

HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission has been scheduled for Tuesday, July 20, 2021 at 4:00 PM in the Hastings Public Library, Conference Room B, 314 N Denver Ave, Hastings, Adams County, Nebraska. .

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 , July 16th, 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 Hastings Public Library, Conference Room B. Also, a current copy of the Nebraska Open Meetings Act is posted in Conference Room B of the Hastings Public Library, which is accessible to members of the public.
6. Approval of Minutes
 - a. June 15th, 2021
7. Special Order of Business
 - a. Election of Second Vice-Chair
8. Unfinished Business
 - a. Continued Applications -
 - i. Public hearing on a request for an amendment to Conditional Use Permit for Pine Patch Second Subdivision to allow for the construction of a new barn for use with the existing CUP for property commonly addressed as 780 E 26th St, City of Hastings, Adams County, Nebraska. The public hearing will also consider the additional use of neighborhood assembly for other special events throughout the year in this same barn.

Motion to recommend approval of a Conditional Use Permit Amendment resolution for Pine Patch Second Subdivision to allow for the construction of a new barn for use with existing CUP and the added use of neighborhood assembly for other special events throughout the year for property commonly addressed as 780 E 26th St, City of Hastings, Adams County, Nebraska.
 - b. Tabled Applications - none
 - c. Postponed Applications - none
 - d. Unfinished Applications - none
9. Public Hearings.
 - a. **2020-033.** Public hearing to recommend a request to reconsider a Conditional Use Permit (CUP) Amendment for an extended stay area in Recreational Vehicle Park located in the C-3, Commercial Business district for property addressed 302 East 26th

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Street, Hastings, Nebraska.

Motion to recommend approval for a CUP Amendment resolution for an extended stay area in Recreational Vehicle Park located in the C-3, Commercial Business district for property addressed 302 East 26th Street, Hastings, Nebraska.

- b. **2021-033.** Public hearing regarding to consider an Ordinance to amend City Code sections 34-103, 34-200 and 34-404 to add language for a Temporary Use Permit and amend Uses and Districts Table to include restaurants, mobile vendors, temporary structures, recreational and temporary recreational vehicles. Temporary Use Permit will allow for administrative approval/processing of temporary structures, mobile vendors and recreational vehicles with regard to longer-term stays at campgrounds and mobile home parks during times of economic development.

Motion to recommend approval for an ordinance to amend City Code sections 34-103, 34-200 and 34-404 to add language for a Temporary Use Permit and amend Uses and Districts Table to include restaurants, mobile vendors, temporary structures, recreational and temporary recreational vehicles. Temporary Use Permit will allow for administrative approval/processing of temporary structures, mobile vendors and recreational vehicles with regard to longer-term stays at campgrounds and mobile home parks during times of economic development.

10. Subdivisions

11. Reports

- a. Building Inspector Resignation

Adjourn

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Tuesday, June 15, 2021

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the Hastings Public Library, 314 N Denver Ave, on June 15, 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, Lou Kully, Willis Hunt. Absent: Gavin Raitt, Rakesh Srivastava

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

Moved by Sinner, seconded by Hunt, to adopt the current agenda for the Planning Commission Meeting. Roll Call: Ayes Hinton, Gaines, Schoenhals, Sinner, Lewis, Cranson, Kully, Hunt. Absent: Raitt, Srivastava. The motion carried.

Public Notice - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, June 11th, 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 Hastings Public Library, Conference Room B. Also, a current copy of the Nebraska Open Meetings Act is posted in Conference Room B of the Hastings Public Library which is accessible to members of the public.

Moved by Hinton, seconded by Schoenhals, to approve the minutes of May 18th, 2021 Planning Commission Meeting. Roll Call: Ayes: Hinton, Gaines, Schoenhals, Sinner, Lewis, Cranson, Kully, Hunt. Absent: Raitt, Srivastava. The motion carried.

9. Public Hearings

a. 2021-036 Public hearing on a request for an amendment to Conditional Use Permit for Pine Patch Second Subdivision to allow for the construction of a new barn for the existing business and special events, property is commonly addressed as 780 E 26th St, 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 public that will be coming to speak for or against this item, but then continued for more time to prepare for this case. First submittal of this application and supporting narrative and site plans were incomplete and the second submittal of the narrative did not fully address crucial details for the addition of the assembly, neighborhood use in a revised narrative. What was resubmitted was received late and not in time to reanalyze for staff report and Planning Commission packet distribution. The CUP portion of this permit to allow the existing use of the nursery with consideration of a new barn has been addressed and fully vetted. However, the additional details regarding the added use of assembly, neighborhood is incomplete and needs more time to be fully vetted with greater details incorporated on hours, days and noise mitigation. We also feel that there will need to be more time to allow for discussions to occur with regard to an updated easement agreement with the new owners.

Staff is recommending at this time that this application be continued in the July 20, 2021 agenda after there is more time to assess the assembly, neighborhood use in greater detail and fully vet

a crucial easement between neighbors.

Roger Duering, 880 E 26th St, Hastings, Adams County, Nebraska, spoke against the Pine Patch 2nd Subdivision CUP to allow for construction of a new barn for existing business and special events. Duering does not want the Pine Patch to be allowed to have parties, he enjoys the quiet atmosphere of the current presence of the farm. He is also concerned about parking and how there is not enough space. Does not think applicant should be allowed to build a bigger building and have parties.

John Northrup, 2430 N Elm Ave, Hastings, Adams County, Nebraska, spoke against the Pine Patch 2nd Subdivision CUP. Concerns on hours of the business and if there is to be parties at the new building, they should be during business hours and nothing extra.

Juan Boner, 2510 N Elm, Hastings, Adams County, Nebraska, spoke against Pine Patch 2nd Subdivision CUP does not think the permit should be granted at this time. Boner has noticed that activity at the farm has grown and became busier, does not like that the applicants other business is being ran out of the farm also.

Connie Gendville-Keen, 815 E 26th St, spoke on not knowing what the actual purpose of the farm is going to be. Gendville-Keen asked for more explanation as to what was happening at Pine Patch 2nd Subdivision, since it was not entirely explained in the adjacent property letter that was sent out.

Tom Kukicka, 820 E 26th St, Hastings, Adams County, Nebraska spoke against the Pine Patch 2nd Subdivision CUP, concerns on party hours. Kukicka was not for the parties as his residence is right next to the Pine Patch. Kukicka also made concerns on the parking space.

Joe Kindig, 200 E 7th St, Hastings, Adams County, Nebraska, spoke on behalf of the Pine Patch 2nd Subdivision. Kindig spoke on how he has worked for the farm for nine years and has recently taken over the farm. Kindig spoke on how he does not want the Pine Patch to be a party house, the special events suggested is for small gatherings like baby showers.. Spoke on growing the farm since the closest farm is Kearny, Davenport, or Kansas. Spoke on how the existing barn is in dire need of repair, the trees are organically grown. Spoke on how he is not running his landscape business out of the farm, his employees park there but do no other business for landscape business from there.

Francis Keen, 816 E 26th St, Hastings, Adams County, Nebraska spoke against the Pine Patch 2nd Subdivision CUP, feels that the property has lowered its standards, talked about the weeds being taller than the trees. Keen works in landscaping as well and has concerns on trust in if applicant is going to do what he says based on personal reputation from landscape business and current state of farm.

Joe Kindig spoke again on coming to terms with neighbors and agreeing to work with neighbors of the farm to make it work out and have the farm have a better growing rate.

Moved Sinner, seconded by Hunt, to recommend continuance to the July 20th, 2021 Planning Commission Meeting for a request for an amendment to Conditional Use Permit for Pine Patch Second Subdivision to allow for the construction of a new barn for the existing business and special events, property is commonly addressed as 780 E 26th St, City of Hastings, Adams County, Nebraska. Roll Call: Ayes: Hinton, Gaines, Schoenhals, Sinner, Lewis, Cranson, Kully. Nays: Hunt. Absent: Raitt, Srivastava. The motion carried

b. 2021-024 Public hearing to recommend a request for a Conditional Use Permit (CUP) for TK's CNC for limited manufacturing at property commonly addressed as 214 E 2nd Street, City of Hastings, Adams County, Nebraska.

Lisa Parnell-Rowe discussed the agenda item.

Mr. Thomas Karr is our applicant. He makes signs and other metal material artwork. Mr. Karr's passion for what started out as a hobby is also his goal for a fulltime business in our community. As a hobby he had been working out of his garage at his residence. This property is zoned R-1, Single Family Residential, and in this use district a business that consists of limited manufacturing is not a permitted use. Manufacturing, limited is defined as an industrial use where small-scale activities produce no by products such as smoke, odor, dust or noise discernable from the outside of the building in which it is located. Individual facilities typically occupy less than 10,000 square feet of gross leasable area, it requires no outside storage, and distribution and deliveries are commonly made by general consumer delivery services, requiring no significant truck access. A retail, showroom, or service component is often associated with the use. Examples include artist studios, metal and wood shops, arts and crafts manufacturing, small appliance or machine repairs, or other small-scale assembly of finished parts or products from previously prepared materials. Mr. Karr desires to comply with City zoning laws and still build on this hobby to make this a fulltime business venture. Mr. Karr has located property at 214 East 2nd Street for which he can rent to own that he feels will be the next step in building this business. Here he would have a small retail store in the back southwest corner of the structure for customers to come browse his signage and art for purchase and then also an area to produce the creations up to the point of powder coating, where it will then be sent to a more appropriate facility for this last processing application. This property is owned by Dale and Coleen Schendt and is zoned C-1, Local Business District. Limited manufacturing in this district requires a Conditional Use Permit.

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:

North: C-1, Local Business

South: Railroad right-of-way and R-2, Mixed Density Neighborhood District

East: C-1, Local Business

West: C-1, Local Business & C-3, Commercial business

When considering the use of a light manufacturer in this area we look not just to the zoning of the property for where this business will be located but we also assess the surrounding properties. Though there are some residentially-zoned properties to the south, there is significant buffer created by the railroad between this C-1, Local Business District and this residential zone. The remaining surrounding properties to the north, east and west are all commercially zoned. There are a few homes in these areas but these are clearly legal non-conforming and have remained in these areas despite the commercial zoning. In fact, there is a gas station one lot to the west that serves as a reminder of the long-term commercial intent of this area. The front of this structure faces the heavily traversed Minor Arterial of 2nd Street. Therefore, we do not feel that the use of a sign and metal art business is incompatible to the surrounding area. In fact, applicant has already discussed this potential business with the neighbor to the west whom is supportive and the home on the lot east of this lot is believed to be vacant as many of the windows are boarded up.

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 lot has optimal vehicular circulation with ingress/egress off of 2nd Street and spills into a large dirt parking lot on the north side of the structure where there is ample area to turn around. The ingress/egress and parking lot into this business are not asphalt or concrete covered and does have large concave areas where water can pool and driving across could be bumpy. However, the closer you get to the building the more crushed rock there appears to be settled into the ground. The owner has provided a section for parking in his Site Plan showing where he intends to have off-street parking available for customers. Parking for this business has been assessed to require a total of 2.6 spaces. This is based on an industrial processing area of 2256 SF that requires 1 space for each two employees at maximum employment on a single shift and for the retail area 3.3 spaces per 1,000 square feet of total building area. Staff figured 1 space for applicant and his one employee to park for processing area and 1.6 spaces for retail area. Applicant has provided 3 parking spaces. As for pedestrian access there is a sidewalk around the front of the building and a brick inlay sidewalk out by the street right of way. Though there clearly could be some improvements made to better stabilize the dirt drive, the applicant has not decided yet as to whether this will be his long-term facility or he might move to something bigger where he can also do his own powder coating. This is just not cost effective at this juncture. Staff recommends that if the applicant should decide to remain at this location long-term and purchase the property that at that time he be required as a condition to add rock able to sustain weight of 75,000 pounds for emergency vehicles or concrete the driveway in and the parking area. That will give him time to grow his business and yet still require him to improve the driveway and parking area should he decide to stay at this location.

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 applicant.

Noise, fumes, dust or other environmental pollution. Staff has reviewed and agrees that that plasma water table should not create fumes, dust or noise that would affect adjacent properties.

Trailer for metal recycling has been addressed. Powder coating will be subcontracted out and not accomplished at this site which will alleviate requirements to install sprinklers and create separation. However, applicant will be still installing an 8-foot wall between the areas to ensure the safety of any potential customers.

The maintenance of logical and efficient development patterns and land use mixtures. The development pattern of uses in this area has been to move toward commercial. Despite some surrounding properties being used for residential purposes, the City of Hastings Zoning Code does demonstrate the intent for commercial businesses to use this area. The property owners would benefit from this service and not be adversely impacted.

The maintenance of property values in accordance with established and permitted land uses. Allowing for commercial businesses in this area should not adversely affect the property values.

Having businesses 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 on 6/4/21 to adjacent property owners within 300 feet to ensure that neighbors have an opportunity to speak on this CUP, if concerned or supportive. To date we have only received one inquiry and this property owner was not concerned with this use by the end of the phone conversation.

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 feels

this structure would work for processing that should not include the powder coating without incorporating more costly upgrades to the building like sprinklers. Staff has agreed to allow applicant to move forward with their dream so long as he send the powder coating portion of their process to a subcontractor at a different facility. This will allow the applicant to better ensure he wants to buy this facility first before putting costly improvements into effect.

Additionally, applicant is proposing in his narrative an 8-foot wall to keep customers out of the shop area which will protect their eyes from the plasma table when it is running.

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 Map for this property is slated Urban Residential. This is not a match to the existing zoning in this area. However, when a use backs to a railroad the planning practice would be to consider zoning the adjacent area to a higher impact zone of commercial and /or Industrial. This property backs to the railroad. Additionally, when looking at the existing businesses located between Eastside Boulevard and California Street we can see that a metal sign and craftsman would fit well into this area as a use. Again, there is a Fill & Chill Convenience Store on the corner of Pine and 2nd Street, just 2 lots west of the lot, and we also have several other commercial businesses lining both the north and south sides of 2nd Street in the swatch between Eastside Boulevard and California Avenue. Werner Construction Co. and Molina Auto Sales to name a few. Therefore, Staff is convinced that though there is Urban Residential FLU anticipated for this area, that this goal FLU zoning is dated and does not accurately address for the buildout urban sprawl factor of the last 12 years. When we consider the Comprehensive Plan we must evaluate this urban sprawl factor with such a dated plan. A sign and metal maker in this area fits to the industrial nature of the railroad to its south and is compatible to the existing commercial uses we see to the north and west and east of this area.

Thomas Karr, 726 N Webster, Hastings, Adams County, spoke on behalf of TK's CNC and Powder Coating, talked on how there would be no scrap wasting, or smell.

Moved by Willis, seconded by Lewis, to recommend approval to the Mayor and City Council for for a CUP resolution for property commonly addressed as 214 E 2nd Street, City of Hastings, Adams County, Nebraska. Roll Call: Ayes: Hinton, Gaines, Schoenhals, Sinner, Lewis, Cranson, Kully, Hunt. Absent: Raitt, Srivastava. The motion carried.

c. 2021-038 Public hearing to recommend a request for Randal Chick regarding Plan Modification No. 2021-4 to Redevelopment Area Number 4, potential Bienkowski Subdivision for the following collective property, to wit: Lots Seven (7) through Twenty Four (24), Block Fifteen (15), D.W. Palmer's Prospect Park Addition to the City of Hastings, Adams County, Nebraska.

Lisa Parnell-Rowe discussed the agenda item.

West 2nd Properties LLC will purchase property located on Lots Seven (7) through Twenty-Four (24), Block Fifteen (15), D.W. Palmer's Prospect Park Addition to the City of Hastings, Adams County, Nebraska. The developer intends to build an 8,000 SF ft building on the approximately 20,287 sq. ft site located just south of W. 2nd Street on N. Laird Avenue. The project will result in the construction of an 8,000 sq. ft. workshop facility containing up to 9 units. Specific uses have not yet been determined for this space, but examples of wood or metal shop was provided as an example to the type of workshop. 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 for the acquisition, site preparation/grading, out of district utility fees, public driveways, parking and landscaping, engineering and legal fees, and construction of the building.

Total anticipated project costs are approximately \$365,000 for acquisition, site preparation, utility fees and construction. The total TIF eligible expenses for this project are \$60,000. The anticipated project valuation when completed is \$242,000 and the developer projects an incremental valuation increase of approximately \$230,000.

Future Land Use for this area has now been amended to Employment/Industrial. On May 18th, Planning Commission reviewed and voted 7-0 to recommend approval of this future land use change and at the time of this report it is still pending review and approval at City Council. This recommended change will be reviewed on Monday June 14th, so just prior to your review of this plan modification. I will update you during my verbal staff report of the outcome. If this amended FLU change is approved, then this would make the FLU compatible to the existing zoning of Light Industrial. The use of a workshop facility that does not require outdoor storage, but is for the small-scale assembly such as metal and wood shops, arts & crafts manufacturing, small appliances or machine repairs, research labs or small electronic manufacturing are a permitted uses in the I-1, Light Industrial District. Uses requiring outside storage and wholesale distribution would not be allowed in Light Industrial as these are only allowed in Heavy Industrial Use Districts.

Bo Bienkowski, 906 Brentwood, Hastings, Adams County, Nebraska, spoke on behalf of the Plan Modification giving further description of sizes of buildings to have business move in or start out there and grow further.

Moved by Kully, seconded by Hunt, to recommend approval to the Mayor and City Council for a resolution for Plan Modification No. 2021-4 to Redevelopment Area Number 4, potential Bienkowski Subdivision for the following collective property, to wit: Lots Seven (7) through Twenty Four (24), Block Fifteen (15), D.W. Palmer's Prospect Park Addition to the City of Hastings, Adams County, Nebraska. Roll Call: Ayes: Hinton, Gaines, Schoenhals, Sinner, Lewis, Cranson, Kully, Hunt. Absent: Raitt, Srivastava. The motion carried.

d. 2021-037 Public hearing on a request for a Planned District Development Plan for Theatre District LLC commonly addressed as 3101 W 12th Street, City of Hastings, Adams County, Nebraska.

Lisa Parnell-Rowe discussed the agenda item.

The Theatre District Development Subdivision has a planned district overlay. This subdivision carries a base district zoning of C-3. Together this is a zoning district we refer to as CP-3. The base district of C-3 is characterized as inclusive of those areas which are heavily exposed to automobile traffic and which have been developed with general commercial uses. The district is intended specifically for those areas surrounding major arterial intersections where personal services, convenience goods, and auto-related service facilities are desirable and appropriate land uses. In general, this development will need to meet the base district requirements for C-3, but then, if additional allowances are permissible within the Planned District overlay for commercial or residential, the applicants can enjoy the benefits of these allowances so long as they spell these deviations out in the submittal of a Development Plan.

The planned district overlay is intended *"to provide maximum flexibility in the development of*

property and at the same time to preserve and maintain the character and integrity of adjacent lands. It is an alternative to the base district standards where a plan for development equally or better meets the intent of the district or districts uses, better addresses site specific conditions including transitions to adjacent areas, and better service the public purpose than would otherwise occur under base standards.”

In a commercial or industrial zone that carries a planned overlay, “Buildings may be constructed on platted tracts which are smaller than the minimum lot size requirements where other adjacent permanent open space is provided. Buildings may be grouped in clusters or around courts and may be served by private drives in lieu of public streets. 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”.

The allowances for a residential planned overlay are similar, “Each building need not face on a public street, and more than one building may be located on a lot. Buildings may be constructed on platted tracts which are smaller than the minimum lot size requirements where other adjacent permanent open space is provided. Buildings may be grouped in clusters or around courts and may be served by private drives in lieu of public streets. 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. Any building or portion thereof may be owned in condominium under applicable state laws governing the same.”

DEVIATIONS: The Development Plan for Theatre Development District incorporates the following deviations from the base C-3 District requirements and a few site plan requirements as allowable in the planned district overlay. Staff feels the adaptations that have been made are done in genuine interest of surrounding and adjacent properties in order to, “better service the public purpose than would otherwise occur under base standards” and to “preserve and maintain the character and integrity of adjacent lands”. Those proposed deviations follow:

1. **Grocery Store Use:** As stated in Section F of the applicants’ narrative, the applicant is proposing a retail/small grocery use of approximately 17,800 SF. The original rendering shows this use slated for Lot 1 of Block 2. Applicant is asking to limit this lot to this use in exchange for permitting it outright as part of this Development Plan as a neighborhood grocery store. The Districts and Use Table slates grocery stores are in 2 categories: less than 45K SF are considered neighborhood in nature and are not permitted in the base district. Over 45K SF are considered supermarkets and are permitted in the C-3 Base District. Staff finds it shocking that the smaller neighborhood grocery store would not be permitted, but yet the supermarket, much larger in area is permitted in the C-3 Base District. The FLU slated this area as mixed-use community so it is felt that permitting a neighborhood grocery would better meet the intent of this particular FLU zoning district and better align this use architecturally to adjoining buildings and properties in this development. A supermarket over 45,000 SF is felt to be too large in scale for the existing vision of this development with it incorporating both commercial and residential uses as a mixed-use community.
2. **Open Space: Residential Requirement:** Applicants are deviating slightly in fulfilling their residential open space requirement. Table 305-2 addresses required Open Space for residential in a development. Applicant is providing a much-needed connection to the Pioneer Spirit Trail on the west side of the new public street right-of-way. This will allow a safer connection from 12th Street to Marian Road and will re-route pedestrians around a busy intersection where a round-about may be some day incorporated as suggested in the Traffic Study. In fact, I do believe that the City Engineer is adding this to the 1 & 6 year plan for 2022. Applicants added this trail connection at the request of Staff, but it is a slight change from the latest version of the Pioneer Spirit Trail Plan. Their requirement for open space based on their

residential use is calculated as 150 total dwelling units (DUs) X 500 SF = 75,000 SF. The description of a greenway or green belt is suggestive to include a pedestrian trail and that it may border a street and include pedestrian connections. The public street will do all of this; however, it does not fully meet the first design characteristic that it is a long corridor of natural vegetation, typically following a stream or a natural resource. This is obviously a man-made public street and though it will be landscaped with trees the type of trees and landscaping will be sensitive to height restrictions as part of growth patterns. However, this ROW is calculated at approximately 78,000 SF and would exceed the requirement to provide 75,000 SF. It also assists the City in mitigating for a potential safety issue in the pre-established trails plan that has been caused by growth. It will, *"better service the public purpose than would otherwise occur under base standards"*.

3. **Landscape:** During review, concerns for large canopy trees over time creating overgrowth and potentially interfering in air zoning were expressed. This concern was made particularly for street trees by the Parks and Recreation Director. We are allowing ornamental and medium canopy trees at a greater distance apart than is prescribed in City Code Section 34, Table 305-4 Street Trees for the street frontage along Block 2. Block 2 is, of course, much closer in proximity to the more restrictive airspace in the development. Allowing this deviation will eliminate future concerns for air zoning when trees grow and mature and will prevent owners from having to modify landscaping or disfigure the tops of trees. This will better address site specific conditions not found in other areas of the City. Though the landscaping in Block 2 will be adjusted to not include large canopy trees, these large canopy trees will be intermingled at a higher concentration the further west you move. For the most part (see deviation #4 [below]) there will be appropriate buffering between the adjacent R-3, *Multi-family Residential District* and this development and trees will be incorporated at the required distances in the entirety of Block 1 to ensure appropriate transitions to these adjacent areas.
4. **Parking:** Commercial parking in Development Plan is shown and figured at 1 parking stall for 300 square feet. Due to the fact that final uses have not yet been established for the commercial lots and many will not be established until after sale we are approving this deviation. The applicant is requesting that all of the commercial lots combined can provide the aggregated number of 834 parking stalls and that all lots be subjected to a *Reciprocal Cross-Parking and Access Easement and Maintenance Agreement*. Some of the individual lots may contain fewer stalls than is required in the City Code Section 34-308, while other lots may contain more parking stalls than are required in this code section. However, the aggregate number of stalls should comply with the number of stalls required and all of the commercial uses shall be shared parking for all of the commercial users in the district. Applicant also understands that the condition that parking requirements will be reassessed with uses as lots are sold off and building permits are applied to each lot.
5. **Buffer:** There is one area between the R-3, *Multi-family Residential District* to the west of Theatre Development District Lot 4 of Block 1 that has pavement within the buffer depth. This area does not allow for additional landscaping. This is a short distance and will slightly deviate from that requirement due to site specific limitations.
6. **Setback Deviation: Residential:**
The southeast side yard setback for the apartment building on Lot 2, Block 1 is approximately 13.00' from the southeast property line. Based on the required setback of 25.00' the applicant proposes this multi-family structure sits closer to the lot line with a deviation of 12.00'.

Note: All other setbacks shown on Site Plan meet the base district requirements.

Staff notes that the following C-3 Base District requirements have otherwise been met: minimum lot area, lot width, lot coverage and building height.

SITE REQUIREMENTS MET: The following is a summary of additional site plan/other requirements that the applicant's proposal has demonstrated to meet in the base district

requirements.

1. **Air Zoning:** Theatre District LLC has completed their Airspace Zoning Review Permit for the Development Plan portion of their project. They have successfully submitted their Federal Aviation Administration (FAA) Form 7460-1 with recommendations received on 3 of approximately 80 initial areas submitted for review as part of the Development Plan. These recommendations were to reduce utility pole height noted at area S21 and to ensure the proposed structures noted as B5 & B6 are marked/lite in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting red lights found in Chapters 4, 5 (Red), & 15. Theatre District LLC will be responsible for submitting the follow-on Forms 7460-2, Notice of Actual Construction or Alteration as stipulated in the return letters of *Determination of No Hazard to Air Navigation* (See attached). The applicants are also aware of the determination expiration dates and their options with the FAA determinations moving forward with this project. It is important to understand that this Airspace Zoning Review Permit is for the Development Plan only and that Theatre District LLC will need to submit such a permit and additional forms 7460-1 for each permit pulled, to include project functions (like Grading) that might include large and tall equipment. Therefore, as the outlots for this Development Plan are to be developed when lots are sold off and developed individually, Staff has incorporated conditions for these with recommendation. Any area development that might be affected by Airport Zoning regulations requires the Airport Advisory Boards review for recommendations to Planning Commission and City Council, as stated in City Code Section 34-217 (9). The Airspace Zoning Review Permit for the Development Plan was discussed with the Airport Advisory Board at their May 13, 2021 Meeting. Staff recommended they motion to approve forwarding their approval to Planning Commission of this permit following FAA review and findings that were discussed. This Board voted to X to X to approve this recommendation.
2. **Open Space:** Commercial Requirement: *Open space shall be provided at a rate of one square foot of open space for each 50 square feet of non-residential building footprint area. Plus, an additional square foot of open space for every 100 square feet of floor area above the first story except that the I-1 and I-2 districts are exempt from any open space requirement.* $137,000 \text{ (existing buildings)} + 78,730 \text{ (proposed new retail/office uses)} = 215,730/50 = 4,314.6$ SF Open Space Required. All commercial is one story. However, if more were added or needed this open space requirement for commercial would still be met by 50% of Outlot A, which will serve as detention and mitigate drainage as well. This outlot is 238,044.91 SF total and only 50% of this per 34-305 (2) (e) (i) qualifies for a pond. Half is 119,022.45 SF and this should more than fulfill the necessary open space for the commercial calculation.
3. **Lighting requirements:** The site lighting will be full cutoff and will meet requirements found in Section 34-305 of Hasting City code. The parking lot light poles will be 25' in height. However, applicant and staff agree that if there are alterations needed for lighting to comply with recommendations made by the FAA, these will be incorporated into the requirement accordingly through the airspace review permitting process.
4. **Sidewalks:** 4' Sidewalks are incorporated into east side of the public street ROW. City engineers have reviewed and approved. This meets the requirements. Required sidewalks to and from each structure will be incorporated into the building plans when submitted for building permit.
5. **Sign:** The Theatre District proposed monument sign, to be located on Outlot A and all business and residential signage within will comply to City Code Section 34-309, but must also be fully vetted through the airspace review permitting process as required in City Code 34-217 and determined to have no hazard to air navigation during required reviews with the FAA. Signage will also not infringe on sight triangle and must not hinder visibility for those entering or leaving this development.
6. **Dumpster:** Trash enclosures will be in screened areas conveniently located for the commercial and residential users of the Theatre District. Specific location of the trash enclosures will be detailed on the building plans.

7. **Trail:** The Pioneer Spirit Trail that follows Theatre Drive on the west side will be 8'. Section 38-303 (5) states a minimum of 8' and maximum of 10' based on the street. Parks and Recreation Director agreed to the minimum width for this section of the trail.
8. **Water and Sewer:** Water and Sewer have been initially reviewed by City Utilities. The applicants will continue to revise and update until final approval is received from Utilities Coordinator. We will place a condition for this approval to be obtained prior to approval of final building permits.
9. **Public Street/Traffic Study:** Public Street plan has been initially reviewed by City Engineer and discussions have occurred with the applicants Traffic Study consultant, Lonnie Burkland of JEO. However, a final Traffic Study was received and but was just received and has not be fully reviewed. The applicants will continue to revise and update this plan and study prior to final approval from City Engineer. We will place a condition for this approval to be obtained prior to approval of final building permits.
10. **Stormwater/Drainage:** The Drainage Plan and Study have been initially reviewed by Civil Engineer and feedback for revisions was sent to the applicants. Discussions to fine tune these plans will continue until final approval has been met. We will place a condition for this approval to be obtained prior to approval of final building permits.

