area(s) Needed	Extra Decorating Time
1. Sanctuary	_____ Yes _____ No	_____ Yes _____ No
2. Memorial Room	_____ Yes _____ No	_____ Yes _____ No
3. Fellowship Hall	_____ Yes _____ No	_____ Yes _____ No
4. Kitchen	_____ Yes _____ No	_____ Yes _____ No
5. Sunday School Rooms	_____ Yes _____ No	_____ Yes _____ No
6. Small Meeting Rooms	_____ Yes _____ No	_____ Yes _____ No
7. FPC Annex Gym	_____ Yes _____ No	_____ Yes _____ No
8. FPC Annex Rooms: NW, NE	_____ Yes _____ No	_____ Yes _____ No
9. Other - Please Describe Here:		

Sanctuary	Will piano or organ be used?	_____ Yes _____ No
	Will decorations be used?	_____ Yes _____ No
	Will the balcony be used?	_____ Yes _____ No
Memorial Rm	Will tables and chairs be needed?	_____ Yes _____ No
	Will decorations be used?	_____ Yes _____ No
	Will food or drink be in Memorial Room?	_____ Yes _____ No
Fellowship	Will tables and chairs be needed?	_____ Yes _____ No
	Will decorations be used?	_____ Yes _____ No
	Will food or drink be in Fellowship Hall?	_____ Yes _____ No
Kitchen	Will your event be catered?	_____ Yes _____ No
	Will cooking/baking take place in the kitchen?	_____ Yes _____ No
	Will you be serving food and/or drink?	_____ Yes _____ No
	Will any red dye drinks be served?	_____ Yes _____ No
	Will utensils/cook ware and/or dishware be used?	_____ Yes _____ No
	Will the dishwasher be used?	_____ Yes _____ No
	Will church table cloths or towels be used?	_____ Yes _____ No
Rooms	What equipment will be used?	_____
	What food or drink will be in the room?	_____
FPC Annex	What breakdown of ages will attend?	_____
	What cleanup will be needed?	_____
	What sports equipment will be used?	_____
	Will tables and chairs be needed?	Quantity _____ _____ Yes _____ No
	Will decorations be used?	_____ Yes _____ No
	Will food or drink be in the FPC Annex?	_____ Yes _____ No

Under-
standing

1. Party requesting use shall sign the FPC Use and Hold Harmless Agreement.
2. The party using the facilities will be responsible for the total replacement cost of materials damaged or lost, regardless of the activity.
3. Additional fees may be collected or returned after the use to appropriately address the actual costs.
4. Party using the facilities shall be responsible for leaving the facilities and equipment in the same condition as it was upon arrival.
5. Facilities and rooms not made available to the party under this agreement shall not be used.
6. Equipment not made available to the party by prior arrangement under this agreement shall not be used.
7. Use forms and FPC Use and Hold Harmless Agreement shall be submitted for approval **at least 15 days** in advance of use dates requested.
8. All arrangements for use shall be coordinated with the Church Administrative Staff in the church office from 8:30am to 4:30pm weekdays.
9. Failure to comply with the use provisions in the First Presbyterian Church's total agreement may result in the cancellation of existing and all future facility use requests with that party.
10. Emergency contacts:
Facility Manager Tony Calhoun (402) 469-5677

Requested
By

I, _____, having read and agreed to First Presbyterian Church's rules, regulations and policies, fully understanding that additional fees may be incurred, and providing the church with the attached Use, Indemnification and Hold Harmless Agreement, request permission for the use of the church facilities for the purpose as described in this application.

Signature of Requesting Representative

Date

Church
Approvals

= = = = =
For Church Use Only.

Approval Date: _____

Fees: _____

(To be approved by at least one of the following)

Special Instructions:

Trustee

Session

Church Administrative Staff

FIRST PRESBYTERIAN CHURCH – HASTINGS, NE.

FACILITIES USE GUIDELINES & PROCEDURES

First Presbyterian Church's mission is: "To glorify God as we share the hope, joy and promise we are given through Jesus Christ".

We will welcome everyone as we would welcome Christ.

- Goals:
 - To use this space in a God-honoring way.
 - To treat visitors as honored guests.

The priority of use shall be as follows:

- 1) **Recognized Groups:** groups within the church holding FPC-sponsored events. Examples include church services and worship, Sunday school, adult education, committee meetings, small group meetings (i.e. Presbyterian Women luncheons, Celebrate Band, Quilters) and youth activities (i.e. Wednesday Night Live).
- 2) **Church Related Activity Groups:** other non- or not-for-profit groups who provide service or otherwise contribute to the local community (i.e. Boy Scouts, Red Cross, Hastings College music department).
- 3) **Church Member Special Events:** (i.e. anniversaries, receptions, and showers).
- 4) **Outside Group Activities:** activities that the church recognizes as keeping with building-use philosophy embraced by FPC (i.e. PEO). **For profit events will not be allowed.**

Church Member Special Events and Outside Group Activities are Non-FPC Sponsored Events and require the attached application.

A Facility Use Request Application must be completed by all members or non-members and submitted with the deposit (if applicable) to the church Administrative Specialist at least 15 days in advance of the activity. The form is required for every area of the church and annex.

Upon receipt of the application and deposit (if applicable), the Church Office Staff will be responsible to schedule review of the request with the appropriate church board and/or staff. If applicable, approval may include review by Trustees and/or Session.

Deposit Policy:

Deposits will be accepted with application submission and returned if the application is denied or held until the event is completed and facilities used have been inspected. **Deposits will only be required for Non-Member sponsored events.**

Usage and Fees:

Usage and fees will be separated into two categories: *Member Sponsored* and *Non-Member Sponsored*.

Member Sponsored requires an FPC member to make the application and attend the event(s). That member assumes responsibility for the event(s) and ensures no facilities damage occurs and proper cleanup is completed. *No for profit activities will be allowed.*

The Church rooms will only be available for FPC and Member Sponsored Events. The Annex will be available to both Member and Non-Member Sponsored Events.

The **Fee Schedule** is as follows:

- 'Base' rate will include up to 2 hours of usage. 'Additional' will be for each additional hour.

FEE SCHEDULE:

Church - Member Sponsored (Only)

	Base	Additional
Kitchen	\$50	\$25
Fellowship Hall	\$100	\$50
Kitchen & Fellowship Hall	\$120	\$60
(Please Note: Food storage does not require kitchen rental)		
Parlor	\$30	\$15
Classrooms (ea.)	\$30	\$15
Conference Room:		
(Anderson, Kessler, et.al.)	\$ 40	\$20
Memorial Room	\$100	\$50
Chapel	\$100	\$50

Sanctuary use is available at an hourly rate of \$100 and

- requires an additional agreement that the organ is not to be played without express consent of both Pastor and Linda Vollweiler, church organist.
- Celebrate Band equipment is not to be used.
- The sound system is to be operated by FPC music or staff member only;
- services may be quoted on an as-needed basis.

Annex Member and Non-Member Sponsored

<u>Annex Events</u>	<u>Member Sponsored</u>		<u>Non-Member Sponsored</u>	
	Base	Additional	Base	Additional
Gym	\$50	\$25	\$100	\$50
Classroom 1	\$25	\$12	\$50	\$25
Classroom w/Kitchen	\$35	\$18	\$70	\$35

Any event requiring more than 4 hours will be allowed a day rate of 2.5x base. Day rate availability is 8am to 10:30pm.

Gym Practice Usage	\$20	\$10	\$40	\$20
Game Day	\$75		\$150	

Weekly and monthly classroom rental rates are also available, weekly calculated at 2.5x base rate less 20%, monthly x20 days less 30%, or as follows:

	<u>Member Sponsored</u>		<u>Non-Member Sponsored</u>	
	Weekly	Monthly	Weekly	Monthly
Classroom 1	\$250	\$875	\$500	\$1,750
Classroom w/Kitchen	\$350	\$1,225	\$700	\$2,450

Deposit Required: None 50% of estimated usage rate

Pastor discretionary funds may be used if there is a hardship need for Member or Non-Member Sponsored Events.

Payment is expected within five days after the event(s).

- If the event(s) are reoccurring, quarterly payments are acceptable.

Cancellation Policy:

- A 30-day cancellation notice for all or any part of the reservation is required.
- If a 30-day notice is not given and other events had been turned away from time reserved then cancelled, a 25% fee will automatically be assessed.
- In the event of city observed inclement weather, a change in reservation will be accommodated without penalty within 2 weeks as existing schedule(s) allow.

After a group is **approved for reoccurring event(s)**, the same group with the same event may schedule continuously without requirement of additional application(s).

- Cancellation is subject to cancellation policy.

General Building Use Regulations:

1. All facilities must be vacated by 10:30 p.m. unless arranged otherwise in advance.
2. Sufficient supervision shall be provided by the party using the facility to ensure good order and protection of property, and prevention of persons wandering around the building.
 - a. All children's or youth activities shall be supervised by a minimum of (2) adults over the age of twenty-one (21).
 - b. When children are in attendance they must be under the control of parents or adults at all times and are not permitted to roam freely throughout the building or on the grounds.
3. Individuals using any church property agree to be personally responsible for any damage to the property other than ordinary wear and tear, and shall hold the church harmless* from liability that may result in injury or as a result of the use of church facilities.

**Refer to Use, Indemnification and Hold Harmless agreement signed when request granted.*

4. Responsibilities of all groups using the facilities:
 - a. Doors unlocked and locked.
 - b. Lights turned on and off; be sure all windows are closed and latched.
 - c. Tables & chairs set up and returned to required arrangement.
 - d. Building is secured during event.
 - e. Rooms are left clean.
 - f. Trash is bagged and taken to dumpster.
5. No fixtures or equipment shall be moved unless agreed upon at the time of signing the use request form.
6. No hard soled shoes, or soles, which leave marks, will be permitted on gym floors.
7. Special instructions that require movement of equipment and or furniture shall be submitted no later than five days prior to use.
8. Not allowed on church property:
 - a. Weapons, alcohol, any tobacco products, controlled substances/drugs.
 - b. Bicycles, skateboards, and roller skates/blades.
9. Problems are to be reported immediately to the office and/or Facilities Manager via contact information provided at time of rental.

USE, INDEMNIFICATION AND HOLD HARMLESS
AGREEMENT

This Indemnification Agreement is made on _____, 20____ between
_____, (“Organization”) and First Presbyterian Church,
Hastings, Nebraska (“Church”).

In consideration of the authorization to use that portion of the Church’s buildings as described below (the “Premises”) and other good and valuable consideration, receipt of which is acknowledged, the parties agree as follows:

1. **Hold Harmless.** Organization hereby agrees to indemnify and hold Church harmless from and against any and all claims arising from Organization’s use or occupancy of the Premises or from the conduct of its business or from any activity, work, or things which may be permitted or suffered by Organization in or about the Premises including all damage, costs, attorney’s fees, expenses and liabilities incurred in the defense of any claim or action or proceeding arising therefrom. Except for Church’s willful or grossly negligent conduct, Organization hereby assumes all risk of damage to property or injury to person in or about the Premises from any cause, and Organization hereby waives all claims in respect thereof against Church.

