

HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission has been scheduled for Tuesday, August 17, 2021 at 4:00 PM in the Hastings Public Library, 314 N Denver Ave.

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 Saturday, August 14, 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. July 20th, 2021
7. Special Order of Business
8. Unfinished Business
9. Public Hearings.
 - a. **2021-040.** Public hearing for a change of zoning for a portion of unplatted property generally located east of Lakepark Lane and north of 38th Street from "CP-3, Commercial Business Planned" to "R-1, Urban Single Family Residential", and to amend the Official Zoning District Map.

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone a portion of unplatted property generally located east of Lakepark Lane and north of 38th Street from "CP-3, Commercial Business Planned" to "R-1, Urban Single Family Residential".
 - b. **2021-044.** Public hearing to recommend a request for amended and restated Plan Modification No. 2020-5 to Redevelopment Area Number 13, Theatre District Redevelopment Project, for the following collective property, to wit: Lots 1-8, Block 1, and Lots 1-4, Block 2, Theatre District Subdivision, Hastings, Adams County, Nebraska.
 - c. **2021-041.** Public hearing to recommend approval for a CUP resolution for Hastings Tribune and the assembly, neighborhood use of a meeting area for events held by various community organizations, and civic parties and groups within an existing structure commonly addressed as 908 W 2nd Street, City of Hastings, Adams County, Nebraska.

Motion to recommend approval of a CUP resolution for Hastings Tribune and the

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assembly, neighborhood use of a meeting area for events held by various community organizations, and civic parties and groups within an existing structure commonly addressed as 908 W 2nd Street, City of Hastings, Adams County, Nebraska.

- d. **2021-039.** Public hearing for a change of zoning for Shipping Ventures Hastings LLC, Lots 14, 15, and 16, Block 15 of Veith's Park Addition, City of Hastings, Adams County, Nebraska from "R-1, Urban Single Family Residential" to "I-2, Heavy Industrial" and to amend the Official Zoning District Map.

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone Lots 14, 15, and 16, Block 15 of Veith's Park Addition, City of Hastings, Adams County, Nebraska from "R-1, Urban Single Family Residential" to "I-2, Heavy Industrial".

10. Subdivisions

11. Reports

Adjourn

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Tuesday, July 20, 2021

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the Hastings Public Library, Conference Room B, 314 N Denver Ave, Hastings, Adams County, Nebraska, on July 20, 2021.

The meeting was called to order at 4:06 p.m. in Regular Session by Chair Gaines with the following members present: Ann Hinton, LaDaun Schoenhals, Lou Kully, Marshall Gaines, Willis Hunt, Jacque Cranson, Michelle Lewis. Absent: Rakesh Srivastava, Greg Sinner, Gavin Raitt absent by resignation.

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

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

Public Notice - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, July 16, 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 Schoenhals, seconded by Hinton, to approve the minutes of the June 15, 2021, Planning Commission Meeting. Roll Call: Ayes: Hinton, Schoenhals, Kully, Gaines, Hunt, Cranson, and Lewis, Nays: None. Absent: Srivastava and Sinner.

1.Special Order of Business. a. Election of Second Vice-Chair.

Moved by Kully, seconded by Hunt, to nominate Greg Sinner as Second Vice Chair. Greg Sinner was elected by unanimous vote.

8. Unfinished Business

a. Continued Applications

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 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.

Joe and Nikayla Kindig, 780 East 26th Street, Hastings, Nebraska 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 tree 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 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 owner 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 20 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 Clerk's 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 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.	All requirements will be met and appropriate conditions have been incorporated as conditions of this CUP.

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.

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.

Lisa Parnell-Rowe explained the agenda item.

Hunt questioned if this assembly is not approved, will the Kindigs build a barn. The proposed motion involves both items.

Lisa, concurred that the Planning Commission can make a motion on the existing nursery use or the existing nursery use plus assembly of the Christmas tree farm.

City Attorney Schukei stated the Commission can treat the building as one and the assembly use as separate motions.

Hunt commented that most objections were not tearing down the old barn and constructing a new barn. The objections are of the use of the new structure. If the structure is for the tree farm, there are no objections.

Cranson asked, is it feasible to build a new barn and just use it for three weeks?

Joe Kindig, 200 W. 7th St., Hastings, Nebraska stated he and his wife would operate the Pine Patch the same as the previous owners. First priority is tree farm. They would like to buy the Glass house in the near future and live on site. He suggested having small gatherings such as bridal or baby showers.

Roger Duerling, 880 E. 26th St., Hastings, Nebraska stated he has no problem with Mr. Kindig building the same size of structure as what is existing. 26th Street and Elm Avenue are very busy for ingress/egress. He also did not like the early morning and late evening hours of mowing.

Constance Gendville-Keen, 815 E. 26th Street, Hastings, Nebraska, questioned the use of a tree farm in the R-1 zoning district and Mr. Kindig's proposed uses for the property. She would like the seasonal use of the property to continue.

Juan Boner, 2510 N. Elm Ave., Hastings, Nebraska, stated the map of the tree farm was incorrect.

Jeb Brant, 725 W. 2nd St., Hastings, Nebraska, was encouraged by the fact that Mr. Kindig wants to be a part of and invest in the community. He spoke about Mr. Kindig's willingness to work hard and be responsible.

Kully moved, seconded by Schoenhals, to recommend to the Mayor and City Council approval of a Conditional Use Permit Amendment for Pine Patch Second Subdivision to allow for the construction of a new barn for use with the existing CUP and the added use of neighborhood assembly for other special events throughout the year.

Hinton questioned the dates for the Pine Patch at Christmas time. She suggested the time to be amended to sell up to Christmas Day in the Conditional Use Permit, instead of Friday after Thanksgiving to December 20th.

City Attorney Clint Schukei explained how a customer would come to the Pine Patch in November, tag a tree, and come back the weekend of Thanksgiving to pick up the tree.

Kully amended his motion to allow Mr. Kindig to amend his narrative to adjust the timeframe of the Pine Patch.

Cranson concurred with Jeb Brant. It is a new business and that is important to the City of Hastings.

Lisa clarified that the proposed building size is 28' x 46' sq. ft. She also stated the speed of traffic on 26th Street has been discussed.

City Attorney clarified there has been a couple of references of meeting on site. The visit was publicly noticed for 3:30 on site to orient members to the site.

Kully moved to amend his original motion to include allowing Mr. Kindig to amend his narrative to the City Council to include altering the hours of business from November 1st until December 23, seconded by Hinton. Roll Call: Ayes: Hinton, Schoenhals, Kully, Gaines, Hunt, Cranson, Lewis, Nays: None, Absent: Srivastava and Sinner.

Schoenhols moved, seconded by Cranson, to recommend to the Mayor and City Council to include the amendment in the original motion. Roll Call: Ayes: Hinton, Schoenhals, Kully, Gaines, Cranson, Lewis, Nays: Hunt. Absent: Srivastava and Sinner.

1. Public Hearings.

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 Street, Hastings, Nebraska.

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 tree line. 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 Nabity, 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 effect 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.

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.

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

Lisa Parnell-Rowe explained the agenda item.

Richard Thompson, 302 E. 26th St., Hastings, Nebraska, owner of the campground Terick LLC thanked the City for the consideration of the extended stay. He explained that a lot of the workers for the Whelan plant stayed at the campground for 2 ½ years. Workers are now calling for the bio-diesel plant and the wind farms. Three long-term residents are on disability. He expressed his concern for someone to leave after 180 days and find a place for 3 days before returning. Mr. Thompson stated he did not know for years there was a Conditional Use Permit on this property.

Marie Law, 302 E. 26th St., Site 36, Hastings, Nebraska is a long-term resident of the campground and also a City employee. She stated the average rent in Hastings is \$700 - \$1500, do not allow pets and substandard housing. The RV industry has changed since this CUP was written in 1994, over 26 years ago. Nearly one-half million RV owners live in their RV's full time in the United States. Limiting the stay time to less than 2 weeks or 6 months is impractical.

Moved by Lewis, seconded by Kully, to recommend approval to the Mayor and City Council a 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.

Lewis stated she was happy this came back to the Commission. It is all about economic development and growing Hastings. She asked if the Temporary Use Permit would affect stays?

Lisa explained TUP's are only for construction crews.

Mr. Thompson stated he is the only campground operating in the winter.