Tom Huston, 9200 Andermatt Dr, Lincoln, Lancaster County, Nebraska, spoke on behalf of the Development Plan.

Moved by Lewis, seconded by Schoenhals, to recommend approval to the Mayor and City Council for a resolution for a Planned District Development Plan for Theatre District LLC commonly addressed as 3101 W 12th Street, City of Hastings, Adams County, Nebraska. Roll Call: Ayes: Hinton, Gaines, Schoenhals, Sinner, Lewis, Cranson, Kully, Hunt. Absent: Raitt, Srivastava. The motion carried.

10. Subdivisions

a. 2021-034 Final Plat for Mary Lanning Memorial Hospital Association, commonly addressed as 715 N St Joseph Ave, City of Hastings, Adams County, Nebraska.

Lisa Parnell-Rowe discussed this item.

Re-platting a portion of land commonly addressed 715 N. Saint Joseph Avenue, City of Hastings, Adams County, Nebraska. This subdivision replats part of lots 6, 7, 8, 13, 14 & 15, Block 3 of Buswell Addition. Replatting this land will allow Mary Lanning Memorial Hospital Association to relocate utilities and necessary easements that will lay the ground work for the Medical Office Building Expansion. This expansion was discussed briefly as part of the Campus Master Plan Amendment in late fall of 2020. The Development Department and Plat Track review teams (to include County officials) have reviewed this final subdivision plat and the applicant has incorporated all recommendations found to be relevant with subdivision design standards and regulations in City Code Section 38-203. All related utilities easement relocations have been reviewed and approved by the Utilities Coordinator as part of this final plat process.

Moved by Kully, seconded by Hunt, to recommend approval to the Mayor and City Council for Final Plat for Mary Lanning Second Subdivision, commonly addressed as 715 N St Joseph Ave, City of Hastings, Adams County, Nebraska. Roll Call: Ayes: Hinton, Gaines, Schoenhals, Sinner, Lewis, Cranson, Kully, Hunt. Absent: Raitt, Srivastava. The motion carried.

11. Reports

Moved by Schoenhals, seconded by Hinton to adjourn.

Chairman

Department: Development Services

Staff Contact:

Planning Commission Meeting Date: 7/20/2021

File No:

Prepared By: Emilia Kienbaum, Administrative Assistant

AGENDA ITEM SUMMARY SHEET

Description of Item:

Second vice chair, Gavin Raitt, has resigned. Election for the position of Second Vice Chair will be established at this meeting.

Names of People/Business affected by this action:

Why Planning Commission action is required:

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

Type of action requested:

Motion

Suggested motion:

Deadlines associated with action:

Department head comments:

Re-election is important to ensure that we have all positions filled in case chairman and first vice-chairman cannot attend.

Recommendation:

Staff recommends re-election of this position be completed as prescribed in the Planning Commission Rules and Procedures.

Department: Development Services
Staff Contact: Lisa Parnell-Rowe
Planning Commission Meeting Date: 7/20/2021
File No: 2021-036
Prepared By: Emilia Kienbaum, Administrative Assistant

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing on a request for an amendment to Conditional Use Permit for Pine Patch Second Subdivision to allow for the construction of a new barn for use with the existing CUP for property commonly addressed as 780 E 26th St, City of Hastings, Adams County, Nebraska. The public hearing will also consider the additional use of neighborhood assembly for other special events throughout the year in this same barn.

Motion to recommend approval of a Conditional Use Permit Amendment resolution for Pine Patch Second Subdivision to allow for the construction of a new barn for use with existing CUP and the added use of neighborhood assembly for other special events throughout the year for property commonly addressed as 780 E 26th St, 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:

Motion to recommend approval of a Conditional Use Permit Amendment resolution for Pine Patch Second Subdivision to allow for the construction of a new barn for use with existing CUP and the added use of neighborhood assembly for other special events throughout the year for property commonly addressed as 780 E 26th St, City of Hastings, Adams County, Nebraska, with the following conditions:

1) Private easement must be updated, tied to the land and new owners, and indicate its continued usage only for the Christmas tree portion of their business. Details that the remaining months this is to be gated and locked with a sign on the fence clearly indicating that the use of this egress is

only for Christmas Tree business season must also be included in this easement. This easement must also be refiled with County Deeds office and a copy provided to be filed with this CUP Amendment.

- 2) Pedestrians may be walking across the driveways as they are viewing and selecting trees. Applicant must place signage in the necessary areas of incoming and outgoing traffic to cautioning drivers that pedestrians may be in the area walking.
- 3) For assembly, neighborhood uses a CUP amendment will be required if alcohol is added, music is added (to events other than the Christmas Tree business events) or there is a change in hours of operation.
- 4) The 26th street driveway will be widened from 13 feet to 23 feet in fall of 2021, as required by code.
- 5) Appropriate turn-around, per International Fire Code Appendix D requirements and as depicted in the site plans must be incorporated into the site.
- 6) Parking must be incorporated per the parking plan and appropriate curb stops and signage to indicate ADA parking must be installed on this site.
- 7) Owners must add additional crushed rock in areas where it is needed on a yearly basis to the both the ingress and egress, as well as the turnaround and parking areas on this site.
- 8) Barn must meet principal structure setback requirements as it will not initially be considered an accessory structure.
- 9) As Kindigs have first right to refuse to Glass property and intend to purchase property in the near future, the Kindigs will be required to meet all accessory structure requirements found in City Code Section 34-311. They will also be required to replat the property to meet the code requirement that an accessory structures should have a primary or principal structure on the same lot.

Deadlines associated with action:

This item is scheduled to be heard at the next regular City Council Meeting to be held on August 9, 2021.

Department head comments:

Joe and Nikayla Kindig, of 780 East 26th Street are the applicants. They are the new owners of the Pine Patch Tree Farm which has been in operation since 1887 selling Christmas Trees. The existing barn on this property, used for this business in past, needs replaced. The applicants also desire to use this barn once it is reconstructed as a potential small-scale event venue in its off season. An amendment to their existing CUP is necessary due to a condition in the original CUP dated 7/25/05 which states, "Any changes in the described specifications will require approval of the Development Services Director. Changes in use or structures not anticipated in this application will require an amendment to the Conditional Use Permit". At first when the Kindigs purchased the property and inquired into what would need to happen with the barn we reviewed the original CUP as we believed that replacing the barn would not trigger an amendment since it was a part of this property. At that time we had them sign and file an affirmation that they understood the existing conditions to the original CUP when they made the purchase of this property in January. However, upon further review of that original file we discovered there was nothing specifically discussing the use of a barn for the Pine Patch business so though the barn is

new and replacing an old barn, staff feels the original barn was never considered with the original use. In fact, the applicant believes that the use of the barn with their business came about through time after the previous owners started utilizing the structure for Christmas events in conjunction with the sale of Christmas trees. The applicant desires to use the barn for events other than their Christmas Tree sales and related events. This will trigger a new use not originally assessed as a tree nursery; an assembly, neighborhood use. The proposed amendment to the original CUP will: 1) Amend the original use of tree nursery to include the use of a barn structure for which events and sales transactions can occur in conjunction with the existing Christmas tree nursery; and 2) Allow for a second conditional use for use as an assembly, neighborhood for off season events to be held in, which also requires a conditional use permit. Though both changes are important to their business, the Kindigs primary concern is to use the barn as a part of their existing business and CUP. However, being able to utilize this structure for more than 3 months out of the year is also important from a business standpoint. In light of this Staff has drafted this report with 2 separate headers to address the criteria to each proposed amendment separately in hopes this will better assist in your final determinations. The recommended motion does include both uses but Staff wants to be sure Planning Commission understands that they can make alterations to this recommendation to recommend to City Council that the application be *approved with or without the recommended conditions or rejected all together*. Recommendation can also be made for one proposed amendment and the rejection of the other.

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:

North: A, Agriculture & R1-A, Single Family Large Lot

South: R1-A, Single Family Large Lot

East: R1-A, Single Family Large Lot

West: R1-A, Single Family Large Lot

Though the majority of the surrounding area is residential and in the R1-A Zoning District, which carries a minimum lot area requirement of 20,000 SF. There is at least 75 feet between the existing barn, where the new one will be placed and all neighbors. This property is zoned R-1, *Single Family Residential*, and in this use district an “*assembly, neighborhood*” use requires a Conditional Use Permit. In fact, no matter what district you are located in you would need a CUP for such a use.

Use of Barn for existing business: The use of this property as a tree nursery goes back to 1887. The original owners, the Stoneciphers, had sold Christmas trees as a part of their business since that time. No complaints have been made by the neighbors regarding nuisances caused by this business. Though the business is over 130 years old, the Original Conditional Use Permit appears to have been approved as a request made by Sharon Stonecipher on September 13, 2005, which appears to be around the time the new owners, the Glass’s, took over the business. The use of a nursery has demonstrated compatibility and though the barn was not specifically spelled out in

the narrative as a part of that use, the barn has become a focal point for these activities in that structure. Staff feels that this *assembly, neighborhood* use as an event venue during the Christmas season has successfully integrated into these areas existing land uses and can continue to integrate this use with assembly, neighborhood uses on a seasonal basis. This has proven to work fine in the past.

Use of Barn for year-round assembly, neighborhood: *Assembly, neighborhood* is defined as “a civic use that conducts organized services, assemblies, or programs on a periodic or occasional basis, primarily for the convenience, entertainment, education, and social or spiritual welfare of nearby residents.” Neighborhood assemblies typically have buildings and supporting facilities designed for a capacity of no more than 350 people for any one event. Common examples include meeting halls, neighborhood association club houses, or smaller neighborhood churches. According to previous Building Inspector, Mr. Mark Evans, the proposed building size of 2846 SF should not allow more than 99 persons as an occupancy. Applicants understand this and have agreed to keep any use of the new barn for events under this occupancy. Though the area is residential these are all large residential lots and 26th Street is an approximate 85’ ROW separation to the north. With over 75’ between the barn and all neighbors Staff feels the proposed mitigations in this plan would allow for additional assembly uses in the off-season only during daytime hours. Though assembly use in residential zoning is not ideal, so long as all concerns have been mitigated, history has shown this can be done here.

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.

Use of Barn for existing business:

The vehicular circulation within the existing Christmas Tree use will remain the same and has in the past. Consideration was given to only allowing access off of 26th Street for both the use of the existing Christmas Tree business and any added assembly use in the off season. However, at Christmas time when people come to select their trees, many of them come with trailers in tow. The new owners felt that the existing easement with Mr. Northrup is helpful to avoid several vehicles with trailers in tow having to turn around all at once, even with the proposed widening and improvements with turnaround added. Permission for use of this driveway is indicated in the easement with Mr. Northrop and the easement is in the process of being updated to reflect new owners. Staff will add a condition that this private easement be updated, tied to the land and new owners, indicate its continued usage only for Christmas tree use and detailing that the remaining months there will be a gate that will be locked and a sign on the fence clearly indicated that the use of this egress is only to be used during Christmas season. This must also be refiled with County Deeds office and a copy provided to be filed with this CUP Amendment. The 26th street driveway will be widened from 13 feet to 23 feet in fall of 2021 to allow better flow of traffic and to meet code requirements. This ingress/egress does have crushed concrete and the owners will add to this in the fall with the widening.

The owner has provided a parking plan that meets the parking requirement of 33 spaces as determined by staff. They will also be providing one ADA parking space near the entrance to the barn that is compliant to the standards.

This use does have a fair amount of vehicular use with trailers, however, once in the main parking area pedestrians may be walking across the driveway which is fairly covered by trees on either side to view the trees and make a selection. With the increase in potential customers for events we would like there to be signage added in the necessary areas cautioning drivers that pedestrians are in the area walking. This signage can be posted at the entrance or done with sidewalk signs but a Signage permit will be required and should be approved by Development Services. We are adding this as a condition.

Use of Barn for year-round assembly, neighborhood: All the discussion for amending the existing CUP for use at Christmas time also apply to the added year-round *assembly, neighborhood* use in the off season. One key difference is that the 26th Street ingress will now be wide enough for customers to also exit through that driveway and the appropriate turnaround that is triggered due to the length of this driveway exceeding 200' will be incorporated into the property. Therefore, the existing easement will only be available to customers during the three weeks of Christmas season. In the off season this easement driveway will be fenced off with a gate that will be locked during any other events throughout the year. Customers exiting for the barn as part of an off-season event venue will only enter and exit through the 26th Street driveway.

Reasonable and economic extension of public utilities and facilities.

Use of Barn for existing business: Applicants are aware they will need to connect to water and sewer to install appropriate bathrooms into the barn for employees and customers. Our Utilities Coordinator reviewed and confirmed they can connect to sewer service for the new Barn with no problem. He also recommended they may need a 2" service line with a 1 ½ meter to get the water they may need and stated they should talk to their plumber.

Use of Barn for year-round assembly, neighborhood: This is the same recommendation for both uses.

Noise, fumes, dust or other environmental pollution.

Use of Barn for existing business: Staff has determined that the only item here would be noise. There are two outdoor speakers attached to the barn to play Christmas music during Christmas Tree season. This has been a practice for many years. Again, this use only goes until 6:30 P.M. These outdoor speakers not used during any other time of the year. There have been no complaints to this use as part of the Christmas Tree business and, as such, the applicants would like to continue for only this existing business. The Christmas music adds to the experience and sets a tone or a necessary ambiance of Christmas cheer. City Code Section 18.113.01 provides for excessive noise only with regard to streets, alleys, or other public places. Interestingly the feet for audibility is 75'. Though this is not entirely

relevant to a scenario where the land is private I would not think that there is a distance from barn to all neighbors of at least 75'. Many are much further than this to the barn.

Use of Barn for year-round assembly, neighborhood: Use of these exterior speakers will not be a part of any other event held in this barn and the latest hours for such an event has also been capped at 6:30 PM.

The maintenance of logical and efficient development patterns and land use mixtures.

Use of Barn for existing business: The development pattern of uses in this area has been mostly residential with a good portion of this being large lot residential. However, there has been some low-impact commercial interlaced throughout this area for very different business ventures. We have Debs Auto Upholstery off to the southwest off of 2nd Avenue, the Campgrounds to the west off of 26th street and then the closer you move towards Osbourne Drive East the more commercial businesses you see incorporated into the area. The existing tree business has been in this area longer than zoning was in existence. We believe that this use is a benefit to most area property owners more than an adverse impact.

Use of Barn for year-round assembly, neighborhood: As stated with the existing use, there is some commercial interlaced into this area. The addition of *assembly, neighborhood* use in the off season is not anticipated to have an adverse effect on the neighbors. In fact, having an area for local area to gather can create a closer-knit neighborhood and provide a central point for the neighborhood to gather. In consideration of the hours, types of events proposed, the improvements to traffic flow and screening for parking areas, we do not feel the increase assembly use in the off season will be a negative but rather a positive to add value to our community with areas for businesses to conduct off-site meetings, families to have reunions and brides to celebrate an upcoming marriage. This is not a business, but a resource for our community!

The maintenance of property values in accordance with established and permitted land uses.

Use of Barn for existing business: The existing business has not had a negative impact on the property values and, even though the use of the barn for corresponding events was not specified in their CUP, this use has been running out of this barn seasonally as a business and event-driven experience for some time. Adjacent property owner letters were sent on 6/4/21 to adjacent property owners within 300 feet to ensure that neighbors have an opportunity to speak on this CUP, if concerned or supportive. Staff did receive several concerns. These were heard at the last Planning Commission Meeting held on June 15, 2021. However, despite concerns being vocalized, almost all of the neighbors expressed support for the use of a new barn for the existing use as a Christmas tree farm and any events that were occurring as part of the continuation of this use.

Use of Barn for year-round assembly, neighborhood: Allowing for *assembly, neighborhood* in this area should not adversely affect area property values. Having a community resource for events within walking distance of residential home can be seen as an advantage for a property owners to better integrate into with the local neighborhood and community so long as that

assembly use is sensitive to the neighbors and has mitigated their concerns. An *assembly, neighborhood* use is not a commercial or light/heavy industrial use that produces fumes, dust or other environmental pollution. Though there can be impacts from a noise and traffic standpoint, but these impacts have been reviewed by Fire, Building and Zoning staff by conducting a site visit and reviewing the plans and narrative. Staff feels these issues have been mitigated satisfactorily as addressed in the Criteria #2 (above).

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

Use of Barn for existing business: Staff has conducted a site visit and provided additional feedback to address concerns expressed during the June 20th Meeting. These are addressed in the table below. Again, allowing an *assembly, neighborhood* use in this area should not adversely affect area safety, health, comfort and repose of the residential neighbors, so long as that *assembly, neighborhood* use is sensitive to the neighbors and has mitigated their concerns. See the table below for a summary of how these concerns were mitigated. The concerns expressed at the June 15, 2021 Planning Commission Meeting were not for the existing business; many even stated they were OK with Pine Patch as a Christmas Tree farm and the events associated with that use.

Use of Barn for year-round assembly, neighborhood: Adjacent property owner letters were sent on 6/4/21 and (again on 7/9/21) to adjacent property owners within 300 feet to ensure that neighbors have an opportunity to speak on this CUP, if concerned or supportive. Staff did receive several concerns. Each concern was documented and a follow-on site visit with the applicants was conducted to work through a plan that would appease all of these concerns. Almost all of the concerns expressed had to do with the potential addition of the use of this barn as an off-season *assembly, neighborhood* use. Below is a summary of the concerns and a response to mitigate or answer this concern.

Concern	Applicant Response Narrative/Site Plan	Mitigation
Letters-understanding what is going on	Not an applicant issue.	• Statutes do not require public notice or adjacent property notice letters for continued meetings, but we did this as a courtesy anyway. • Added a tremendous amount of detail to this report to make sure we have covered all the details for any public understanding.

		• Also, there is now a direct link on the City website home page navigation bar to better navigate public to board agendas and minutes.
Party Barn/no parties next door/hours/liquor	• Events geared towards are Small gatherings such as baby showers, bridal showers, reunions, meetings, networking sessions, conferences, and workshops/classes. • No alcohol permitted • Exterior speakers only for Christmas music at Christmas Tree business affairs • Hours of operation are 8:00AM to 6:30PM Monday through Sunday.	• Condition to document that if alcohol is added, music is added or there is a change in hours of operation an amendment to their CUP will be required. Liquor would also require a liquor review and permit through the City Clerks office.
Traffic	• The 26th street driveway will be widened from 13 feet to 23 feet in fall of 2021 to allow better flow of traffic. This will also allow traffic to flow in and out of 26th street without the use of the Northrop easement. • Appropriate turn-around has been added to meet International Fire Code Appendix D requirements. • The Northrop easement will be updated but continue to only be used as an egress for	• All requirements will be met and appropriate conditions have been incorporated as conditions of this CUP.

	the Christmas Tree business Only. • The owners will add additional crushed rock in areas where it is needed on a yearly basis as owners in past have done.	
Parking	• Parking requirements of 33 spaces have been provided in the plan and discussed in the narrative.	• All requirements will be met and appropriate conditions have been incorporated as conditions of this CUP
Noise	• All neighboring structures are at least 75' from the where the new barn will be placed. • Exterior speakers only for Christmas music at Christmas Tree business affairs • Hours of operation are 8:00AM to 6:30PM Monday through Sunday.	• All requirements have been met and appropriate conditions have been incorporated as conditions of this CUP.
Consistency in code – No Primary Structure	• Barn will meet principal structure setback requirements until applicants purchase and replat property. • When additional property is acquired and land is replatted then this barn will become a legal structure and comply to City Code Section 34-311 regarding accessory structures.	• All requirements will be met and appropriate conditions have been incorporated as conditions of this CUP.

Quality Standards	Weekly maintenance & annual discussed in narratives.	Condition has been incorporated to address yearly replenishment of crushed rock in driveways, turn around and parking areas. Processes for weekly maintenance appear acceptable.
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Staff also scheduled a site visit as part of the public hearing process to allow any interested parties to come see and visit the site. As of the date of preparing this report, we have not received any additional feedback from these neighbors.

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

Use of Barn for existing business: The Comprehensive Plan Future Land Use Map for this property is slated Suburban Residential. This lot will remain zoned residential and is compatible to this future zoning. The sister zoning district to Suburban Residential is R1-A, Single Family Large Lot. Certainly, this lot is large enough that it could meet minimum lot requirements to be rezoned to

R1-A, Single Family Large Lot. R-1, Single Family residential is very similar and a good complement to R1-A, Single Family Large Lot so this is not necessary. In fact, to rezone would be a futile exercise in this situation as rezoning this to R1-A would not eliminate the need for a CUP. Since an *assembly, neighborhood* use is conditional in all zoning districts, it really makes no difference where it is placed. For this particular use the focus is on the conditions that are placed upon this use making it appropriate to mitigate its use within that zoning district. Staff feels certain that every effort has been taken to ensure that appropriate conditions have been devised and that the applicant is willing and ready to implement these conditions to add the new barn, use this as part of the existing use and also for the additional use of assembly, neighborhood in the off season.

Use of Barn for year-round assembly, neighborhood: This is the same recommendation for both uses.

Recommendation:

Motion to recommend approval of a Conditional Use Permit Amendment resolution for Pine Patch Second Subdivision to allow for the construction of a new barn for use with existing CUP and the added use of neighborhood assembly for other special events throughout the year for property commonly addressed as 780 E 26th St, City of Hastings, Adams County, Nebraska, with the following conditions:

- 1) Private easement must be updated, tied to the land and new owners, and indicate its continued usage only for the Christmas tree portion of their business. Details that the remaining months this is to be gated and locked with a sign on the fence clearly indicating that the use of this egress is only for Christmas Tree business season must also be included in this easement. This easement must also be refiled with County Deeds office and a copy provided to be filed with this CUP Amendment.
- 2) Pedestrians may be walking across the driveways as they are viewing and selecting

trees. Applicant must place signage in the necessary areas of incoming and outgoing traffic to cautioning drivers that pedestrians may be in the area walking.

3) For assembly, neighborhood uses a CUP amendment will be required if alcohol is added, music is added (to events other than the Christmas Tree business events) or there is a change in hours of operation.

4) The 26th street driveway will be widened from 13 feet to 23 feet in fall of 2021, as required by code.

5) Appropriate turn-around, per International Fire Code Appendix D requirements and as depicted in the site plans must be incorporated into the site.

6) Parking must be incorporated per the parking plan and appropriate curb stops and signage to indicate ADA parking must be installed on this site.

7) Owners must add additional crushed rock in areas where it is needed on a yearly basis to the both the ingress and egress, as well as the turnaround and parking areas on this site.

8) Barn must meet principal structure setback requirements as it will not initially be considered an accessory structure. As Kindigs have first right to refuse to Glass property and intend to purchase property in the near future, the Kindigs will be required to meet all accessory structure requirements found in City Code Section 34-311. They will also be required to replat the property to meet the code requirement that an accessory structures should have a primary or principal structure on the same lot.



Permit #: 21036

Permit Date: 05/17/21

Permit Type: Conditional Use Amendment

Title: Pine Patch Plot

Site Address: 780 E 26th St

Owner Name: Joseph Kindig

Owner Address: 200 E 7th St

City State Zip: Hastings, NE 68901

Owner Phone: 402-469-6772

Owner Email: pinepatchtreefarm@gmail.com

Applicant Name: Joe Kindig

Applicant Address: 200 E 7th St

City, State, Zip: Hastings, NE 68901

Phone Number: 402-469-6772

Applicant Email: pinepatchtreefarm@gmail.com

Proposed Use: Christmas Tree sales, holiday items sales, landscape tree sales, rentable space

Description: Maximizing barn utility and update facility

Number of Cases: 0

Project Cost: 0

Square Feet: 2000

Within City Limits: Yes

Current Zoning:

Current Zoning

Explained:

Proposed Zoning:

Conditions:

Conditions Defined:

**1st PN & Agenda Send By 06/02/2021
(11:30):**

**1st PN & Agenda Due 06/02/2021
Date:**

1st PN & Agenda Sent:

**2nd PN & Agenda Send By
(11:30):**

**2nd PN & Agenda Due
Date:**

2nd PN & Agenda Sent:

**Sign / Website Posting - 06/03/2021
Post By:**

**Sign / Website Posting -
Posted:**

APO Letter - Send By:

APO Letter - Sent:

**PC Approval - Date
Approved:**

PC Outcome Letter - Due: 06/16/2021

PC Outcome - Completed:

**CRA Approval - Meeting
Date:**

**CRA Approval -
Approved:**

**CC Packet - Goal Load 07/06/2021
Date:**

CC Packet - Due Date: 07/06/2021

CC Packet - Completed:

CC Out/Admin Due Date: 07/13/2021

**CC Out/Admin -
Completed:**

Stage: Awaits Applicant Revision
Status: Open
Assigned To: Lisa Parnell-Rowe

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
010019201	780 E 26th St		Joseph Kindig		R-1 Urban Single Family Residential

Inspections

Date	Inspection Type	Description	Scheduled Date	Completed Date	Inspector	Status
05/18/2021	City Council Meeting		07/12/2021		Lisa Parnell-Rowe	Open
05/18/2021	Planning Commission Meeting		06/15/2021		Lisa Parnell-Rowe	Open

Fees

Fee	Description	Notes	Amount
Document Filing Fee	Enter number of pages.		\$16.00
Conditional Use Permit or Amendments			\$400.00
Total			\$416.00

Payments

Date	Paid By	Description	Payment Type	Accepted By	Amount
06/10/2021	Joseph R Kindig	223884			\$416.00
Outstanding Balance					\$0.00

Update the Conditional Use Permit
Pine Patch Tree Farm
780 East 26th Street
Hastings, NE 68901

Purpose:

Tree Nursery

Nursery Stock:

Includes but not limited to: Blue Spruce, White Pine, Scotch Pine, Norway Pine, Concolor Fir, Canaan Fir, and Deciduous Trees.

Operation:

Ornamental landscape trees are sold and transplanted with a tree spade to other locations. Soil drenching, ornamental/evergreen tree spraying, tree injections, commercial weed spraying, tree planting, and tree transplanting are services at the Pine Patch that will continue to be available.

Christmas trees are sold during the holiday season. Fraser Fir, Douglas Fir, Scotch Pine, and White Pine pre-cut trees are displayed near the barn and sold along with Scotch Pine, White Pine, and Canaan Fir Choose-and-Cut trees for sale out in the patch. Customers are welcome to pre-tag their Christmas Tree prior to opening day, beginning in the month of November. Wreaths, garland, and other holiday items available for purchase inside the barn during the Christmas season.

Typical Christmas Tree Sale:

Customer drives into parking lot area using ingress. Employees cut the tree, carry it to a tree shaker to eliminate dead needles and other debris that is in the tree. The tree is baled with netting if the customer desires and is loaded in/on the customer's vehicle. Customer pays for the tree, and other holiday items, inside the barn and exits through Northrop's driveway or 26th Street egress.

Barn:

The current Morton building (old barn) is used as storage for equipment and inventory such as tree stands and other materials used during the Christmas season sales, and accommodates guests during the Christmas season as they purchase their trees and other items. It is also where the wreaths and all Holiday items are assembled and sold.

The new barn consists of the main showroom, "Neighborhood Assembly" room as indicated in our drawings, where our check-out counter and retail items, such as wreaths and garland, during the Christmas season would be located and sold. It includes a workroom, "Wreath Assembly" room, where wreaths and other Christmas items are assembled and stored, an office for filing and organizing business documents and paperwork, two utility rooms, indicated as "Inventory Storage" and Mechanical", for the furnace and other utility items, and two public

restrooms to accommodate our guests and employees. We are aiming for two single-stall, wheelchair accessible, unisex restrooms. Water and sewer will be a necessary addition to the new barn for the restrooms. The new barn also includes a lean-to on each side to store Christmas trees during the Christmas season to keep them out of the elements and allow better organization for the variety of Christmas trees we have to offer.

Christmas Tree Sales:

Begins Friday after Thanksgiving and ends around December 20.

Business Hours:

Customers have the opportunity to view our selection of landscape trees by appointment, Monday through Sunday between 8AM to 6:30PM year-round.

Christmas Tree Season hours begin the Friday after Thanksgiving. Hours for customers to select Christmas Trees and holiday items in the barn are Monday through Friday from 1PM to 6:30PM and Saturdays and Sundays from 9AM to 6:30PM.

Items for Sale:

Christmas Trees, wreaths, garland, tree stands, tree bags, and other holiday items.

Lights:

One light attached to west outside wall of barn and lights inside barn.

Noise:

Two outdoor speakers attached to the barn to play Christmas music during Christmas Tree season. Outdoor speakers not used during any other time of the year.

Traffic Flow:

There are currently no drainage issues on Pine Patch property. Culvert is located on each side of the entrance into the tree farm from 26th street. In 2018, previous owner Dave Glass widened the culvert from approximately 18 feet to approximately 28 feet for the semi-trucks who deliver our pre-cut Christmas trees, or a fire truck, to access our farm more easily. Customers enter through the ingress on 26th Street.

The 26th street driveway will be widened from 13 feet to 23 feet in fall of 2021 to allow better flow of traffic. This will also allow traffic to flow in and out of 26th street without the use of the Northrop easement, if needed.