2. **Duration.** Indemnity under this Agreement shall commence on the first person who comes onto the Premises with the permission of the Organization, and shall continue in full force until the Organization’s use of the Premises has been accomplished.

3. **Requirement of Notice to Organization.** Church agrees to notify Organization in writing at Organization’s address as stated in this Agreement, of any claim made against Church on the obligations indemnified against in this Agreement.

4. **Regulations for Use of Facility.** Organization agrees to strict observance of the following rules and regulations:

- a. Church use shall have precedence over all over uses.
- b. Smoking or any tobacco use is prohibited on all church property.
- c. Possession, consumption or use of alcoholic beverages is not permitted on the premises.
- d. All group meetings held at night must be finished and premises vacated by 10:30 p.m. unless arranged for in advance with the Church.
- e. Sufficient supervision shall be provided to insure good order, the protection of property, and the prevention of persons roaming the building or being on church premises elsewhere than in the room or facility engaged.
- f. The Organization must agree to be personally responsible for any damage to property other than ordinary wear and tear.
- g. The custodial staff or other persons appointed by the Church shall be responsible for opening and closing of the building for events that take place therein.

(Continued on reverse side)

- h. No fixtures or equipment shall be moved except by permission of the Board of Trustees or its designee and under church supervision.
- i. The First Presbyterian Church will assume no liability for loss or damage of items belonging to the Organization.
- j. No paint, tape, or other foreign substance may be used on the walls or the floors.
- k. Street shoes are not allowed on the gymnasium floor.
- l. The Organization is responsible for leaving the area used in clean condition. If janitorial services are needed because the area is left unclean, the Organization will be billed for the cost of cleaning by the Church's custodial staff.

5. **Cancellation of Use.** The First Presbyterian Church reserves the right to cancel this use agreement at any time if such action is considered to be in the best interest of the Church.

In witness whereof, the parties have executed this Agreement at Hastings, Nebraska, on the day and year first written above.

Organization

Organization's Authorized Representative

Address of Organization/Representative

Contact Info/Phone # of Organization Representative

Church Premises authorized for use under this Agreement (Initialed by Church Authority):

FPC Annex _____
 Gymnasium _____
 NW Classroom _____
 NE Classroom _____
 Other _____
Fellowship Hall _____
Kitchen _____
Sanctuary _____
Memorial Room _____
Parlor _____
Other _____

FOOD TRUCK USE AGREEMENT

This Food Truck Use Agreement (the "Agreement") is entered into on _____ by and between **BETO'S TACOS** (the "Vendor"), with its principal business/mailing address located at 103 University Avenue, Apt. 1, Hastings, NE 68901, and **FIRST PRESBYTERIAN CHURCH OF HASTINGS (FPC)** with its principal business address at 621 N. Lincoln Avenue, Hastings, NE, 68901. Each party is individually referred to as a "Party" and collectively at the "Parties."

NOW, THEREFORE, for good and valuable consideration, and in consideration of the mutual covenants set forth herein, and with the intent to be legally bound hereby, the Parties agree as follows:

1. Term of the Agreement. This agreement shall not become effective until both Parties execute this Agreement and the Vendor provides insurance documents pursuant to Section 5. The initial term of this Agreement shall be six (6) months from Effective Date (the "Term") unless terminated earlier pursuant to Section 3 of this Agreement.

2. Use Fee. Use fee shall be _____ per month payable in advance on the first day of each month at the business office of FPC.

3. Termination of this Agreement. Either Party may terminate this Agreement prior to the Term ending, with or without cause, with two (2) weeks prior written notice without penalty whatsoever.

4. Food Truck Space, Merchandise, and Display Standards. FPC Shall assign Vendor, in its sole discretion, a parking space. FPC Has, in its sole discretion, final say on how the space is used and how the Vendor presents to the general public. Vendor is required to provide its own connections, including adapters, for the permanent power provided. FPC reserves the right to change Vendor's parking space without notice or consent at any time. Vendor shall not affix any personal property to FPC premises without FPC's prior written consent. Vendor shall not sell anything other than food. FPC shall, under no circumstances, be liable for any loss or damage to Vendor's property. Vendor agrees, at its sole cost and expense, to keep its space clean and in a manner satisfactory to FPC including regular trash removal and trash receptacles. Vendor shall not transfer, assign, sublet, or share the food truck space without written approval of FPC, and any attempt to do so is automatically void.

Vendor shall vacate the premises on the third Saturday of each month for United Harvest food distribution activities by FPC.

5. Vendor Documentation. To the extent that FPC requests and requires documentation, Vendor shall provide FPC with true and correct copies of any required documentation, including but not limited to, business licenses, permits, sales tax certificates, certificates of insurance (including endorsements listing FPC as additional insured.)

6. Indemnification. Vendor agrees to indemnify, defend, and hold harmless FPC, its members, its affiliates, officers, employees, agents, and representatives from and against any and all losses, lawsuits, judgments, causes of action, costs, damages, claims (actual or alleged) and expenses resulting from claims for nuisance, bodily injury, tort, death, property destruction, and/or property damage arising out of or incidental to or in any way resulting from the acts or omissions, whether negligent or otherwise, of the Vendor, its employees, subcontractors, sublicenses, subtenants, or agents in the performance of this Agreement and/or the use of FPC premises.

7. Limitation of Liability. In no event shall FPC, its members, its affiliates, officers, employees, agents, representatives, successors, or assignees (collectively "FPC") be liable to the Vendor and/or its affiliates and/or respective managers, members, officers, employees, agents, representatives or customers for any loss, liability, theft, damage, claim, or demand, including, but not limited to, theft or damage to Vendor's property, furnishings, equipment and merchandise that Vendor may incur arising out of Vendor's operations at FPC, whether caused by the negligence of FPC or otherwise. FPC shall not carry insurance covering any such property theft, loss or damage, and Vendor shall be solely responsible to carry its own insurance or otherwise accept the risk of any such theft, loss or damage. In furtherance of the foregoing, in no event shall FPC be liable for any consequential, special, indirect, incidental damages, cost, expenses or losses (including without limitation lost profits, loss of business, anticipatory profits and opportunity costs).

8. Miscellaneous. This Agreement constitutes the entire agreement between the Parties and no other agreements, oral or written, are binding upon the Parties unless stated in this Agreement. This Agreement may only be modified by a written agreement that is signed by both parties.

IN WITNESS WHEREOF, the Parties have executed this Agreement and intend to be bound thereby as of the Effective Date stated above.

FIRST PRESBYTERIAN CHURCH OF HASTINGS

BETO'S TACOS

By _____
Printed Name: _____
Its: _____

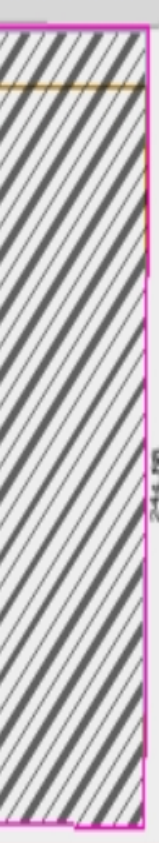
By _____
Printed Name: _____
Its: _____

Sub

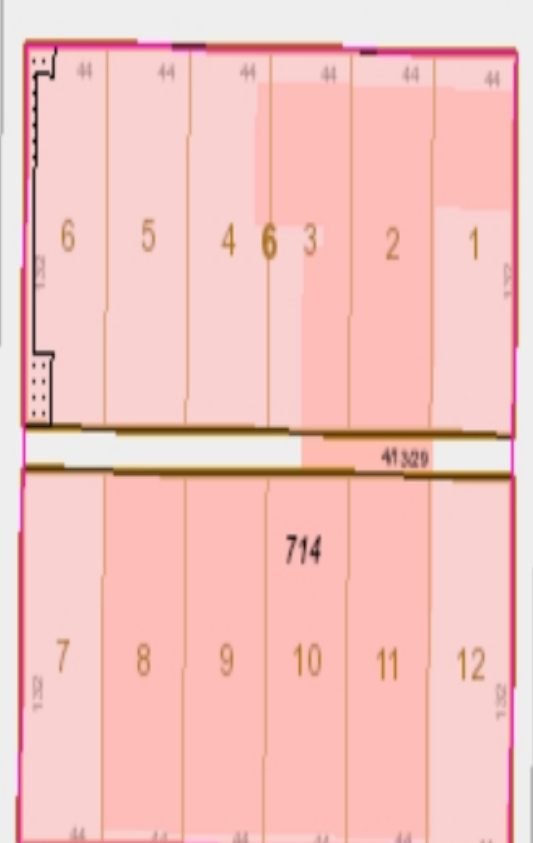
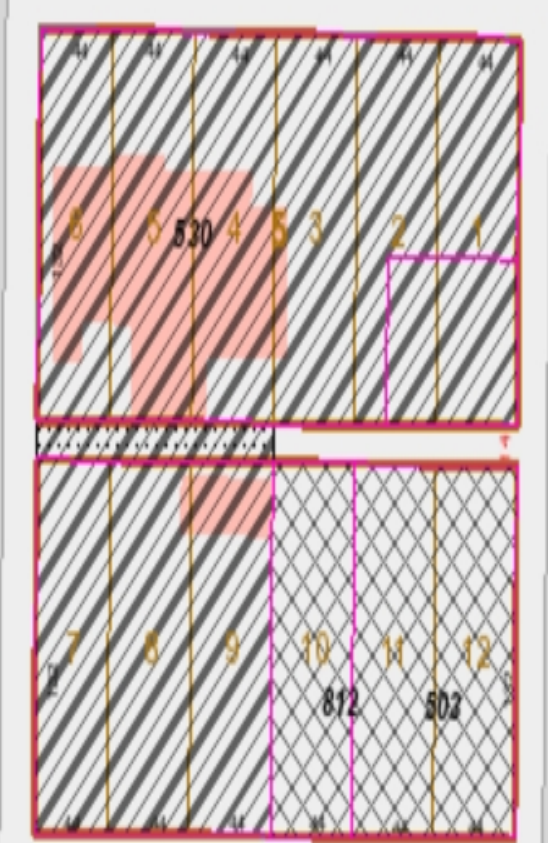
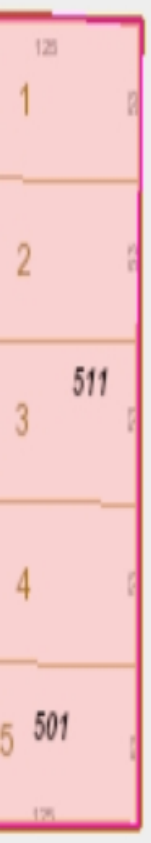
Add

Scpfield
Add

7TH ST W



Original
Town of
Hastings







Future Land Use

City of Hastings, Nebraska



0 50 100 200 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: 5/18/2021
File No: 2021-026
Prepared By: Emilia Kienbaum, Administrative Assistant

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing for a change of zoning for remaining unplatted property southeast of Cimarron Meadows 9th Addition, east of Cimarron Meadows 7th Addition, north of Cimarron Meadows Subdivision #4, and west of Fishermen Lane from "CP-3, Commercial Business Planned" to "R-1, Urban Single Family Residential", and to amend the Official Zoning District Map.