Chair Gaines asked for the vote. Roll Call: Ayes: Hinton, Schoenhals, Kully, Gaines, Cranson, Lewis, Hunt. Nays: None. Absent: Srivastava and Sinner.

Commissioner Hunt asked to the excused.

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.

The proposed Code amendment is to add a 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 added 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 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 not 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.

Lisa Parnell-Rowe explained the agenda item.

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

Lisa explained the transition plan for inspections with the resignation of Mark Evans as Building Inspector.

Moved by Schoenhals, seconded by Hinton to adjourn the meeting.

Chairman

Department: Development Services
Staff Contact: Lisa Parnell-Rowe
Planning Commission Meeting Date: 8/17/2021
File No: 2021-040
Prepared By: Emilia Kienbaum, Administrative Assistant

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing for a change of zoning for a portion of unplatted property generally located east of Lakepark Lane and north of 38th Street from "CP-3, Commercial Business Planned" to "R-1, Urban Single Family Residential", and to amend the Official Zoning District Map.

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone a portion of unplatted property generally located east of Lakepark Lane and north of 38th Street from "CP-3, Commercial Business Planned" to "R-1, Urban Single Family Residential".

Names of People/Business affected by this action:

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

Why Planning Commission action is required:

Neb. Rev. Stat. 19-902 provides the city council shall receive the advice of the planning commission before taking definite action on any contemplated amendment, supplement, change, modification, or repeal, and no such regulation, restriction, or boundary shall become effective until after separate public hearings are held by both the planning commission and the city council in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be given by publication thereof in a legal newspaper in or of general circulation in such municipality at least one time ten days prior to such hearing.

Type of action requested:

Motion

Suggested motion:

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone a portion of unplatted property generally located east of Lakepark Lane and north of 38th Street from "CP-3, Commercial Business Planned" to "R-1, Urban Single Family Residential".

Deadlines associated with action:

This rezone will also be reviewed by City Council at their September 27, 2021 Regular Meeting.

Department head comments:

Surrounding zoning is as follows:

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

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

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

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

Our applicant, Mr. Dennis Engel, has submitted his preliminary plat and a final plat with addition to City. These cases are all expected to be presented in the near future once appropriate revisions have been received. The applicant needs more time to revise the plats to better address drainage revisions that are necessary for these developments to add more lots into the City as an addition to the City and to move forward with additional residential construction.

This area encompasses the northeastern portion of unplatted and preliminary-proposed Block 13, lots 8-19 in the original Preliminary Plat that was approved in 2005, and surrounds the Meadow Lane cul-de-sac generally located east of Lakepark Lane and north of 38th Street. Currently, this area is zoned CP-3, Commercial Business District with Planned District Overlay. This area was rezoned to CP-3 by mistake in Ordinance No. 4587 on April 22nd 2019. In reviewing the current zoning for this stretch of land to Mr. Engel's concept for housing that will be placed here staff came to understand that the homes to be placed in this block are a best fit for meeting R-1, Urban Single Family Residential home zoning requirements. In fact, the most recent approved version of Preliminary Plat (approved in 2005) did actually indicate that this area was anticipated to be R-1. In discussing this matter further with the applicant there appears to have been a mis-interpretation on the part of my predecessor of how much of this area should be included in that rezone. This rezone is intended to correct this error so that when the Final Plat does get processed the appropriate zoning will be in place. This rezone is intended to correct this error so that when the Final Plat does get processed the appropriate zoning will be in place.

Recommendation:

Staff recommends motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone a portion of unplatted property generally located east of Lakepark Lane and north of 38th Street from "CP-3, Commercial Business Planned" to "R-1, Urban Single Family Residential".



Permit #: 21040

Permit Date: 07/06/21

Permit Type: Zoning Change (Rezone)

Title: Cimarron Meadows (Sunset) Sunrise Circle

Site Address:

Owner Name: Dennis Engel

Owner Address: 3405 S Valley Rd

City State Zip: Hastings, NE 68901

Owner Phone: 402-461-8256

Owner Email: dennisengel66@ymail.com

Applicant Name: Dennis Engel

Applicant Address: 3405 S Valley Rd

City, State, Zip: Hastings, NE 68901

Phone Number: 402-461-8256

Applicant Email: dennisengel66@ymail.com

Proposed Use:

Description:

Number of Cases: 0

Project Cost: 0

Square Feet: 0

Within City Limits: Yes

Current Zoning: CP-3 Commercial Business Planned

Current Zoning Explained:

Proposed Zoning: R-1, Urban Single Family Residential

Conditions:

Conditions Defined:

1st PN & Agenda Send By (11:30): 07/07/2021

1st PN & Agenda Due Date: 07/07/2021

1st PN & Agenda Sent:

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

2nd PN & Agenda Due Date:

2nd PN & Agenda Sent:

Sign / Website Posting - Post By: 07/08/2021

Sign / Website Posting - Posted:

APO Letter - Send By: 07/09/2021

APO Letter - Sent:

PC Approval - Date Approved:

PC Outcome Letter - Due: 07/21/2021

PC Outcome - Completed:

CRA Approval - Meeting Date:

CRA Approval - Approved:

CC Packet - Goal Load Date: 08/03/2021

CC Packet - Due Date: 08/03/2021

CC Packet - Completed:

CC Out/Admin Due Date: 08/10/2021

CC Out/Admin - Completed:

Stage: Pending PC Approval

Status: Open

Assigned To: Lisa Parnell-Rowe

Property

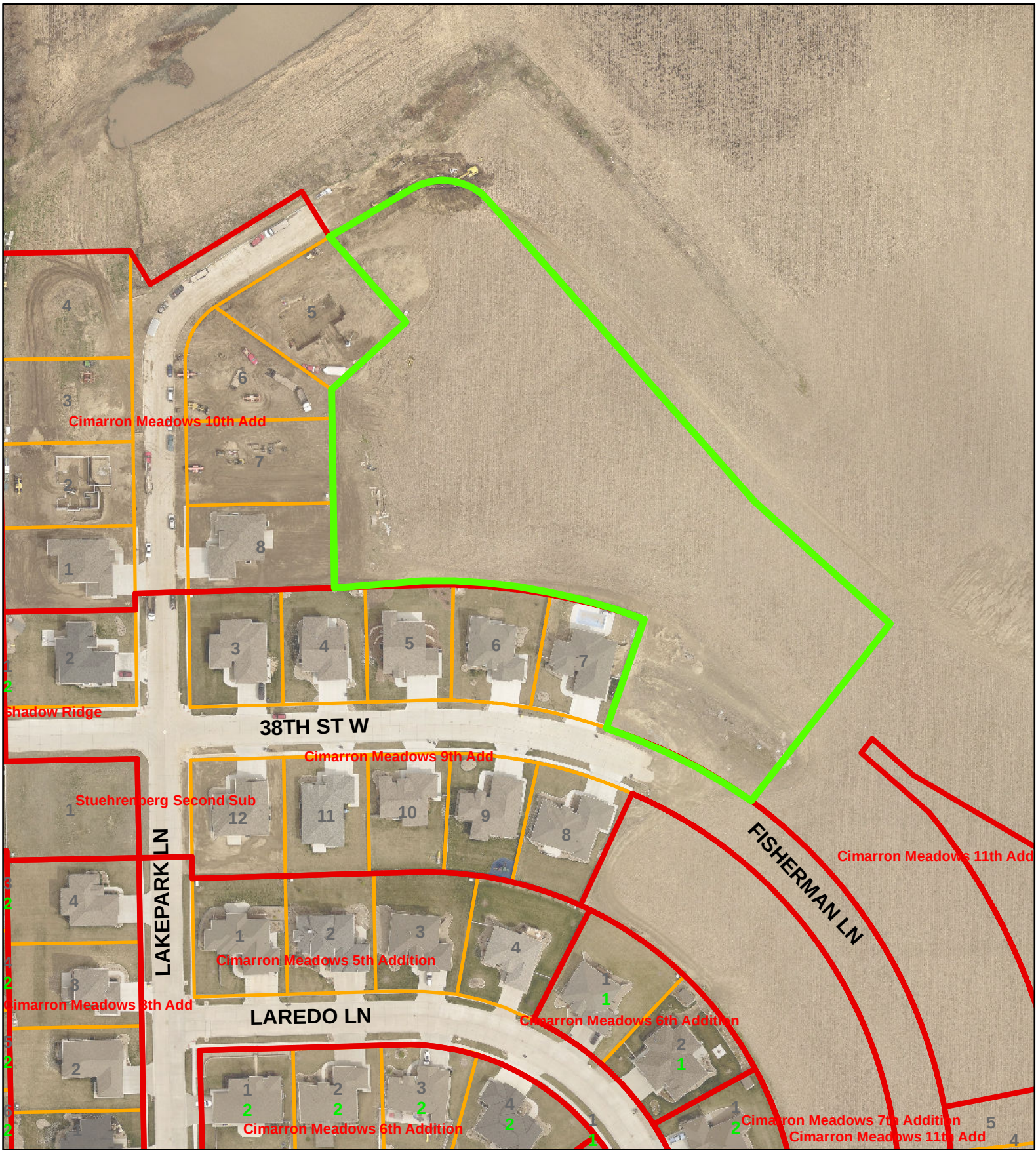
Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
010017305			ENGEL CONSTRUCTION INC		