Egress will continue during the Christmas Tree season, as in the past, using John Northrop's drive way located north of their residence of the residence at 2510 North Elm Street. Customers who have been visiting the Pine Patch for many years are in the routine of entering from 26th Street and exiting through the driveway indicated in the easement. Those who visit the farm from out of town, and out of state, often bring trailers to safely transport their Christmas Tree and the easement allows us to quickly and efficiently accommodate them.

Permission for use of this driveway is indicated in the easement with John Northrop and the easement is in the process of being updated to reflect new owners. The 26th Street ingress will now be wide enough for customers to also exit through that driveway. Easement will only be available to customers during the three weeks of Christmas season. Easement driveway will be fenced off during any other events throughout the year, so any customer exiting for landscape trees or from the barn as a venue will only enter and exit through the 26th Street driveway.

Employees:

Owners and approximately 5 people to assist in tree sales, wreath making, and maintenance.

Signs:

Temporary signage during Christmas Tree selling season used to direct traffic into the selling area. During the Christmas season, we will also place signs along the driveway notifying drivers of pedestrians since our guests are invited to walk through the farm grounds to pick out a Christmas Tree. Signage that will be used for pedestrians is pictured below.

Parking:

Current parking lot allows approximately 30 parking stalls. Current parking lot does not indicate where parking stalls are located.

In fall of 2021, we will be converting 24 feet of tree space on the North edge of the parking lot to parking lot space. This creates, at least, an additional 3 parking stalls and extra square footage for fire truck access. The current length/distance of the Pine Patch driveway is approximately 200 feet. The new parking lot will allow 33 parking stalls. Once our new parking lot is complete, we will place signs or concrete parking blocks to indicate where each stall is located. This will promote better flow of traffic and less confusion on where to park for our customers. We will maintain crushed rock where it already exists and we will add the same crushed rock where the new square footage is added to the parking lot. We will add screening between our parking lot and the Young's residence to the South due to the closeness in proximity.

Maintenance:

All nursery stock is watered from a well that exists on the farm. Mowing grass between the trees, parking lot, and barn is done weekly. Occasional application of the same pesticides used for yards and colorant. Chemicals will not be applied during windy weather conditions. Christmas trees are sheared during summer months to increase tree density and maintain the proper shape until harvest. New crushed rock in parking lot and ingress is laid yearly to maintain and meet requirements.

Summary:

The Pine Patch Tree Farm has operated as a Tree Nursery since 1887, primarily selling Christmas Trees from the original owners, the Stoneciphers, during the Christmas season. The Pine Patch was sold to the Glass family in 2005, then sold to Joe and Nikayla Kindig in 2021. We are continuing the tradition of a family-owned business providing other families with a holiday

tradition. We plan to continue the tree operation as it has operated in the past, while adding a few amenities to better serve our customers and a community we care so much about. The Christmas Tree farm is an attraction that has been important to Central Nebraska for many years and we are eager to continue welcoming customers to this community from all over Nebraska, even from surrounding states.



Amendment to the Conditional Use Permit
Pine Patch Tree Farm
780 East 26th Street
Hastings, NE 68901

Purpose:

Neighborhood Assembly

Operation:

The Christmas Tree Farm will always be our first priority and main use for our barn, but we would like to make the barn available to rent for use of small gatherings during months when the barn is typically vacant and unused. The original barn (Morton Building) that exists on Pine Patch property is long overdue for repair. We feel it would be more cost effective to build a new barn, rather than repairing a dilapidated barn that no longer fulfills the demands of the Pine Patch. The new barn would be built in essentially the same location on our lot as the old barn, but would be slightly larger to better accommodate our guests and employees during the Christmas tree season. We would also like to maximize the use of the Pine Patch barn, as the barn is currently only used during November and December for the Christmas tree season (opening the Friday after Thanksgiving and concluding our season by the third week in December).

Barn:

The existing Morton Building (old barn) is 27'x36' sq. ft. (972 square feet) and the new barn would be 48'x60' sq. ft. (2,880 square feet). If the new barn was approved for use of small gathering rentals, the only occupiable space guests will be using in the new barn is the "Neighborhood Assembly" room which is 1,440 square feet. The Pine Patch Office, Inventory Storage, Wreath Assembly Room, and Mechanical Room would be closed off and would not be occupiable space to the public when being used for Neighborhood Assembly.

In the future, our intent is to replat the Pine Patch lot (lot 3), the lot that the Glass house is located on (lot 1), and the lot to the South of the Glass house (lot 2) to be all on one lot. We already own lots 2 and 3, and we have the Right of First Refusal to the Glass house on Lot 1 which we intend to purchase. This will allow the new barn to become an accessory to the primary structure once we replat.

Events:

Small gatherings such as baby showers, bridal showers, reunions, meetings, networking sessions, conferences, and workshops/classes.

Capacity:

99 people or less.

Business Hours:

Monday through Sunday hours of operation for use of the barn as a venue remain the same as our hours of operation during the sales of landscape trees and the Christmas season, which is 8:00AM-6:30PM.

Rental Agreement:

An example of the Rental Agreement for the barn is provided below.

Important points include: capacity of 99 people or less, hours of operation are 8AM to 6:30PM, alcohol not permitted, security deposit required in case of damage/loss, owners reserve the right to determine whether the gathering/events being requested aligns with our requirements and may reject requests at their sole discretion for any reason.

Lights:

One light attached to west outside wall of barn and lights inside barn.

Noise:

Two outdoor speakers attached to the barn to play Christmas music during Christmas Tree season. Outdoor speakers not used during any other time of the year.

Traffic Flow:

There are currently no drainage issues on Pine Patch property. Culvert is located on each side of the entrance into the tree farm from 26th street. In 2018, previous owner Dave Glass widened the culvert from approximately 18 feet to approximately 28 feet for the semi-trucks who deliver our pre-cut Christmas trees, or a fire truck, to access our farm more easily. Customers enter through the ingress on 26th Street.

The 26th street driveway will be widened from 13 feet to 23 feet in fall of 2021 to allow better flow of traffic. This will also allow traffic to flow in and out of 26th street without the use of the Northrop easement, if needed.

Egress will continue during the Christmas Tree season, as in the past, using John Northrop's drive way located north of their residence of the residence at 2510 North Elm Street.

Permission for use of this driveway is indicated in the easement with John Northrup and the easement is in the process of being updated to reflect new owners. The 26th Street ingress will now be wide enough for customers to also exit through that driveway. Easement will only be available to customers during the three weeks of Christmas season. Easement driveway will be fenced off during any other events throughout the year, so any customer exiting for landscape trees or from the barn as a venue will only enter and exit through the 26th Street driveway.

Employees:

Owners

Parking:

Current parking lot allows approximately 30 parking stalls. Current parking lot does not indicate where parking stalls are located.

In fall of 2021, we will be converting 24 feet of tree space on the North edge of the parking lot to parking lot space. This creates, at least, an additional 3 parking stalls and extra square footage for fire truck access. The current length/distance of the Pine Patch driveway is approximately 200 feet. The new parking lot will allow 33 parking stalls to accommodate a maximum capacity of 99 people. Once our new parking lot is complete, we will place signs or concrete parking blocks to indicate where each stall is located. This will promote better flow of traffic and less confusion on where to park for our customers. As indicated in the drawing of the parking lot, there should be multiple ways a hammerhead firetruck could access our barn and farm. We will add screening between our parking lot and the Young's residence to the South due to the closeness in proximity.

Maintenance:

All nursery stock is watered from a well that exists on the farm. Mowing grass between the trees, parking lot, and barn is done weekly. General maintenance to the barn will be performed regularly. Christmas trees are sheared during summer months to increase tree density and maintain the proper shape until harvest. New crushed rock in parking lot and ingress is laid yearly to maintain and meet requirements. We will add the same crushed rock where the new square footage is added to the parking lot. Inspections from owners will be done after any use of the barn as a Neighborhood Assembly to ensure customers have complied to the Rental Agreement and not damaged Pine Patch grounds.

Summary:

We are continuing the tradition of a family-owned business providing other families with a holiday tradition. We plan to continue the tree operation as it has operated in the past, while adding a few amenities to better serve our customers and a community we care so much about.

We believe the new barn and necessary updates to the farm would be a great addition to our community. It would offer another rentable space and would better justify our decision to invest in repairing our barn by making it available for use outside of the Christmas Season. The majority of gross sales are acquired through tree farm sales, we would just like to maximize the barn utility outside of tree sales season.

We thank you very much for your consideration,
Joe and Nikayla Kindig



780 E. 26th Street, Hastings, NE 68901

Email: pinepatchtreefarm@gmail.com | Web: pinepatchtreefarm.square.site | Phone (402)469-6772

Available for rent from 8 a.m. through 6:30 p.m. Monday through Sunday. Maximum Capacity: 99

All guests must enter and exit through 26th Street entrance. Map/directions available upon request.

BARN RENTAL AGREEMENT

This Rental Agreement is between the Pine Patch Tree Farm [the “barn”] and _____ [the “Renter”] for the rental of the Pine Patch Tree Farm Barn.

Event date: _____ Start time of event: _____ End time of event: _____
 month day year

Type of event: _____ Number of guests: _____

Contact name(s): _____

Mailing address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ Email: _____

RENTAL DAY/TIME	HOURLY RATE
Monday through Thursday	\$ per hour plus \$ damage deposit
Friday through Sunday	\$ per hour plus \$ damage deposit

Advance reservations are required: a minimum of 2 weeks for weekday events and a minimum of one month for weekend events. 50% of all rental fees due at the time of application.

Cancellation penalties apply. Further reservation details available upon request.

Rental Charges: \$ Deposit. The use of the Pine Patch Barn requires a deposit to renters who wish to use the barn for small gatherings or events. The Pine Patch Tree Farm reserves the right

to determine whether the gathering/events being requested aligns with our requirements and may reject requests at their sole discretion for any reason. The deposit will be returned to the renter as long as the facility is returned in the condition found.

Food and Alcohol: You may bring in your own food. You or your caterer will be responsible for supplies, dishware, and utensils. No alcohol will be permitted on the premises.

Duration of Event: Barn is available for rent between the hours of 8AM and 6:30PM. The premises must be vacated by the allotted time (breakdown/cleanup must be completed) in order to avoid incurring charge for additional hour(s).

Now, therefore, the parties agree to the following terms and conditions:

1. The Renter shall pay to the Owner the sum of \$_____ no later than _____. Of this amount, \$_____ is a non-refundable deposit that will be applied to rental charges upon final settlement of accounts. The remainder, \$_____, is for damages/security deposit which will be returned to the Renter upon settlement, minus any charges for actual damages done to the venue by Renter or his/her associates.

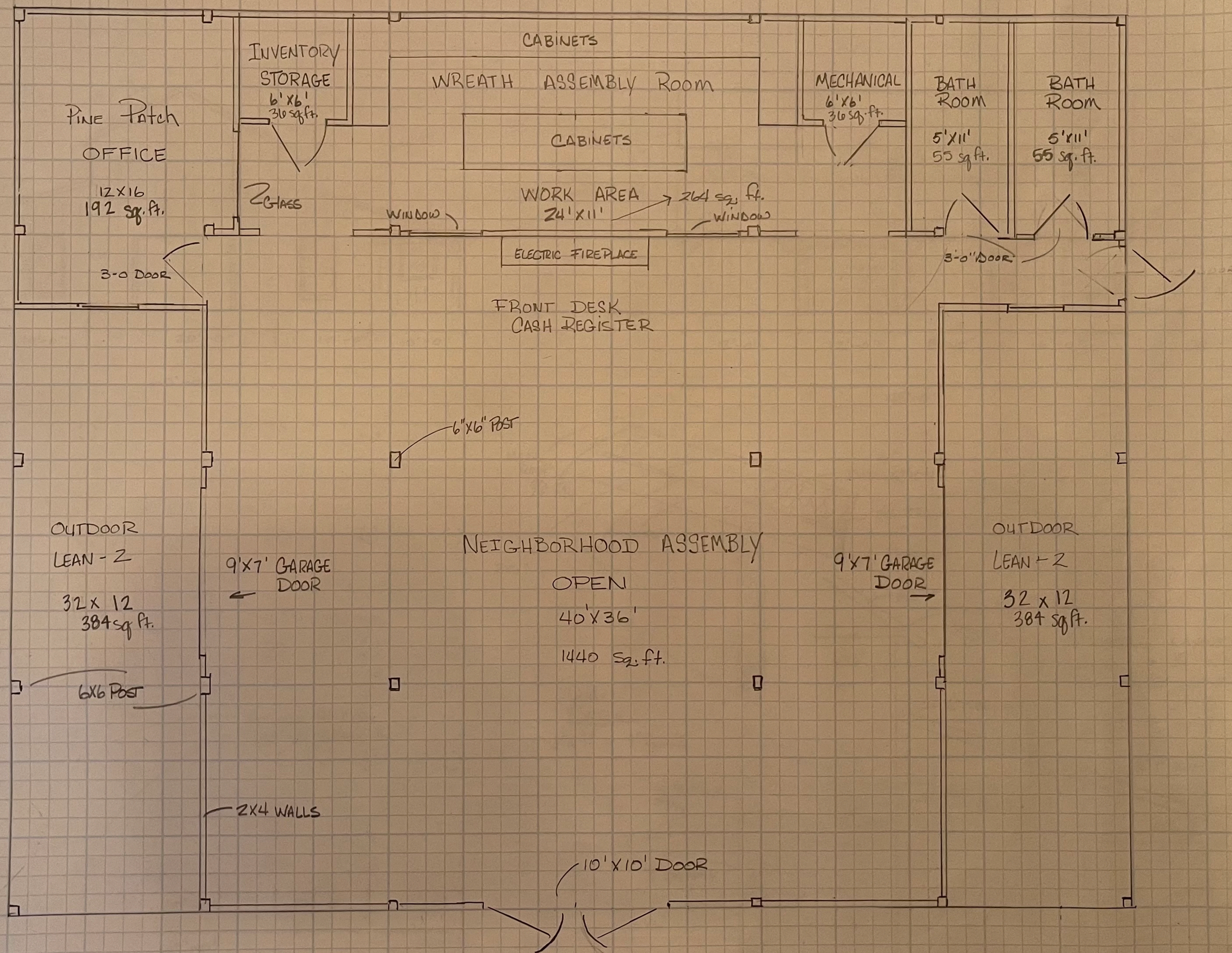
Payments should be made to **Pine Patch Tree Farm**. Cash, check, and major credit cards are accepted. We prefer checks.

Acknowledged, Agreed, and Authorized by Primary Renter: _____

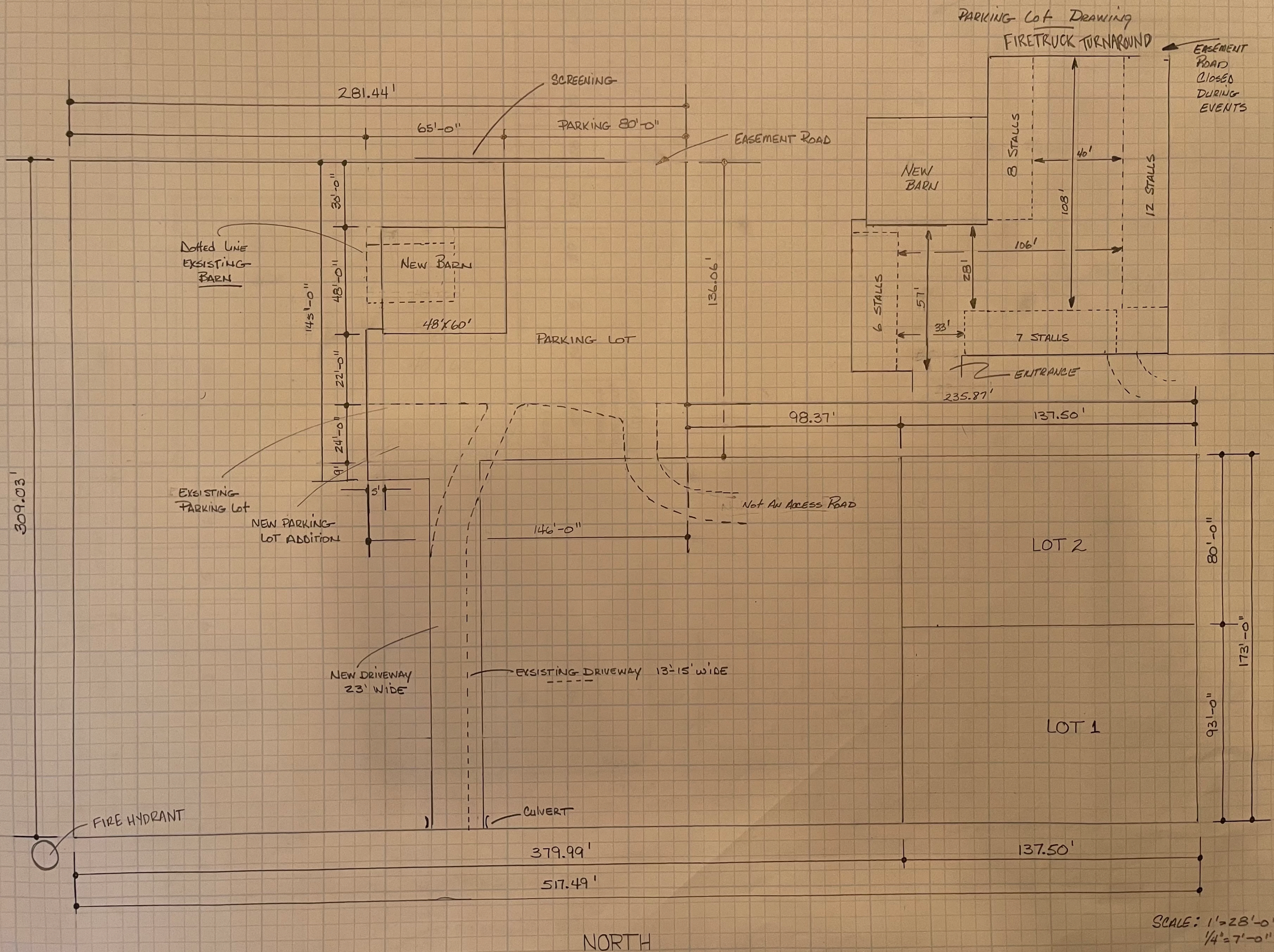
Date: _____

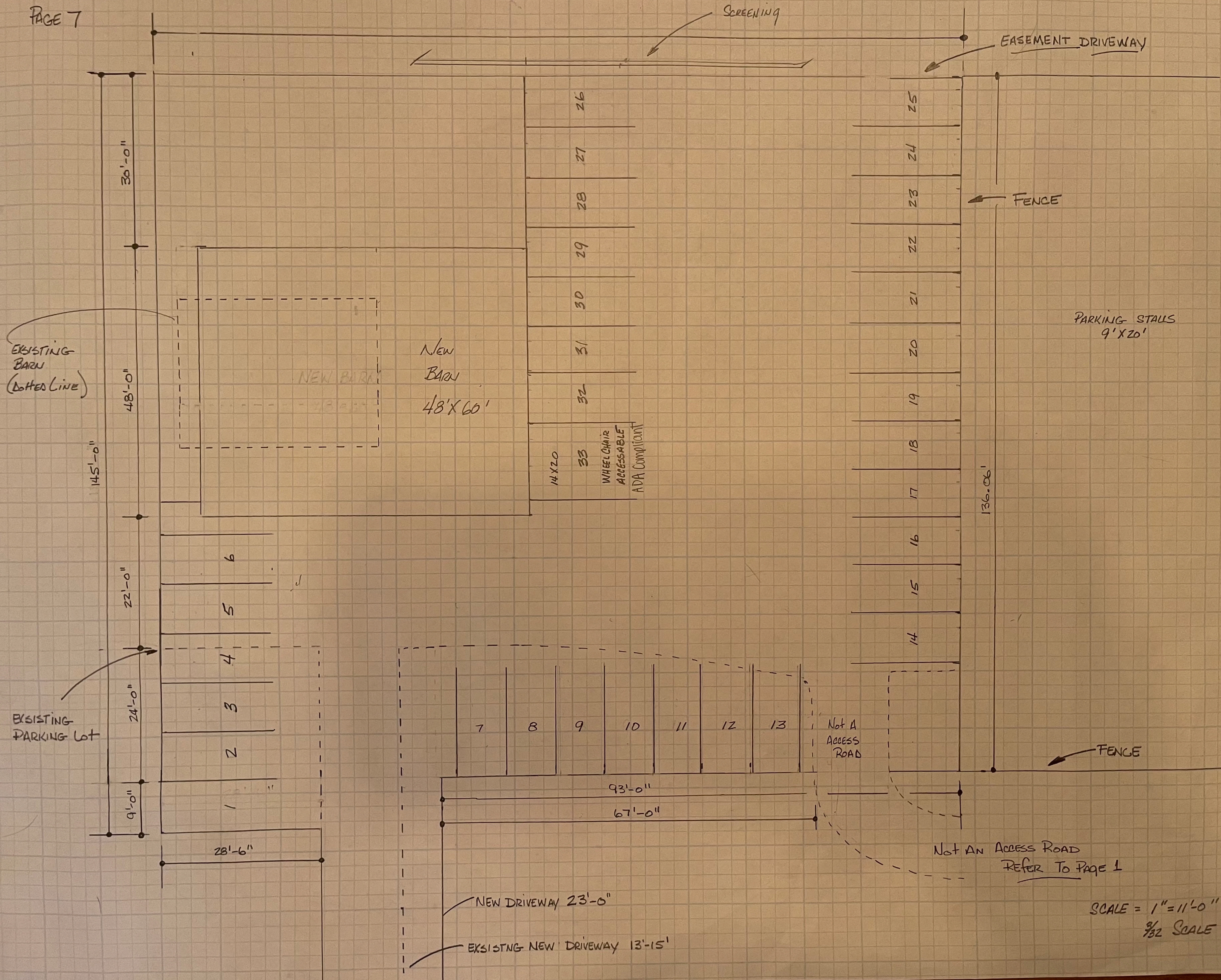
Acknowledged and Agreed by PINE PATCH TREE FARM: _____

Date: _____



1" = 4'-0"
1/4" = 1'-0"





KRUEGER LAND SURVEYING

May 20, 2021

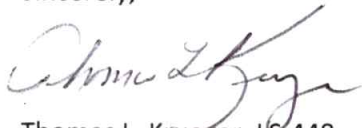
Mark Evans
Building Inspector
Hastings City Offices
220 N Hastings Ave
Hastings, NE 68901

RE: Conditional Use Permit
Pine Patch Building Elevation

Mark:

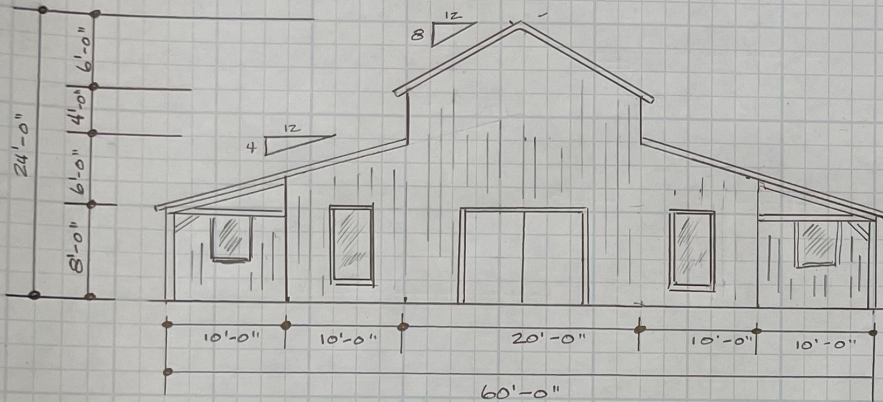
I have measured the finished floor elevation of the existing building on Lot 2 of Pine Patch Second Subdivision at 1913.51 feet (NAVD 88). A 5/8" rebar is set as a benchmark west of the existing building near the wood fence with an elevation of 1914.51 feet. The finished floor elevation of the proposed building will be confirmed after construction.

Sincerely,

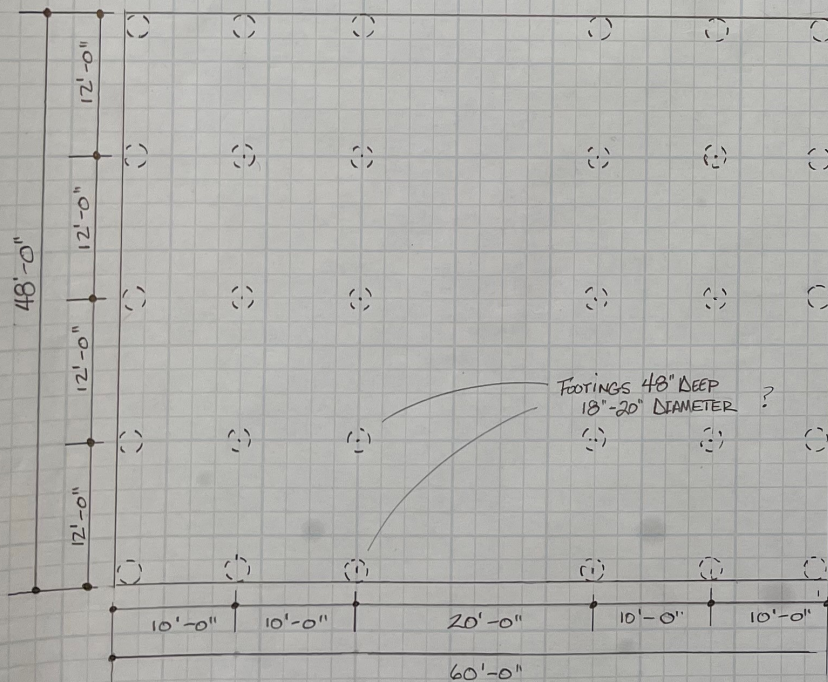
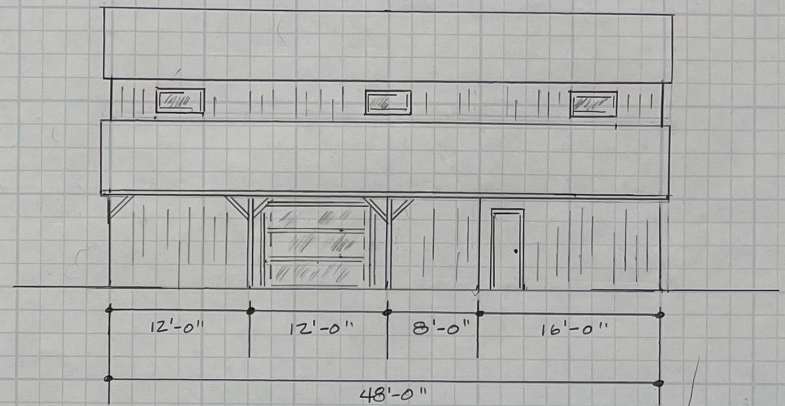


Thomas L. Krueger, LS-448
Professional Licensed Surveyor

FRONT ELEVATION
1" = 8' - 1/8" SCALE

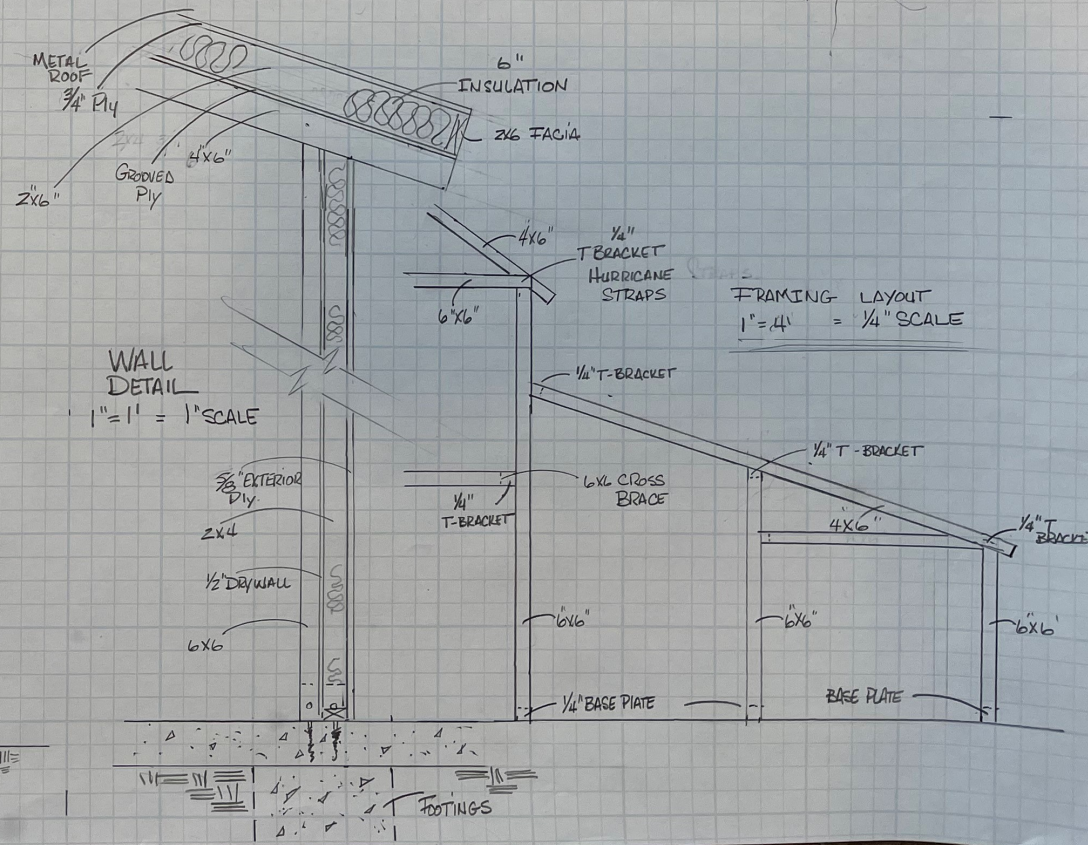


SIDE ELEVATION
1" = 8' - 1/8" SCALE



FOUNDATION LAYOUT

1" = 8' - 1/8" SCALE



FRAMING LAYOUT
1" = 4' - 1/4" SCALE

Topography Contours



Source: USGS 3 meter dem

Interval(ft): 1.0

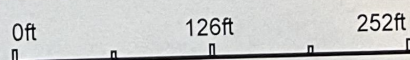
Min: 1,906.5

Max: 1,916.3

Range: 9.8

Average: 1,912.0

Standard Deviation: 2.46 ft



5/10/2021

5-7N-9W
Adams County
Nebraska

Map Center: 40° 36' 39.89, -98° 22' 21.33

Maps Provided By:



© AgnData, Inc. 2021

www.AgnDataInc.com

Field borders provided by Farm Service Agency as of 5/21/2008.