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone unplatted property southeast of Cimarron Meadows 9th Addition, east of Cimarron Meadows 7th Addition, north of Cimarron Meadows Subdivision #4, and west of Fishermen Lane from "CP-3, Commercial Business Planned" to "R-1, Urban Single Family Residential".

Names of People/Business affected by this action:

The applicant, the City of Hastings, the County and adjacent property owners.

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 unplatted property southeast of Cimarron Meadows 9th Addition, east of Cimarron Meadows 7th Addition, north of Cimarron Meadows Subdivision #4, and west of Fishermen Lane from "CP-3, Commercial Business Planned" to "R-1, Urban Single Family Residential".

Deadlines associated with action:

This rezone will also be reviewed by City Council at their June 28, 2021 Regular Meeting.

Department head comments:

Surrounding zoning is as follows:

North – R-1 Urban Single Family Residential & CP-3 Commercial Business District with Planned District Overlay

South – R-1 Urban Single Family Residential

East – CP-3 Commercial Business District with Planned District Overlay

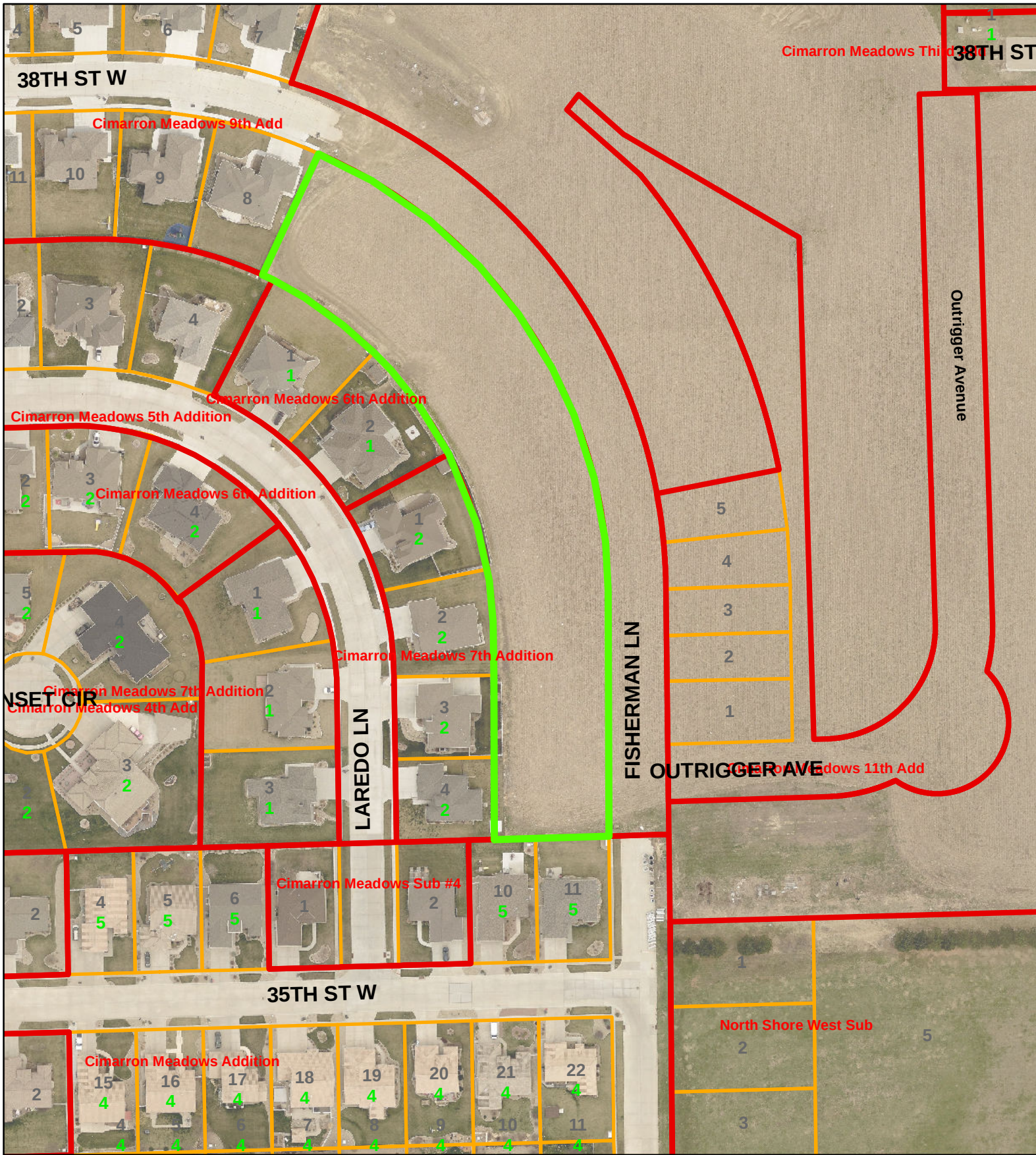
West – R-1 Urban Single Family Residential

Our applicant, Mr. Dennis Engel, has submitted his preliminary plat and a final plat with addition to City. These cases are all expected to be presented to Planning Commission at the June meeting and have not yet been fully reviewed.

Currently, this crescent-like area is zoned CP-3. However, in reviewing the current zoning for this stretch of land to Mr. Engel's concept for housing that will be placed here staff came to understand that the homes to be placed on the west side of Fisherman Lane are a best fit for meeting R-1, *Urban Single Family Residential home* zoning requirements. It seemed odd then that this seemingly stand-alone section of unfinished land was not a continuation of the R-1, *Urban Single Family Residential home* zoning district. Fisherman Lane and 38th street rights-of-way (ROWs) would both serve as logical separations where a change in zoning should occur for the CP-3 Zoning District to the north and east. In this way we could better control for consistency in setbacks along the same section as the lots aligned to the ROW to the southwest of Fisherman Lane. In fact, the most recent approved version of Preliminary Plat did actually indicate that this stretch was anticipated to be R-1. Though this Preliminary Plat is being updated, you will see this same expectation in the latest revision (to be approved in June). In discussing this matter further with the applicant there appears to have been a mis-interpretation on the part of my predecessor. This section was rezoned to CP-3 by mistake in Ordinance 4587 on April 22nd 2019. This rezone is intended to correct this error so that when the Final Plat does get processed the appropriate zoning will be in place.

Recommendation:

Staff recommends motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone unplatted property southeast of Cimarron Meadows 9th Addition, east of Cimarron Meadows 7th Addition, north of Cimarron Meadows Subdivision #4, and west of Fishermen Lane from "CP-3, Commercial Business Planned" to "R-1, Urban Single Family Residential".



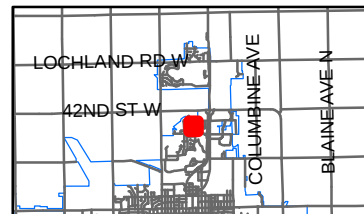
Legend

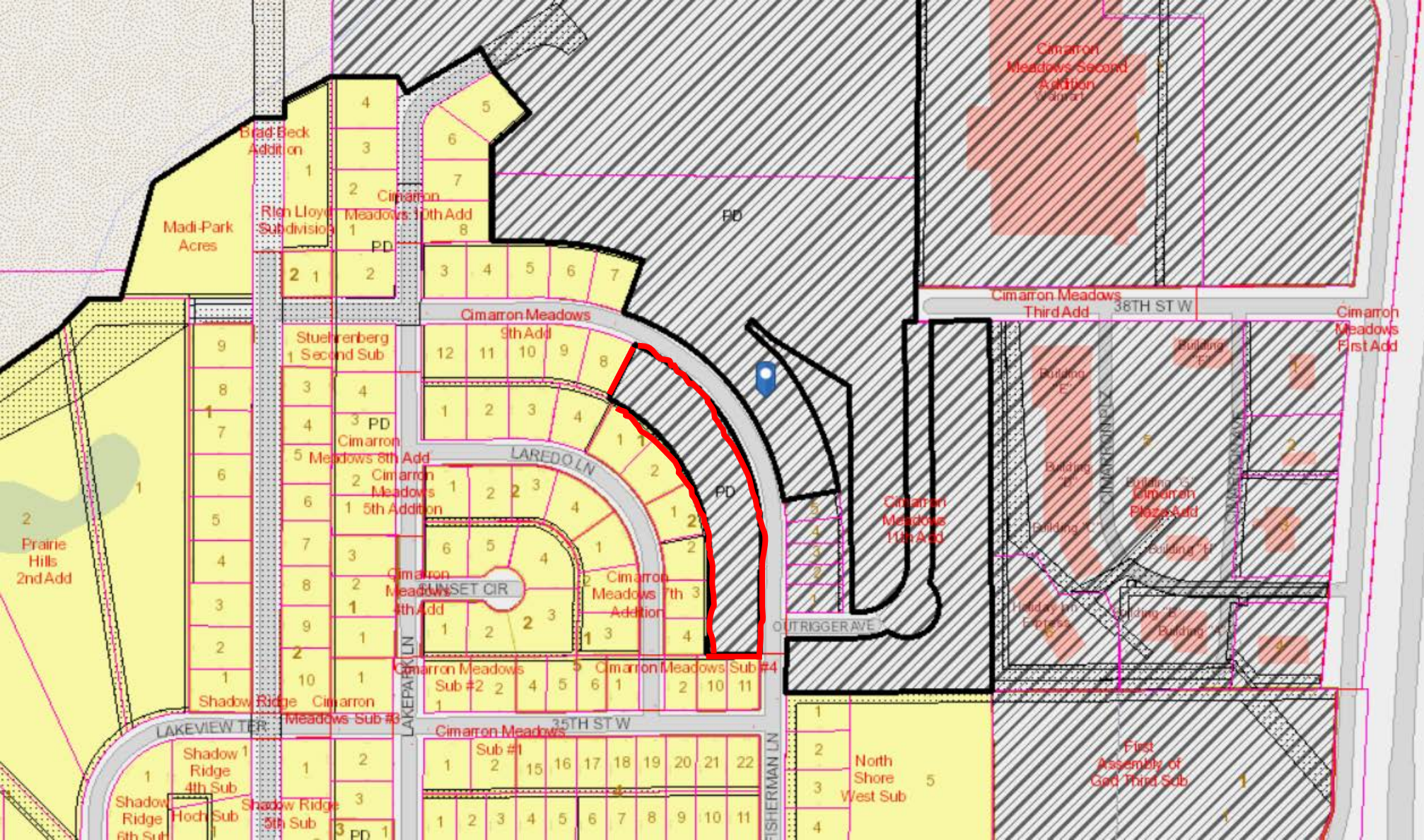
Notes

- Property to be Rezoned
- Subdivision
- Legal Lots

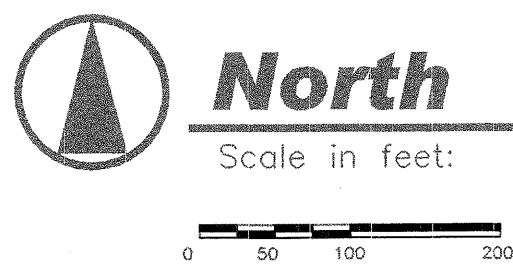
Rezone to R-1 from CP-3

A tract of land located in the Northeast Quarter of Section 36, Township 8 North, Range 10 West, Adams County.