Uploaded Files

Date

File Name

07/06/2021	9171434-TRACT #3FINAL LEGAL.docx
07/06/2021	9171435-TRACT #3w LS review.docx
07/06/2021	9171436-CimarronRezone_062021.pdf
07/06/2021	9171437-Sunrise Circle Area.PNG
07/06/2021	9171433-TRACT #3.docx



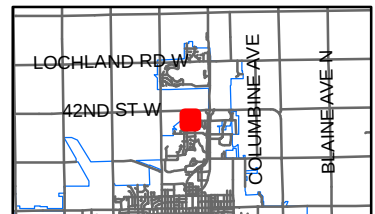
Legend

Notes

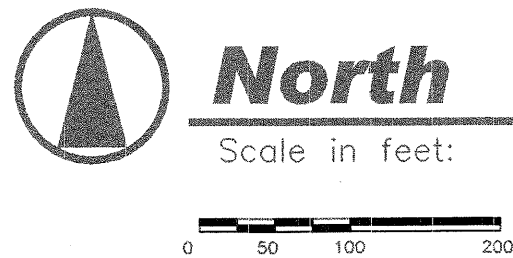
- Property to be Rezoned
- Subdivision
- Legal Lots

Rezone to R-1 from CP-3

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



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



CIMARRON MEADOWS

PRELIMINARY PLAT

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

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

Underground Electric
Gas
Sewer
Water



MAYOR AND CITY COUNCIL ACTION

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

CITY CLERK

MAYOR

CITY PLANNING COMMISSION RECOMMENDATION

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

SIGNED THIS _____ DAY OF _____, 2005.

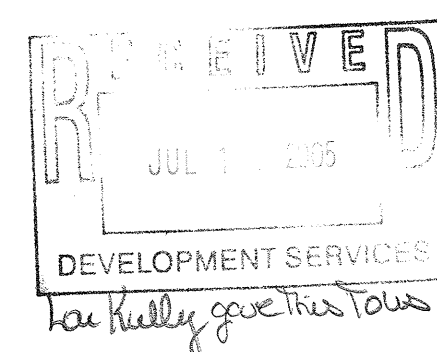
CHAIRMAN

DIRECTOR OF PLANNING

LEGAL DESCRIPTION

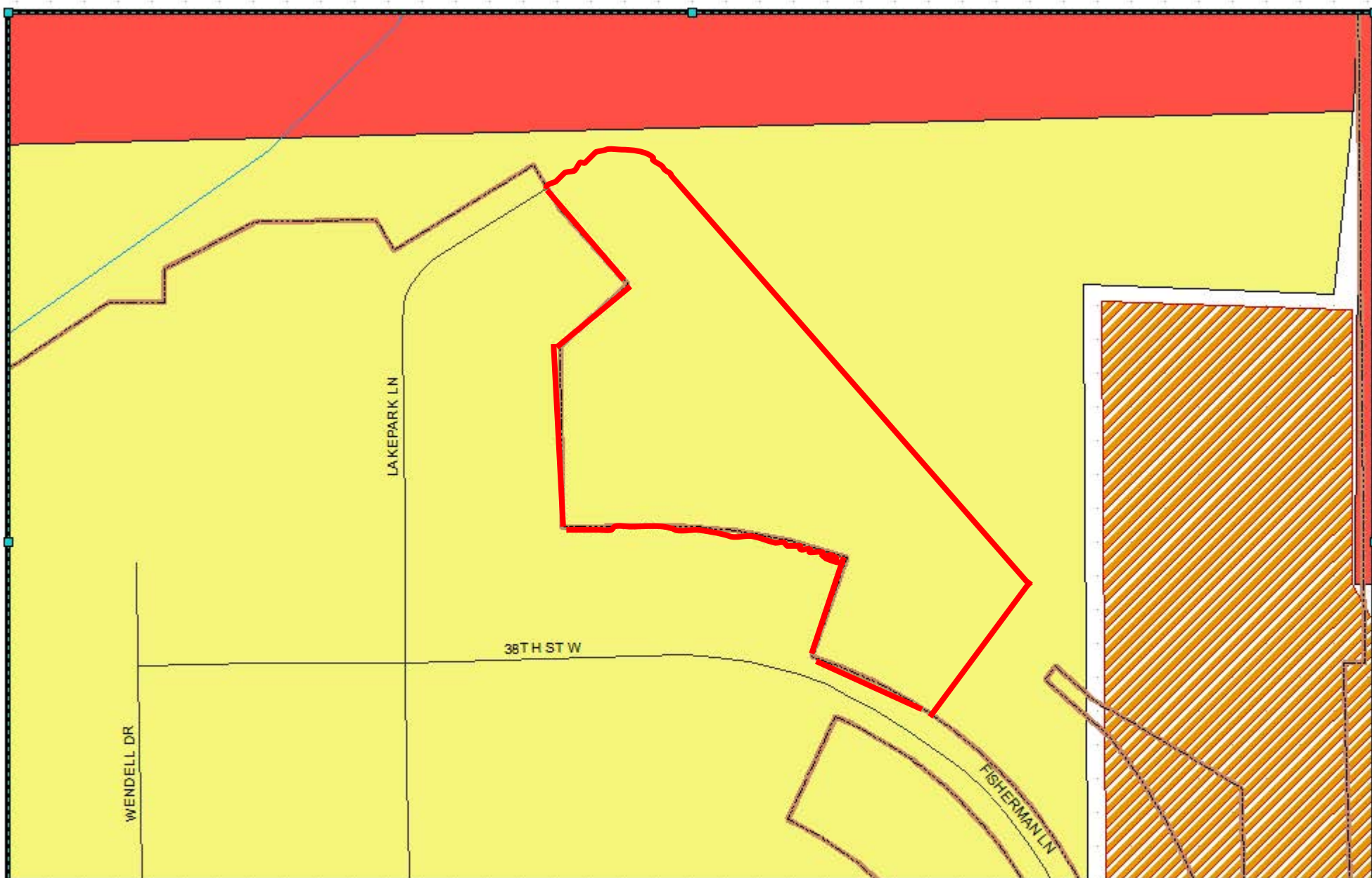
A TRACT OF LAND IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 36, TOWNSHIP 8 NORTH, RANGE 10 WEST OF THE 6TH P.M., ADAMS COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID NE 1/4; THENCE ON AN ASSUMED BEARING OF S89°19'14"E ALONG THE NORTH LINE OF SAID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