Acknowledgement of Conditional Use Permit

Date 1/17/21

Re: The Pine Patch
Tree Nursery
2516 N. Elm Ave.
Hastings, NE 68901

This Acknowledgement certifies that we, the undersigned, have received a true and accurate copy of the Conditional Use Permit which pertains to the Conditions of the Permit for the following:

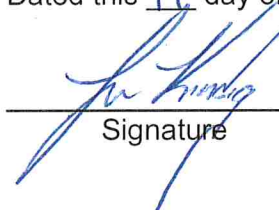
Address: The Pine Patch
Tree Nursery
2516 N. Elm Ave.
Hastings, NE 68901

Former Legal: The Pine Patch Subdivision
City of Hastings, Adams County, Nebraska

Current Legal: Pine Patch Second Subdivision, Lot 2
City of Hastings, Adams County, Nebraska

We, the undersigned, have read and understand the Conditions of the aforementioned Conditional Use Permit, attached as Exhibit 1, and agree to comply with the Conditions listed therein. We accept full responsibility without further condition.

Dated this 17th day of January ~~2020~~ ²⁰²¹



Signature



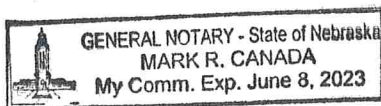
Signature

STATE OF NEBRASKA)
)ss:
COUNTY OF ADAMS)

The foregoing was acknowledged before me this 17th day of January ~~2020~~ ²⁰²¹ by

Joseph R. Kindig

N. Kayla L. Kindig





Notary Public

CITY OF HASTINGS, NEBRASKA
APPLICATION FOR A CONDITIONAL USE PERMIT

PAID

DATE: 7-25-05

FEE: \$100.00

THE UNDERSIGNED RESPECTFULLY MAKES APPLICATION FOR A CONDITIONAL USE PERMIT TO THE MAYOR AND CITY COUNCIL AS FOLLOWS:

INTENDED USE: Tree Nursery

ADDRESS: _____

LEGAL DESCRIPTION: Lot 2, The Pine Patch

BUILDING 24 x 30 SQ. FT. AND/OR LAND _____ SQ. FT. (acres)

OWNER'S ADDRESS: 1406 Heritage Dr.

TELEPHONE: 402-463-6500 SIGNATURE: Dan Glass

Sharon Stonecipher 415 Leisure Lane 402-6507

PLANNING RECOMMENDATION: Approved with one condition

CHAIRMAN: Keith Napier DATE: August 15, 2005

CONDITIONAL USE PERMIT FOR Tree Nursery GRANTED BY CITY COUNCIL ACTION ON THE DAY 12th OF September, 2005 UNDER THE FOLLOWING CONDITIONS AND/OR LIMITATIONS, ALL OF WHICH MUST BE COMPLIED WITH BY APPLICANT FOR SAID PERMIT TO CONTINUE VALID FOR THE PERIOD GRANTED AS FOLLOWS:

Moved by Kully, seconded by Yilk that the Mayor and Council approve the request of Sharon Stonecipher for a Conditional Use Permit to allow a tree nursery at the southeast corner of North Elm Avenue and East 26th Street, subject to the following condition:

1. ~~The applicant shall operate the facility as described in the application. Any changes in the described specifications will require approval of the Development Services Director. Changes in use or structures not anticipated in this application will require an amendment to the Conditional Use Permit.~~

Roll Call: Ayes: Will, Sinner, Kully, Ruberson, Goebel, Glen, Peterson, Yilk. Nays: None. The motion carried.

Corinne Hartman
CITY CLERK

Matthew D. Ross
MAYOR

CERTIFICATION OF THE CITY CLERK

STATE OF NEBRASKA)
COUNTY OF ADAMS) SS
CITY OF HASTINGS)

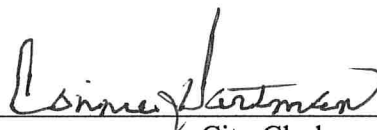
I, CONNIE HARTMAN, duly qualified and appointed City Clerk in and for the City of Hastings, Adams County, Nebraska do hereby certify that the foregoing is a true and exact excerpt taken from the Council Minutes of September 12, 2005 on file in the City Clerk's Office and the same was duly passed at a meeting which was posted, publicized and held in open session:

"Moved by Kully, seconded by Yilk that the Mayor and Council approve the request of Sharon Stonecipher for a Conditional Use Permit to allow a tree nursery at the southeast corner of North Elm Avenue and East 26th Street, subject to the following condition:

1. The applicant shall operate the facility as described in the application. Any changes in the described specifications will require approval of the Development Services Director. Changes in use or structures not anticipated in this application will require an amendment to the Conditional Use Permit.

Roll Call: Ayes: Will, Sinner, Kully, Ruberson, Goebel, Glen, Peterson, Yilk.
Nays: None. The motion carried."

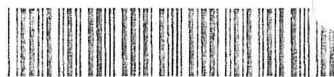
IN WITNESS WHEREOF, I hereby set my hand and affix the seal of this City this 13th day of September, 2005.



City Clerk



FILED BY: Dave Glass



20054126

ADAMS COUNTY, NE.
FILED
INST. NO. 20054126

RETURNED TO: Dave Glass

'05 AUG 30 P1:33

406 Heritage Dr. Hastings, NE 68901

FEE: \$1.00 CHD(PD)

#4238

5-7-9

NUM: Pine Patch Tr.

RD COMP: x AK 9:37 8/31/05

COMPARE: 299

CADAS: AO

Janice D Johnson

REGISTER OF DEEDS

RESERVED FOR REGISTER OF DEEDS RECORDING SPACE,
ADAMS COUNTY NE

EASEMENT

THIS AGREEMENT made and entered into this 5 day of August, 2005, by and between John M. Northrop and Michele L. Northrop, Husband and Wife, hereafter referred to as "GRANTORS", and David Glass and Nytha Glass, Husband and Wife, and Sharon Stonecipher, a Widow, hereinafter referred to as "GRANTEES",

WITNESSETH:

WHEREAS, Grantors are the owners of the following described parcel of real estate, to-wit:

Commencing at a point on the West line of Section Five (5), Township Seven (7) North, Range Nine (9) West of the 6th P.M., Adams County, Nebraska, 350.14 feet South of the Northwest Corner of said Section; thence South on the West line thereof, 308.89 feet to the Southwest corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section; Thence East along the South line of said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ a distance of 660.8 feet To the Southeast corner of said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence North along the East line thereof 309 feet to a point 350.25 feet South of the Northeast corner of said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence West 660.62 feet, more or less, to the point of commencement; except public roadway on the West side thereof.

WHEREAS, Grantees are the owners of the following described real estate, located adjacent and north of the Grantor's property, and more particularly described as;

Lot 2, The Pine Patch Subdivision Adams County, Nebraska

NOW, THEREFORE, Grantors do hereby grant to Grantees, the right to use their private driveway which is located along their North property line and exits onto North Elm Avenue. The driveway to be used annually for vehicles exiting Lot 2, The Pine Patch Subdivision during the Christmas Tree selling season so long as the same shall be mutually agreed by the legal owners of the properties involved.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

John M. Northrop
John M. Northrop, Grantor

Michele L. Northrop
Michele L. Northrop, Grantor

David D. Glass
David D. Glass, Grantee

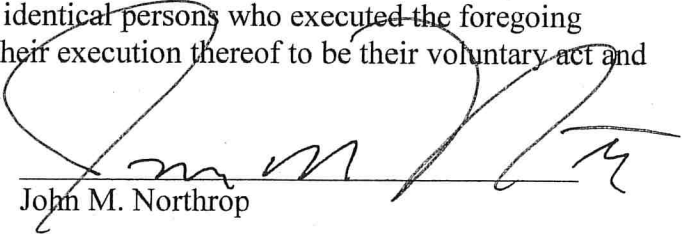
Nytha Glass
Nytha Glass, Grantee

Sharon Stonecipher
Sharon Stonecipher, Grantee

2004

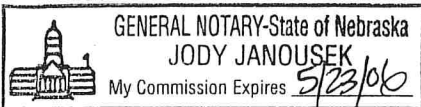
STATE OF NEBRASKA)
)ss.
COUNTY OF ADAMS)

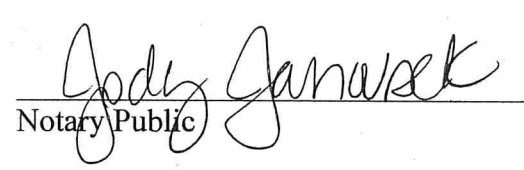
Now on this 5 day of August, 2005, there personally appeared before me, the undersigned Notary Public in and for said county, John M. Northrop and Michele L. Northrop, known to me to be the identical persons who executed the foregoing Easement, and they acknowledged their execution thereof to be their voluntary act and deed for the purposes stated therein.


John M. Northrop


Michele L. Northrop

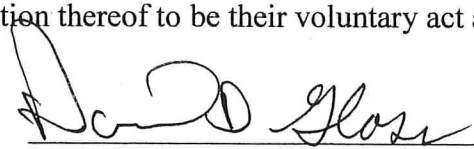
SUBSCRIBED AND SWORN to before me this _____ day of _____, 2005.

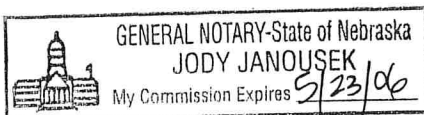


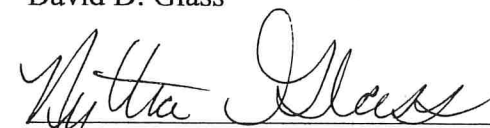

Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF ADAMS)

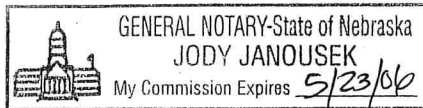
Now on this 5 day of August, 2005, there personally appeared before me, the undersigned Notary Public in and for said county, David D. Glass and Nytha Glass, known to me to be the identical persons who executed the foregoing Easement, and they acknowledged their execution thereof to be their voluntary act and deed for the purposes stated therein.


David D. Glass




Nytha Glass

SUBSCRIBED AND SWORN to before me this 5 day of August,
2005.



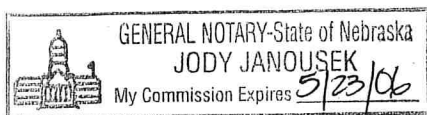
Jody Janousek
Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF ADAMS)

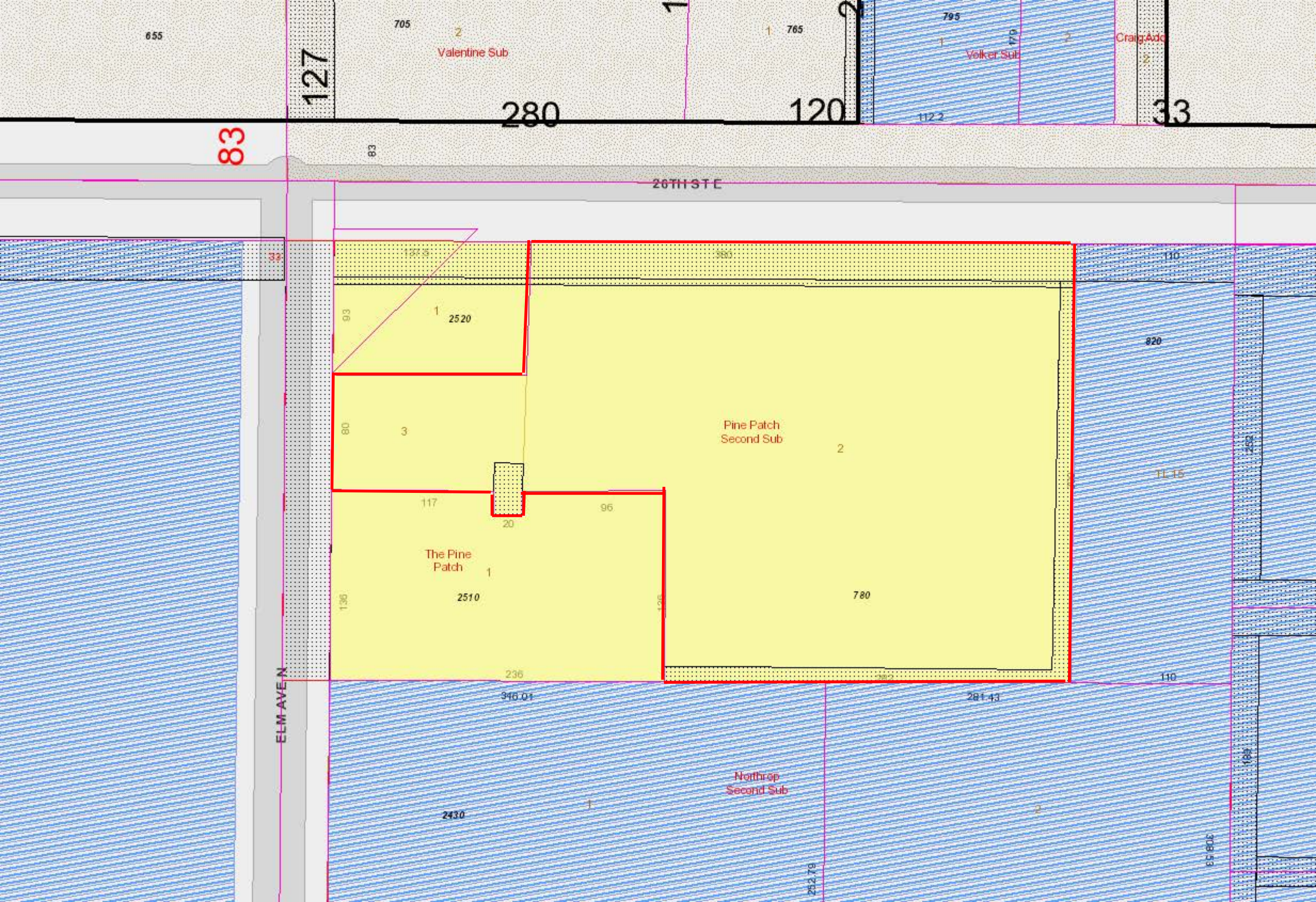
Now on this 5 day of August, 2005, there personally appeared before me, the undersigned Notary Public in and for said county, Sharon Stonecipher, known to me to be the identical person who executed the foregoing Easement, and she acknowledged their execution thereof to be her voluntary act and deed for the purposes stated therein.

Sharon Stonecipher
Sharon Stonecipher

SUBSCRIBED AND SWORN to before me this 5 day of August,
2005.



Jody Janousek
Notary Public



Department: Development Services
Staff Contact: Lisa Parnell-Rowe
Planning Commission Meeting Date: 7/20/2021
File No: 2020-033
Prepared By: Emilia Kienbaum, Administrative Assistant

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing to recommend a request to reconsider a Conditional Use Permit (CUP) Amendment for an extended stay area in Recreational Vehicle Park located in the C-3, Commercial Business district for property addressed 302 East 26th Street, Hastings, Nebraska.

Motion to recommend approval for a CUP Amendment resolution for an extended stay area in Recreational Vehicle Park located in the C-3, Commercial Business district for property addressed 302 East 26th Street, Hastings, 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 conditional use permit.

Type of action requested:

Motion

Suggested motion:

Motion to recommend approval of a CUP Amendment resolution for an extended stay area in Recreational Vehicle Park located in the C-3, Commercial Business district for property addressed 302 East 26th Street, Hastings, Nebraska with the following added conditions to replace Condition #10:

1) There will be 12 camp areas that will be allowed to stay for up to a 180-day maximum. These areas are to be located in the far northwest corner of the western side of the campground and will be not be allowed to be scattered among this side of the campground but must instead be concentrated to the first 12 areas in this row (numbered as 33-44 on the Site Plan). The remaining parking areas in this campground will continue to remain at a two-week or less stays. There will be one exception allowable for exceeding the 180-day maximum. This exception is to allow for

one campground employee so long as this person is employed by owner to maintain campgrounds and/or manage the campgrounds. Proof of employment with a copy of a W-2 or paystub must be provided as proof of employment.

2) The 12 areas allowing stays for up to a 180-day maximum shall be clearly and neatly marked with a small durable sign that indicates these are for extended stay not to exceed 180 days. Building Inspector must approve these signs with a sign permit to document their approval.

3) Owner will update Site Plan to clearly mark spots on their maps as two-weeks or less and extended stay (not exceeding 180-days). This will be resubmitted to Director of Development Services for approval. All obsolete maps are to no longer be distributed and discarded once this CUP is approved.

4) Extended stay campers must pack everything up and leave for at least 72 hours (3 days) before returning if staying longer than 180-days and this would be only allowable with documentation in a log on a use agreement for these parties that both owner and the camper signs.

5) Owner must create and submit to Director of Development Services for approval a new user agreement that will include the following:

a) An area to log camper name, area #, date, time and initials of individuals checking in and checking out.

b) Includes condition regarding propane tanks allowable as stipulated in this CUP for less than two weeks and up to 180-days.

c) Includes skirting limitations as stipulated in this CUP.

d) Clearly notes which type of camping the camper is allowed to have. You can list 2 weeks or less and up to 180-days for each camper.

6) All short-term (two-week or less campers) shall be permitted to have up to two 40-pound cylinders, provided they are mounted on and attached to the camper, RV, etc. by approved means in NFPA 58. Campers staying longer (up to 180-days) will be allowed no more than one cylinder not greater than 120 pounds, provided they are placed on a 3X3 concrete pad that will be provided for these 12 parking areas. Building and Fire inspectors will determine the appropriate placement of these pads on each space and must final approve the finished pads

7) Fire Department will provide a handout to the owner for cylinder installation that will be provided to campers when signing user agreements. This handout will instruct each camper on appropriate Propane Tank mounting and capacity requirements.

8) Applicant will be responsible for ensuring any electrical rewiring and/or other longer-term infrastructure are upgraded in the first 12 dedicated areas for extended stays not lasting longer than 180-days in duration.

9) Skirting for extended stay guests will be limited to winter months of December, January, February and March

10) This resolution shall be filed with the register 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.

There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply.

Deadlines associated with action:

This item is scheduled to be heard at the next regular City Council meeting August 9, 2021. Related permits will be pulled for space signage, propane pads and additional electric capacity, as well as follow-on inspections to ensure compliance to the proposed amended conditions.

Department head comments:

Background: The Hastings Campground was started nearly 30 years ago. There have been various owners since the time that this originally proposed KOA campground was erected. Thus, this campground was established based on a Conditional Use Permit (CUP) application that was approved by City Council on April 11, 1994. The original approval carried 11 conditions (see attached approval). Those conditions as approved were:

- 1) Submission of a revised site plan with landscaping details shown and that the revised site plan include the tree screen on the east side of the property and the fence around the other three sides of the property.
- 2) That a two-half inch fire hydrant be provided at the south end of the site for Fire Department Use; the hydrant and its location are to be approved by the Hastings Fire Chief.
- 3) That the sign indicating the space numbers be placed at the north end of each row of the camping spaces; the size of the numbers and the location of the sign are to be approved by the Hastings Fire Chief.
- 4) That the access road adjacent to the tent camping area be increased from 15 to 20 feet in width.
- 5) That the onsite sewer and water distribution system plan be approved by the Hastings Utilities, Director of Engineering and the City Plumbing Inspector.
- 6) That the revised site plan show the location of trash receptacles and dumpsters.
- 7) That a perimeter fence of chain link or similar fabric be provided around the site on the east, south and west sides of the property adjacent to the camping areas.
- 8) That plans for the K.O.A sign be submitted to and approved by the Planning Commission prior to construction.
- 9) That the revised site plan be approved by the Planning Commission prior to any construction on the site.
- 10) That camping bays shall not exceed a duration of two weeks.
- 11) That if for some reason that the campground does not go, that it be written in the Land Agreement that this can be nothing else besides an RV Campground.

This CUP amendment was triggered after receiving multiple complaints that the campground was not in compliance with the original CUP conditions. Section 34-402 (4) provides for a CUP review by the Zoning Official and (based on this outcome) a public hearing as courses of action that can be pursued when there is a failure to observe and maintain the conditions and restrictions of the CUP. Building Inspector, Mark Evans, visited the campground and assessed the campgrounds to the conditions stated in the originally approved CUP. Mr. Evans conducted this site review/inspection on April 29, 2020. Of the 11 conditions there were 5 conditions (i.e., condition #s 1, 3, 4, 7 & 10) that appeared to be in violation. A formal letter documenting these violations was sent certified mail and received by applicant on May 9, 2020 (see attached letter). The applicant was given 60 days to comply with these conditions. Applicant shared concerns for the survival of their business and viability of a two-week duration (Condition #10) for their campers. Applicant claimed there have been a few that desire longer stays as their work in the City is not fulltime and/or entails travel and at times the campgrounds have also been of

economic assistance to construction crews that needed an affordable option for stays during large development projects. These violations were reassessed after the 60 days and all violations were satisfactorily mitigated with the exception of Condition #10, That camping bays shall not exceed a duration of two weeks. A follow-up letter was sent certified mail and received by applicant on July 14, 2020. Applicants were given the option to propose a realistic plan for longer-term stay for a portion of their camping areas that was not fulltime, but longer than two-weeks. Staff also followed with several phone calls and site visits.

CUP Criteria Reassessment: Staff has also reassessed all the original CUP criteria and finds that the use of this campground, though in violation of the conditions is supportable for the following reasons.

- 1) Though the future land use designation shows Suburban Residential, the area was rezoned and approved to be C-3 on June 13, 1994, shortly after the approval of this CUP in April 1994. Though current code 34-200-1 Table of Uses and Districts does not list Recreational Vehicle Parks, it does list a similar category of Outdoor Entertainment and Recreational Business and this use shows as conditional in the C-3 District. It should be noted that the Section defining standards for Recreational Vehicle Parks is still found in Section 34-404 (12) and it appears that this Use Table was added with the 2010 Zoning Code update and that this category was simply not incorporated into that table. Additionally, maintaining this land for a campground was clearly important to the City Council as they added Condition #11 stating “That if for some reason that the campground does not go, that it be written in the Land Agreement that this can be nothing else besides an RV Campground.” To the north and west this area is also all developing and zoned for commercial and industrial uses.
- 2) The barrier requirements stipulated in the CUP meet the Required Buffer Area between C-3 and residential. There is a fence on east and south sides and they have now planted the required evergreen treeline. It should also be noted that though the area to the east is zoned R-1A and to the southwest R-1, this is currently all farmed and agriculture in use. When corn is planted there is an additional barrier that naturally occurs for several months. Owner has since replanted those trees that have died and continues to maintain many of these tree very well as when we did a site visit there appears to be indications of growth and they have grown about a foot more in the last year since they were planted.
- 3) Adjacent property letters have been re-sent, public notice signs and advertising all occurred without any public comment as of the time of drafting this report.
- 4) Staff internal review was distributed with only a few concerns for propane tanks that have been covered in the new conditions.
- 5) Economically, this campground has been relied upon by several construction crews as temporary housing during projects, which has been important to our city’s development efforts. City has now crafted a new code to address the use of these campgrounds and mobile home parks for longer-term temporary housing in suitable RVs. This will be presented at this same meeting. There is also now a major attraction north of here with the Smith Softball Complex. Many of the people that travel here for games utilize this campground for their stays.

On September 15, 2020 Planning Commission conducted a public hearing and voted 5-2-0 to recommend approval of amended conditions for extended stay. Though applicant and Staff had agreed that 7 longer-term spaces in the northwest corner would be proposed; the applicant expressed some discontent to the amount of longer-term stays and also the length of the longer-

term stay only being 3 months at the meeting. Additionally, there was an exception built into this original proposal that stated, *“if there is a City development / economic need proven with employment documentation or a copy of a contract that would make it necessary for a stay longer than the 3-month maximum, this could be approved by Director of Development Services or designee for an additional 3 months at a time for as long as the project occurs.”* This was a piece for which there was a large amount of discussion in the first Planning Commission Meeting. Then City Administrator, Dave Ptak, redirected this agenda item and commented on the City Council Staff report that he was recommending approval with a possible change to the long-term stay exception to avoid equal protection issues. Due to this concern, this matter was in essence kicked back to staff for further review (not tabled or continued). Since then several new developments and additional research has changed the conditions that were proposed last September.

First, Staff did a great deal of additional research and though State statute and City codes do not provide much on what a good standard for a longer-term length of stay, the 2018 International Building Code does provide some assistance in Appendix G, Section G601.2. It states, *“Temporary placement. Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use, or shall be placed on a site for less than 180 consecutive days.”* Though this does seem more geared at coastal regions I have verified with Mr. Chad Naberty, Regional Planning Director of Grand Island and Hall County region, that this is the standard that they also fall back on to define the length of stay. I have seen this standard used in a few other municipalities as well. Also, after hearing the Planning Commission (as a whole) at the September 2020 meeting discuss the number of spaces that could be proposed for longer-term stays, we also see no reason why we cannot support 12 longer-term stay spaces. We will still ensure these are consecutive in their lineup and that they fill the area (northwest) furthest from the neighbors off of Elm Street that are most concerned for the length of stay condition. Therefore, rather than proposing 7 longer-term spaces for a period not to exceed 3 months, we are now proposing 12 spaces for a period of no more than 180 days as defined by the International Building Code.

Secondly, the exception that was originally built into our proposal to allow for *City development / economic need proven with employment documentation or a copy of a contract that would make it necessary for a stay longer than the 3-month maximum*, has been removed from this CUP Amendment. Though Mr. Ptak expressed concern for equal opportunity with this exception, there is a very real need at a much larger scale for us to provide areas for temporary housing in the very near future. This does not just affect the campgrounds, but also has an affect on mobile home parks in the City. The manager of Smitty’s has approached us about wanting to also allow for temporary housing of RVs at their Mobile Home Park and has stated that this is an almost daily request for her and (yet) RV’s cannot currently be allowed at Mobile Home parks. Smitty’s is only 50% utilized at this time and is looking to fill its vacancies. The issue surrounds the large surge of development coming to our City and the surrounding areas. Wind Farm projects to the west near Minden, Theatre Development District and Flint all in the near future and only to name a few. We have lots of construction crews needing places to temporarily house. As this has become a much larger issue and one that needs attention at a much larger level to provide opportunity to more than just a few you will be seeing this provided as a proposed temporary use permit that will be added to the City Code, along with other temporary uses not currently included. Therefore, that exception and the potential issues surrounding it as a part of this CUP are no longer included in our conditions.

Staffs goal all along has been to propose a plan that will still afford the applicant an opportunity to stay in business, meet economic demands for a longer (yet not permanent) temporary housing but also be substantiated by the general practice among others. Staff believes this new proposal accomplishes that goal. By not allowing a full campground of longer-term camping, ensuring those campers are furthest away or blocked by structures from view of all neighbors, while still allowing this business to thrive and provide valuable resource to our community. As such, we are proposing the following conditions be added to those already in place with the original CUP.

Proposed Conditions: The applicant is now proposing 12 longer-term parking areas on the farthest west side of the campgrounds as discussed at our September 2020 meeting. Staff has reviewed their proposal and recommended the following additional conditions to amend original CUP Condition #10.