Proposed Lot Lines =
Proposed Building Setbacks =
Proposed Utility Easements =
Overhead Electric



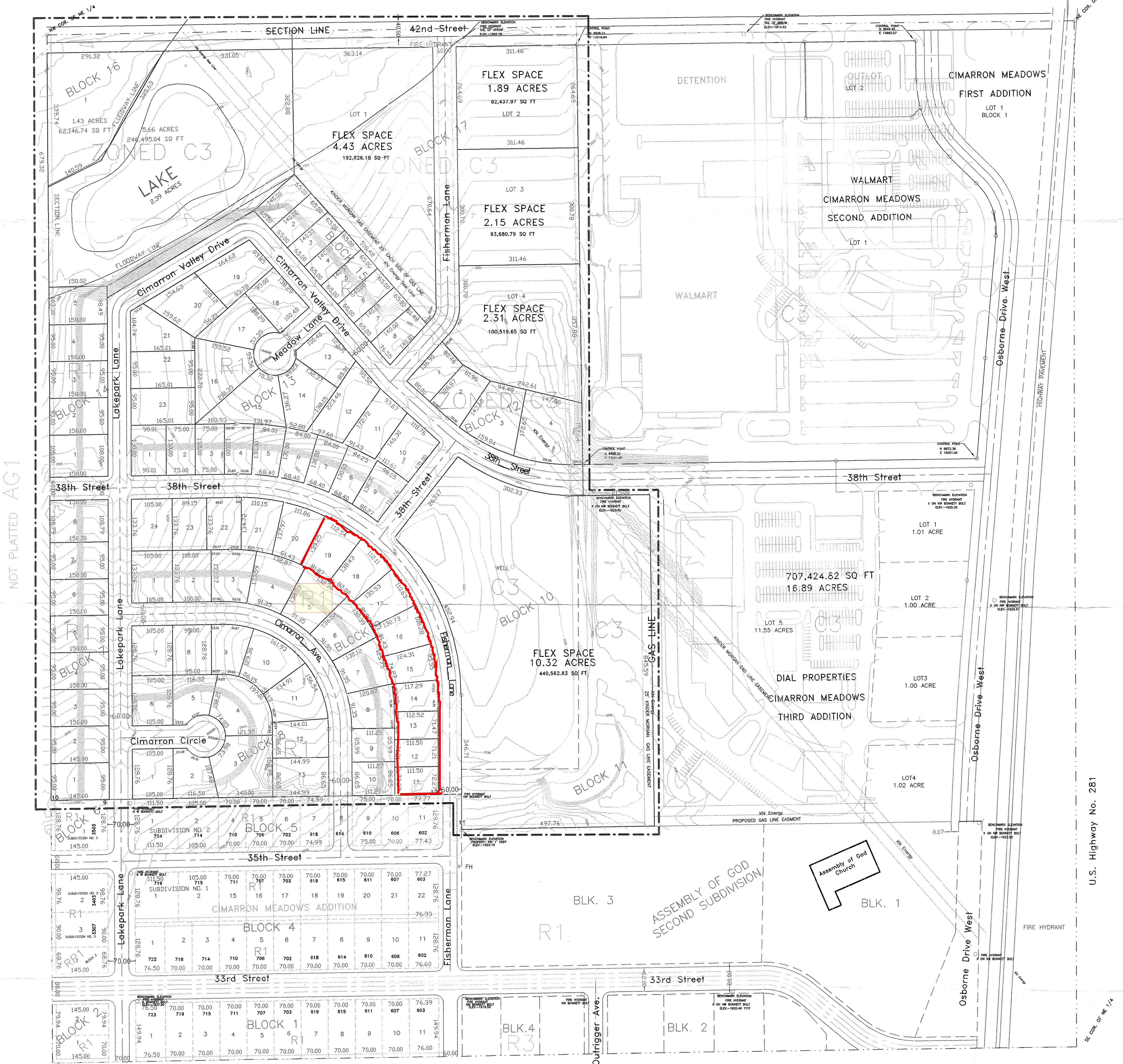
CIMARRON MEADOWS

PRELIMINARY PLAT

Part of the Northeast Quarter of Section 36, Township 8 North
Range 10 West of the Sixth P.M., Adams County, Nebraska

JEO 3RD ADD SURVEY
OLSSON 2ND ADD SURVEY
ORIGINAL CITY SURVEY

Underground Electric
Gas
Sewer
Water



MAYOR AND CITY COUNCIL ACTION

THIS PRELIMINARY PLAT OF "CIMARRON MEADOWS" A PROPOSED ADDITION
TO THE CITY OF HASTINGS, NEBRASKA, HAS BEEN _____ BY
MOTION DULY PASSED ON THIS _____ DAY OF _____, 2005.

CITY CLERK

MAYOR

CITY PLANNING COMMISSION RECOMMENDATION

THIS PRELIMINARY PLAT OF "CIMARRON MEADOWS" A PROPOSED ADDITION TO
THE CITY OF HASTINGS, NEBRASKA, HAS BEEN PRESENTED TO AND REVIEWED
BY THE HASTINGS PLANNING COMMISSION AND IS HEREBY TRANSMITTED TO
THE GOVERNING BODY OF THE CITY OF HASTINGS, NEBRASKA, WITH THE
RECOMMENDATION THAT SAID PLAT BE _____

SIGNED THIS _____ DAY OF _____, 2005.

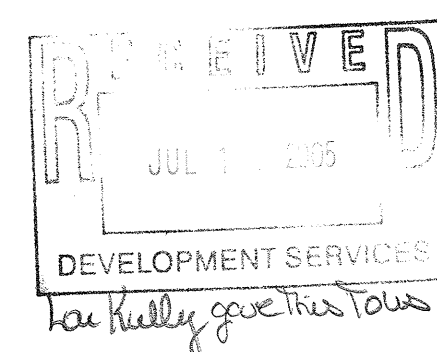
CHAIRMAN

DIRECTOR OF PLANNING

LEGAL DESCRIPTION

A TRACT OF LAND IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 36, TOWNSHIP 8 NORTH, RANGE 10 WEST OF THE 6TH P.M., ADAMS COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID NE 1/4; THENCE ON AN ASSUMED BEARING OF S89°19'14"E ALONG THE NORTH LINE OF SAID NE 1/4 A DISTANCE OF 1285.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S0°40'45"E ALONG THE WESTERN LINE OF CIMARRON MEADOWS ADDITION A DISTANCE OF 1208.10 FEET TO A POINT; THENCE N89°12'02"E A DISTANCE OF 171.94 FEET TO A POINT ON THE N.W. CORNER OF CIMARRON MEADOWS THIRD ADDITION; THENCE S0°40'45"E ALONG THE WESTERN LINE OF CIMARRON MEADOWS 3RD ADDITION A DISTANCE OF 845.60 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF CIMARRON MEADOWS 3RD ADDITION; THENCE S89°12'04"W ALONG THE NORTH LINE OF THE ASSEMBLY OF GOD 2ND SUBDIVISION A DISTANCE OF 497.76 FEET, SAID POINT BEING THE NORTHWEST CORNER OF SAID ASSEMBLY OF GOD 2ND SUBDIVISION; THENCE N00°11'18"W A DISTANCE OF 90.88 FEET TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF CIMARRON MEADOWS ADDITION TO THE CITY OF HASTINGS; THENCE S89°12'06"W ALONG THE NORTH LINE OF SAID CIMARRON MEADOWS ADDITION TO THE CITY OF HASTINGS A DISTANCE OF 1059.27 FEET TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF CIMARRON MEADOWS ADDITION TO THE CITY OF HASTINGS; THENCE N0°10'17"W ALONG THE WEST LINE OF SAID NORTHEAST QUARTER (NE 1/4) OF SECTION 36 A DISTANCE OF 1974.78 FEET TO A POINT, SAID POINT BEING THE NW CORNER OF SAID NORTHEAST QUARTER OF SECTION 36; THENCE N89°19'15"E A DISTANCE OF 1366.55 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 66.35 ACRES MORE OR LESS.

LOT CONFIGURATION
73 - R1 LOTS
8 - R3 LOTS
10 - C3 LOTS



ENGEL CONSTRUCTION CO.
Design Homes of Distinction Construction

3405 SOUTH VALLEY ROAD HASTINGS, NE. 68901
DENNIS ENGEL BEN ENGEL
PHONE: (402) 461-8256 PHONE: (402) 984-5961

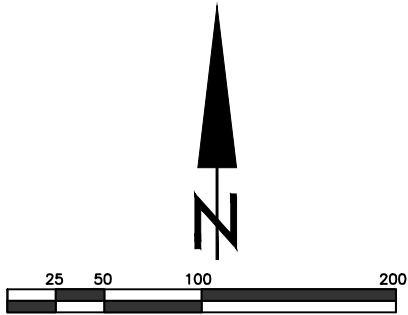
CIMARRON MEADOWS

AMENDED REZONING PLAT AS OF 4/26/2021

AN ADDITION TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA
IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 8 NORTH, RANGE 10 WEST
OF THE 6TH P.M., ADAMS COUNTY, NEBRASKA