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



ENGEL CONSTRUCTION CO.
Design Homes of Distinction Construction

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



Future Land Use

City of Hastings, Nebraska

0 65 130 260 Feet

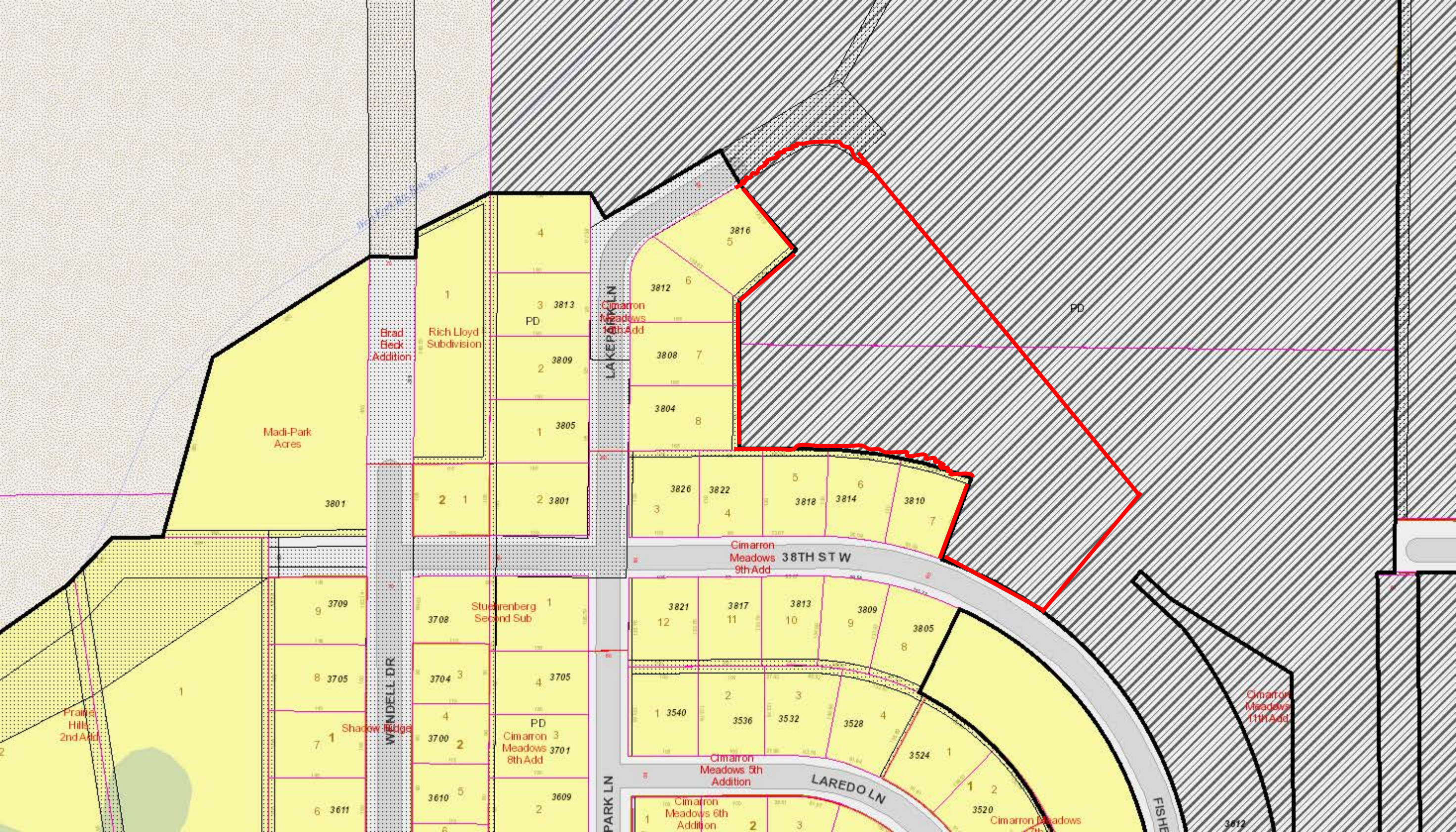


Land Use:

- 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: 8/17/2021
File No: 2021-044
Prepared By: Emilia Kienbaum, Administrative Assistant

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing to recommend a request for amended and restated Plan Modification No. 2020-5 to Redevelopment Area Number 13, Theatre District Redevelopment Project, for the following collective property, to wit: Lots 1-8, Block 1, and Lots 1-4, Block 2, Theatre District Subdivision, Hastings, Adams County, Nebraska.

Names of People/Business affected by this action:

The applicant, the people of Hastings, the Community Redevelopment Authority, and the City.

Why Planning Commission action is required:

Prior to recommending a redevelopment plan to the governing body for approval, an authority shall submit such plan to the planning commission or board of the city in which the redevelopment project area is located for review and recommendations as to its conformity with the general plan for the development of the city as a whole. The planning commission or board shall submit its written recommendations with respect to the proposed redevelopment plan to the authority within thirty days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission or board or, if no recommendations are received within such thirty days, then without such recommendations, an authority may recommend the redevelopment plan to the governing body of the city for approval (N.R.S. 18-2112).

Type of action requested:

Motion

Suggested motion:

Not applicable

Deadlines associated with action:

This case will be presented for final approval at the September 27, 2021 regular City Council meeting.

Department head comments:

Theatre District, LLC has purchased property at 3101 West 12th Street. The demolition portion of the main Imperial Mall Structure has been completed. Also as part of Phase 1 of this project, there will be façade renovation, repurpose and remodel the remaining K-Mart & Sunmart structures;

construction of a 78-dwelling unit multi-family structure geared at living for 55 and older on Lot 3 of Block 1; development of a new 9000-SF flex building on Lot 8 of Block 1; and construction of the new public street identified as Theatre Drive. There are also plans for additional outlying lots, where a variety of commercial uses are proposed, from retail to grocery, in order to create a mixed neighborhood community atmosphere. All of this will be done in a few separate phases, as well as renovation of the former theatre and construction of the second multi-family apartment building.

The applicant intends to continue to utilize Tax Increment Financing (TIF) to aid with structure rehabilitation, façade enhancements, architectural, engineering and planning costs, which is consistent with the 2013 Downtown Revitalization Plan and the Hastings Housing Study of 2021 and HEDC's goal to increase workforce housing in the community. The needs for housing have been more recently expressed also in the 2019 Hastings Housing Survey where many participants stated a desire to add additional housing for those downsizing and desiring a final place to reside that would require less maintenance. Total project costs for Phase One of this project are in excess of \$16,500,000 which includes the costs of demolition of \$500,000; site preparation /grading and street/utility construction of \$1,970,000.00. The anticipated project valuation upon completion of all phases is anticipated at \$6,850,000 and the developer anticipates an incremental valuation increase of approximately \$6,510,000.

The amended and restated Plan Modification makes some adjustments to dollar figures, particularly for critical infrastructure grading and public street/utility construction. It also updates information by better breaking it out into phases, as well as what is residential versus commercial. There were also some changes in the number of dwelling units anticipated for each apartment building (75 to 78 units).

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

Plan Modification 2020-5 (amended and restated), attached, details further information.

Recommendation:

Recommend a motion to recommend approval of a resolution for amended and restated Plan Modification #2020-5 for Redevelopment Area Number 13, Theatre District Redevelopment Project, for the following collective property, to wit: Lots 1-8, Block 1, and Lots 1-4, Block 2, Theatre District Subdivision, Hastings, Adams County, Nebraska

REDEVELOPMENT PLAN #13

FIRST AMENDED AND RESTATED

PLAN MODIFICATION NO. 2020-5 (Theatre District Redevelopment Project)

The Community Redevelopment Authority (CRA) of the City of Hastings intends to amend and restate the Plan Modification No 2020-5 approved by the City Council of the City of Hastings on December 14, 2020 via Resolution 2020-65. The Plan Modification No. 2020-5 modifies the Redevelopment Plan for Area #13 within the city, pursuant to the Nebraska Community Development Law (the "Act") and provide for the financing of the phasing of a specific redevelopment project in Area #13.

Executive Summary:

Project Description

THE PROJECT CONSISTS OF REDEVELOPMENT OF THE PROPERTY LOCATED SOUTH OF 12TH STREET AND WEST OF MARIAN ROAD AND IS THE FORMER SITE OF THE IMPERIAL MALL AND THE IMPERIAL THEATRE. THE PROPERTY WILL BE ACQUIRED, BLIGHTED STRUCTURE DEMOLISHED INFRASTRUCTURE INSTALLED AND THE REDEVELOPER WILL CONSTRUCT A MULTI-PHASE MIXED-USE PROJECT.

The legal description of the Redevelopment Project Area is:

Lots 1-8, Block 1, and Lots 1-4, Block 2, Theatre District Subdivision, Hastings, Adams County, Nebraska

a. Phase One:

The Redeveloper shall undertake the redevelopment project on a phased basis and the Phase One Project shall consist of the following:

- The demolition of the existing mall structure as shown on the survey of the current improvements which was completed in the Spring of 2020
- The construction of a new public street identified as "Theatre Drive" which was dedicated to the City of Hastings and traverses the project site to improve the access as depicted on the Site Plan;
- The development of a 78-dwelling unit multifamily housing project on Lot 3, Block 1 targeted for residents at age 55 and over, which qualifies as a "Workforce Housing" project under the Nebraska Community Development Law;
- The façade renovation of the former Kmart building located on Lot 1, Block 1 and construction of a parking lot in compliance with the Hastings parking requirements to attract tenants and users for a re-use of the structure
- The façade renovation of the former SunMart building on Lot 4, Block 1 and construction of a parking lot in compliance with the Hastings parking requirements into a multi-tenant building providing needed neighborhood services.
- The development of a new 9,000 square foot flex building on Lot 8, Block 1 containing retail and/or office uses to provide additional neighborhood services.