- 1) There will be 12 camp areas that will be allowed to stay for up to a 180-day maximum. These areas are to be located in the far northwest corner of the western side of the campground and will be not be allowed to be scattered among this side of the campground but must instead be concentrated to the first 12 areas in this row (numbered as 33-44 on the Site Plan). The remaining parking areas in this campground will continue to remain at a two-week or less stays. There will be one exception allowable for exceeding the 180-day maximum. This exception is to allow for one campground employee so long as this person is employed by owner to maintain campgrounds and/or manage the campgrounds. Proof of employment with a copy of a W-2 or paystub must be provided as proof of employment.
- 2) The 12 areas allowing stays for up to a 180-day maximum shall be clearly and neatly marked with a small durable sign that indicates these are for extended stay not exceeding 3 months. Building Inspector must approve these signs with a sign permit to document their approval.
- 3) Owner will update Site Plan to clearly mark spots on their maps as two-weeks or less and extended stay (not exceeding 180-days). This will be resubmitted to Director of Development Services for approval. All obsolete maps are to no longer be distributed and discarded once this CUP is approved.
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- 5) Owner must create and submit to Director of Development Services for approval a new user agreement that will include the following:
 - a) An area to log camper name, area #, date, time and initials of individuals checking in and checking out.
 - b) Includes condition regarding propane tanks allowable as stipulated in this CUP for less than two weeks and up to 180-days.
 - c) Includes skirting limitations as stipulated in this CUP.
 - d) Clearly notes which type of camping the camper is allowed to have. You can list 2 weeks or less and up to 180-days for each camper.
- 6) All short-term (two-week or less campers) shall be permitted to have up to two 40-pound cylinders, provided they are mounted on and attached to the camper, RV, etc. by approved means in NFPA 58. Campers staying longer (up to 180-days) will be allowed no more than one cylinder not greater than 120 pounds, provided they are placed on a 3X3 concrete pad that will be provided

for these 12 parking areas. Building and Fire inspectors will determine the appropriate placement of these pads on each space and must final approve the finished pads.

7) Fire Department will provide a handout to the owner for cylinder installation that will be provided to campers when signing user agreements. This handout will instruct each camper on appropriate Propane Tank mounting and capacity requirements.

8) Applicant will be responsible for ensuring any electrical rewiring and/or other longer-term infrastructure are upgraded in the first 12 dedicated areas for extended stays not lasting longer than 180-days in duration.

9) Skirting for extended stay guests will be limited to winter months of December, January, February and March.

10) This resolution shall be filed with the register 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.

11) There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply.

Recommendation:

Staff recommends motion to recommend approval with the replacement of Condition #10 with the above proposed conditions.



City of Hastings
Development Services Department
Zoning Development Approval (ZDA)
Conditional Use Permit Application

Date:

Please fill out the Pre-Qualification form first if you are unsure of what action needs to occur. Contact Development Services for minimum requirements at 402-461-2302. Incomplete applications will not be processed. All applications must be complete prior to submission. Deadline for Planning Commission Approval is the last Monday of each month or ZDA will be held until the next months session.

Property Address:	302 E 26 TH ST HASTINGS 68901
Legal Description:	
Current Zoning:	
Proposed Use:	CAMPGROUND / RV PARK
Description of Proposed Use:	

Applicant:	TERICK LLC	HASTINGS CAMPGROUND	Company:	TERICK LLC
Address:	302 E 26 TH ST		Telephone:	402-462-5621
City/State/Zip:	HASTINGS NE 68901		Email:	TRCPMADUS@HOTMAIL
Property Owner:	TERICK LLC		Company:	
Address:	302 E 26 TH ST		Telephone:	
City/State/Zip:	HASTINGS NE 68901		Email:	
Key Contact:	RICHARD THOMPSON		Company:	
Address:	1114 N SAINT JOSEPH		Telephone:	
City/State/Zip:	HASTINGS NE 68901		Email:	

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

I hereby acknowledge that all information provided with this application is true to the best of my knowledge. You will be required to upload a copy of a Site Plan and a Detailed Narrative Statement. Sections 34-402 through 34-404 of the Hastings City Code will assist in your preparation. You must affirm receipt and review of these codes as part of your permit process.

Signature of Applicant:		Date:	7-22-20
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HDS Staff Comments:			
HDS Staff Acceptance:		Date:	
HDS Application Number:		HDS Case #:	
Total Fee:			



City of Hastings
Development Services Department
Zoning Development Approval (ZDA)
Conditional Use Permit Affirmation

As the applicant named herein, I acknowledge that I have familiarized myself with the City of Hastings Conditional Use Permit regulations as established in Chapter 34 - Zoning City Code, Sections 34-401 through 34-404. I agree to uphold all required conditions and cooperate with any necessary site inspections by the Code Enforcement Official for continued maintenance. I also further acknowledge the written and graphic information provided as part of this application are true and accurate to the best of my knowledge and belief.

Please click the link provided below for access to the Hastings City Code, Chapter 34 - Zoning City Code:

Signature of Applicant:

Date: 7-22-20

City of Hastings
220 N. Hastings Avenue
Hastings NE 68901

Payee: RICK THOMPSON

Date: 7/24/2020 Time: 4:17 PM

Receipt Number: DS1 / 90170

Clerk: TERI

ITEM	REFERENCE	AMOUNT
ZONE CUP HASTINGS CAMP		
Zoning Fees		400.00
Total:		400.00
assor	V2018	400.00
Change:		0.00

Hastings Campground

7-23-20

- To: Mark Evens
Lisa Parnell-Row
Hastings City Planning
Hasting City Council

We are requesting the city of Hastings to consider an amendment to the Conditional Use Permit issued March 7th 1994.

During the crises of Corona Virus, we are notified of the Conditional Use Permit after 12 years of Terick LLC ownership and 26 years after the Permit was issued and 4 owners and was not enforced This will create an undue hardship during the Covid 19 for Terick LLC to stay in operation.

All request has been complied with except ONE

1. Trees blind of 23 trees have been installed
2. RV spaces have been Numbered
3. Chain link fencing in place
4. Access roads widen to 20 feet where required
5. Stat Limit Issue of Two weeks

Terick LLC is requesting a change in the 2 week stay limit, All Campgrounds offer long term stay in the Campground /RV industry this also applies to another campground within the city limits also any other Hotel/ Motel.

Hastings Campground has at this time has only 6 long term customers, some come and go frequently so we grant them their same spot if requested. It would create a hardship for our tenants to be required to leave after 2 weeks. There RV is there home. Our winter business we provide is a large part of the lodging industry for guest who visit this great city .We cater to employees and business that here for work example construction we were the host to 56 workers that built the WHELAN POWER PLANT.

Therefore, we are requesting longer times for our customers and Hastings Campground to be able to keep our doors open.

We are making a plea to grant Terick LLC/Hastings Campground relief from this requirement to continue to operate as we have for 12 years. Without this we would have to close our doors. Our 50amp and 30amp electric areas are mixed thru the Campground it would be impossible to group every long term customer in one area.

We thank the city of Hastings in advance for your consideration in this matter.

Feel free to contact us with any questions

402-541-4555

402-541-4884

Hasting Campground /Terick LLC

Managing Members

Richard Thompson

Celeste Thompson

Welcome to Hastings Campground

302 East 26th Street

Hastings, N

Adams County

402-462-5621



12-TOTAL LONG TERM (180 day or less)
1-WANDER TRAILER

12 LONG-TERM (180-day or less)

- TELEPHONE
- SHOWERS
- RESTROOMS
- LAUNDRY
- DUMP SITE
- TRASH DUMPSTER
- FIRE RING
- FULL HOOK - UPS
- 50 AMP FULL HOOK UPS

NO PARKING
ON GRASS!



"I didn't
so
parking"

Your Site #

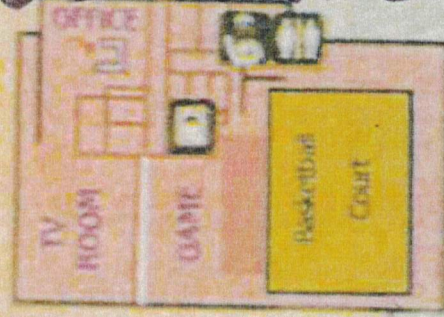
PARK FAC

- LAUNDRY
- ARCADE ROOM
- TV & MEETING
- TENT VILLAGE
- CABINS
- PULL-THROUGH
- WATER, SEWER
- 30 AMP HOOK
- 50 AMP HOOK
- CITY WATER & S

- PLEASE RE-REGISTER OR C
- NO BBQ'S ON PICNIC TABLE



Sewage
Dump
Station



**NO PARKING
ON GRASS!**

1-6 Water + electric
7-48 water, sewer, electric

- 33 50A
- 34 50A
- 35 50A
- 36 50A
- 37 30A
- 38 30A
- 39 30A
- 40 30A
- 41 30A
- 42 30A
- 43 30A
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- 30A 31
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- 6 30A
- 30A 7
- 8 50A
- 9 50A
- 10 30A
- 11 30A
- 12 30A
- 30A 13
- 14 30A
- 30A 15
- 16 30A

1-6
Water +
electric
only

Paradise Park (on grass)

- A
- B
- C
- D
- E
- F
- G
- H



Tent
Areas



"no pickup - you
get the dog!"

DOG WALK

- 50A
- 17
- 18
- 21
- 22
- 27
- 28
- 33
- 34
- 35
- 36
- 50A
- Cross
- overs
- 8
- 9
- 40
- 41
- 50A
- Back-in
- A
- B
- C
- D
- E
- F
- G
- H

Handwritten notes:
AND
OVER
K
AND
CAMP
OVER

Handwritten notes:
it's a
water
for 50A
and 30A

Handwritten notes:
MANTRA
S
Q
J
A
K
E
R
S

WATER METER AND TAP PRICES

Effective October 1, 2020

Water Meters

5/8"	\$ 296.71
3/4"	\$ 364.61
1"	\$ 516.76
1-1/2"	\$ 767.77
2" Domestic	\$ 1,002.54
2" Sprinkler	\$ 1,445.77

Water and Sewer Taps

	1" Water Tap	4" Sewer Tap	6" Sewer Tap
New Installation:			
<u>Total Cost</u>	\$ 214.09	\$ 168.54	\$ 178.76
Replacement:			
<u>Total Cost</u>	\$ 214.09	\$ 168.54	\$ 178.76

All meters and taps larger than the above listed sizes will be priced on an individual basis, using the most current cost figures available.

The above prices are in effect until further notice and may be changed without any advance notification.

Price Sheet

ALL ENTRY REQUIRES A RESERVATION

ALL TAX INCLUDED

RATES

CHECK OUT 11:00 AM

TENT

\$22.00 A NIGHT LIMIT 4 PER TENT

~~X2 \$44.00~~

X3 \$66.00

WATER AND ELECTRIC ONLY

SPACES 1 THRU 6 ONLY

\$27.00 PER NIGHT

X2 \$54.00

X3 \$81.00

X4 \$108.00

X5 \$135.00

X7 \$160.00

FULL HOOK UP

WATER, SEWER, ELECTRIC

\$38.00 PER NIGHT

X2 \$76.00

X3 \$114.00

~~X4 \$152.00~~

X5 \$190.00

WEEKLY RATE ANY SITE \$180.00

DUMP ONLY \$10.00

CITY OF HASTINGS, NEBRASKA
APPLICATION FOR CONDITIONAL USE PERMIT

DATE: March 7, 1994

FEE: \$50.00

THE UNDERSIGNED RESPECTFULLY MAKES APPLICATION FOR A CONDITIONAL USE PERMIT TO THE MAYOR AND CITY COUNCIL AS FOLLOWS:

INTENDED USE: KOA Campground

ADDRESS: 302 E. 26th Ave., Hastings, NE

LEGAL DESCRIPTION: Fractional Section 6, T7N, R9W of the 6th P.M.

IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

THE BUILDING AND/OR LAND AREA IS: Building _____ Sq. Ft.,

Land Area _____ Sq. Ft.; Fire Zone _____

THE APPLICANT HEREBY AGREES TO BUILD AND DEVELOP THE LAND IN ACCORDANCE WITH ALL APPLICABLE ORDINANCES OF THE MUNICIPAL CODE OF THE CITY OF HASTINGS, NEBRASKA.

RECOMMENDATION: Denied

OWNER'S ADDRESS: Elmer Hohlen, 2205 N. Elm Ave.

CHAIRMAN: Walt Miller

TELEPHONE: 463-8537

DATE: March 21, 1994

SIGNATURE: Elmer Hohlen

=====

CONDITIONAL USE PERMIT FOR K.O.A. Campground GRANTED BY COUNCIL ACTION ON THE 11th DAY OF April, 19 94, UNDER THE FOLLOWING CONDITIONS AND OR LIMITATIONS, ALL OF WHICH MUST BE COMPLIED WITH BY APPLICANT FOR SAID PERMIT TO CONTINUE VALID FOR THE

PERIOD GRANTED AS FOLLOWS:

That the Mayor and Council approve the request of Mr. & Mrs. Elmer Hohlen for a Conditional Use Permit to allow the construction of a K.O.A. RV Camper park at 302 East 26th Street, the east-west Bypass Road, subject to the following conditions:

1) Submission of a revised site plan with landscaping details shown and that the revised site plan include the tree screen on the east side of the property and the fence around the other three sides of the property.

2) That a two-half inch fire hydrant be provided at the south end

of the site for Fire Department Use; the hydrant and its location are to be approved by the Hastings Fire Chief.

- 3) That a sign indicating the space numbers be placed at the north end of each row of camping spaces; the size of the numbers and the location of the sign are to be approved by the Hastings Fire Chief.
- 4) That the access road adjacent to the tent camping area be increased from 15 to 20 feet in width.
- 5) That the on-site sewer and water distribution system plan be approved by the Hastings Utilities, Director of Engineering and the City Plumbing Inspector.
- 6) That the revised site plan show the location of trash receptacles and dumpsters.
- 7) That a perimeter fence of chain link or similar fabric be provided around the site on the east, south and west sides of the property adjacent to the camping areas.
- 8) That plans for the K.O.A. sign be submitted to and approved by the Planning Commission prior to construction.
- 9) That the revised site plan be approved by the Planning Commission prior to any construction on the site.
- 10) That camping bays shall not exceed a duration of two weeks.
- 11) That if for some reason that the campground does not go, that it be written in the Land Agreement that this can be nothing else besides an RV Campground.

also subject to review and approval by the City Attorney.



Mayor



City Clerk

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TERICK LLC
1114 N SAINT JOSEPH AVE
HASTINGS NE 68901-3939



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USPS #	9407110898765058971904
USPS Mail Class	Certified with Electronic Delivery Confirmation
USPS Status	Your item was delivered to an individual at the address at 10:54 am on May 9, 2020 in HASTINGS, NE 68901.
USPS History	Out for Delivery, 05/09/2020, 7:10 am, HASTINGS, NE 68901 Arrived at Unit, May 9, 2020, 6:12 am, HASTINGS, NE 68901 Arrived at USPS Regional Facility, May 8, 2020, 9:24 pm, GRAND ISLAND NE DISTRIBUTION CENTER Departed USPS Regional Facility, May 8, 2020, 9:16 am, OMAHA NE DISTRIBUTION CENTER Arrived at USPS Regional Facility, May 7, 2020, 8:59 pm, OMAHA NE DISTRIBUTION CENTER Accepted at USPS Origin Facility, May 7, 2020, 7:44 pm, HASTINGS, NE 68901 Shipping Label Created, USPS Awaiting Item, May 5, 2020, 3:11 pm, HASTINGS, NE 68901

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Date Verified: 05/10/2020 (UTC)



May 5, 2020

TERICK LLC
1114 N. St. Joseph Ave.
Hastings, NE 68901

RE: Conditional Use Permit for Hastings Camp Ground at 302 E. 26th St.
in Hastings, Nebraska

Dear Sir or Madam:

This letter is in regard to the operation of the Hastings Campground, formerly operated as a KOA Campground, and located at 302 E. 26th St in Hastings, Nebraska.

On March 7, 1994, the City of Hastings granted a conditional use permit to the applicant to operate a KOA Campground, subject to the terms of the conditional use permit. I have attached a copy for your reference.

ATTACHMENT REMOVED FOR PACKET

On April 29, 2020, the Building Inspector observed the items that are in violation of the terms of the conditional use permit:

1. Item 1 of the Conditional Use Permit requires a tree screen to be installed on the east side of the property. Said tree screen has not been installed/planted.
2. The individual spaces are not identified with signs indicating the space number as required in item 3 of the conditional use permit.
3. Access roads are not maintained at 20 feet in width, as required by item number 4 of the conditional use permit.
4. Item 7 of the Conditional Use Permit requires that the east, south and west sides of the property have a perimeter fence of chain link or similar fabric installed. This fence has not been installed.
5. Item 10 of the Conditional Use Permit limits the stay of campers to two weeks. Several campers were observed to have semi-permanent skirting and enclosures indicating they have been there more than two weeks.

The Building Inspector has found that the property at 302 E. 26th St. is in violation of the Conditional Use Permit granted by the City of Hastings. You are hereby ordered to

220 North Hastings Avenue
Hastings, NE 68901



www.cityofhastings.org

Inspection: (402) 461-2302
Planning: (402) 461-2302
Fax: (402) 461-2304

complete the work necessary to correct the above deficiencies within 60 days of the date of this letter.

If you would like to request an amendment to the Conditional Use Permit to address some of these issues, you will need to apply for an amendment to the Conditional Use Permit. Contact this office at your earliest convenience to discuss this matter.

If you have any other specific questions regarding this matter, please contact me at your earliest convenience.

Sincerely,



Mark W. Evans
Building Inspector

CC: Lisa Parnell-Rowe, Development Services Director
Clint Schukei, City Attorney

Enclosures



CITY OF HASTINGS, NEBRASKA
APPLICATION FOR CONDITIONAL USE PERMIT

DATE: March 7, 1994

FEE: \$50.00

THE UNDERSIGNED RESPECTFULLY MAKES APPLICATION FOR A CONDITIONAL USE PERMIT TO THE MAYOR AND CITY COUNCIL AS FOLLOWS:

INTENDED USE: KOA Campground

ADDRESS: 302 E. 26th Ave., Hastings, NE

LEGAL DESCRIPTION: Fractional Section 6, T7N, R9W of the 6th P.M.

IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

THE BUILDING AND/OR LAND AREA IS: Building _____ Sq. Ft.,

Land Area _____ Sq. Ft.; Fire Zone _____

THE APPLICANT HEREBY AGREES TO BUILD AND DEVELOP THE LAND IN ACCORDANCE WITH ALL APPLICABLE ORDINANCES OF THE MUNICIPAL CODE OF THE CITY OF HASTINGS, NEBRASKA.

RECOMMENDATION: Denied

OWNER'S ADDRESS: Elmer Hohlen, 2205 N. Elm Ave.

CHAIRMAN: Walt Miller

TELEPHONE: 463-8537

DATE: March 21, 1994

SIGNATURE: Elmer Hohlen

=====

CONDITIONAL USE PERMIT FOR K.O.A. Campground GRANTED BY COUNCIL ACTION ON THE 11th DAY OF April, 19 94, UNDER THE FOLLOWING CONDITIONS AND OR LIMITATIONS, ALL OF WHICH MUST BE COMPLIED WITH BY APPLICANT FOR SAID PERMIT TO CONTINUE VALID FOR THE

PERIOD GRANTED AS FOLLOWS:

That the Mayor and Council approve the request of Mr. & Mrs. Elmer Hohlen for a Conditional Use Permit to allow the construction of a K.O.A. RV Camper park at 302 East 26th Street, the east-west Bypass Road, subject to the following conditions:

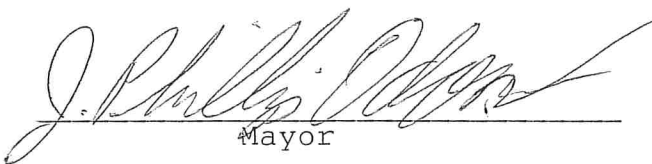
1) Submission of a revised site plan with landscaping details shown and that the revised site plan include the tree screen on the east side of the property and the fence around the other three sides of the property.

2) That a two-half inch fire hydrant be provided at the south end

of the site for Fire Department Use; the hydrant and its location are to be approved by the Hastings Fire Chief.

- 3) That a sign indicating the space numbers be placed at the north end of each row of camping spaces; the size of the numbers and the location of the sign are to be approved by the Hastings Fire Chief.
- 4) That the access road adjacent to the tent camping area be increased from 15 to 20 feet in width.
- 5) That the on-site sewer and water distribution system plan be approved by the Hastings Utilities, Director of Engineering and the City Plumbing Inspector.
- 6) That the revised site plan show the location of trash receptacles and dumpsters.
- 7) That a perimeter fence of chain link or similar fabric be provided around the site on the east, south and west sides of the property adjacent to the camping areas.
- 8) That plans for the K.O.A. sign be submitted to and approved by the Planning Commission prior to construction.
- 9) That the revised site plan be approved by the Planning Commission prior to any construction on the site.
- 10) That camping bays shall not exceed a duration of two weeks.
- 11) That if for some reason that the campground does not go, that it be written in the Land Agreement that this can be nothing else besides an RV Campground.

also subject to review and approval by the City Attorney.



Mayor



City Clerk

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Reference	Hastings Camp Ground 302 E. 26th St.
USPS #	9407110898765062257254
USPS Mail Class	Certified with Electronic Delivery Confirmation
USPS Status	Your item was delivered at 12:51 pm on July 14, 2020 in HASTINGS, NE 68901.
USPS History	Reminder to Schedule Redelivery of your item Notice Left (No Authorized Recipient Available), 07/07/2020, 12:20 pm, HASTINGS, NE 68901 In Transit to Next Facility, 07/06/2020 In Transit to Next Facility, 07/05/2020 In Transit to Next Facility, 07/04/2020 In Transit to Next Facility, 07/03/2020 Arrived at USPS Regional Facility, July 2, 2020, 9:15 pm, LINCOLN NE DISTRIBUTION CENTER In Transit to Next Facility, 07/02/2020 Arrived at USPS Regional Facility, July 1, 2020, 11:03 pm, OMAHA NE DISTRIBUTION CENTER Accepted at USPS Origin Facility, July 1, 2020, 9:48 pm, HASTINGS, NE 68901 Shipping Label Created, USPS Awaiting Item, July 1, 2020, 12:52 pm, HASTINGS, NE 68901

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Date Verified: 07/14/2020 (UTC)



July 1, 2020

TERICK LLC
1114 N. St. Joseph Ave.
Hastings, NE 68901

RE: Conditional Use Permit for Hastings Camp Ground at 302 E. 26th St.
in Hastings, Nebraska

Dear Mr. & Mrs. Thompson:

This letter is in reference to the operation of the Hastings Campground, formerly operated as a KOA Campground, located at 302 E. 26th St in Hastings, Nebraska, and the previous letter sent to you on May 5, 2020.

The violations identified in the May 5, 2020 letter have been corrected with the single exception of the extended stay issue, where campers' stays extend well beyond 2 weeks, in some cases up to 2-3 years. This violation needs to be corrected.

In previous phone calls and discussions, the City has indicated that it would be willing to entertain an application for an amendment to the Conditional Use Permit, to allow an extended stay for a portion of the campground. I have enclosed an application and the relevant sections of Hastings City Code regarding the conditional use permit. Upon receipt of your application, we will stay any enforcement action until the matter has been heard by the Planning Commission and Hastings City Council.

The application fee is \$400.00 for an amendment to a Conditional Use Permit. Please return the following items to our office no later than July 27, 2020:

- Completed application form
- A site plan and a written narrative for operations
- Signed CUP Affirmation indicating you have read and understand the enclosed sections of Hastings City Code
- Application fee of \$400.00

ATTACHMENTS REMOVED FOR PACKET

The deadline for the August 17, 2020 Planning Commission Meeting is July 27, 2020. After the amendment has been heard at the Planning Commission, it will be forwarded to the City Council for consideration and public hearing on September 14, 2020.

220 North Hastings Avenue
Hastings, NE 68901



www.cityofhastings.org

Inspection: (402) 461-2302
Planning: (402) 461-2302
Fax: (402) 461-2304

If you have any other specific questions regarding the application or process please contact me at your earliest convenience.

Sincerely,



Mark W. Evans
Building Inspector

CC: Lisa Parnell-Rowe, Development Services Director

Enclosures



disposal systems shall be designed in accordance with Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, or impairment of the facilities and systems.

G401.4 Water facilities. All new or replacement water facilities shall be designed in accordance with the provisions of Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwaters into the systems.

G401.5 Storm drainage. Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

G401.6 Streets and sidewalks. Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

SECTION G501 MANUFACTURED HOMES

G501.1 Elevation. All new and replacement manufactured homes to be placed or substantially improved in a *flood hazard area* shall be elevated such that the lowest floor of the manufactured home is elevated to or above the design flood elevation.

G501.2 Foundations. All new and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on a permanent, reinforced foundation that is designed in accordance with Section R322 of the *International Residential Code*.

G501.3 Anchoring. All new and replacement manufactured homes to be placed or substantially improved in a *flood hazard area* shall be installed using methods and practices that minimize flood damage. Manufactured homes shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring are authorized to include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

G501.4 Protection of mechanical equipment and outside appliances. Mechanical equipment and outside appliances shall be elevated to or above the *design flood elevation*.

Exception: Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section R322 of the *International Residential Code*, the systems and equipment shall be permitted to be located below the elevation required by Section R322 of the *International Residential Code*. Electrical wiring systems shall be permitted below the *design flood elevation* provided that they conform to the provisions of NFPA 70.

G501.5 Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section R322 of the *International Residential Code*.

SECTION G601 RECREATIONAL VEHICLES

G601.1 Placement prohibited. The placement of recreational vehicles shall not be authorized in coastal high-hazard areas and in *floodways*.

G601.2 Temporary placement. Recreational vehicles in *flood hazard areas* shall be fully licensed and ready for highway use, or shall be placed on a site for less than 180 consecutive days.

G601.3 Permanent placement. Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section G501 for manufactured homes.

SECTION G701 TANKS

G701.1 Tanks. Underground and above-ground tanks shall be designed, constructed, installed and anchored in accordance with ASCE 24.

SECTION G801 OTHER BUILDING WORK

G801.1 Garages and accessory structures. Garages and accessory structures shall be designed and constructed in accordance with ASCE 24.

G801.2 Fences. Fences in floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the requirement of Section G103.5.

G801.3 Oil derricks. Oil derricks located in *flood hazard areas* shall be designed in conformance with the flood loads in Sections 1603.1.7 and 1612.

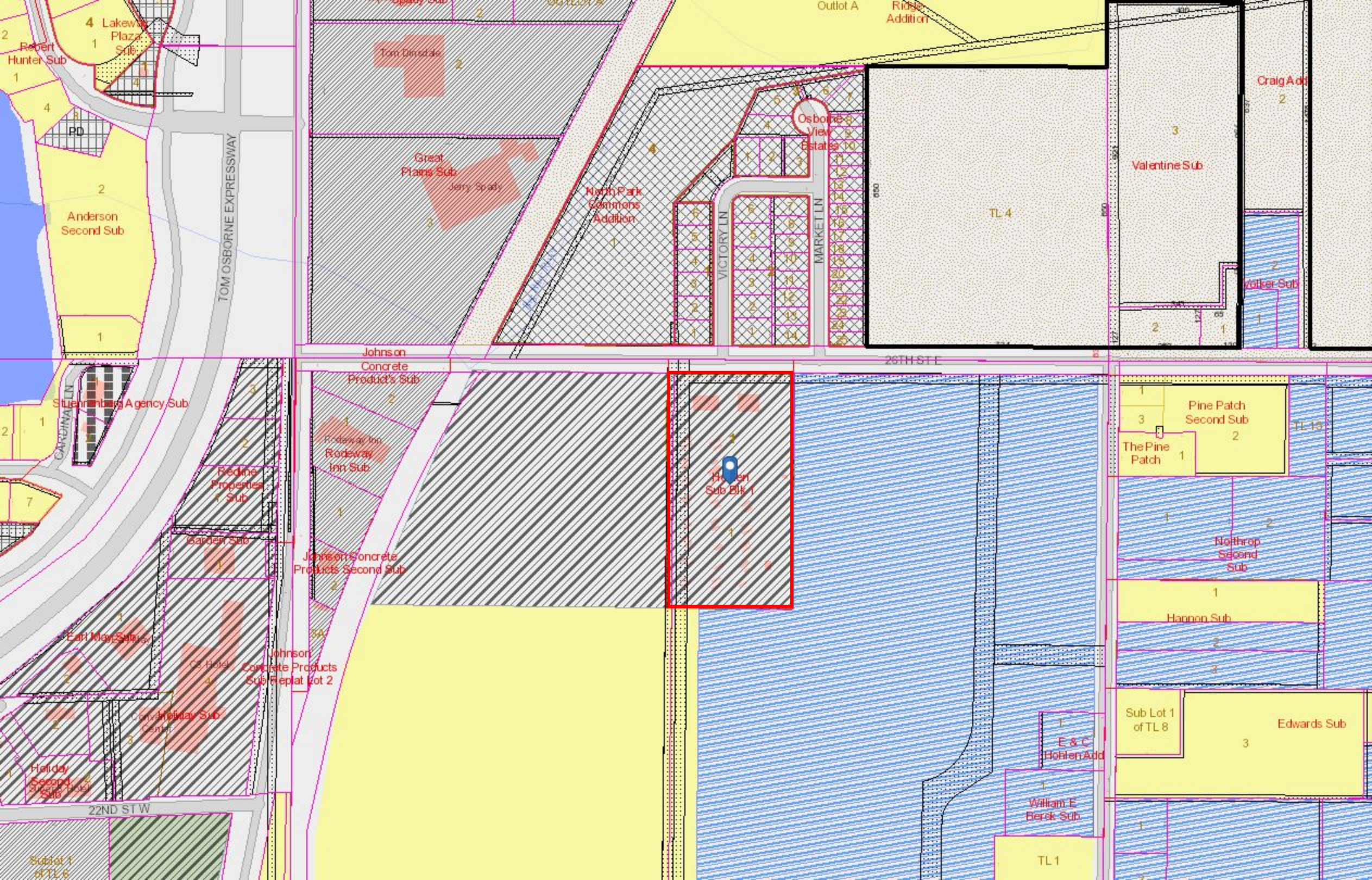
G801.4 Retaining walls, sidewalks and driveways. Retaining walls, sidewalks and driveways shall meet the requirements of Section 1804.5.