OWNERS

ENGEL CONSTRUCTION INC.
3405 SOUTH VALLEY ROAD
HASTINGS, NE. 68901

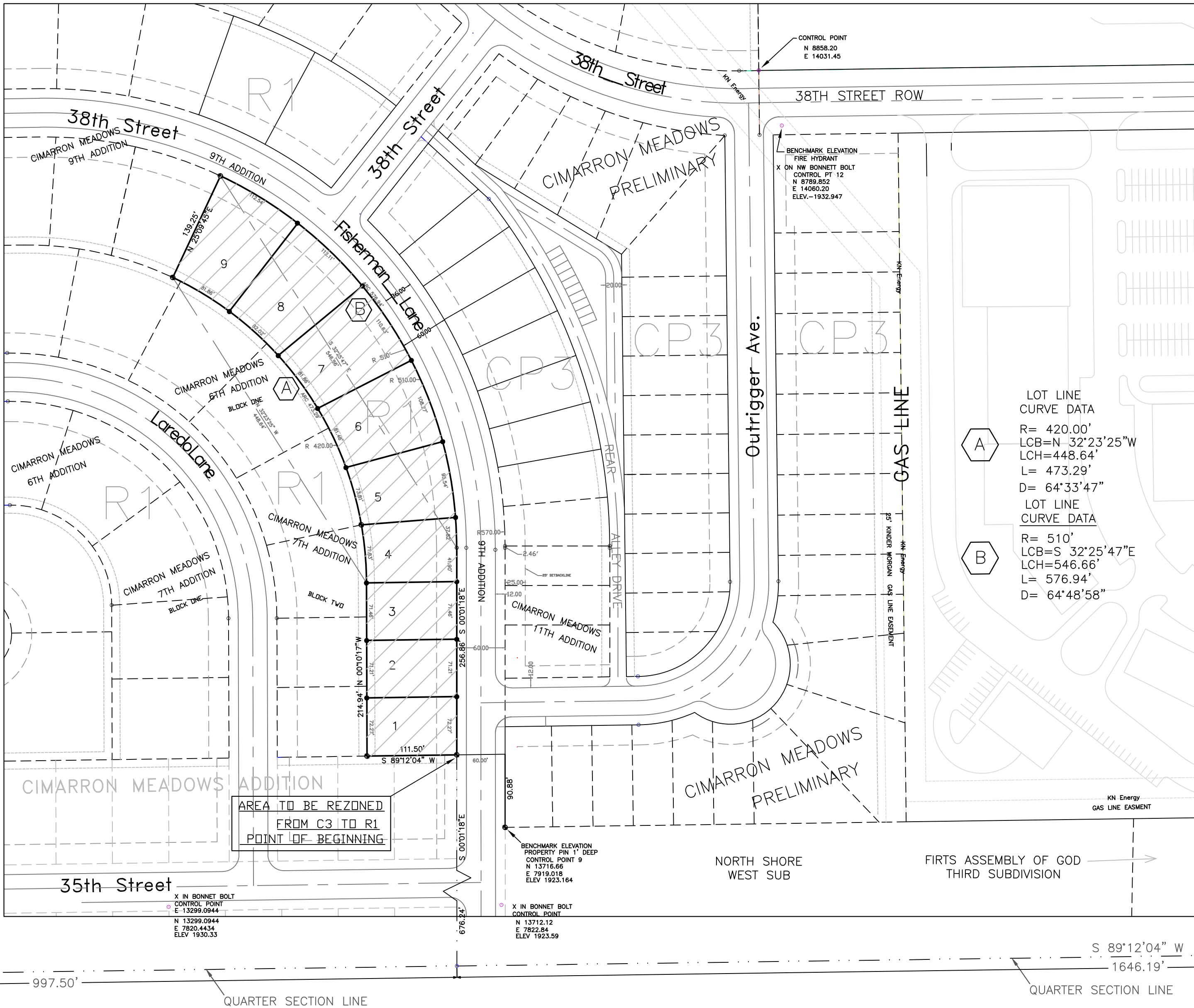


CITY PLANNING COMMISSION RECOMMENDATION

THE BELOW DESCRIBED AREA OF THE PRELIMINARY PLAT OF "CIMARRON MEADOWS" AN ADDITION TO THE CITY OF HASTINGS, NEBRASKA, HAS BEEN PRESENTED TO AND REVIEWED BY THE HASTINGS PLANNING COMMISSION AND IS HEREBY TRANSMITTED TO THE GOVERNING BODY OF THE CITY OF HASTINGS, NEBRASKA, WITH THE RECOMMENDATION THAT SAID REZONING BE

SIGNED THIS ____ DAY OF _____, 2021.

CHAIRMAN _____ DIRECTOR OF PLANNING _____



MAYOR AND CITY COUNCIL ACTION

THIS PRELIMINARY PLAT REZONING OF "CIMARRON MEADOWS" AN ADDITION TO THE CITY OF HASTINGS, NEBRASKA, HAS BEEN _____ BY MOTION DULY PASSED ON THIS ____ DAY OF _____, 2021.

CITY CLERK _____ MAYOR _____

LEGAL DESCRIPTION OF REZONE AREA

SECTION CORNER TIES

N E COR. OF SEC. 36-8-10
FOUND 5/8" REBAR IN CONC.
W 174.93' REBAR IN CONC.
W 11.60' CENTERLINE OF SOUTHBOUND LAND
SW 138.61' 5/8" REBAR
NE 148.31' 5/8" REBAR BY ROW MARKER
SE 164.84' 5/8" REBAR BY ROW MARKER

SW COR. OF NE 1/4 OF SEC. 36-8-10
FOUND 1/2" IRON PIPE
NORTH 0.20' TO STEEL FENCE POST
SW 0.55' TO CHAIN LINK FENCE POST
WNW 1.20' TO CABLE TV RISER

EAST 1/4 COR. OF SEC. 36-8-10
FOUND 1/2" IRON REBAR
E 36.65' TO X NAILS IN POWER POLE
NE 53.96' TO X NAILS IN POWER POLE
NW 79.52' TO X IN LIGHT POLE BASE
SW 92.20' TO X ON TOP OF FES OF 24" RCP

N 1/4 COR. OF SEC. 36-8-10
FOUND 1" IRON PIN
NE 39.03' TO 5/8" REBAR W/RM CAP
SE 41.30' TO 5/8" REBAR W/RM CAP
SW 46.50' TO 5/8" REBAR W/RM CAP
S 46.80' TO NORTH FACE OF KNE MARKER POST

A TRACT OF LAND LOCATE IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 36, TOWNSHIP 8 NORTH, RANGE 10 WEST OF THE 6TH P.M., ADAMS COUNTY, NEBRASKA BEING DESCRIBED AS FOLLOWS:
TRACT #1

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 36; THENCE S89°12'04"W (ASSUMED BEARING) ON THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1646.19 FEET; THENCE N00°01'18"W, A DISTANCE OF 676.24 FEET TO THE NORTHEAST CORNER OF LOT ELEVEN (11), BLOCK FIVE (5), CIMARRON MEADOWS ADDITION TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, AS PLATTED AND RECORDED IN INSTRUMENT NO. 19980256, THIS BEING THE POINT OF BEGINNING; THENCE S89°12'04"W ON THE NORTH LINE OF SAID BLOCK FIVE (5), CIMARRON MEADOWS ADDITION, A DISTANCE OF 111.50 FEET; THENCE N00°10'17"W, ON THE EAST LINE OF BLOCK TWO (2) OF OF CIMARRON MEADOWS 7TH ADDITION AS PLATTED AND RECORDED IN INSTRUMENT NO. 20123510, A DISTANCE OF 214.94 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 420.00 FEET AND A CENTRAL ANGLE OF 64°33'56"; THENCE NORTHWESTERLY ON THE EAST LINE OF BLOCK TWO (2) OF CIMARRON MEADOWS 7TH ADDITION AS PLATTED AND RECORDED IN INSTRUMENT NO. 20123510 AND THE NORTHEAST LINE OF BLOCK ONE (1) CIMARRON MEADOWS 6TH ADDITION AS PLATTED AND RECORDED IN INSTRUMENT NO. 20113597 ALSO BEING ON SAID CURVE THE CHORD OF WHICH BEARS N32°23'25"W, AN ARC DISTANCE OF 473.29 FEET TO THE SOUTHEAST CORNER OF LOT EIGHT (8), CIMARRON MEADOWS 9TH ADDITION AS PLATTED AND RECORDED IN INSTRUMENT NO. 20161124; THENCE N25°09'45"E ON THE EAST LINE OF SAID LOT EIGHT (8), A DISTANCE OF 139.35 FEET TO THE NORTHEAST CORNER OF SAID LOT EIGHT (8) ALSO BEING THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 510.00 FEET AND A CENTRAL ANGLE OF 64°48'58"; THENCE SOUTHEASTERLY ON SAID CURVE, THE CHORD OF WHICH BEARS S32°25'47"E, AN ARC DISTANCE OF 576.94 FEET; THENCE S00°01'18"E, A DISTANCE OF 256.86 FEET TO THE POINT OF BEGINNING CONTAINING 2.17 ACRES, MORE OR LESS.

(SEAL)

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF A SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION, AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE, AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

THOMAS L KRUEGER, LS 448

Department: Development Services
Staff Contact: Lisa Parnell-Rowe, Mark Evans
Planning Commission Meeting Date: 5/18/2021
File No: 2021-032
Prepared By: Emilia Kienbaum, Administrative Assistant

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing to recommend approval for an ordinance to amend the Hastings City Code Section 34-320, regulating solar energy uses.

Motion to recommend approval for an ordinance to amend the Hastings City Code Section 34-320, regulating solar energy uses.

Names of People/Business affected by this action:

The residents of Hastings and the City of Hastings.

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:

None

Department head comments:

This change is primarily a housekeeping change to clarify when a solar access easement is required for privately owned Individual Solar Conversion Systems (ISCS's), located on private property. Section 34-320(3)(iv) currently reads:

"(iv) All ISCS's shall have an agreed to solar access easement, on the south side of the yard, from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground-mounted ISCS is in place and operational."

This section contains conflicting language, where it begins with "All ISCS's shall have..." and later

refers only to, "ground-mounted ISCS". This implies that every private solar conversion system would require a solar access easement from their neighbor, where in reality only ground-mounted solar conversion systems were intended to require the solar access easement, to protect the system from shading by trees or structures.

This came to light when an application for a solar conversion system was held up by the solar access easement requirement. This particular application was for a roof-mounted ISCS that would have a very low probability of being shaded even if the adjacent property had a tree that grew to a height of over 45 feet. It was then realized that there was an omission of the words, "ground-mounted" in the section requiring the solar access easement.

Staff has taken this issue back to the consultant that prepared the solar uses section of the code, and the consultant concurs that this was an omission, and that the section was intended to only require a solar access easement for ground-mounted solar conversion systems.

Staff proposes that the Planning Commission recommends to City Council the following language to clarify this issue:

"(iv) All ground-mounted ISCS's shall have an agreed to solar access easement, on the south side of the yard, from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground-mounted ISCS is in place and operational."

Recommendation:

Motion to recommend a change to Hastings City Code 34-320(3)(iv) to read, "(iv) All ground-mounted ISCS's shall have an agreed to solar access easement, on the south side of the yard, from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground-mounted ISCS is in place and operational."

Section 34-320 Solar Energy Uses

No solar panel, neighborhood solar or solar farm shall be installed or constructed within the zoning jurisdiction of the City of Hastings unless a Conditional Use Permit, if applicable, and a Building Permit have been issued. All solar units shall be constructed in conformance with all state and national building and fire codes. For those devices that include electrical, plumbing and/or heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the requirements found in this section.

(1) General Solar Definitions

ACCESSORY SOLAR ENERGY SYSTEMS: include any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.

CONCENTRATED SOLAR POWER: A solar conversion system (SCS) that generates power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, unto a small area. These include but are not limited to the following technologies: Parabolic trough, Solar power tower, enclosed trough, Fresnel reflectors and Dish Stirling.

DEVELOPMENT: Any plat, subdivision, or planned unit development created under the City of Hastings subdivision and zoning regulations.

ELECTRIC UTILITY: The public electric utility providing retail service to a given area.

NET EXCESS GENERATION: On an ISCS, net excess generation means the net amount of energy, if any, by which the output of a qualified facility exceeds a customer-generator's total electricity requirements during a billing period;

NET METERING: Net metering means a system of metering electricity in which a local distribution utility:

- (a) Credits a customer-generator at the applicable retail rate for each kilowatt-hour produced by a qualified facility during a billing period up to the total of the customer-generator's electricity requirements during that billing period. A customer-generator may be charged a minimum monthly fee that is the same as other noncustomer-generators in the same rate class but shall not be charged any additional standby, capacity, demand, interconnection, or other fee or charge; and
- (b) Compensates the customer-generator for Net Excess Generation during the billing period at a rate equal to the electric utility avoided cost of electric supply over the billing period. The monetary credits shall be applied to the bills of the customer-generator for the preceding billing period and shall offset the cost of energy owed by the customer-generator. If the energy portion of the customer-generator's bill is less than zero in any month, monetary credits shall be carried over to future bills of the customer-generator until the balance is zero. At the end of each annualized period, any excess monetary credits shall be paid out to coincide with the final bill of that period;

SOLAR ACCESS: the ability to receive sunlight across real property for any solar energy device.