The interior renovation of the former Kmart and Sunmart buildings may occur as subsequent subphases following the development of the multifamily component of the Phase One project although it is intended

to complete the exterior renovation of such buildings to set the stage for the development. The creative use of the establishment of “Effective Dates” shall be required to be further defined in the Redevelopment Agreement.

- b. The Second Phase is envisioned to be a second multifamily structure containing another approximately 78 dwelling units, the timing of which will depend on the absorption and stabilization of the occupancy of the building developed in Phase One
- c. Subsequent phases of the Project could include the development of the peripheral pad sites into a Mixed-Use center to provide locations for retail, hospitality and other neighborhood support services. As shown on the Site Plan, such uses could include a re-use/renovation of the former theatre building; a coffee kiosk; office use; small grocery; and restaurant uses

The Redeveloper envisions some flexibility on the timing of the implementation of the various phases and components of the Project. Such an approach may require the establishment of staggered or varied Effective Dates for the Tax Increment Financing of the phases and subphases of the Project in the Redevelopment Agreement

The Redeveloper shall utilize Tax Increment Financing to aid in the acquisition, demolition, site preparation, infrastructure expenses and related construction costs associated with the purchase and development of this mixed-use project which shall include the workforce housing on the Project site which will be further subdivided to accommodate the separate ownership and phasing of the Project.

The Project shall utilize the benefits of the Nebraska Community Development Law, including the use of tax increment financing for eligible costs of the Project which shall include, but not be limited to:

- Site acquisition costs for the individual phases and subsequent projects;
- Demolition of the blighted and substandard structures and related parking lots;
- Site preparation including grading and stormwater improvements;
 - The installation of public infrastructure which shall include a new public street and the extension of necessary public utilities;
 - Building enhancements including façade improvements to assist in the prevention of future blight conditions and energy enhancements to make the structures more energy efficient; and
 - The development of workforce housing in accordance with the requirements of the Nebraska Community Development Law.

The Project will encounter these costs at this Redevelopment Area and this Project is not financially feasible without the use of tax increment financing. This Project will not occur as presently designed without the use of tax increment financing.

TAX INCREMENT FINANCING TO PAY FOR THE ACQUISITION OF THE PROPERTY AND INSTALLATION OF SEWER, WATER AND PAVING WILL COME FROM THE FOLLOWING REAL PROPERTY:

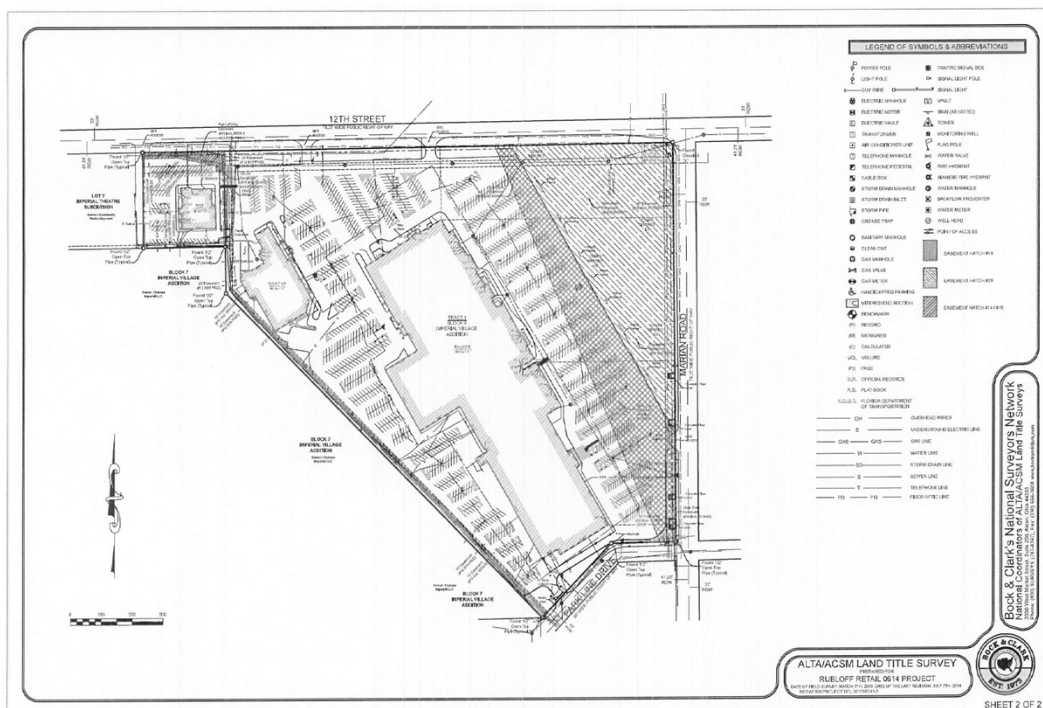
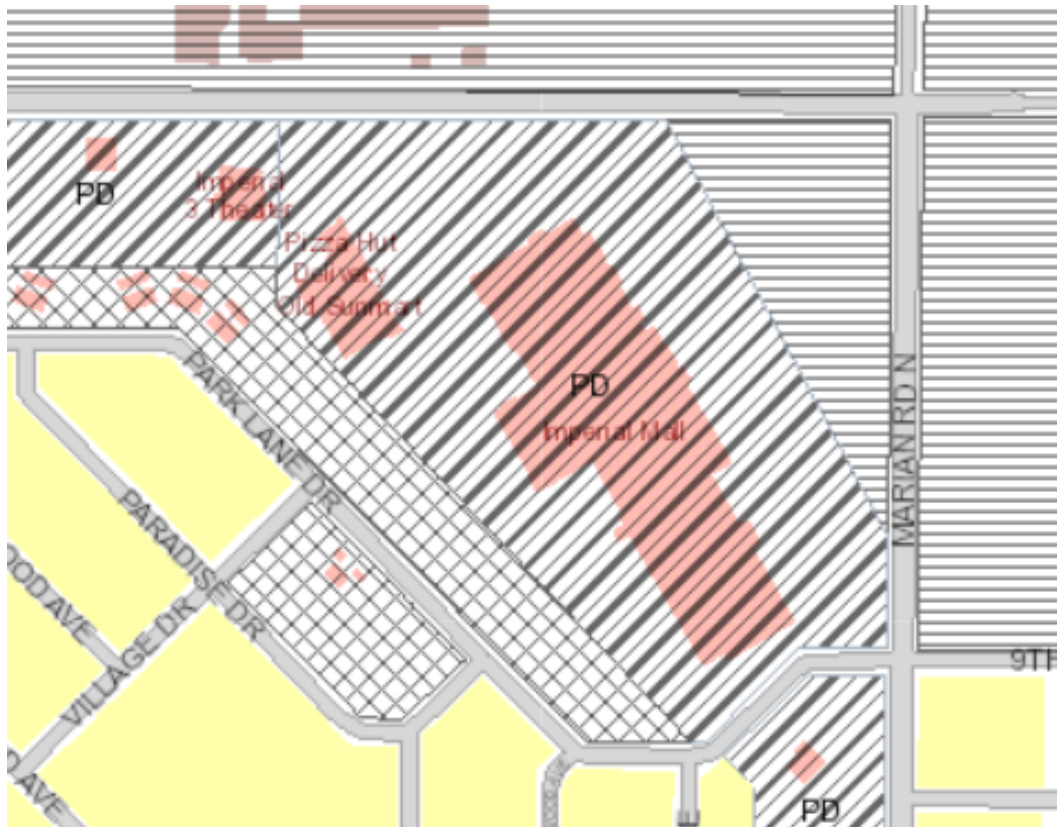
Property Description (the "Redevelopment Project Area")

South of 12th Street and west of Marian Road to include the 30+ acre site of the former Imperial Mall and former Imperial Theatre in the City of Hastings, Adams County, Nebraska.