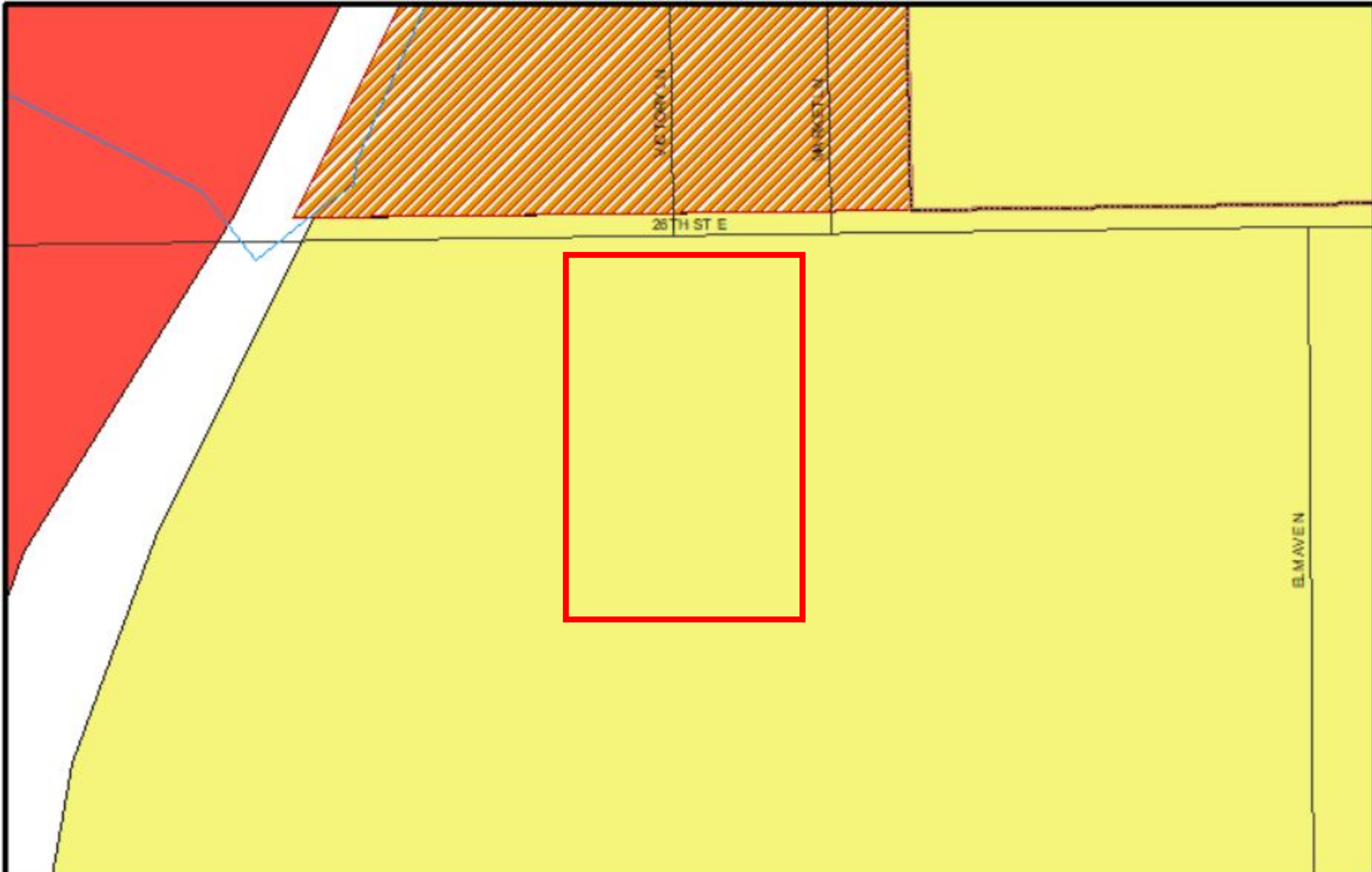
G801.5 Swimming pools. Swimming pools shall be designed and constructed in accordance with ASCE 24. Above-ground swimming pools, on-ground swimming pools and in-ground swimming pools that involve placement of fill in *floodways* shall also meet the requirements of Section G103.5.

G801.6 Decks, porches, and patios. Decks, porches and patios shall be designed and constructed in accordance with ASCE 24.

G801.7 Nonstructural concrete slabs in coastal high-hazard areas and coastal A zones. In coastal high-hazard areas and coastal A zones, nonstructural concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided that the concrete slabs shall be constructed in accordance with ASCE 24.

G801.8 Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings that encroach into regulated *floodways*, including roads that





Future Land Use

City of Hastings, Nebraska



0 100 200 400 Feet

Land Use:

Rural Residential

Suburban Residential

Urban Residential

Mixed-Use - Neighborhood

Mixed-Use - Community

Mixed-Use Downtown

Commercial/Retail

Employment/Industrial

Public / Semi-Public

Parks & Recreation

Agriculture

Overlay Districts:

South Burlington Overlay

Highway 6 Overlay

Urban Industrial Overlay

Floodplain

City Boundary

ETJ Boundary

Department: Development Services
Staff Contact: Lisa Parnell-Rowe
Planning Commission Meeting Date: 7/20/2021
File No: 2021-033
Prepared By: Emilia Kienbaum, Administrative Assistant

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing regarding to consider an Ordinance to amend City Code sections 34-103, 34-200 and 34-404 to add language for a Temporary Use Permit and amend Uses and Districts Table to include restaurants, mobile vendors, temporary structures, recreational and temporary recreational vehicles. A Temporary Use Permit will allow for administrative approval/processing of temporary structures, mobile vendors and recreational vehicles with regard to longer-term stays at campgrounds and mobile home parks during times of economic development.

Motion to recommend approval for an ordinance to amend City Code sections 34-103, 34-200 and 34-404 to add language for a Temporary Use Permit and amend Uses and Districts Table to include restaurants, mobile vendors, temporary structures, recreational and temporary recreational vehicles. A Temporary Use Permit will allow for administrative approval/processing of temporary structures, mobile vendors and recreational vehicles with regard to longer-term stays at campgrounds and mobile home parks during times of economic development.

Names of People/Business affected by this action:

The residents of Hastings, developers and their employees, City, County and all citizens of the City of Hastings and surrounding counties.

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 City Code sections 34-103, 34-200 and 34-404 to add language for a Temporary Use Permit and amend Uses and Districts Table to include restaurants, mobile vendors, temporary structures, recreational and temporary recreational vehicles. A Temporary Use Permit will allow for administrative approval/processing of temporary

structures, mobile vendors and recreational vehicles with regard to longer-term stays at campgrounds and mobile home parks during times of economic development.

Deadlines associated with action:

None

Department head comments:

The proposed Code amendment is to add a much needed temporary use permit (TUP) that would allow Staff to address a gardens variety of temporary uses though a zoning development permit that would be administratively approved following an internal review of a submitted site plan and narrative for each use by key City departments including but not limited to Engineering, Utilities, Planning and Zoning, Fire, Building, Police. There are 3 types of temporary use permits that can be applied for within this permit structure: Recreational vehicles in mobile home parks or recreational campgrounds for extended temporary stays; Mobile vendors; or temporary structures.

There are 3 sections of the City Zoning Code found in Chapter 34 that will be amended as a result of the addition of this new permit and also administrative cleanup. The first section is Section 34-200 and Table 200-1, Uses and Districts. The Table is the starting point of all zoning requests and the table where we can best determine whether a use will be permitted, restricted or conditional in a particular Zoning District. Permitted, meaning allowed subject to general district standards, Restricted meaning allowed subject to specific use standards and Conditional, meaning allowed subject to discretionary review (Planning Commission and/or City Council). A few items that are added as part of administrative cleanup are Recreational Vehicle Park and Restaurant. For these 2 uses there are sections in both chapters 34 and 38 that address the requirements for such a business, but there was no detail in this table about where these could be located. Due to the additional uses of Mobile vendors and recreational vehicles being added it was felt that the corresponding sites that were not temporary should also be added. We have had restaurants on our list to add to this table for a long time coming now. The three new temporary uses of Mobile vendor, recreational vehicle and temporary structure were add to this table as well. As you review the zoning requirement that has been listed in this table for each use, it is important to note that no matter what the zoning requirement is (i.e., permitted, restricted or conditional), as stated in Chapter 34-403 (6), every use should comply with the general requirements of Chapter 34 and Article IV, Standards for Conditional Uses. The second section updated is Section 34-103, General Definitions. The definition of a term can provide better depth of understanding between uses where the line gets blurry. The definition can also tell us more about some of the unique requirements that are driven by the specifics of that use. This section helps us pull back into the meaning of a subject matter if we get lost in translation. In this section we have added various definitions of each of the relevant terms used with these additional TUPs and others as administrative cleanup. The Recreational vehicle park had specific criteria established in Section 34-404 (12) but was not in the Table of Uses nor was it defined. Restaurant has also been defined to ensure that the differences between a standalone restaurant in a structure and one accomplished as a mobile vendor are differentiated. The last Section to be updated is Section 34-404, Standards for Conditional Uses. In this section we added the temporary use permit as an additional use that needs to be reviewed to requirements. Here we have discussed the purpose, procedure, application requirements, internal review process, terms, and then the 3 different types of a temporary use for

which a permit is required and the specific requirements for each one.

A process and way to handle temporary uses has been an area ignored in the Zoning Code that has been seen to create confusion among the public/staff and discontentment among developers, home owners and the business community for some time. When Staff does not have a code to address a specific subject matter then we do our best to create a path that will work for all, but creating a path on a whim without a regulation creates liability and inconsistencies in the way it is procedurally done and this can make us appear to be exercising based on other means like favoritism or in an inequitable fashion. One of the cases I first tackled when I got here had to do with the Hastings Campground and the condition that was established for length of stay is a good example of the problems an omission can cause. The issue in addressing the violations to that CUP regarding length of stay was that no where in the code did we establish a length of stay guideline for campers. Adding to this frustration was the fact that we as a community are desirous of development and growth, and yet to grow you need a place for developers that might be coming in from other areas for large projects to reside on a temporary basis. There was a need and this campground was fulfilling that need, yet it was being done without compliance to safety requirements since the need for a longer-term stay was drastically different than one for only a few weeks. We saw this in the way propane tanks and skirting were handled. Ultimately, this is the rationale for adding a path forward for allowing not only the local campgrounds, but some of our Mobile Home Courts that might have vacancies the ability to temporarily place these developers yet for the City to ensure that this is done in a way that considers the health, welfare and safety of the community at large. The same is true for food trucks. Much confusion has been seen to circulate around where these mobile vendors can and should be located that will ensure the health, welfare and safety of the community at large is considered. Interestingly, many of these mobile vendors stop in to see us to see what permit they must pull to do business in a mobile fashion, yet we tell them to pay a fee and turn them away with no guidance on where they are allowed and what requirements they are required to meet. The last type is a special type of permit for an ever-changing world. These days with COVID in the rearview mirror we know that the planning world has changed forever in that some things, no matter how much you plan, cannot be planned for in the face of an unexpected event. We experienced this when Mary Lanning came to us amidst a socially distancing world to ask what they could do to place a temporary structure in their parking lot for their employees to work out of as the swarms of people filed through in need of drive-through testing. We had no quick fix permit. We had a building permit, applicable to a long-term structure build. We allowed them to start at risk and required a building permit and now a structure still sits in that parking lot and we have no requirement in the code ensuring it will ever be removed, though its original intent was temporary. For all of these reasons we bring this code change to you and ask for your review and serious consideration of not just another code amendment, but a better path forward for Staff, applicant and community at large.

Recommendation:

Motion to recommend approval for an ordinance to amend City Code sections 34-103, 34-200 and 34-404 to add language for a Temporary Use Permit and amend Uses and Districts Table to include restaurants, mobile vendors, temporary structures, recreational and temporary recreational vehicles. A Temporary Use Permit will allow for administrative approval/processing of temporary structures, mobile vendors and recreational vehicles with regard to longer-term stays at campgrounds and mobile home parks during times of economic development.

ARTICLE IV. - STANDARDS FOR CONDITIONAL USES

Sec. 34-401. - Scope of article.

Conditional uses may be approved by the Hastings City Council following a public hearing and receipt of a recommendation from the Planning Commission in accordance with the required findings set forth in this Chapter and the additional standards set forth in this article. In considering an application for a conditional use, the Commission and the Council shall require the applicant to produce satisfactory evidence of compliance with both the general and applicable specific standards set forth in this Article. The Commission may recommend and the Council may impose any conditions they deem reasonable and necessary to further the purposes and intent of this Article, to protect the public health, safety and welfare, and to meet the planning goals set forth in the City's Comprehensive Plan.

(Ord. No. 4233-11/2009)

Sec. 34-402. - General standards for all conditional uses.

- (1) The Planning Commission shall hold a public hearing to review the required submission documents of each application for a conditional use to assure that 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. No conditional use design may be approved which will have a permanent negative impact on those items listed below substantially greater than that anticipated from development permitted without a conditional use. The Commission, following its public hearing, shall forward its recommendation on the application to the Hastings City Council, which shall have final authority following a public hearing to either approve the application, with or without conditions, or to reject the application:
 - (a) Pedestrian and vehicular traffic circulation and safety.
 - (b) Reasonable and economic extension of public utilities and facilities.
 - (c) Noise, fumes, dust or other environmental pollution.
 - (d) The maintenance of logical and efficient development patterns and land use mixtures.
 - (e) The maintenance of property values in accordance with established and permitted land uses.
- (2) Where the approval of a conditional use application would result in the interface of residential and non-residential uses, any approval of the conditional use shall impose conditions and design standards necessary to ensure the maintenance of residential property values and the safety, health, comfort and repose of residents.
- (3) All standards contained in this Chapter are minimum standards. More restrictive conditions may be recommended by the Planning Commission and imposed by the Hastings City Council where necessary to ensure compliance with the Comprehensive Plan or the purpose and intent of the zoning regulations.
- (4) Failure to observe and maintain the conditions and restrictions of the conditional use permit shall be considered a violation of this chapter subject to penalty as provided herein and shall be grounds for review of the conditional use permit. Review of a conditional use permit may be requested by the Zoning Official, the Planning Commission or by the City Council. In the event of the review of a conditional use permit as provided herein, a public hearing shall be held by the Planning Commission. Notice for such hearing shall be given in the manner provided for in Neb. Rev. Stat. § 19-904 and § 19-905, as the same may, from time to time, be amended. Following said hearing, the Planning Commission may recommend to leave the conditional use permit unaltered, revoke the permit, or alter the permit by adding, deleting or modifying the conditions and restrictions contained in the permit. Any recommendation by the Planning Commission following a hearing shall be forwarded to the Hastings City Council, which shall have final authority following a public hearing to leave the conditional use

permit unaltered, revoke the permit, or alter the permit by adding, deleting or modifying the conditions and restrictions contained in the permit.

(Ord. No. 4233-11/2009, [4598](#) -8/2019)

Sec. 34-403. - Application requirements.

- (1) Applications for a conditional use permit shall be submitted to the Development Services Department at least three weeks prior to the Planning Commission's scheduled monthly meeting date. The application shall be signed by the property owner as indicated on the Adams County Register of Deeds Office records at the time of application. The application shall be submitted on forms provided by the Development Services Department and shall be accompanied by the following, unless waived by the Department:
 - (a) A site plan drawn to scale indicating the property location, scale, north point, adjacent property for a distance of 300 feet, location of all buildings and uses within the site, access points and traffic circulation.
 - (b) Existing and proposed topographic contours.
 - (c) Detailed site development plans.
 - (d) Detailed building plans, including elevations.
 - (e) Site profiles and drainage plans.
 - (f) Detailed parking and landscaping plans.
 - (g) Detailed underground utility plans.
 - (h) Other graphic materials necessary to fully depict the proposed development.
- (2) A detailed narrative statement shall be submitted with the application for the conditional use permit. Such narrative shall explain the intent of the project, the factors which make the project desirable to the general public and to the surrounding areas, the features and details of the project development, schedule and timing of the development program, and any material or information which the applicant believes to be relative to the case. Where it deems necessary, the Commission or the City Council may require, in addition to the narrative statement:
 - (a) Marketability or economic feasibility studies.
 - (b) Geologic or soil boring and test.
 - (c) Traffic counts in the area.
 - (d) Other detailed technical material as necessary to fully explain the proposed development.
- (3) Upon approval of the conditional use permit by the Hastings City Council, development shall be completely in accordance with the approving plan. Minor revisions to the plan may be approved by the Planning Commission following the public hearing.
 - (a) Major revisions to the plan are subject to the same public hearing requirements by the Planning Commission and the Hastings City Council as required for the original conditional use permit.
- (4) The Council may require landscaping and planting as necessary to preserve compatibility with the surrounding area. If required, the conditional use permit shall contain provisions for permanent maintenance of the landscaping and/or planting.
- (5) In any case where the Council determines that the design of a proposed structure may affect the compatibility of a proposed development with the area in which it is proposed to be located, the Council may require changes in the design or may reject the proposed development if no suitable correction can be made.

- (6) All buildings, structures and activities, including permitted uses proposed within a conditional use permit development plan application, shall be analyzed with respect to minimum yard requirements maximum lot coverage, and maximum height limitations, in relationship to the development concept as a complete and functional unit. General requirements for each use should be based upon zoning districts where such uses are permitted as a matter of right. However, every use should comply with the general requirements of this Chapter, including but not limited to signs, off-street parking and loading, **and temporary uses.**
- (7) —The Hastings City Council in approving a conditional use permit development plan may at its option relax the minimum dimensional requirements of this Chapter, when the Council finds such variances are in the best interest of the total development plan, will not adversely affect adjacent property and the public health, safety and general welfare of the community are not compromised. The Council shall not allow a use under this section which is not permitted as a permitted principal use, a permitted accessory use or as a conditional use under the schedule of district regulations for the zoning district in which the property is located.
- (8) The Hastings City Council shall require adequate guarantee of compliance in approving all conditional use permits. Such guarantee may be a performance bond in the total amount necessary to assure compliance, such bond to be reduced as stages of construction are completed and the public liability for assuring compliance is correspondingly reduced. Alternatively or in concert with a bond, such guarantee may be a stipulation in the event of the applicant's failure to comply, authorizing the City to take the steps necessary to assure compliance, including performing the construction or maintenance itself, and charge all costs thereof as an assessment against the property.
- (9) The Development Services Department staff shall submit a written report to the Planning Commission and the Hastings City Council with findings as to how the application complies with the requirements of this Chapter. No permit should be approved until the Hastings City Council is satisfied all requirements of this Chapter have been met.
- (10) Concept tentative approval. Applications for a conditional use permit shall be for either concept approval or final approval. Applications for concept approval may be accompanied by schematic preliminary design plans rather than detailed final design construction plans.
 - (a) Concept approval shall be valid for a period not to exceed 18 months unless otherwise extended after additional public hearings by both the Planning Commission and the Hastings City Council.
 - (b) No construction shall take place on the site until final approval has been granted by the Hastings City Council unless expressly authorized by the Council at the time of concept approval. In which case said construction shall be limited to incidental site grading, not including excavation for building sites or water retention areas.

(Ord. No. 4233-11/2009)

Sec. 34-404. - Specific standards for conditional uses.

- (1) *Hospitals, sanitariums, convalescent centers, nursing or rest homes, rehabilitation centers, correctional institutions, psychiatric institutions and similar institutions.*
 - (a) The site shall have direct access from a street or avenue of City arterial street or greater designation on the City's major thoroughfares plan depicted in the Comprehensive Plan. This standard may be waived by the Hastings City Council if the Council finds such waiver is in the best interest of the total development plan, will not adversely affect adjacent property and existing uses thereon, and does not compromise the public health, safety and general welfare of the community.
 - (b) A site plan, drawn to scale, shall be provided with the application for the conditional use permit. Such site plan shall show the location of all buildings and structures on the site, ingress and egress points, circulation patterns, parking areas, including the total number of parking spaces provided, and a general description of the building uses.

(c) Minimum lot size:

1—10 beds ½ acre (21,780 sq. ft.)

11—20 beds 1 acre (43,560 sq. ft.)

For each additional ½ acre (or greater if ten beds required by the City Council)

- (d) Minimum yard requirements—The City Council may specify such yard requirements as in its judgment will adequately protect the integrity of surrounding areas and uses.
- (e) Maximum lot coverage by all buildings—20 percent.
- (f) Maximum height of structures—Same as required for permitted uses in the zoning district where the site is located.
- (g) Off-street parking—Adequate off-street parking shall be provided in connection with any permitted use. The minimum for each use to be as provided in Section 34-308(2) and Table 308-1 Required Automobile Parking.
- (h) Landscaping—All areas of the site not devoted to buildings, structures, parking areas, walkways or driveways shall be covered with one or more of the following: asphaltic compound or concrete, lawn grass, natural or ornamental shrubbery, trees, or other approved landscaping material.
- (i) Walls and screening—Where it deems necessary, the City Council may require that the site be fully enclosed by a wall or fence to prevent casual access to and from the site, or that the periphery of the site be suitably screened by evergreen planting or by other natural planting of sufficient height and density to provide and maintain a year-round visual screen. If the conditional use permit is granted, the wall or screening which is approved shall be fully constructed, inspected and approved by the Development Services Director prior to occupancy.

(2) *Churches and other places of religious worship.*

- (a) The site shall have direct access from a street or avenue of City arterial street or greater designation on the City's major thoroughfares plan depicted in the Comprehensive Plan.
- (b) A site plan, drawn to scale, shall be provided with the application for the conditional use permit. Such site plan shall show the location of all buildings and structures on the site, ingress and egress points, circulation patterns and the total number of parking spaces provided.
- (c) The minimum lot size for a church in any district where they are permitted as a conditional use shall be 14,000 square feet, minimum lot width shall be 100 feet.
- (d) Minimum yard requirements—The City Council may specify such yards as in its judgment will adequately protect the integrity of surrounding areas and uses, provided that no yard shall be less than required for the district in which the property is located.
- (e) Maximum lot coverage—Same as is required for permitted uses in the zoning district where the site is to be located.
- (f) Maximum height of structures—Same as is required for permitted uses in the zoning district where the site is located.
- (g) Off-street parking—At least one parking space shall be provided for each three occupants based upon maximum seating capacity of the nave, or for each three occupants based upon the maximum seating capacity of all meeting areas in the structure exclusive of the nave (whichever is greater) as calculated under the latest edition of the International Building Code which has been adopted by the City. Parking spaces shall be at least eight and one-half feet by 20 feet in size, and all driveways, maneuvering areas and parking areas shall be covered with asphaltic or concrete pavement.

- (h) Landscaping—All areas of the site not devoted to buildings, structures, parking areas, walkways or driveways shall be covered with one or more of the following: lawn grass, natural or ornamental shrubbery or trees or other approved landscaping materials.
- (i) Accessory uses such as day nurseries and kindergartens must be approved in the original application or by subsequent amendment to the conditional use permit.
- (j) Signs. Signage for churches shall be as permitted for a civic or commercial use in the district in which they are located. Any increase beyond that which is allowed within the district in which the church is located shall require specific approval through a conditional use permit application or amendment.

(3) *Natural resource extraction.*

- (a) A site plan, drawn to scale, shall be submitted with any application for a conditional use permit. Such site plan shall show the following information:
 - (i) Graphic (and legal) description of the petition area.
 - (ii) Existing topographic contours (not less than ten foot contour intervals).
 - (iii) Finished topographic contours when extraction is completed (not less than ten foot contour intervals).
 - (iv) Existing and proposed buildings and structures on the site.
 - (v) Principal access points which will be used by trucks, and equipment including ingress and egress points and internal circulation.
 - (vi) Indication of the existing landscape features.
 - (vii) Location and nature of other operations, if any, which are proposed to take place on the site.
- (b) A narrative statement shall also be submitted with the application for a conditional use. Such narrative shall set forth in detail the following definitive information.
 - (i) Method of drainage.
 - (ii) Method of fencing or barricading the petition area to prevent casual access.
 - (iii) Estimated amount of material to be removed from the site.
 - (iv) Estimated length of time necessary to complete the operation.
 - (v) Description of operations or processing which will take place on the site during and after the time the material is extracted.
 - (vi) Plan or program of regrading and shaping the land for future use.
 - (vii) Proposed hours of operation.
 - (viii) Other pertinent information that may pertain to the particular site.
- (c) General requirements.
 - (i) Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in a manner so as to make them dust free; further, where access roads intersect arterial streets, suitable traffic controls shall be established.
 - (ii) A strip of land at the existing topographic level, and not less than 15 feet in width, shall be retained at the periphery of the site wherever the site abuts a public right-of-way. That periphery strip shall not be altered except for access points.
 - (iii) All banks shall be left with a slope ratio of no greater than 4:1 (25 percent slope) unless it can be shown to the Planning Commission's satisfaction that a greater slope is not detrimental to the beneficial future use of the subject property.

- (iv) Sufficient attention should be paid to drainage of the site, both during the extraction period and after the site has been regraded. Where a finished grading plan indicates that surface water will be conducted from the site onto adjacent lands, the plan will be subject to the approval of the Public Works Department.
- (v) During periods of inactivity, the owner of the pit shall take whatever precautions as are necessary to prevent the site from becoming an attractive nuisance.

(4) *Junk yards.*

- (a) The term "junk yard" shall include, for the purposes of this section, the terms auto-wrecking yard and salvage or scrap yard.
- (b) All junk yards, in addition to the conditions implied herein, shall comply with the provisions of Chapter 18 of the Hastings City Code.
- (c) General requirements:
 - (i) The proposed site shall not be located within 500 feet of any school, hospital, public building, residential subdivision, or place of public assembly.
 - (ii) A site plan, drawn to scale, shall be provided with the application. Such site plan shall state the legal description of the property, the location of all buildings and structures on the site, access points, off-street parking areas, vehicular circulation and prominent topographical features, if any, of the site or adjacent lands within 300 feet of the site.
 - (iii) The minimum lot size for junk yard in any district where they are permitted as a conditional use shall be two acres. The minimum lot width shall be 150 feet.
 - (iv) The junk yard shall be completely enclosed and obscured from the public view by a solid fence or wall eight feet in height, by topography, and evergreen planting of sufficient height and density to provide and maintain a year-round visual screen. The specific type of screening shall be specified in the application. If the permit is granted, the screening which is approved shall be fully constructed, inspected and approved by the Development Services Director prior to the yard being utilized.
 - (v) Failure to maintain the screen as specified shall be cause for the permit to be rescinded and the junk yard shall be removed at the cost of the owner of the land upon which it is located.
 - (vi) Provisions shall be made to prevent any contamination of the domestic water supply or excessive surface run-off from the property onto adjoining lands or streams. Where it deems necessary, the City Council may require the submission of a site drainage plan. A drainage plan which carries water off of the site shall be subject to the approval of the City Engineer.
 - (vii) Failure to prevent such contamination of the domestic water supply or to prevent excessive surface run-off from the site onto adjoining lands or streams shall be cause for the permit to be rescinded and the junk yard to be removed at the cost of the owner of the land upon which it is located.

(5) *Storage of vehicles in impound yard.*

- (a) No dismantling, processing or salvaging of vehicles or repair work to vehicles may be performed in an impound yard.
- (b) The minimum size of an impound yard shall be one acre.
- (c) There shall not be stored in an impound yard at any time more than one vehicle for each (10 × 35) 350 square feet of available storage space in the impound yard.
- (d) A fence, sufficient to control access to the impound yard, shall be constructed around the impound yard. The fence shall be not less than size six feet in height.
- (e) The surface of the impound yard shall at all times be covered with concrete, asphalt or crushed rock.