SOLAR ACCESS EASEMENT: A right, expressed as an easement, covenant, condition, restriction or other property interest in any deed, will or other instrument executed by or on behalf of any landowner or in any order of taking, appropriate to protect the solar skyspace of a solar collector at a particularly described location to forbid or limit any or all of the following where detrimental to access to solar energy: structures on or above ground; vegetation on or above ground; or other activities. Such right shall specifically describe a solar skyspace in three-dimensional terms in which the activity, structures or vegetation are forbidden or limited or in which such an easement shall set performance criteria for adequate collections of solar energy at a particular location.

SOLAR CONVERSION SYSTEM (SCS): An assembly, structure, or design, including passive elements, used for gathering, concentrating or absorbing direct or indirect solar energy, specifically designed for holding a substantial amount of useful thermal energy and to transfer that energy to a gas, solid or liquid or to use that energy directly; this may include, but is not limited to, a mechanism or process used for gathering solar energy through thermal gradients, or a component used to transfer thermal energy to a gas, solid or liquid or to convert into electricity.

SOLAR CONVERSION SYSTEM, COMMERCIAL: A commercial solar conversion system (CSCS) is a series of solar panels and equipment connected together in order to commercially supply the converted energy to a community and/or power grid. A CSCS shall have a one-way connection to the power grid.

SOLAR CONVERSION SYSTEM, GROUND-MOUNTED: Any SCS which is directly supported and attached to the ground.

SOLAR CONVERSION SYSTEM, INDIVIDUAL: An individual solar conversion system (ISCS) shall be for the specific use of an individual residential, commercial, public or industrial use.

SOLAR CONVERSION SYSTEM, NEIGHBORHOOD: A neighborhood solar conversion system (NSCS) is a series of solar panels and equipment connected together in order to supply converted energy to a specific neighborhood and its uses.

SOLAR CONVERSION SYSTEM, STRUCTURE-MOUNTED: Any SCS which is directly connected to and supported by a building.

SOLAR SKYSPACE: The maximum three-dimensional space extending from a solar collector to all positions of the sun necessary for efficient use of the collector.

- (A) Where a solar energy system is used for heating purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar energy collector to all positions of the sun between nine o'clock (9:00) A.M. and three o'clock (3:00) P.M. local apparent time from September 22 through March 22 of each year.
- (B) Where a solar energy system is used for cooling purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar collector to all positions of the sun between eight o'clock (8:00) A.M. and four o'clock (4:00) P.M. local apparent time from March 23 through September 21 of each year.

SOLAR ORIENTED SUBDIVISION: A subdivision in which a minimum of 65 percent of the lots are solar-oriented lots.

SOUTH OR SOUTH-FACING: True south, or 20 degrees east of magnetic south.

(2) General Provisions Applying to ISCS, NSCS, and/or CSCS

The following provisions shall apply, typically, to two or more of the different solar conversion systems in this Section

- (a) For commercial and neighborhood SCS: Applicant shall provide evidence that the project meets commonly-accepted management practices for avian, wildlife, and environmental protections in place at the time of application.
- (b) For commercial and neighborhood SCS: Applicant shall comply with specific requirements of the Hastings Fire Department or the appropriate Rural Fire District.
- (c) Maintenance: All system and components shall be kept in operational condition, including appearance of all components; plus, the ground beneath the SCS shall be kept in a presentable manner based upon the ground cover decided.



Example of a Solar Conversion System, Ground-mounted



Example of a Solar Conversion System, Structure-mounted

- (d) Decommissioning: All systems when they are no longer generating power and will no longer be used shall follow a decommissioning plan that has been agreed to upfront by the City of Hastings, the electric utility, and the owner/developer.
- (e) Repowering: If any SCS is no longer operating for purposes of Repowering, replacement, or maintenance, Decommissioning provisions will not apply for up to six months. However, an SCS that is not operating or is operating at a substantially reduced capacity for more than six months will be considered abandoned and Decommissioning provisions will apply.
- (f) Repowering does not require a new Conditional Use permit or permit amendment if the footprint of the SCS is the same or reduced. Any increase in the footprint of the facility will require a permit amendment.
- (g) Any applicant for a SCS project shall meet with and shall indicate they have met the requirements of the electric utility and have in place an interconnection agreement with the electric utility.
- (h) All NSCS and CPCS operations shall have located at key access points signage stating specific language as outlined by the electric utility.
- (i) SCS may be installed in the floodway fringe subject to Section 34-216, as may be amended from time to time, given that all components are installed a minimum of one foot (1') above base flood elevation and subject to written authorization of the Floodplain Administrator.
- (j) No SCS shall be constructed in the identified Floodway.
- (k) Concentrated Solar Power (CSP) systems are prohibited within the City of Hastings and the Extraterritorial Jurisdiction (ETJ) boundary.
- (l) Financial assurances shall be in place as part of the Decommissioning Plan.

(3) Individual Solar Conversion Systems

(a) General Requirements for ISCS:

ISCS's shall conform to the required front, side and rear lot setback requirements except as provided herein:

- (i) An SCS which is attached to an integral part of the principal building shall meet all local, state, and federal codes for building, electrical, plumbing, and accessibility.
- (ii) A ground-mounted SCS may be located only in the required rear yard provided it does not exceed 12-feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage.
- (iii) No ground-mounted SCS shall be located in the required side yard or front yard.
- (iv) ~~All ISCS's~~ Ground-mounted ISCS's shall have an agreed to solar access easement, on the south side of the yard, from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground-mounted SCS is in place and operational.
- (v) The applicant for any ISCS shall provide evidence that they have a working Net Metering agreement with the electric utility.

(b) Structural Requirements:

The physical structure and connections to existing structures shall conform to the applicable local, state, and federal codes.

(c) Plot Plan:

The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.

(d) Preexisting Solar Panels:

Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to the adoption of these Regulations, pursuant to a valid building permit issued by the City of Hastings, may continue to be utilized so long

as it is maintained in operational condition.

(e) **Decommissioning**

- (i) Whenever an SCS ceases operation on a property, it shall be required to report this to the City of Hastings Development Services Office and the electric utility.
- (ii) Whenever, a ground-mounted SCS is no longer operating, the property owner shall have six months to completely remove the structure and wiring. The location of the SCS shall be returned to a usable state based upon the surrounding property.

(4) Neighborhood Solar Conversion Systems

(a) **General Requirements for NSCS:**

NSCS's shall meet the following requirements as provided herein:

- (i) An NSCS shall be set on its own lot within the neighborhood/development;
- (ii) The NSCS shall be designed and constructed for no more than the anticipated maximum solar usage in the designated neighborhood or development;
- (iii) No excess power generated shall be sold or given to a user outside the agreed upon neighborhood or development, except via a Net Metering agreement;
- (iv) The developer shall provide the City of Hastings with all solar easements established; however, the City of Hastings shall not be responsible for enforcing said easements;
- (v) All solar easements shall be enforced by an establish Home Owners Association for the development/neighborhood.
- (vi) A ground-mounted NSCS shall be protected with fencing and/or bollards;
- (vii) All connections to the uses within the neighborhood shall be made underground;
- (viii) An access agreement between the developer, Homeowners Association, and any other necessary other entity and the electric utility shall exist in case of an emergency;
- (ix) A Net Metering agreement between the developer, Homeowners Association, and any other entity and the electric utility shall exist in case of excess electricity; and
- (x) All ground-mounted NSCS's shall have an agreed to solar access easement from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground- mounted NSCS is in place and operational.

(b) **Structural Requirements:**

The physical structure and connections to existing structures shall conform to the applicable local, state, and federal codes.

(c) **Solar Oriented Subdivision/Plot Plan:**

- (i) Whenever a NSCS is part of a proposed new subdivision, the developer shall outline the specific lot or outlot where the NSCS will be placed.

Specific developments/neighborhoods initially designed with an NSCS shall identify all solar easements on the preliminary and final plats and shall be recorded the same as other utility easements. In addition, the subdivision plats shall indicate, in addition to all other requirements in the subdivision regulations, the location of all proposed underground conduits serving the other lots in said subdivision.

- (ii) The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.
- (iii) The developer shall install all underground wiring as prescribed by the electric utility.

- (iv) All underground wiring shall be protected by a utility easement or located within prescribed rights-of-way.
- (v) The developer shall provide the City of Hastings with As-builts of the wiring locations within the subdivision.

(d) Decommissioning

- (i) A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The City of Hastings may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

(5) Commercial Solar Conversion Systems:

(a) Applicability

The purpose of this subsection is to provide standards for fixed-panel photovoltaic solar farms or CSCS consisting of ground-mounted solar panels capturing energy from the sun and converting it to electricity. The provisions of this section are based on a ground-mounted photovoltaic facility using a rammed post construction technique and panels supporting the flow of rainwater between each module and the growth of vegetation beneath the arrays and limiting the impacts of stormwater runoff. The rammed post construction technique allows for minimal disturbance to the existing ground and grading of the site. Based on the assumed solar farm design, the City of Hastings finds the use to be low intensity with minimal trip generation, low amounts of impervious cover, and low emission thus the use is compatible in urbanized, non-urbanized, or low-density areas with other uses.

(b) Site Development Standards:

- (i) Lot coverage: No more than one percent of the gross site area shall be occupied by enclosed buildings and structures.
- (ii) Setbacks: A thirty-foot side and rear setback shall apply only to the setback area measured from a lot line that abuts a residential use or residential zoning district. The side or rear setback shall be eliminated where the use does not abut a residential use or residential zoning district, or the two districts are separated by a public right-of-way.
- (iii) Height: The average height of the solar panel arrays shall not exceed 12 feet.
- (iv) Landscaping Buffer: The primary use of the property shall determine the buffer requirement. Where a ground-mounted photovoltaic solar farm is the primary use the property shall be considered industrial or agricultural for the purposes of buffer requirements, there are no requirements for screening from public streets.
- (v) Stormwater Management: Fixed panel solar arrays shall be considered pervious and the property shall be designed to absorb or detain specific runoff. The impervious cover calculation shall include the support posts of the panels, any roads or impervious driveway surfaces, parking areas and buildings on the site.
- (vi) A property developed pursuant to this subsection shall be required to plat however water and sewer connections shall not be required. Suitable fire department access shall be required.
- (vii) Signage shall conform to the City of Hastings Sign Code.
- (viii) Customer owned on-site power lines shall be buried except where connecting to existing overhead utility lines. This requirement shall not apply to fiber optic connections.
- (ix) Fencing: Due the unique security requirements of this land use, and to facilitate the

educational value of seeing this land use, fencing up to eight (8) feet in height is permitted provided the fencing material is predominantly open.

- (x) All State and Federal codes and provisions not specified in this subsection are required including but not limited to tree preservation, traffic impact analysis and historic preservation.