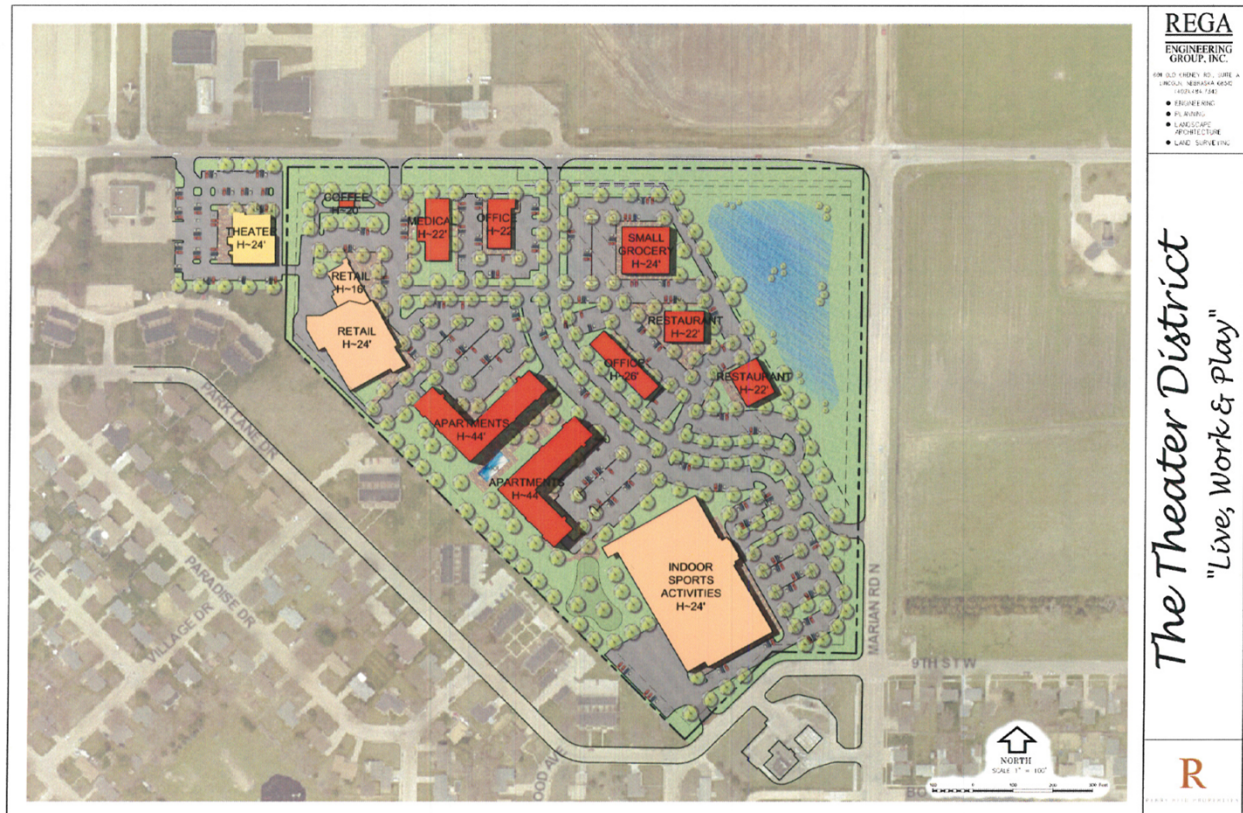
Legal Description:

Lots 1-8, Block 1, and Lots 1-4, Block 2, Theatre District Subdivision, Hastings, Adams County, Nebraska

- (collectively, the “Property”)
- **Survey:** Attached below is an accurate ALTA/NSPS Land Title Survey which depicts the current circumstance at the project site and reflects the large abandoned mall structure of the former Imperial Mall. One of the threshold actions upon approval of the Redevelopment Project will be the substantial demolition of the blighted and vacant mall structure. The stand-alone building on the NW corner, which is the former Sunmart building, will be retained and renovated for a mix of uses which could include small retail and/or office uses. The SE corner of the mall structure will be retained as it formerly housed the Kmart business. Due to its size of approximately 85,000 square feet and its high ceilings, it is easily re-purposed into a indoor sports facility which could house basketball, volleyball and soccer fields/courts. The Redeveloper would intend to partner with or sell this structure to a sports program or entity which could better fully utilize this structure; and
- **Site Plan:** Attached below is the conceptual Site Plan prepared by the Project Engineers which depicts the location of the multifamily structures, the retention of the Sunmart and Kmart buildings, and the location of the other contemplated uses which could include coffee kiosk, office, medical, small grocery, and restaurant locations. The Site Plan also depicts the new public street contemplated for the site to improve and facilitate access to the mix of uses envisioned for the Project Site.



Site Plan of the Proposed Mixed-Use Theatre District:



The tax increment will be captured for the tax years 2022 through 2036 inclusive. Provided, however, if there is no increase in valuation for the 2022 tax year, the increment will be captured beginning in the year when an increase in value is available for capture and ending fifteen years later.

The real property ad valorem taxes on the current or base valuation will continue to be paid to the usual taxing entities. The increase in value will come from the new construction of up to approximately 78 dwellings units which shall qualify as workforce housing townhomes as permitted in the Planned Development District and the Development Plan applicable to the Theatre District.

Total project costs for the Phase One project are anticipated to be in excess of \$16,500,000 which includes the costs of demolition of \$500,000; site preparation /grading and street/utility construction of \$1,970,000. The new private improvements contemplated as part of the Phase One project includes an investment of approximately \$15,000,000 and envisions the completion of: i) the construction of the multifamily use containing 78 dwelling units on Lot 1; ii) the exterior renovations and building enhancements to the former Kmart building and the former Sunmart building; iii) the construction of the 9,000 square foot flex building on Lot 8, Block 1.

The Phase Two Project is anticipated to consist of a second multifamily project also containing approximately 78 dwelling units. The timing of the Phase Two will depend on the stabilization of the occupancy of the first apartment building associated with the Phase One project. It is anticipated that the multifamily project of Phase Two will cost in the neighborhood of \$10,000,000 to \$11,000,000 and will generate approximate \$1,800,000 to \$2,000,000 of tax increment financing. Subsequent phases can include the renovation of the theatre building; coffee kiosk; medical office; grocery and restaurant uses. It is anticipated that this

Redevelopment Plan will need to be supplemented with additional detail as those subsequent phases are solidified.

Statutory Pledge of Taxes.

In accordance with Section 18-2147 of the Act and the terms of the Resolution providing for the issuance of the TIF Note, the Authority hereby provides that any ad valorem tax on the Redevelopment Project Area for the benefit of any public body be divided for a period of fifteen years after the effective date of this provision as set forth in the Redevelopment Contract, consistent with this Redevelopment Plan, Said taxes shall be divided as follows:

- a) That portion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds, of each such public body in the same proportion as all other taxes collected by or for the bodies; and
- b) That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to pay the principal of; the interest on, and any premiums due in connection with the bonds, loans, notes, or advances on money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, a redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness including interest and premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in such redevelopment project shall be paid into the funds of the respective public bodies.

Pursuant to Section 18-2150 of the Act, the ad valorem tax so divided is hereby pledged to the repayment of loans or advances of money, or the incurring of any indebtedness, whether funded, refunded, assumed, or otherwise, by the CRA to finance or refinance, in whole or in part, the redevelopment project, including the payment of the principal of, premium, if any, and interest on such bonds, loans, notes, advances, or indebtedness.

Redevelopment Plan Amendment Complies with the Act:

The Community Development Law requires that a Redevelopment Plan and Project consider and comply with a number of requirements. This Plan Amendment meets the statutory qualifications as set forth below.

- 1. The Redevelopment Project Area was first declared blighted and substandard by action of the Hastings City Council based on the “Blight and Substandard Study for Redevelopment Areas #12 and 13 dated March 2009 as prepared by Hanna:Keelan Associates, P.C. (§18-2109) Such declaration was made after a public hearing with full compliance with the public notice requirements of §18-2115 of the Act,**
- 2. Conformation to the General Plan for the Municipality as a whole. (§18-2103 (13) (a) and §18-2110)**

Hastings adopted a Comprehensive Plan on February 24, 2009. This Redevelopment Plan Amendment and Project are consistent with the Comprehensive Development Plan, in that no changes in the Comprehensive Development Plan elements are intended. The Comprehensive Development Plan identifies this Project Site as “Mixed Use - Community” which designation is consistent with the redevelopment plan for the Theatre District. This plan merely provides funding for the redeveloper to construct workforce housing for residential uses on this property as defined by the current and effective zoning regulations. The Hastings Planning Commission held a public hearing at their meeting on November 17, 2020 and approved Plan Modification 2020-5 to Redevelopment Plan #13 confirming that

this project is consistent with the Comprehensive Development Plan for the City of Hastings. The City Council of the City of Hastings approved the Plan Modification #2020-5 pursuant to that Resolution #2020-65 adopted December 14, 2020.