- (f) Weeds, grass and other bushes shall not be permitted to grow more than six inches above the ground at any time in an impound yard.
 - (g) Vehicles may not be stacked in an impound yard, but must at all times be stored directly upon the surface of the impound yard.
 - (h) Any lights on an impound yard must be cut off lighting, so as to not allow light to escape outside of the boundary of the impound yard.
 - (i) The impound yard may not be located closer than 250 feet from property which is zoned to allow residential use nor within 100 feet of a residence, except when such residence is located on a property zoned for industrial use and is being used as an accessory use to a proper industrial use on said property.
 - (j) Vehicles stored in an impound yard must be removed from the yard within nine months of the time when they are first placed therein; provided however, an impounded vehicle may, upon request of a prosecuting attorney, be kept in an impound yard for so long as such prosecuting attorney requests. To assist in the enforcement of this requirement, the operator of the impound yard shall at all-time do the following:
 - (i) The operator shall keep a book, listing all vehicles which arrive at the impound yard in the order in which they arrive; and the date of arrival, and include therein the name and address of the person from whom each vehicle is received, the name and address of the party controlling the disposition of the vehicle, the name of the manufacturer of the vehicle, the model and type number of the vehicle, and motor number and license number thereof. Said information shall be placed on the record book within 48 hours after a vehicle is placed in the impound yard.
 - (ii) Any person who shall make any false entry or statement concerning matters required to be set out in the record book shall be deemed guilty of a misdemeanor, and may be fined in the amount of \$100.00 per violation. Each separate vehicle for which a false entry or not entry is made shall constitute a separate violation.
 - (k) The provisions of subparagraph (i) shall not prohibit the use of property for residential purposes, when said use arises after the establishment of an impound yard in compliance with the provisions of this section. However, said residential use shall not affect the validity of the use of the impound yard, for so long as said impound yard shall remain in existence on the continuous basis.
- (6) *Off-street parking spaces and structures.*
- (a) A site plan, drawn to scale, shall be provided with the application. Such site plan shall show the location of the principal building or structure, the location of the proposed parking lot or structure, the dimensions of the lot, access points, circulation patterns, total number of parking spaces provided, and the details of the parking structure, if such is contemplated.
 - (b) The minimum lot size for any off-street parking structure in any district where they are permitted as a conditional Use shall be 10,000 square feet, minimum lot width shall be 80 feet.
 - (c) Minimum yard requirements—The City Council may specify such yards as in its judgment will adequately protect the integrity of surrounding areas and uses, and the safe and orderly flow of pedestrian and vehicle traffic.
 - (d) Maximum lot coverage—None.
 - (e) Maximum height of structures—Same as is required for a permitted use in the zoning district where the site is located.
 - (f) Landscaping—All areas not devoted to buildings, structures, drives, walks, parking areas or other authorized installations shall be covered with one or more of the following: lawn grass, natural or ornamental shrubbery or trees. Further, where any side yard abuts residential property, it shall be planted with mature evergreen shrubs of at least five feet in height or screened with privacy fencing at least five feet in height.

- (g) Paving, drainage and parking stall size:
 - (i) The off-street parking area, including all ingress and egress points, shall be covered with asphaltic or concrete pavement.
 - (ii) Parking spaces shall be at least eight and one-half feet by 20 feet in size and shall be marked.
 - (iii) If the site plan indicates that surface drainage will be carried off the site, the plan will be subject to the approval of the City Engineer.
- (7) *Townhouses, row houses, and office buildings built to a common wall(s).*
 - (a) A site plan, drawn to scale, shall be provided with the application. Such site plan shall show the location of all buildings and structures on the site, courts and open space areas, circulation patterns, ingress and egress points, parking areas (including the total number of parking spaces provided), and a general floor plan of the principal buildings.
 - (b) Minimum lot requirements.
 - Lot area—2,000 sq. ft.
 - Lot width—20 ft.
 - (c) Minimum yard requirements: Front yard—20 ft.
Side yard—at the common wall(s)—none.
Other—Ten ft. rear yard—Ten ft.
 - (d) Maximum lot coverage—Same as is required for permitted uses in the zoning district where the site is located.
 - (e) Maximum height of structure—Same as is required for permitted uses in the zoning district where the site is located.
 - (f) Off-street parking:
 - (i) Town houses, row houses—At least two parking spaces shall be provided for each dwelling unit.
 - (ii) Office buildings—Per use, the minimum to be as provided in Section 34-308(2) and Table 308-1 Required Automobile Parking. All parking spaces shall be at least eight and one-half feet by 20 feet in size, and all driveways, maneuvering areas and parking areas shall be covered with asphaltic or concrete pavement.
 - (g) Ground cover—All areas of the site not devoted to buildings, structures, parking areas, courts, walkways or drive-ways shall be covered with one or more of the following: lawn grass, shrubbery, trees or other approved landscaping materials.
 - (h) Building standards and agreements:
 - (i) The applicant or his agent shall provide with his application a property line wall(s) agreement for the land, building and development in question.
 - (ii) The City Council requires that the design and construction of the property line walls be reviewed by the Development Services Director and the Fire Department to insure compliance with pertinent Building and Fire Codes.
- (8) *Standards for mobile home parks.*
 - (a) The minimum size of a proposed mobile home park shall be two acres, except as otherwise required for the pertinent use district.

- (b) Proposed sites of five acres or less shall have adequate access to dedicated streets having a minimum right-of-way of 60 feet. All other sites shall have direct access to a collector street.
 - (c) Density for proposed mobile home parks shall not exceed eight units per gross acre.
 - (d) All areas not devoted to mobile home spaces, buildings, structures, drives, walks, off-street parking facilities, or other authorized installations, shall be covered with one or more of the following: lawn grass, shrubbery, trees, or other suitable ground cover materials. Where it deems necessary, the Planning Commission may require the site to be suitably screened from adjacent lands by evergreen planting or by other materials of sufficient height and density to provide and maintain a year-round visual screen.
 - (e) All mobile home parks shall meet the standards set forth in article V of this chapter.
- (9) *Standards for self-service storage facilities.*
- (a) Site plan:
 - (i) The plan shall be drawn at a scale of one inch equals 20 feet. Said plan shall include all building locations, drives, parking, fencing and signage. A landscape plan shall also be incorporated as part of the submittal and must be included as part of the site plan or submitted on a separate sheet. Building elevation shall also be included on the plan along with specification of the colors of buildings and materials to be used.
 - (ii) Site drainage shall be incorporated in the plan so that storm water run-off from the site will not increase as a result of the proposed development. The facility shall be designed to control the storm water run-off from at least 25-year return frequency storm as certified by the City Engineer.
 - (b) Minimum site areas: None.
 - (c) Building setbacks shall be the same as in the C-3 District.
 - (d) The site shall abut and have direct access to a city street.
 - (e) Other requirements:
 - (i) The storage facility shall be enclosed by a six foot high, sight-proof fence whenever the site abuts residentially zoned or developed property. Said fence, when abutting any residential district, shall be solid or semi-solid and constructed to prevent the passage of debris or light, and constructed of either brick, stone, masonry units, wood or similar materials. Chain-link fence may be used so long as it has slats installed to prevent the passage of light through the unit. The side and rear of a building located upon the site may serve as fencing.
 - (ii) Landscaping shall be provided in the areas outside the fences between the fence and the property line.
 - (iii) Two parking spaces shall be provided, plus one additional space for each employee. Internal drives and parking shall comply with Section 34-308 of this chapter for paving requirements.
 - (iv) Building heights shall be limited to one story (not to exceed 14 feet at the eaves), unless waived for an existing building by the Planning Commission and the City Council.
 - (v) Buildings shall be separated a minimum of 30 feet from one another within self-service storage facilities. Storage bays within a single building shall not be interconnected by interior doors or other interior means providing access from one storage bay to another. The dimensions of any storage bay shall not exceed 22 feet in the narrowest dimension or 36 feet in the widest dimension.
 - (vi) A sign shall be limited to one ground pole sign at the entrance to the premises. Not more than 32 square feet in area shall be permitted with a maximum height of ten feet.

- (vii) All exterior lighting shall be of cut-off type to prevent off-site glare. Each tenant storage space shall be provided with separate interior lighting.
- (viii) All storage shall be kept within an enclosed building.
- (ix) Loading docks shall be prohibited and loading areas to storage bays shall be at the same elevation as the means of vehicular access thereto.
- (f) Commercial activity: It shall be unlawful for any owner, operator or lessee of any self-service storage facility or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever, other than leasing of the storage units, or to permit same to occur upon any area designated as a self-service storage facility. Violation of this section shall be subject to the provisions of Section 34-804 of the Hastings City Code. Any violation may be cause for revocation of the conditional use permit by the City Council.
- (g) Repair, reconditioning and fabrication prohibited:
 - (i) Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline storage tank is prohibited within or outside any structure on a tract of land designated as a self-service storage facility.
 - (ii) This provision shall be posted and be included in the tenant lease agreement.
- (h) An approved plan shall be valid for a period of 24 months following the date of approval by the Council. If construction has not been started within said 24 month period, the plan shall be null and void unless the time for start of construction has been extended by the Council.
- (10) *Standards for detached dwelling, accessory.*
 - (a) Accessory detached dwellings shall be limited in use to housing immediate family members who live in the principal detached dwelling located on the lot. Immediate family members shall mean either the parent(s) or child(ren) of the owner of the principal dwelling.
 - (b) Accessory detached dwellings shall be located only on lots having an area of five acres or greater.
 - (c) Accessory detached dwellings shall not be in a mobile home. Manufactured homes utilized for accessory detached dwellings shall meet the minimum requirements set forth in Hastings City Code 34-312.
 - (d) Accessory detached dwellings shall have a minimum habitable area of 850 sq. ft.
 - (e) Accessory detached dwellings shall have utility services shared with the principal detached dwelling located on the lot.
 - (f) Accessory detached dwellings shall not be larger than the principal dwelling on the lot.
 - (g) When an accessory detached dwellings is no longer utilized by an immediate family member as defined in this section, the conditional use permit shall become null and void. The conditional use permit holder shall notify the development services department in writing that the accessory detached dwellings is no longer being used within 30 days of cessation of use.
- (11) *Standards for construction and demolition waste landfill sites.*
 - (a) The granting of a conditional use permit for a construction and demolition waste landfill shall constitute the City's approval of the construction and demolition waste landfill site as provided for in Neb. Rev. Stat. § 13-1701 et seq.
 - (b) The site for a construction and demolition waste landfill shall be located outside of the corporate limits of the City.
 - (c) The minimum site area for a construction and demolition waste landfill shall be 20 acres, unless, due to unusual circumstances, such area requirement is reduced by the City Council.

- (d) No solid waste other than construction and demolition waste may be put in a construction and demolition waste landfill.
 - (e) A fence, sufficient to control access and prevent airborne debris from leaving the site, shall be constructed around each portion of the construction and demolition waste landfill site being used for construction and demolition waste activities.
 - (f) No construction and demolition waste landfill operations shall be conducted so that fill will be placed in streambeds or other areas where water courses would be obstructed or where erosion by the stream would remove cover material.
 - (g) Routes used by trucks to and from the construction and demolition waste landfill shall be approved by the Director of the Public Works Division, or his designee.
 - (h) When mud, dirt or spilled debris accumulates on streets from trucks or from construction and demolition waste landfill equipment, it shall be removed by the person holding the conditional use permit.
 - (i) The conditional use permit shall provide a date by which the construction and demolition waste landfill shall be terminated or the conditional use permit renewed.
 - (j) The conditional use permit shall require that when the construction and demolition waste landfill has been brought up to within 18 inches of the desired grade, it shall be covered and maintained with at least 18 inches of compacted dirt and seeded in such a manner so as to prevent erosion.
 - (k) Within 90 days following the granting of a conditional use permit, the applicant shall record with the Register of Deeds a permanent instrument notifying the public of the existence of a construction and demolition waste landfill at the site, the type, depth and location of the waste which is to be placed upon the property, as well as the existence of any monitoring systems thereon, and any restrictions on the use of the property which may be provided to protect the integrity of the final cover, liner, monitoring systems or any other components of the containment system.
 - (l) No site shall be approved except on a determination by the City Council that it complies with the provisions of Nebraska law, including the notice and public hearing requirements set forth in Neb. Rev. Stat. § 13-1701 et seq.
- (12) *Standards for recreational vehicle parks.*
- (a) The minimum size of a recreational vehicle park shall be two acres, except as otherwise required for the pertinent use district.
 - (b) Density for recreational vehicle parks shall not exceed 24 recreational vehicles per gross acre.
 - (c) All areas not devoted to recreational vehicle spaces, buildings, structures, drives, walks, off-street parking facilities, or other authorized installations, shall be covered with lawn grass, shrubbery, trees, or other suitable ground cover materials.
 - (d) The council may require suitable screening around all or any part of the site boundary.
 - (e) A recreational vehicle park operation shall have adequate solid waste collection facilities, which will be constructed and maintained in accordance with all municipal health regulations, and shall be designed to bar animals from access to the solid waste. Solid waste shall be removed from the park at least once a week.
 - (f) The recreational vehicle park shall be served by an on-site service building containing a public water supply and public toilet facilities, and by a storm shelter which, for the purposes of this section, shall mean a structure designed to withstand a 200 mile-per-hour wind, and which has a designed occupant load of no less than 20 square feet per recreational vehicle space.
 - (g) Recreational vehicle parks may have accessory uses and buildings including, but not limited to, restroom and shower facilities, convenience facilities, dump stations, playgrounds, and areas for tenting.

- (h) Convenience facilities of a commercial nature may include, but not be limited to, stores and laundry facilities, and shall be subject to the following:
 - (i) The facilities and related parking shall not occupy more than ten percent of the recreational vehicle park.
 - (ii) The facilities shall be located, designed, and operated for the primary purpose of serving the trade or service needs of park patrons.
 - (iii) In agricultural and residential mobile home districts, the facilities and any signage shall present no visible evidence of their commercial character in a manner which is apparent from any public street.
 - (i) Recreational vehicle parks located in agricultural (A) may have signs subject to the requirements of Hastings City Code Section 34-309(5), and recreational vehicle parks located in Commercial Business Districts (C-3) and Light Industrial Districts (I-1) may have signs subject to the limitations of Hastings City Code Section 34-309(6).
- (13) *Standards for kennels.*
- (a) All points on the perimeter of any kennel facility, dog run or exercise area shall be at least 100 feet from any property line.
 - (b) Outdoor exercise areas, runs, or yards when provided for training or exercising, shall be restricted to use during daylight hours.
 - (c) A site plan, drawn to scale shall be provided with the application showing all existing and proposed buildings and structures, fencing and landscaping.
 - (d) A narrative statement shall be provided with the application describing:
 - (i) The maximum total number of animals to be kept on the premises at any time.
 - (ii) The expected male/female mix of animals at any time.
 - (iii) The type of kennel enclosure including the size of the enclosures.
 - (iv) The type and height of fencing.
 - (v) The type and size of year-round shelters.
 - (vi) The source and location of water supply.
 - (vii) The sanitary maintenance plan, including provision for collection and disposal of excrement and other waste solution or material.
 - (viii) Lighting.
 - (ix) Landscaping and other visual and noise barriers.
 - (x) Surface drainage.
 - (xi) Expected weekly traffic related to the keeping of animals.
 - (xii) Hours of operation.
 - (e) The total number of animals on the premises at any one time will be established as part of the conditional use permit process.
 - (f) The applicant must demonstrate that:
 - (i) The location and operation of the kennel is appropriate for housing multiple animals and will be consistent with the health and safety of the animals and of the neighbors.
 - (ii) The location of the kennel on the property will have no significant adverse effect on the peace and quiet or sanitary conditions of the neighborhood.
 - (iii) The kennel will be operated in a manner that it will cause no nuisance to the public.

- (iv) The kennel will be operated in a safe, sanitary, and humane condition.

(14) *Standards for bed and breakfast establishments.*

(a) *General requirements.*

- (i) Each bed and breakfast shall be established, maintained and operated so as to preserve and compliment the residential character and integrity of the surrounding area when the facility is established in a residential zoning district.
- (ii) The bed and breakfast shall be occupied and operated by the owner as their principal residence.
- (iii) The single family dwelling used as a bed and breakfast shall have a minimum of 2,000 sq. ft. in living area.
- (iv) The home shall not be used by the public or paying guests for the hosting of receptions, private parties or the like.
- (v) Any meals provided and any amenities connected with the guest rooms, such as a swimming pool or tennis court shall be solely for the use of the owner, the owner's family and the owner's registered guest.
- (vi) There shall be no separate or additional kitchen facility for the guests.
- (vii) A person who does not reside at the home shall not be employed to assist in the conduct of a bed and breakfast except as usual for a single family residence (e.g., maid, housekeeper).
- (viii) A bed and breakfast must comply with all other provisions of the zoning district in which it is located and must comply with all other ordinances of the City.

(b) *Guest rooms.*

- (i) Rooms utilized for guest rooms shall be part of the single family dwelling unless specifically approved by the conditional use permit.
- (ii) A guest room shall not be located in a basement.
- (iii) No more than three occupants per guest room shall be allowed.
- (iv) Each guest room shall be equipped with a properly installed and functioning smoke detector. Further, a smoke detector shall be properly installed and functioning on or near the ceiling in the room or hallway from which each guest room exits.
- (v) A fire escape plan shall be developed and graphically displayed in each guest room.

(c) *Parking.*

- (i) The bed and breakfast will provide two off-street parking spaces for the residence and one additional space per guest room.
- (ii) Off street parking shall be developed in such a manner that the residential character of the property is preserved.

- (d) *Register.* Every person operating a bed and breakfast residence shall keep at all times a book, to be known as the register, in which it shall be required that every person to whom a room is let shall have his, her or their name or names and address registered there in ink, along with the date on which the room was let, the date it was vacated, the correct number or other designation of the room let, and the number of the occupants assigned to the room. No page of the register may be disposed of until two years after the date of the most-recent entry recorded on it. The register shall be available to Development Services on request.

- (e) *Signs.* Signage shall be limited to one non-illuminated wall-mounted sign not to exceed six square feet in area.

(f) *Application.*

(i) The application shall contain:

- (1) The name, address and telephone number of the owner(s) and address of proposed bed and breakfast.
- (2) A plan, drawn to scale showing the floor plan of the dwelling, together with any proposed changes, renovations and additions to the dwelling.
- (3) A site plan drawn to scale and including the following information:.

Title of the drawing

North arrow, scale and date

Boundaries of the project site

Location of all existing or proposed site improvements, including buildings, additions, expansions, driveways, parking area, streets, retaining walls, fences and hedges

Location of all existing and proposed access and egress drives

Location, design and size of all proposed signs and outdoor lighting facilities Location of existing and proposed buffer and screen areas, structures and vegetation

- (ii) Development Services may require such additional or supportive information as it deems necessary for a complete assessment of the proposed bed and breakfast.

(g) *Permit.*

- (i) The owner shall not make any change, deviation, modification or variation from the application and site plan once the same is approved by the City Council.
- (ii) Any amendments to an approved conditional use permit shall be reviewed by the Planning Commission and approved by the City Council if found to be consistent with these standards. Minor amendments to the permit may be approved by the Development Services Director. Such administrative approval shall be limited to parking lot and landscaping improvements, exterior facade changes and signs. An appeal of the Development Services Director's denial of a requested minor change may be taken to the Planning Commission. The procedure for such appeals shall be the same as provided for amendments under Section 34-801(2).
- (iii) The use is subject to review at any time and may be revoked after a hearing by the City Council and a finding by the Council that the use has become detrimental to the neighborhood.
- (iv) Upon the issuance of a permit for bed and breakfast establishment, an annual inspection and certificate of compliance for the bed and breakfast shall be issued by Development Services for continued operation.
- (v) An application for a certificate of compliance shall be filed with Development Services with the inspection fee as set by the current fee schedule.

(h) *Review considerations.* The City's review of the application and site plan shall include but not be limited to the following considerations:

Adequacy and arrangement of vehicle traffic access and circulation Location, arrangement, appearance and sufficiency of off street parking Location, arrangement, size and design of lighting and signs

Relationship and compatibility of proposed use to uses of adjacent parcels together with their scale

Adequacy, type and arrangement of trees shrubs, fences and other landscaping or improvement constituting a visual or noise-deterring buffer between the site and adjacent or adjoining uses

Any other matter which may affect the health, welfare and safety of the community as a whole and the parcels in the immediate vicinity of the site.

- (15) *Standards for livestock feeding operations.* For the purposes of this subsection, the term "animal unit (AU)" shall mean the relationship of various animals with regard to manure production based upon 1,000 pounds of animal(s) regardless of type. The following relationship with regard to manure production shall be as follows:

Type of Animal	Animal Unit(s)
Beef animal (500—1,200 pounds)	1.00
Beef or dairy calf (150—500 pounds)	0.50
Young dairy stock (500—1,000 pounds)	0.75
Replacement heifers	1.00
Dairy cow	1.40
Horse	2.00
Swine (55 pounds or heavier)	0.40
Swine (less than 55 pounds)	0.04
Swine (sow and litter)	0.50
Sow or boar	0.40
Sheep and goat	0.10
Chicken	0.01
Turkey	0.02
Ostrich	0.40
Llama or alpaca	0.50

- (a) The following setbacks and design standards are the minimum sanitation and odor practices for the City of Hastings. In addition, the Hastings City Council, when considering the health, safety,

and general welfare of the public, may impose more restrictive requirements. These requirements should consider such things as:

- odor
 - dust,
 - lighting,
 - waste disposal and
 - dead livestock.
- (b) A conditional use permit may be approved after public notice has been given and public hearing is conducted as required by law.
- (c) Agricultural operations of 300 animal units (A.U., equaling one cow or cow-calf pair) and under are considered a farm as defined in these regulations and do not require a conditional use permit.
- (d) All existing livestock feeding operations (LFO's) that have been granted a conditional use permit may expand within their designated level; except for the 20,000 and above which requires a new conditional use permit for each expansion beyond 20,000 A.U.'s, as outlined in Table 404-1, without applying for another conditional use permit. All new livestock feeding operations and those expanding to the next level shall require a conditional use permit and shall be located no less than at a distance from non-farm residences or other residences not on an owner's property in any affected zoning district as hereafter described:
- (i) Livestock feeding operations will be categorized either as environmentally controlled housing operations or open lot operations. Livestock feeding operations having more than one type of feeding operation at one location shall be categorized according to the operation which constitutes the majority of the total operation, measured in A.U.'s. Each operation type shall be classified in one of four levels according to total number of animal units (A.U.) in the operation at any one time. Levels will include:
- Class I facility = 301—1,000 animal units;
- Class II facility = 1,001—5,000 animal units;
- Class III facility = 5,001—20,000 animal units; and
- Class IV facility = 20,001 or more animal units.
- Livestock feeding operations having more than one type feeding operation at one location shall be categorized according to the total number of animal units.

TABLE 404-1: LFO SPACING AND DISTANCE (Distances given in feet)		
Size of Proposed LFO in Animal Units.		Non-farm or Other Residence and Other LFOs (feet)
Class I 301—1000	ECH	1,320
	OPEN	1,320
Class II 1001—5000	ECH	5,280
	OPEN	2,640

Class III 5001—20,000	ECH	5,280
	OPEN	2,640
Class IV 20,001 or more	ECH	7,920
	OPEN	3,960

ECH = Environmentally Controlled Housing OPEN = Open Lot Operations

- (ii) Livestock feeding operations having more than a 1,000 animal units shall also locate at a distance as specified under the environmentally controlled housing or open lots, in Table 1 from a platted residential area, public park, recreational area, church, cemetery, religious area, school, historical site, and residential district.
- (iii) All livestock feeding operations over 20,000 animal units shall be required to obtain a new conditional use permit prior to any expansion, unless it meets the standards of the exceptions in the exceptions section.
- (iv) The producer shall have a pre-submission meeting with the City of Hastings Development Services Director and City of Hastings Building Inspector to discuss tentative plans and layouts prior to formal submission of the conditional use permit for livestock feeding operations.
 - 1. The applicant shall submit a proposed site plan and conditions or requirements of this regulation pending approval of application for a proposed operation and waste disposal plan from the Nebraska Department of Environment and Energy (NDEE) or any other applicable state agency.
 - 2. The applicant shall submit all pertinent materials and designs, as per the conditional use permit application for livestock feeding operations.
 - 3. The applicant shall file a copy of the proposed operation and maintenance plan and proposed manure management plan. The approved plans shall be submitted after NDEE approval if different from the proposed. Said plans shall be filed with the City of Hastings Development Services Director.
 - 4. The applicant shall also file a copy of all approved NDEE plans and permits with the City of Hastings Development Services Director within 30 days after they are issued by the NDEE.
 - 5. An annual manure management plan shall be submitted to the City of Hastings Development Services Director which shall follow "best possible management practices" as specified by NDEE in order to protect the environment, as well as the health, safety and general welfare of the public and their property values.
 - 6. If stockpiling of animal waste and/or composting of dead carcasses, as per state statutes, are part of the manure management plan, the waste shall be maintained in an area as outlined in Table 1 of this section. Said area shall also have located on the proposed site plan indicated in [Subsection] (a) above.
 - 7. All ground surfaces within outside livestock pens shall be maintained to insure proper drainage of animal waste and storm or surface runoff in such a manner as to minimize manure from being carried into any roadway ditch, drainage area or onto a neighbor's property.

8. In no event shall any manure storage unit or system be constructed where the bottom of the unit or system is either in contact with or below the existing water table where the unit or system is to be constructed. Application of manure in flooded areas of standing water shall be prohibited.
9. All runoff or waste generated by a livestock feeding operation facility shall be contained within the associated farming operation, or, on the premises upon which the confined feeding facility or feedlot is located. The applicant must verify that all runoff control ponds, lagoons, methods of manure disposal and dust control measures are designed to minimize odor and air pollution, and avoid surface or groundwater contamination as regulated by the State of Nebraska.
10. The setbacks from a livestock feed operation to any non-farm dwelling, other residence or other livestock feeding operation are outlined in Table 404-1.

(e) Exceptions:

- (i) Any Class I Livestock Feeding Operation use in existence as of the effective date of this provision, and which is located within the minimum spacing distance in Table 1 to any church, school, public use, other livestock feeding operation or single-family dwelling within the current class or to the next class, may expand in animal units and/or land area under a conditional use permit, provided the proposed expansion complies with all of the following limitations:
 1. Such expansion will not decrease the distance from the livestock feeding operation use to any church, school, public use, other livestock feeding operation or single-family dwelling not of the same ownership and not on the same premises with said livestock feeding operation which is less than the minimum prescribed spacing distance.
 2. Any physical expansion of the existing livestock feeding operation shall be immediately contiguous with the facilities of the existing livestock feeding operation.
 3. Such expansion may occur in phases over time, but in no event shall such expansion(s) result in a livestock feeding operation that is more than 50 percent larger in animal units than the one-time capacity of the use which existed as of the effective date of this provision. Any expansion beyond this limitation is prohibited unless a conditional use permit for expansion that meets all requirements is heard by the Planning Commission and authorized by the City Council.
 4. If such expansion results in such livestock feeding operation being required to obtain a new construction permit from NDEE, introduction of additional animals shall be prohibited until said permit is issued by NDEE or other applicable or successor agency has been issued and such livestock feeding operation shall be operated at all times in a manner consistent with the requirements of said permit and applicable regulations of this provision.

(16) Standards for temporary use permit (TUP).

(a) Purpose. The purpose of this permit is to provide for the safe flow of all modes of traffic in the public rights-of-way, to ensure the public's health and safety during regular reoccurring events is accomplished on a seasonal or temporary basis, and to allow for a diversified economy in the City of Hastings. In order to manage the variety of temporary uses that are possible, this section is added to advise on the permit application and review process, and requirements for three types of temporary uses: recreational vehicles in mobile home parks or recreational campgrounds for extended temporary stay, mobile vendors and temporary structures.

(b) Procedure. All applications for a temporary use permit shall be made to the Development Services Director or designee in written form, on the prescribed application, and shall be accompanied by the fee set by resolution. In line with 34-403 (6) temporary uses shall be determined according to their zoning as to the allowance of the type of temporary use. If the use is permitted then so long as the permit

application is reviewed and approved after internal review a TUP will be provided. However, if this use is shown to be a restricted use it still must meet the specific requirements as listed in the Section (e) (below). Unless otherwise indicated in the specific requirements for each type, a permitted or restricted temporary use will not require a review by Planning Commission and City Council and will be administratively approved by the Development Services Director following an internal review. However, these permits may be asked to mitigate any issues found in internal review prior to approval.

(c) Application. Applicants must first fill out an online application for a temporary use permit to be found under Planning and Land Use – Zoning Permits on the City of Hastings website. Here you will be asked to provide the following information:

(1) The name, address and telephone number of the owner(s) and applicant, if not the same person. If the applicant is a firm, corporation or other legal entity, the registered agent of the corporation shall be identified on the application as such. An owner authorization form will be required if the owner is different from the applicant and this must be signed by both parties.

(2) An address of proposed location or property for which you plan to have your temporary use.

(3) Any contractor you will be using to setup your use.

(4) Project Name which includes your proposed use (i.e., Recreational Vehicle in mobile home parks or recreational campgrounds for extended temporary stays, Mobile vendor or temporary structure)

(5) As part of this permit you are required to provide the following documents:

a) A site plan, drawn to scale showing where on this property you will be located and all of the following:

- Existing zoning, area, lot size, and your reason for the request.
- North arrow, scale and date
- Boundaries of the project site
- Area where any fire hydrants are located as well as any utilities pedestals that might be used.
- Location of all existing or proposed site improvements, including buildings, additions, expansions, driveways, parking area, streets, retaining walls, fences and hedges
Location of all existing and proposed access and egress drives
- Location, design and size of all proposed signs and outdoor lighting facilities
Location of existing and proposed buffer and screen areas, structures and vegetation
- Dimensions of all proposed temporary structures associated with the temporary use, and as requested by the city, elevations or photographs of the structures.

b) If there will be a temporary structure built then a rendering, building plans and /or a floor plan of the structure will also be required.

c) Written description of the type, nature and extent of the proposed request. This must more specifically include the following:

- Dates, days and hours of operation during which the applicant seeks to conduct the temporary use and occupy any temporary structure.
- Graphic example or brief statement of the nature and character of the signage or advertising.

d) Such other information as deemed necessary by the Development Services Director or designee for purposes of evaluating the application.