(c) **Districts**

See Section 34-200 of the City of Hastings Zoning Ordinance

(d) **Submittal Requirements:**

All Plans shall contain the following:

- (i) These requirements shall apply to both the Conditional Use Permit and Building Permit.
- (ii) A plot plan, drawn to scale, of the property indicating the total site acreage, landscape and buffer areas, tree preservation, location of all structures, the proposed location of the solar panels, the distances of the solar panels to structures on the property as well as distances to the property lines;
- (iii) The plot plan shall include any roads, electric lines and/ or overhead utility lines;
- (iv) A description of the electrical generating capacity and means of interconnecting with the electrical grid as coordinated and pre-approved with the appurtenant Power District;
- (v) A copy of the interconnection agreement with the local electric utility
- (vi) Drawings or blueprints of solar panels and arrays in conjunction with the application for a building permit for a solar farm/solar power plant;
- (vii) Structural engineering analysis for a solar panel, array and its foundation, as applicable.
- (viii) Manufacturer's recommended installations, if any; and
- (ix) Documentation of land ownership and/or legal authority to construct on the property.
- (x) A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The City of Hastings reserves the right to require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

(e) **Compliance with Other Regulations:**

- (i) Zoning permit applications for CSCS's shall be accompanied by a line drawing of electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the State's adopted electrical code and that has been pre-approved by the associated power district meeting their Distribution Generation Requirements and Guidelines; and
- (ii) This subsection does not waive any requirements of any state or Federal codes, electrical codes or other technical codes as applicable.

(f) **Discontinuation.**

A CSCS shall be considered abandoned after one year without energy production. The solar equipment owner shall remove all SCS equipment and appurtenances within 90 days of abandonment.

Department: Development Services
Staff Contact: Lisa Parnell-Rowe
Planning Commission Meeting Date: 5/18/2021
File No: 2021-030
Prepared By: Emilia Kienbaum, Administrative Assistant

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing for a change of zoning for property generally located between 825 S Elm Ave and 1007 S Elm Ave from "I-2, Heavy Industrial" to "R-1A, Single Family Large Lot Residential," and to amend the Official Zoning District Map.

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone property generally located between 825 S Elm Ave and 1007 S Elm Ave from "I-2, Heavy Industrial" to "R-1A, Single Family Large Lot Residential".

Names of People/Business affected by this action:

The applicant, the people of Hastings and the City.

Why Planning Commission action is required:

Neb. Rev. Stat. 19-902 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:

Deadlines associated with action:

Rezone will be provided to City Council at their May 24, 2021 Meeting for approval. Building permit approval will be required for the addition once rezone is processed, if approved.

Department head comments:

Surrounding zoning is as follows:

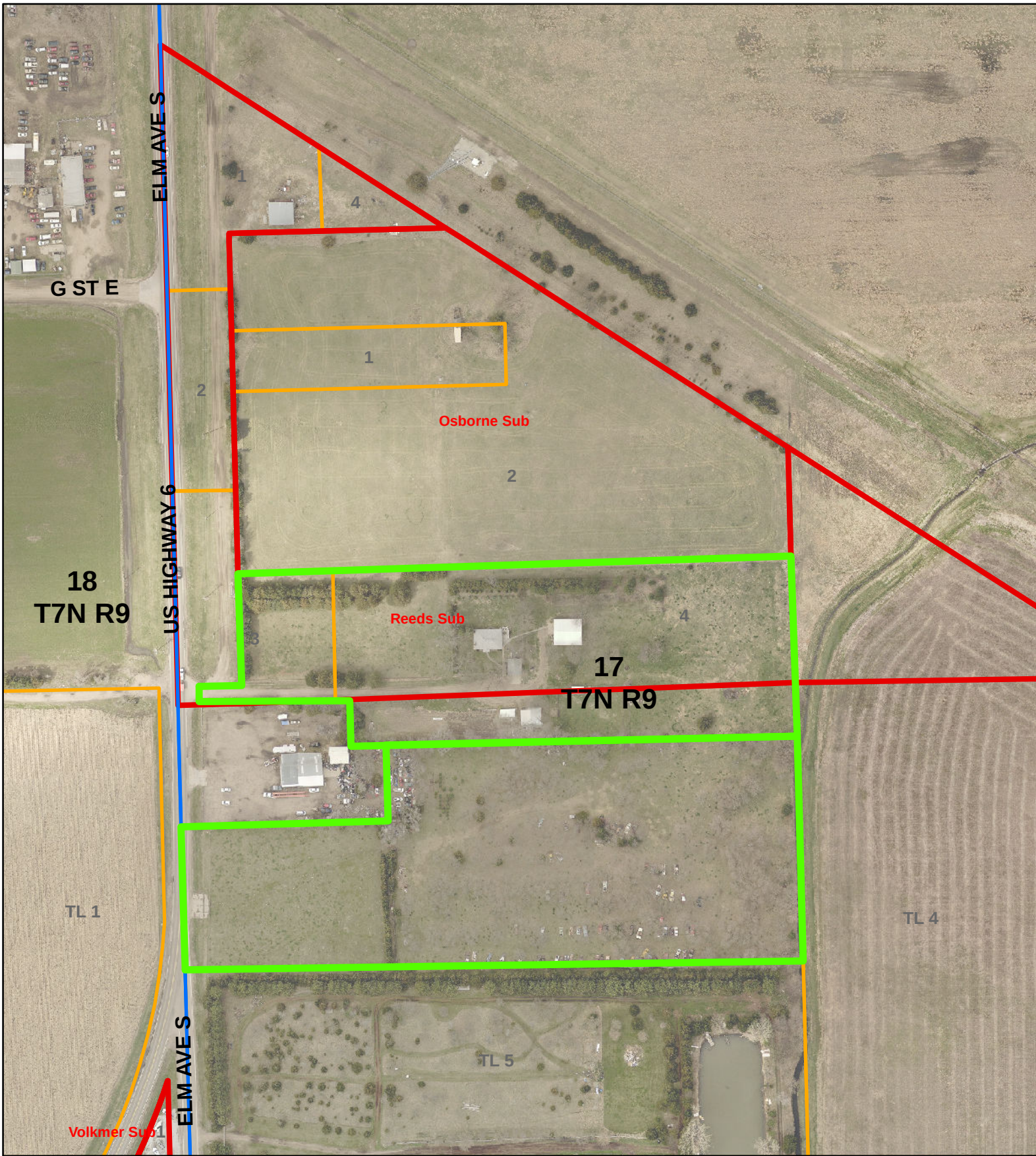
North – I-2, Heavy Industrial

South – I-2, Heavy Industrial
East – I-2, Heavy Industrial
West – I-2, Heavy Industrial

Last month we recommended and you reviewed and approved a change to the Comprehensive Plan Future Land Use map that recommended this area be re-slated for Suburban Residential. On May 10th City Council approved this recommendation in a vote of 8-0. In that Planning Commission Staff Report I mentioned a legal non-conforming residential use lot where the property owner had approached us about rezoning to R1-A, Single Family Large Lot residential in order to do an addition to his legal non-conforming house built in 1936, which was prior to inception of zoning regulations. This property is commonly addressed 901 S. Elm Avenue. Property owners, Ron and Karen Sekora seek a rezone to their property from its current zoning of I-2, Heavy Industrial. for the A, Agricultural District. R-1A, Single Family Large Lot residential zoning is often found on the outskirts of a community and best accommodates larger lot sizes due to its minimum of 20,000 square feet. R-1A, Single Family Large Lot Residential is the most compatible residential zone district to its corresponding sister Future Land Use category of Suburban Residential. Now that the Comprehensive Plan Future Land Use Map has been changed and the future outlook for this area is Suburban Residential, this change in zoning is a nice fit for the future.

Recommendation:

Staff recommends a motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone property generally located between 825 S Elm Ave and 1007 S Elm Ave from "I-2, Heavy Industrial" to "R-1A, Single Family Large Lot Residential".



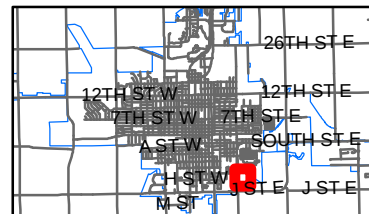
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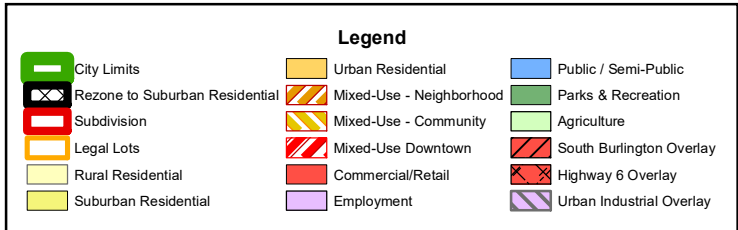
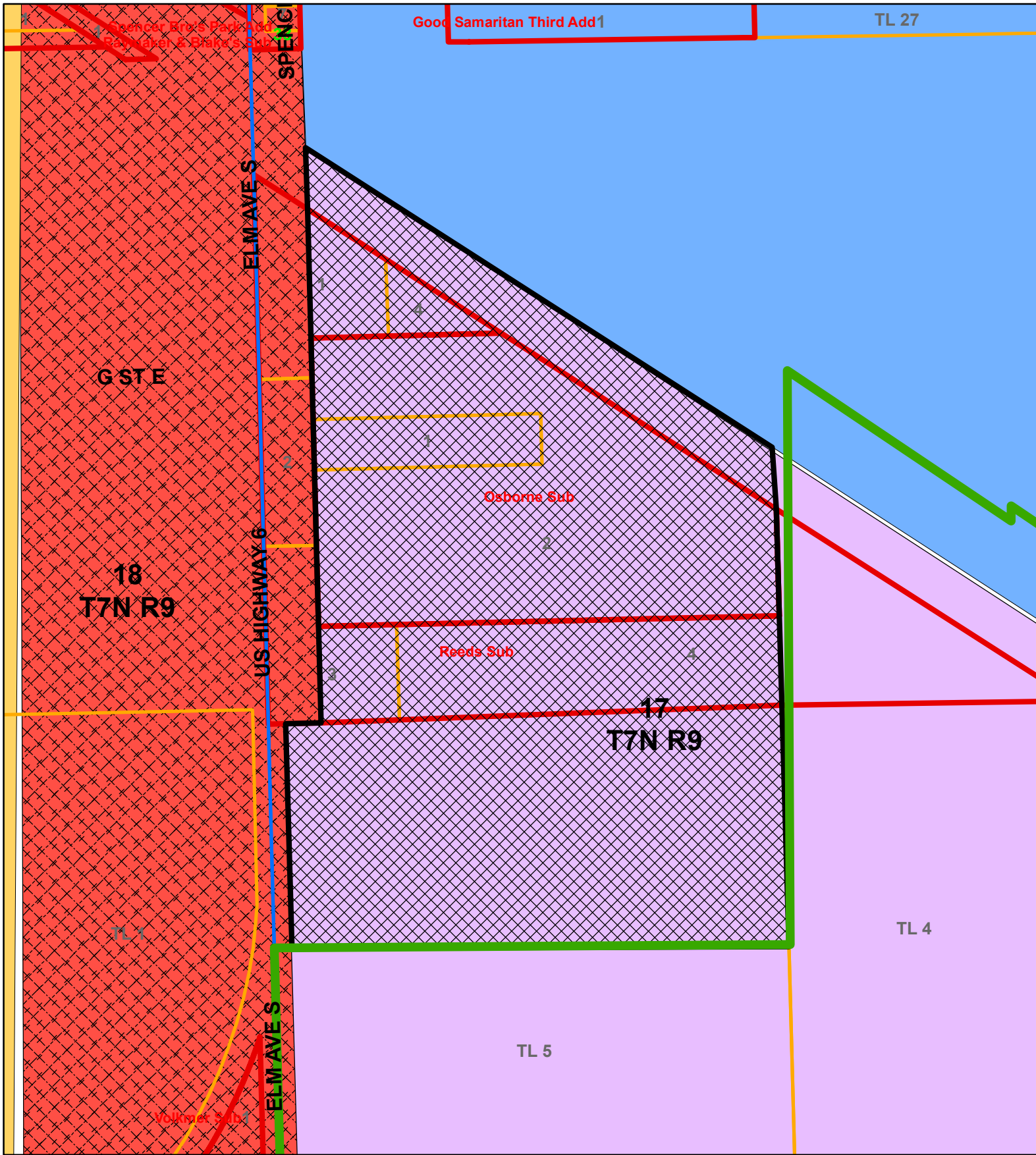
Notes