3. The Redevelopment Plan must be sufficiently complete to address the following items: (§18-2103/13) (b)

a. Land Acquisition:

The Redevelopment Plan for Area #13 provides for real property acquisition and this plan amendment does not prohibit such acquisition. Theatre District, LLC has recently acquired the project site and it is envisioned that Theatre District, LLC shall sell the individual pad sites and lots created by the Theatre District Subdivision Final Plat to the actual redevelopers constructing the improvements as will be required by project financing.

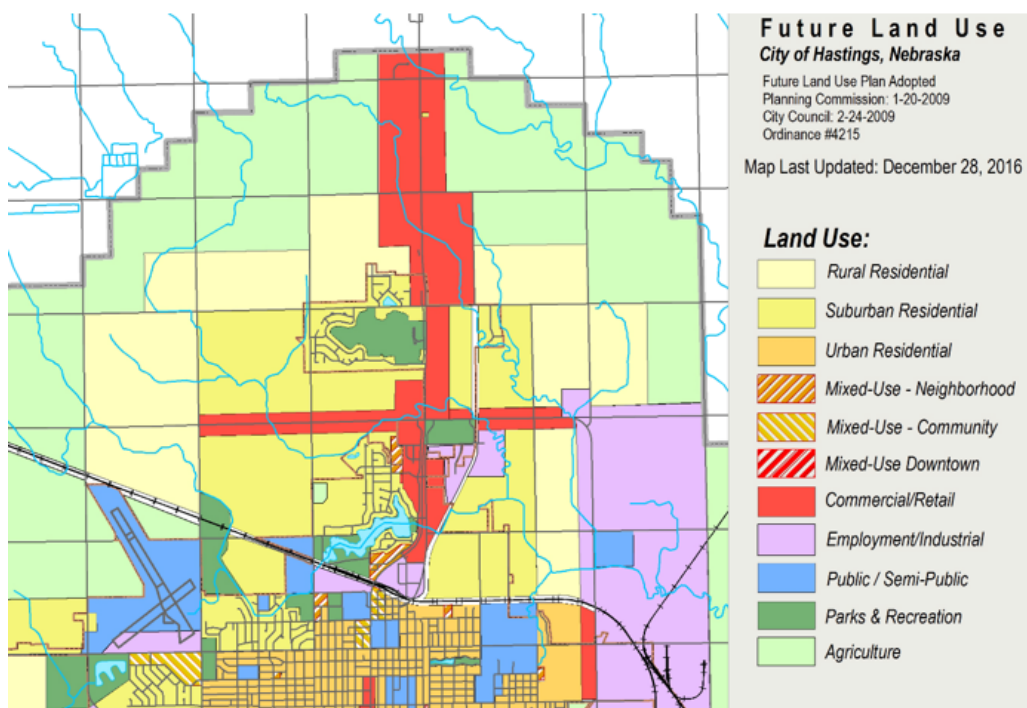
b. Demolition and Removal of Structures:

The preliminary step of the Redevelopment Project involved the demolition of the former retail mall structure located on the Redevelopment Site. That demolition was completed in Spring of 2021. The demolition of the asphalt parking lot will occur as part of the mass grading of the site.

c. Future Land Use Plan

See the attached map from the 2009 Hastings Comprehensive Development Plan. The Project Site is identified as “Mixed-Use Community” in the Comprehensive Development Plan which use is consistent with this Amendment. the site in private ownership is planned for residential development and ancillary uses of the area after redevelopment as required by Section 18-2111(5) of the Nebraska Community Development Law.

Future Land Use Map



d. Changes to zoning, street layouts and grades or building codes or ordinances or other planning changes

The project area is currently zoned for commercial use under the CP-3 district with a Planned Development overlay district and Development Plan. The Hastings City Council approved the Planned Development Permit for the Project at its July 12, 2021 meeting with the adoption and approval of Resolution No 2021-34. At this step of the Phase One Project, the project site shall will be graded and the site prepared for redevelopment. The Redeveloper shall also construct and install Theatre Drive and the utilities for the various lots of the subdivision. No changes are anticipated in building codes or ordinances, nor are any other planning changes contemplated [§18-2103(b) and §18-2111] other than as described herein.

e. Site Coverage and intensity of Use

The redeveloper is proposing to construct a multifamily structure containing 78 dwelling units and related parking. The Redeveloper and the Project design meets the applicable regulations regarding site coverage and intensity of use. [§18-2103(b) and §18-2111] as demonstrated by the approval of the Planned Development Permit via Resolution No. 2021-34.

f. Additional Public Facilities or Utilities

Sewer, water and street paving will be installed by the redeveloper to support this development. Sufficient electric utilities and gas lines will also be installed by the redeveloper for the proposed construction of all uses reflected on the Site Plans. The redeveloper will be responsible for installing any sidewalks required for the project. In addition, the approval of the Planned Development Permit requires the Redeveloper to install an 8' pedestrian trail adjacent to the Theatre Drive. No other utilities would be impacted by the development. [§18-2103(b) and §18-2111]

4. **The Act requires a Redevelopment Plan provide for relocation of individuals and families displaced as a result of plan implementation.** The project site is vacant and the Project does not require the relocation of any tenants.
5. **No member of the Authority, nor any employee thereof holds any interest in any property in this Redevelopment Project Area. [§18-2106]**
6. **Section 18-2114 of the Act requires that the Authority consider:**
 1. **Method and cost of acquisition and preparation for redevelopment and estimated proceeds from disposal to redevelopers.**
 - A. **Multifamily building on Lot 3:** The Redeveloper anticipates that the multifamily structure which is part of the Phase One project will have land acquisition costs of approximately \$600,000. It is anticipated that the aggregate development cost of the first multifamily building, including all hard and soft costs will be approximately \$10,125,000. In addition, the redeveloper anticipates that the early eligible costs of the project shall include:
 - Demolition: \$500,000
 - Site Preparation and Street/utility construction: \$1,800,000
 - Facades of retained buildings on Lots 1 and 4: Estimate of \$3,000,000*
(* This cost estimate includes the building/façade enhancements for the multifamily structure and also the repurposed Sunmart and Kmart structures)

The first multifamily building will generate approximately \$1,600,000 of tax increment financing which obviously will not fully fund the Phase One eligible expenses. The unfunded eligible expenses

shall be eligible for funding when the uses or users for the former Sunmart building and/or Kmart building are fully identified and the renovations of those buildings proceed as subphases of the Phase One project which will be more fully described in the Redevelopment Agreement. None of the phases of the Redevelopment project would be feasible without the use of tax increment financing.

- B. Flex Building on Lot 8, Block 1: The Redeveloper has added the development of the flex building to be constructed on Lot 8 to the Phase One project. The flex building will be used for office and/or retail uses and will have a 9,000 square footprint. The building will be divided into 6 bays containing approximately 1500 square feet each. It is anticipated that the project cost shall total the sum of approximately \$1,500,000 to \$1,600,000 which would generate and support Tax Increment Financing not to exceed the sum of \$500,000.
- C. Repurpose of Retail structure on Lot 1: The Redeveloper includes the façade renovation and parking lot installation for the former Kmart structure as part of the Phase One project. The anticipated costs associated with the exterior/façade renovation and parking lot installation for the former Kmart structure are approximately \$1,800,000. The future interior renovation of the retail structure will occur as a separate project at some point in the future when a use or the uses are identified. The Redeveloper would not be able to repurpose the former big box retail store without the use of tax increment financing. The Project envisions the issuance of two (2) tax increment financing notes for the Lot 1 project. The first Tax Increment Financing Note is to be issued as “Note “A” and the second TIF Note would be issued as Note “B”. The total TIF indebtedness between Note A and Note B would not exceed \$1,500,000 split between Note A and Note B. The final allocation of the TIF Indebtedness for the Lot 1 project will be identified in an amendment to the Redevelopment Agreement.
- D. Repurpose of Retail structure on Lot 4: The Redeveloper includes the façade renovation and parking lot installation for the former Sunmart structure as part of the Phase One project. The anticipated costs associated with the exterior/façade renovation and parking lot installation for the former Sunmart structure are approximately \$1,300,000. Redeveloper envisions that the former grocery store can be divided into small bays or spaces for a multitenant use of the structure. The future interior renovation of the retail structure will occur as a separate project at some point in the future when a use or the uses are identified. The Redeveloper would not be able to repurpose the former big box retail store without the use of tax increment financing. The Project envisions the issuance of two (2) tax increment financing notes for the Lot 4 project. The first Tax Increment Financing Note is to be issued as “Note “A” and the second TIF Note would be issued as Note “B”. The total TIF indebtedness between Note A and Note B would not exceed \$800,000 split between Note A and Note B. The final allocation of the TIF Indebtedness shall be identified in an amendment to the Redevelopment Agreement.

