

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 voluntary 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.

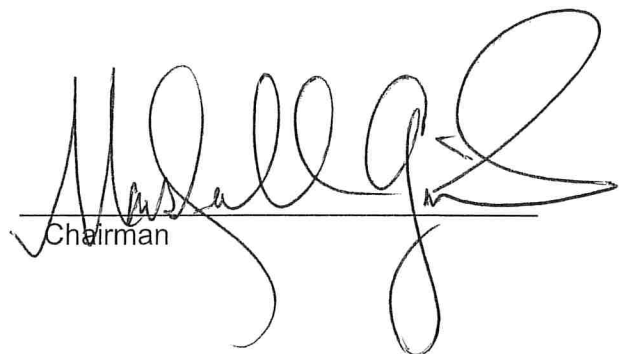
Moved by Hunt, seconded by Sinner, to recommend approval to the Mayor and City Council for Final Plat for Theatre District commonly addressed as 3103 W 12th Street, City of Hastings, Adams County, Nebraska. Roll Call: Ayes: Cranson, Lewis, Hunt, Sinner, Gaines, Hinton, Schoenhals. Nays: None. Absent: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