- Property to be Rezoned
- Subdivision
- Legal Lots
- Section

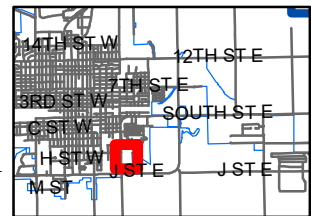
Rezone to R1-A from I-2

A tract of land comprising of parts of Lots 3 and 4 of Reed's Subdivision of Reed's Addition and unplatted tracts of lands in the Southwest Quarter of Section 17, Township 7 North, Range 9 West in the City of Hastings, Adams County.





Future Land Use Amendment



Department: Development Services
Staff Contact: Lisa Parnell-Rowe
Planning Commission Meeting Date: 5/18/2021
File No: 2021-000
Prepared By: Emilia Kienbaum, Administrative Assistant

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing to consider an ordinance to amend the City of Hastings Comprehensive Plan Future Land Use Map by changing land use South of 2nd Street, East of Marian Road to Chestnut Avenue and south to the railroad from Urban Residential to Mixed Use – Neighborhood, Public/Semi-public and Employment/Industrial as recommended in Exhibit A.

Motion to recommend approval for an ordinance to amend the City of Hastings Comprehensive Plan Future Land Use Map by changing land use South of 2nd Street, East of Marian Road to Chestnut Avenue and south to the railroad from Urban Residential to Mixed Use – Neighborhood, Public/Semi-public and Employment/Industrial as recommended in Exhibit A.

Names of People/Business affected by this action:

Property owners, and the City of Hastings

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:

Motion to recommend approval for an ordinance to amend the City of Hastings Comprehensive Plan Future Land Use Map by changing land use South of 2nd Street, East of Marian Road to Chestnut Avenue and south to the railroad from Urban Residential to Mixed Use – Neighborhood, Public/Semi-public and Employment/Industrial as recommended in Exhibit A.

Deadlines associated with action:

City Council will review this recommended motion at the Regular city Council Meeting to be held on June 14, 2021.

Department head comments:

Staff first reviewed this matter when initially approached about a Plan Modification that was to be submitted for the Community Redevelopment Authority (CRA). All Plan modifications must be reviewed by staff for a recommendation to Planning Commission and City Council. This particular Plan Modification was for a commercial workshop space south of 2315 W. 2nd Street and between West and Liard avenues. However, in reviewing this property to existing zoning and comparing it the Future Land Use Map, it was discovered that this entire area looked a lot different than what one would expect in a long-time commercial/industrial area. The area south of 2nd street is active with business ventures and does not appear to have any existing residential uses. Though north of 2nd Street does have some residential remaining from pre-urban sprawl, the south side does not and this does not seem to be pattern that would need to change in the future.

The western portion of this area is being utilized for community assembly purposes and consists of the YWCA and the Landmark Center. Both of these uses fit very well into a Mixed Use-Neighborhood future outlook, yet only a portion of this is present in the FLU. This should be expanded to cover the area more appropriately. In addition, a good majority of this area is also owned and utilized by the City of Hastings and would be more appropriately reserved for future zoning of Public/Semi-Public than a residential zoning category. The portion of area to the farthest southwest corner of this area is known as "Don Henry". This is City-owned property that is utilized as an electrical substation. A second area owned by the City is located between the YWCA and West Avenue. This area is known to be the "Peak Shaver", This area is where propane is stored. This stored commodity is used to top off natural gas during high usage winter months; therefore, avoiding costly penalty fees to our provider. Moving east from West Avenue to Chestnut Avenue there are well-established "high impact" businesses. The Slammer Night Club, Companions Choice Animal Hospital and Gingerbread daycare all line the south side of 2nd street in this proposed area. Many have been located in this area for quite some time. These businesses are termed high impact to better characterize their potential impacts on surrounding community. All of these businesses have one thing in common; none of these uses would be permitted in an Urban Residential or any residential zone for that matter. In fact, some of these uses are not even permitted in a commercial zone and are listed in our Table of Districts and Uses as conditional even in the districts that allow our highest impacts, which are the Industrial zoning districts. For example, with a Veterinarian Hospital, which is conditional and requires a CUP even in the Industrial zoning districts we might allow for dog kennels. Dog kennels can have noise, odor and other impacts that must be addressed prior to allowing the use in any area.

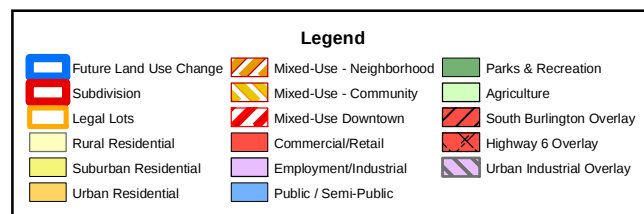
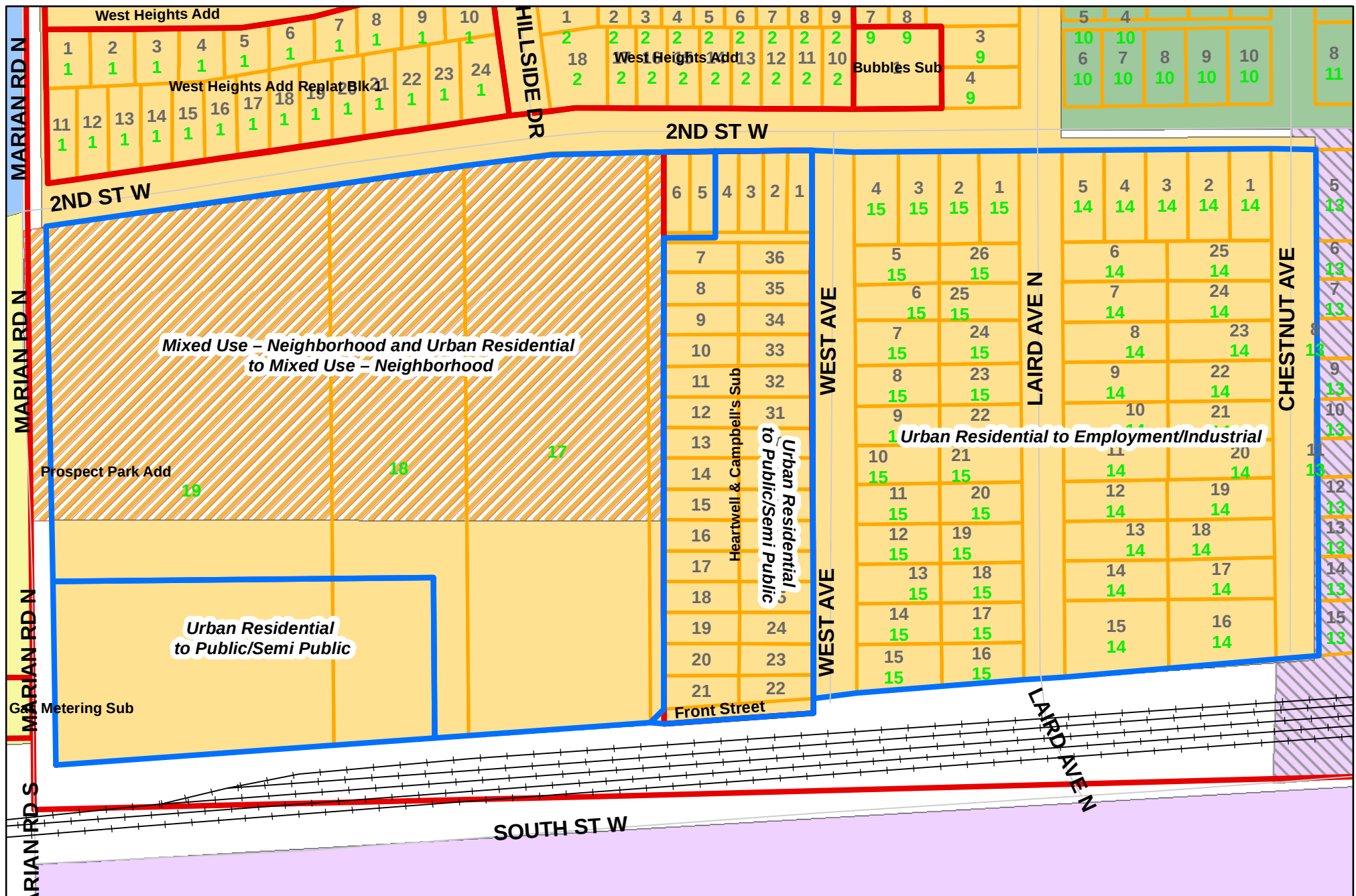
The closer you move to the Burlington Northern Railroad the less desirable it would be to have residential adjacent zoning. In modern planning practices your higher impact zones would be most appropriately placed near these areas. The southern perimeter of the length of this entire area is where the Burlington Northern Railroad cuts through the center of our community.

In summary, this area is currently identified in the FLU for residential use and placing this outlook in a well-established high impact commercial area is not a realistic outlook. This has potential to discourage long-time businesses from continuing to grow and develop and is now a roadblock to opportunities with TIF funding that would otherwise be available if approved in the Plan

Modification process. The proximity to the Burlington Northern Railroad would not make this area a good spot for residential in the future. Therefore, changing this area to more appropriately map to what it will continue to be used for establishes a more accurate outlook.

Recommendation:

Staff recommends a motion to recommend approval for an ordinance to amend the City of Hastings Comprehensive Plan Future Land Use Map by changing land use South of 2nd Street, East of Marian Road to Chestnut Avenue and South to the railroad from Urban Residential to Mixed Use - Neighborhood, Public/Semi-public, and Employment/Industrial as recommended in Exhibit A



Future Land Use Change

Marian Rd to Chestnut Ave and 2nd St to Railroad Right-of-Way