(d) Internal Review. All TUP applications will be reviewed by several City internal key departments to ensure that the temporary use will not cause public health and safety issues for the community at large. These departments will include City Police, City Fire, City Attorney, City Utilities, City Engineering and any other areas that may be deemed appropriated depending on the proposed temporary use.

(e) Terms, nonconformance, continuation and termination. A TUP is an annual permit for all types. However, a recreational vehicle in mobile home parks or recreational campgrounds for extended stay must be granted extension at 6 months. All existing uses that do not have a temporary use permit at the time of passing of this ordinance will have 6 months to apply for a TUP and to come into compliance to the regulations found in Section (f).

(f) Specific Requirements by type of TUP (i.e., Recreational vehicles in mobile home parks or recreational campgrounds for extended temporary stays, Mobile vendor or temporary structure)

(1) Recreational vehicle in mobile home parks or recreational campgrounds for extended temporary stays.

a) Article V Mobile Home Park Regulations defines Mobile Home Park and specifically states that this use *does not include tourist facilities for travel trailers, campers or other recreation vehicles as defined herein*. This will remain the case on a long-term basis. However, the City has a housing shortage and is working hard to encourage growth and development. Development can come in large surges and during times when multiple development projects are introduced into our local and surrounding areas economies there is a real need to provide housing for construction crews that are not local. These projects can take anywhere from 6 months to several years to complete when they are large and complex. Temporary housing during these times has been an issue in the past. Campgrounds and mobile home parks do have infrastructure capabilities to provide solutions for these crews and some of the areas campgrounds and mobile home parks have the vacancy to accommodate these crews in an appropriately designed recreational vehicle on a temporary basis. Therefore, a temporary use permit application can provide Staff with ability to ensure these crews are housed in a safe and healthy manner after internal review of all the following criteria is performed.

- Applicant must provide documentation demonstrating an economic development need as discussed above in Section (a), showing they are on a crew for a project in the local area that will require housing locally. Acceptable documentation of W-2 with note from construction company management confirming employment on a project locally with a potential timeline indicated.
- Recreational vehicle shall be capable of being legally operated on the highways, and containing permanently installed essential living facilities for longer-term temporary stays of up to 180 days or more in a campground or mobile home

park. As defined in City Code Section 34-103, this shall not include any towed utility trailer, camping trailer, truck camper, van conversion nor shall it include any vehicle defined in the license and registration laws as an automobile or passenger. Types of recreational vehicles that would be capable of attaining a temporary use permit (TUP) are fifth wheel trailers, motor homes, park trailers and travel trailers and should be current on license and registration and capable of legally operating on the highway.

- Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
- Designed to be transported after fabrication on its own wheels, on flatbeds or other trailers or detachable wheels and ready for occupancy except for minor and incidental unpacking and assembly operations and connection to utilities.
- Placed upon impermanent foundation or otherwise so placed as to permit moving of the unit to another location during its usable life.
- This particular TUP will last for durations of 180 days; however, the Development Services Director or designee can grant time extensions to this duration on a case-by-case basis.
- If placing in a Mobile Home Park the temporary structure must be capable of complying with the Spaces requirements found in City Code Section 34-505, Electrical power requirements found in City Code Section 34-506, Water and sewage requirements found in City Code Section 34-508
- No more than one propane cylinder not greater than 120 pounds will be allowed per City Code Chapter 30-907. These are to be placed on at least a 3X3 concrete pad per NFPA 58. Building and Fire inspectors will determine the appropriate placement of these pads on each space and must final approve the finished pads.

(2) Mobile Vendor.

- a) Food vendors must provide a copy of their State issued temporary food establishment permit and must comply to all requirements for such permit found in the Nebraska Food Code.
- b) Site Plans must demonstrate safe flow of all modes of traffic in the public rights-of-way and that this temporary use does not block or hinder traffic flow and has adequate ingress and egress to access the site,
- c) Appropriate parking for the use of this food truck must be demonstrated in the site plan and explained in the narrative.
- d) Propane tanks associated with this use must comply to all NFPA requirements.
- e) Plans for trash/recycling collection must be shown on the site plan and discussed in the narrative.
- f) Sanitation such as portable or accessible toilets and hand washing facilities should be shown on the site plan, if provided, and discussed in the narrative.
- g) If your use will pose any nuisances such as noise or smell you must discuss your plan to mitigate these potential nuisances in your narrative.
- h) Any outdoor seating, lighting, heat lamps, should be shown on the site plan and discussed in your narrative.

- i) Any relevant occupation tax must be paid to the City Finance department at the time of permit application.
- j) Barricades, electrical cords, necessary utilities and/or connections, propane tanks and etc. must be shown on your site plan and discussed in your narrative.
- k) Any signage that will be proposed such as temporary sidewalk signs or other temporary signage must be shown on your site plan and a separate sign permit must be applied for and approved by Development Services.

(2) Temporary Structures.

- a) Any accessory type of structure must comply to City Code Section 34-311 and be accessory to a principal structure.
- b) A building permit will be required and will need to be approved for any temporary structures not categorized as an accessory type of structure.
- c) A narrative discussing the reason for the temporary structure and the use will be required.
- d) This particular TUP will last for durations of 180 days; however, the Development Services Director or designee can grant time extensions to this duration on a case-by-case basis.

(Ord. No. 3218-6/91, 3396-5/94, 3397-6/94, 3637-5/98, 3636-6/98, 3763-9/2000, 3852-3/2002, 3879-11/2002, 3947-4/2004, 4003-5/2005, 4053-12/2005, 4233-11/2009, [4294](#) -5/2011, [4347](#) -5/2013 and [4416](#) -11/2014; [Ord. No. 4619](#), § 1, 2-10-2020)

Secs. 34-405—34-500. - Reserved.

Sec. 34-200. - Uses and Districts table.

[illegible]

School, elementary	P	P	P	P	P	P	P	P	P	P			P		
School, secondary	R	R	R	R	R	R	R	R	R	R			P		
School, college or university	P					P							P		
Recreational Vehicle Park	C												C		C C
Recreational Vehicle, Temporary Use	R												R		R R
Temporary Structure, Temporary Use	P											P	P	P	P P
Service Uses															
Adult care, home	C	C	C	C	C	C	C	C	C	C	C	C	P		
Adult care facility								P	P	P	P	P			
Automobile service station, limited								C	P	P	P	P	P	P	P
Automobile service station, general												P	P	P	P
Automobile service station, large-scale												P	P	P	P
Automobile repair, limited								C	C	C	P	P	P	P	P
Automobile repair, general										C	P			P	P
Bank								P	P	P	P	P	P	P	P
Child care, home	R	R	R	R	R	R	R	R	R	R	R	R	P		
Child care facility					R	R		P	P	P	P	P	P	P	P
Halfway house, quasi-institutional use														C	C
Kennel, commercial	C											C		C	C
Lodging, bed and breakfast	C	C	C	C	C	C	C	C	C	C	C				
Lodging, rooming house						C				P	P	P	P		
Lodging, hotel											P	P	P	P	P

Lodging, motel											P	P	P	P
Medical office	C							P	P	P	P	P		
Medical clinic	C							P	P		P	P	C	C
Medical hospital	C							P	P			P	C	C
Nursing home/Assisted living	C	C	C	C	C	C	C	P	P	C	P	P		
Professional services office								P	P	P	P	P	P	P
Self storage, storage areas								C		R	C		C	C
Veterinary office	P							P	P	P	P		P	P
Veterinary Hospital	P										C		C	C
Employment Uses														
Home occupation.	R	R	R	R	R	R	R	R	R	R	R			
Office, limited						C	C	P	P	P	P	P	P	P
Office, small							C	P	P	P	P	P	P	P
Office, general									C	P	P	P	P	P
Office complex/ Campus										C	P	P	P	P
Commercial and Retail Uses														
Convenience retail, automobile (< 5K s.f.)								C			P	P	P	P
Convenience retail, corner store (< 2K s.f.)							C	P	P	P	P	P	P	P
Neighborhood retail (< 5K s.f.)									P	P	P	P	P	P
General retail (5K s.f.—20K s.f.)										P	P	C	P	P
Large-scale retail (20Ks.f.—100K s.f.)										C	P	C	P	P
Warehouse retail (> 100K s.f.)											P		P	P

[illegible]

Warehouse storage/Bulk storage	C													P	P
Wholesale														P	P
Agriculture and Natural Resource Uses															
Agriculture, Limited	R		R												
Agriculture, general	P														
Aquaculture	C														
Feed lot	C														
Natural resource extraction	C														
Nursery	P	C	C									P		P	
Stable, public	P											P		P	
Public Service Uses															
Air field	C	C	C	C											C
Heli-stop	C	C	C	C				C	C					C	C
Public parking lot						C	C	C	C	C	C	C	C	C	C
Public recreation grounds	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Public utility plant	C													C	C
Public utility sub-station	C	C	C	C	C	C	C	C	C	C	C	C		C	C
Cemetery	C										C	C		C	
Small wind energy systems	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Large scale wind generator (Wind farms	C													C	C
Telecommunication facilities and support structures	C							C	C	C	C	C		R	R

Key:

P = Permitted, allowed subject to general district standards

R = Restricted, allowed subject to specific use standards

C = Conditional, allowed subject to discretionary review

* Permitted use within the A District outside the City Limits, conditional use within A District within the City Limits.

(Ord. No. 4233-11/2009, [4309](#) -10/2011, [4347](#) -5/2013, [4354](#) -7/2013)

Sec. 34-103. - General definitions.

All words and phrases shall have their ordinary and customary meanings unless the context of the word or phrase indicates otherwise. The following terms shall have the meaning given below, unless the context of the use of the term clearly indicates otherwise based on the stated intent or other guidance associated with its use in a particular section of these regulations.

Abutting. Immediately adjacent and shall not include property separated by an alley or a street.

Accessory building. A subordinate building located on the lot occupied by the principal building and having a use customarily incident to the main use of the property. A building housing an accessory use shall not be considered an accessory building when it has any part of a wall in common with the principal building, or is under an extension of the main roof, and designed as an integral part of the principal building.

Accessory use. A use of a building or land which is customarily incident and subordinate to and located on the same lot as the principal use of the lot.

Acoustic rating. A measure of sound-deadening quality of a wall or ceiling-floor assembly.

Adjacent. Within close proximity, property separated by a street, alley, stream or other ownership physical separation between properties.

Adult. Any person 19 years of age or older.

Alley. A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Alteration. Any addition, removal, extension or change in the location of any exterior wall of a main building or accessory building.

Antenna, receiving. Any structure or device use for the purpose of receiving radio, television, radar microwave, or other broadcast signals.

Area, building. The total of areas taken on a horizontal plane at the main grade level of the principal and all accessory buildings or structures exclusive of steps.

Arterial street. A street designed and intended to carry traffic from residential and collector street systems to major highways. Arterials are designated by class on the official streets and highways plan.

Basement. That portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

Block. A piece or parcel of land entirely surrounded by public highways or streets, other than alleys and identified as such on a plat or other official document. In cases where the platting is incomplete or disconnected, the building inspector shall determine the outline of the block.

Broadcast or antenna tower. A structure for the transmission or broadcast of radio, television, radar, or microwaves which exceeds the maximum height permitted in the district in which it is located.

Building. A structure designed or intended for the enclosure, shelter, or protection of persons, animals, chattels, or property. Buildings connected by a breezeway shall be deemed separated buildings.

Building, height of. The vertical distance from the average elevation of the finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof. See Exhibit No. 1, Appendix A.

Building, principal. A building in which is conducted the main use of the lot on which the building is situated.

Camping trailer. A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

Campus. A ten-acre or larger tract of land that has been planned, developed and operated as an integrated group of buildings or structures with compatible supporting ancillary uses with special attention given to vehicular traffic circulation and parking, pedestrian access and movement, utility needs, and a consistent theme of aesthetics associated with buildings and grounds.

Caregiver quarters. A caregiver quarters shall mean an accessory residential structure located on the same lot or tract as the principal residence. Caregivers shall include nannies/caretakers/caregivers/servants of immediate family members, but shall not include other domestic workers.

Cellar. That portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

Collector street. A street designed and intended to carry traffic from residential street systems to arterial or major highway systems.

Common wall. A wall or walls extending from the basement or ground floor line of a building to the roof along a lot line, which lot line is common to an adjoining lot.

Comprehensive plan. The Comprehensive Development Plan of the City of Hastings.

Conditional use. A provision which allows for flexibility within the zoning district by permitting certain specified uses in zoning districts where such uses are generally considered appropriate, but only after additional controls and safeguards are applied to ensure their compatibility with permitted principal uses.

Court. An open, unoccupied space, other than a yard, bounded on three or more sides by exterior walls of a building, or by exterior walls of a building and lot lines on which walls are allowable.

Condominium. Individual ownership of a unit within a multi-unit structure, and an equal undivided interest in the common areas and lands associated with the structure.

Curb level. The mean level of the curb in front of the lot, or in case of a corner lot, along that abutting street where the mean curb level is the highest.

Density. The number of dwelling units per gross acre in any residential development.

District. A section or sections of either the City of Hastings or area within two miles thereof for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Dwelling. A building designed or the principal use of which is as living quarters providing independent and complete cooking, living, sleeping and toilet facilities for a single housekeeping unit.

Family. One or more persons immediately related by blood, marriage, or adoption and living as a single housekeeping unit in a dwelling shall constitute a family. A family may include, in addition, not more than five persons who are unrelated for the purpose of this title. The following persons shall be considered related for the purpose of this title:

- (1) A person residing with a family for the purpose of adoption.
- (2) Not more than six persons under 19 years of age, residing in a foster home licensed or approved by the State of Nebraska.
- (3) Not more than three persons 19 years of age or older residing with a family for the purpose of receiving foster or supervised care licensed or approved by the State or its delegate.
- (4) Any person who is living with a family at the direction of a court.

Fence. See Section 34-305 under supplementary district regulations.

Fifth-wheel trailer. A unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require a special highway movement

permit, of gross trailer area not to exceed four hundred thirty square feet in the setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

Flagpole. A flagpole shall mean a narrow extension of property which is attached to and constitutes a part of a flag lot, which property provides access from the public right-of-way to the buildable portion of the flag lot. A flagpole shall be at least 20 feet in width and must meet all requirements of the Fire Code of the City as a fire apparatus access road. When located in the City of Hastings, Nebraska, a flagpole shall be not more than 200 feet in length. When located outside the City of Hastings, Nebraska but within the zoning jurisdiction of said City, a flagpole shall be not more than 400 feet in length.

Flood plain. Those lands which are designated as flood plain on the official flood way boundary maps of the City of Hastings.

Floor area ratio. Floor area ratio is defined as the maximum gross floor area of a building on a lot or parcel, divided by the area of the lot or parcel. (F.A.R. of 2.0 provides for 28,000 gross sq. ft. of building on a lot with an area of 14,000 sq. ft.)

Grade. The average finished ground level adjoining the building at all exterior walls.

Gross area. The total site area, excluding bodies of water, to be included within a proposed development as indicated on a site plan.

Gross floor area. The total horizontal area of all of the floors of a building, measured from exterior to exterior including interior balconies, mezzanine, stairwells, elevator shafts and ventilation shafts, etc.

Gross leasable floor area. The total floor area designed for tenant occupancy and exclusive use; including basements, mezzanines and upper floors, if any, but excluding stairways, common hallways and mechanical equipment rooms, expressed in square feet measured from the centerline of joint partitions, and from the exterior surface of outside walls.

Height of yard or court. The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.

Landscaping. Landscaping shall mean that an area is predominately devoted to, and maintained for, the growing of trees, shrubbery, lawns and other plant materials.

Lot. A parcel of land occupied or to be occupied by one main building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this chapter, and, except for a flag lot as defined in this chapter, having its principal frontage upon a public street or approved place. A lot as used herein may consist of one or more platted lots, or tract or tracts, as conveyed or parts thereof, and shall include a flag lot.

Lot, corner. A lot abutting upon two or more streets, at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Building Inspector.

Lot, flag. A flag lot shall mean a lot which does not have the required frontage on a public street and which is located adjacent to a lot which does have the required frontage on a public street. A flag lot shall include a projection, or "flagpole", which connects the flag lot to the public right-of-way, which flagpole shall meet the requirements set forth in this chapter under the definition of flagpole. The flagpole on a flag lot need not meet the minimum lot width requirements set forth in these regulations, but the remaining portion of a flag lot, exclusive of the flagpole, must meet all lot width, front and rear yard setbacks and all other requirements the same as if it were not a flag lot.

Lot coverage of building. That percentage of the total lot area covered by buildings.

Lot, double frontage. A lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

Lot, interior. A lot whose side lines do not abut upon any street.

Lot depth. The mean horizontal distance from the front lot line to the opposite rear lot line.

Lot in separate ownership at the time of the passage of this chapter. A lot the boundary lines of which along their entire length touched lands under other ownership as shown by plat or deed recorded in the office of the Register of Deeds of the County on or before August 26, 1968.

Lot lines. The lines bounding a lot as defined herein.

Lot line, front. The boundary between a lot and the street on which it fronts, provided that for a flag lot, the front lot line shall mean the closet line which is approximately parallel to the public right-of-way or approved place, at the end of the flag pole farthest away from the public right-of-way.

Lot line, rear. The boundary line which is opposite and most distant from the front lot line; except, that in the case of uncertainty the building inspector shall determine the rear lot line.

Lot line, side. Any lot boundary not a front or rear line thereof. A side line may be a party lot line, a line bordering on an alley or place or a side street line.

Lot width. The distance between straight lines connecting front and rear lot lines at each side of the lot, measured between the midpoints of such lines, provided that such measurement shall not extend beyond the lot lines of the lot being measured.

Lot of record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds for Adams County on or before August 26, 1968 unless another date is specifically established in this chapter, provided that said lot has a frontage of not less than 50 feet; or, an irregular tract lot as described by a deed recorded with the Register of Deeds for Adams County on or before August 26, 1968 unless another date is specifically established in this title, provided that such lot is numbered and described by the county surveyor.

Lot, platted. A lot which is part of a subdivision the plat of which, or the appropriate permit for which, has been legally approved and recorded in the office of the Register of Deeds for Adams County.

Lot, transverse. A lot which is approximately at right angles to the general pattern of other lots in the same city block.

Mobile vendor. A transient business selling or delivering food or goods in the city with an approved temporary use permit (TUP) lasting for durations of 180 days or less. The Development Services Director or designee can grant time extensions to this duration on a case-by-case basis. This TUP must be renewed annually.

Motor home. A vehicular unit primarily designed to provide temporary living quarters which are built into an integral part of, or permanently attached to, a self-propelled motor vehicle chassis or van, containing permanently installed independent life-support systems that meet the state standard for recreational vehicles and providing at least four of the following facilities: Cooking; refrigeration or ice box; self-contained toilet; heating, air conditioning, or both; a potable water supply system including a faucet and sink; separate one-hundred-twenty-nominal-volt electrical power supply; or LP gas supply.

Non-commercial vehicles and equipment. The term non-commercial vehicles and equipment as applied in the residential off-street parking requirement sections of this Chapter shall include automobiles and pick-up trucks which are operated or owned by the residents of a dwelling and used in the course of their business or employment.

Nonconforming use, building or yard. A use, building or yard, which does not, by reason of design, use, or dimensions, conform to the regulations of the district in which it is situated. It is a legal nonconforming use if established prior to establishment of a zoning ordinance prohibiting the same.

Parking area. A structure or an open area other than a street, alley or other right-of-way for the temporary storage of automobiles, together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for an automobile, provided that there shall be no storage of automobiles for the purpose of sale or resale. The minimum dimensions of each parking space shall be eight and one-half by 20 feet.

Parking lot. A parking area with six or more parking spaces.

Parking space, off-street. A parking area located off any street, alley or other right-of-way which is adequate for parking an automobile with room for opening both doors and adequate maneuvering room on a parking area with access to public street or alley. See Exhibit No. 3, Appendix A.

Park trailer. A vehicular unit which meets the following criteria: 1) Built on a single chassis mounted on wheels; 2) Designed to provide seasonal or temporary living quarters which may be connected to utilities necessary for operation of installed fixtures and appliances; 3) Constructed to permit setup by persons without special skills using only hand tools which may include lifting, pulling, and supporting devices; and 4) Having a gross trailer area not exceeding four hundred thirty square feet when in the setup mode.

Place. An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.

Premises. A tract of land, consisting of one platted lot or irregular tract, or more than one platted lot or irregular tract, provided such lots or tracts are under common ownership and abutting each other.

Planned unit development. A use or combination of uses, the plan for which may not conform to the regulations established in any one or more zoning districts with respect to lot size, bulk, type of use, density, lot coverage, height or required open space for which a conditional use permit may be granted by the City Council.

Profession. An occupation or calling requiring the practice of a learned art through specialized knowledge based on a degree issued by an institute of higher learning, e.g. doctor of medicine, engineer, lawyer.

Property line. A demarcation line dividing a lot from other lots or parcels of land.

Recreational vehicle. A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which unit either has its own motive power or is mounted on or towed by another vehicle. Recreational vehicles shall include, but not be limited to, travel trailer, park trailer, camping trailer, truck camper, motor home, and van conversion, and fifth wheel, as defined in Nebraska Revised Statutes § 71-4603, as amended in 2012 from time to time.

Recreational vehicle, temporary use. A vehicle which is manufactured, constructed, or equipped primarily for use as a self-propelled home, house car, or mobile living quarters, capable of being legally operated on the highways, and containing permanently installed essential living facilities for intermittent or longer-term temporary stays of up to 180 days or more. This term shall not include any towed utility trailer, camping trailer, truck camper, van conversion nor shall it include any vehicle defined in the license and registration laws as an automobile or passenger. Types of recreational vehicles that would be capable of attaining a temporary use permit (TUP) are fifth wheel trailers, motor homes, park trailers and travel trailers. All recreational vehicles being allowed for longer-term temporary stays of up to 180 days or more in mobile home parks and/or Recreational vehicle parks must apply for a TUP and demonstrate an economic development need for such use as stipulated in Section 34-404 (14). A TUP will last for durations of 180 days. The Development Services Director or designee can grant time extensions to this duration on a case-by-case basis. A TUP is an annual permit and must be renewed yearly.

Recreational vehicle park. A lot or parcel of land designated for legal use as a campground and/or recreation vehicle park on which two or more recreational vehicles are parked, or any lot or parcel of land on which unoccupied recreational vehicles, camping trailers, recreational park trailers or campers, whether new or used, are parked for the purposes of inspection, sale, storage or repair.

Residential street. A street designed and intended to serve residential areas. Residential streets feed traffic into collector and arterial street systems.

Restaurant. A place where people pay to sit and eat meals that are cooked and served on the premises.

Sign. Any lettered or pictorial device designed to inform or attract attention including but not limited to the following:

- (1) *Sign, surface area.* The entire areas within a parallelogram triangle, circle, semicircle or other geometric figure, including all of the elements of the matter displayed, but not including black masking, frames, or structural elements outside the advertising elements of the sign and bearing no advertising material.
- (2) *Indirectly illuminated sign.* Any sign which is partially or completely illuminated at any time by a light source which is so shielded as to not be visible at eye level.
- (3) *Semi-illuminated sign.* Any sign located on a building, which building face is uniformly illuminated over its entire area, including the area of the sign, by use of electricity or other artificial light. Semi-illuminated signs shall be permitted in any location where illuminated signs are permitted.
- (4) *Detached sign.* Any sign located on the ground or on a structure located on the ground and not attached to a building.
- (5) *Wall sign.* Any sign attached to and erected parallel to and within one foot of the face or wall of building, including signs painted on the walls of the buildings.
- (6) *Roof sign.* Any sign erected, constructed and maintained wholly upon or over the roof of a building and having the roof as a principal means of support.
- (7) *Projecting sign.* Any sign extending more than one foot from the face of the building to which it is attached. A time and temperature instrument mounted on the face of a building shall be included in this definition.
- (8) *Snipe sign.* Any sign of a material such as cardboard, paper, pressed wood, plastic or metal which is attached to a fence, tree, utility pole or temporary structure, or any sign which is not securely fastened to a building, or firmly anchored to the ground.
- (9) *Marquee sign.* Any sign attached flat against the marquee or permanent sidewalk canopy of a building, or suspended under a marquee or sidewalk canopy, and extending downward not more than 12 inches therefore.
- (10) *Poster panel or billboard.* An illustration of approximate dimension of 12 feet by 24 feet or multiples thereof, mounted on a semi- permanent structure, and depicting information not directly related to the property upon which it is placed.
- (11) *Attention attracting device.* Any flasher, blinker, animation, banner, clock or other object designed or intended to attract the attention of the public to an establishment or to a sign.

Spot zoning. Arbitrary and unreasonable zoning when smaller area is singled out of a larger area or district and specially zoned for a use classification totally different and inconsistent with the classification of surrounding land and not in accordance with the Comprehensive Plan.

Story. That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four feet above the curb level, established or mean street grade, or average ground level, as mentioned in "height of buildings" of this section.

Story, half. A story under a gable, hip, gambrel or mansard roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

Street. A thoroughfare which affords principal means of access to property abutting thereon.

Street line. The dividing line between the street and the abutting property.

Street centerline. A line midway between street lines.

Street commercial area. A developed business frontage along a street and no more than 200 feet in depth from the front property line.

Structural alterations. Any alteration involving a change in or addition to the supporting members of a building, such as bearing walls, columns, beams or girders.

Structure. Anything which is constructed or erected and located on or under the ground, or attached to something fixed to the ground.

Travel trailer. A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use of such size or weight as not to require special highway movement permits when towed by a motorized vehicle and of gross trailer area less than four hundred thirty square feet.

Temporary Structure. Means any structure designed, constructed, installed and/or intended to be dismantled by the Contractor, including (but not limited to) a shed, booth, building or enclosure of any kind used for commercial or business purposes and which any person or business intends to place on the same lot with or on any lot adjacent to, any permanent structure used for business or commercial purposes. These structures will require location on the ground or attachment to something having a temporary, non-permanent location on the ground; and may be associated with, and ancillary to, a temporary use with a permit for durations of 180 days or less. The Development Services Director or designee can grant time extensions to this duration on a case-by-case basis.

Truck camper. A portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides and designed to be loaded onto and unloaded from the bed of a pickup truck.

Usable open space. Open space within a proposed development site excluding areas devoted to roadways and parking. At least one-half of all areas designated as usable open space shall have a slope of less than 20 percent.

Van conversion. A completed vehicle permanently altered cosmetically, structurally, or both which has been recertified by the state as a multipurpose passenger vehicle but which does not conform to or otherwise meet the definition of a motor home in this section and which contains at least one plumbing, heating, or one-hundred-twenty-nominal-volt electrical component subject to the provisions of the state standard for recreational vehicles. Van conversion does not include any such vehicle that lacks any plumbing, heating, or one-hundred-twenty-nominal-volt electrical system but contains an extension of the low-voltage automotive circuitry.

Yard. A required open space on the same lot unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, front. A yard extending the full width of the lot across the front of a lot adjoining a public street.

Yard, interior side. A side yard which is not adjacent to or bordered by a street, avenue or other public right-of-way.

Yard, rear. A yard between the rear lot line and the rear line of the main building and the side lot lines.

Yard, side. A yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.

(Ord. No. 4233-11/2009, [4398](#) -7/2014 and [4418](#) -12/2014)

Smittys MHP LLC
820 S. Pine Avenue
Hastings Ne, 68901
manager@smittysmhp.com
402-588-0880

7/15/2021

To Whom it may concern and all other interested parties,

My name is Stephanie Ganow-Guthrie, I am the Community Property Manager at Smittys Mobile Home Plaza. I have only had the pleasure of being the Manager here for just a short amount of time, but in that time, I feel as though I am getting to know the community of Hastings and many of the leaders that represent this wonderful community.

Here at Smittys MHP, we have just over 80 open lots that do not have any mobile homes on them. Please understand that as a Property Manager I do have every intention to fill most all those spaces with permanent homes, however there is a shortage of new mobile/manufactured homes for us to purchase and bring into this community for permanent housing.

Over the last two months I, as the property manager have received close to 20 phone calls and 15 in person visits from out-of-town visitors inquiring about available living arrangements within the community of Hastings. Most all these inquiries are from prospective and or current employees of either the Ethanol Plant or the Turbines that are going up outside of Campbell. Both parties state that their will be over 800 people over the next 6 months needing housing. This is a small village within itself.

Currently Smittys MHP does not have a permit for RV spaces. By allowing properties like Smittys MHP and other companies to provide a service to individuals with RV's or Campers, that are working in and around our community would not only benefit those indivual properties, but it would benefit the Community as a whole. These companies who plan to bring their employees here will be able to boost our local economy, by shopping and dining out here.

From my understanding while speaking with many of the prospective/current employees they are needing housing from now until November or December. While I currently do not have any of these currently in the community I manage, I would certainly be opened to welcoming as many as the city of Hastings would allow for me to accommodate.

If you have any comments, questions, or concerns regarding my letter, please feel free to reach out to me, either by phone or email. I do appreciate your time while reviewing and considering this matter.

With the upmost Sincerity,



Stephanie Ganow-Guthrie