2. Statement of proposed method of financing the redevelopment project.

The redeveloper anticipates that the sources of financing for the multifamily portion of the Phase One of the Project shall be structured as follows:

A. Multifamily Project on Lot 3

• First mortgage indebtedness:	\$7,000,000
• Tax Increment Financing:	\$1,600,000
• Equity:	\$1,350,000
• HEDC Rural Workforce funds:	\$50,000
Total	\$10,000,000

The Redeveloper anticipates refinement of the Project Sources/Uses and working with the CRA and the City of Hastings to arrive at an acceptable Project financing plan- to be described in more detail in the Redevelopment Agreement. The key to making the financing plat is to be able to spread the aggregate

project costs across all of the phases of the development plan.

B. Flex Building on Lot 8: Total Project cost estimate of approximately \$1,600,000 the sources of which are anticipated to be:

- First mortgage indebtedness: \$1,200,000
- Tax Increment Financing: \$200,000
- Equity: \$200,000
- \$1,600,000

C. Lot 1 Project: The repurposing of the former Kmart retail building is anticipated to have a total project cost associated with the Phase One project of approximately \$1,800,000, the sources of which are anticipated to be:

- First mortgage indebtedness: \$1,200,000
- Tax Increment Financing (Note A): \$500,000
- Equity: \$100,000
- \$1,800,000

D. Lot 4 Project: the repurposing of the former Sunmart building is anticipated to have a total project cost associated with the Phase One project of approximately \$1,300,000, the sources of which are anticipated to be:

- First mortgage indebtedness: \$700,000
- Tax Increment Financing (Note A): \$400,000
- Equity: \$200,000
- \$1,300,000

Redeveloper intends to refine the sources and uses of the TIF proceeds to be described in the Redevelopment Agreement for the Phase One Project.

3. Statement of feasible method of relocating displaced families.

No families will be displaced as a result of this plan.

7. Section 18-2113 of the Act requires:

Prior to recommending a redevelopment plan to the governing body for approval, an authority shall consider whether the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted, and harmonious development of the city and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of insanitary or unsafe dwelling accommodations or conditions of blight.

The Authority has considered these elements in proposing this Plan Amendment. This amendment, in and of itself will promote consistency with the Hastings Comprehensive Development Plan by providing the following benefits;

- Quality workforce housing for the senior resident demographic;
- The repurposing of the blighted and substandard structures existing on the Project site; and
- A mix of neighborhood services and other complementary uses.

8. Time Frame for Development

Development of the first multifamily portion of Phase One of the Project is underway with the completion of the demolition of the former mall structure. Mass grading is soon to commence in the Summer of 2021. Thereafter, the installation of the new public street will occur with vertical construction to be underway in the Fall of 2021. Construction completion could occur in the late Fall of 2022 with an anticipated construction schedule of 16-18 months. Excess valuation should be available for this project for 15 years beginning with the 2022 tax year, provided, however, if there is no increase in valuation for the 2022 tax year, the excess valuation will be available beginning in the year when an increase in value is available for capture.

9. Justification of Project

The demolition of the blighted and substandard Imperial Mall structure is warranted and will substantially benefit the Redevelopment Area and the City of Hastings. The repurposing of the former Sunmart and Kmart structures while providing beneficial uses for the City is further justification of the project. Additionally, the extension of utilities, substantial site grading and installation of a new public street are necessary to facilitate redevelopment of this site. The redevelopment of this project site will result in increased workforce housing opportunities and increased sales tax and is the first step in the creation of affordable housing opportunities for the Hastings community. The Hastings Economic Development Corporation and the Hastings City Council have made it clear with previous decisions that they support development that will increase residential workforce opportunities.

10. Cost Benefit Analysis

Section 18-2113 of the Act, further requires the Authority conduct a cost benefit analysis of the plan amendment in the event that Tax Increment Financing will be used. This analysis must address specific statutory issues.

As authorized in the Nebraska Community Development Law, §18-2147, Neb. Rev. Stat. (2012), the City of Hastings has analyzed the costs and benefits of the proposed Redevelopment Project, including:

Phase 1 - Project Sources and Uses for the multifamily component

Approximately \$1,600,000 in public funds from tax increment financing provided by the Hastings Community Redevelopment Authority will be required to complete the multifamily component of the Phase One project. The total project cost of the multifamily project in Phase One is estimated at \$10,125,000. This tax increment financing amount invested by the Authority will leverage approximately \$8,525,000 in private sector or other non-local financing; a private investment of \$5.32 for every TIF dollar investment.

Description	TIF Funds	Equity, Bank, other Funds	Totals
Site Acquisition	\$250,000	350,000	\$600,000
Demolition	\$500,000		\$500,000
Street/utility	\$850,000		\$850,000
Construction costs		\$7,475,000	\$7,475,000

Site Preparation		\$700,000,	700,000
TOTALS	\$1,600,000	\$8,525,000	\$10,125,000

In addition, the Phase One Project will include the development of the following:

- a. Flex Building on Lot 8: The Redeveloper anticipates sufficient costs associated with the development of the Flex building for office and retail uses to support a completed valuation of approximately \$1,800,000. Such a valuation would generate approximately \$40,000 of annual real estate taxes. This annual real estate tax payment would support a tax increment financing sum not to exceed \$500,000. The Tax Increment Financing sum would be combined with owner equity and conventional bank financing for the development of this flex building.
- b. Multitenant building on Lot 4: The former Sunmart building will likely be developed in two phases with the exterior renovation and parking lot installation to occur as part of the Phase One project. The second redevelopment portion of this structure will occur when the use or user is identified. Redeveloper seeks tax increment financing in the amount of \$800,000 in the aggregate allocated between a TIF Note A and a TIF Note B. The TIF Note A would be authorized and issued in conjunction with Phase One. TIF Note B would be authorized and issued in connection with the phase of the project wherein the uses for the Lot 4 structure are identified.
- c. Multitenant building on Lot 1: The former Kmart building will likely be developed in two phases with the exterior renovation and parking lot installation to occur as part of the Phase One project. Redeveloper seeks tax increment financing in the amount of \$1,500,000 in the aggregate allocated between TIF Note A and a TIF Note B. The TIF Note A would be authorized and issued in conjunction with Phase One. TIF Note B would be authorized and issued in connection with the phase of the project wherein the uses for the Lot 4 structure are identified.

Tax Revenue. The property to be redeveloped is anticipated to have a January 1, 2021, valuation of approximately \$340,000 with such sum to be allocated to the various components and lots to be platted as part of the Project. Based on the 2020 levy of .02258474 this would result in real property taxes of approximately \$7,678 which will be paid out to all the existing taxing entities. For the multifamily building being developed on Lot 3, it is anticipated that the assessed value will increase by \$6,500,000 upon full completion, as a result of the site redevelopment. This development will result in an additional estimated tax increase of over \$145,000 annually. This tax increment gained from the Redevelopment Project Area would not be available for use as city general tax revenues, for a period of 15 years, or such shorter time as may be required to amortize the TIF bond, but would be used for eligible private redevelopment costs to enable this project to be realized.

Statement Identifying Financial Gap and Necessity for use of Tax Increment Financing for proposed Project:

A large financial gap exists on this project after conventional financing is utilized for the multifamily building located on Lot 3. A combination of owner equity, TIF and other incentives are needed to make the project feasible. The developer is contributing owner equity/bank financing of \$8,525,000 and TIF funding is intended to fill the remaining gap, making this project feasible. The project is asking for \$1,600,000 in a TIF loan amortized over 15 years. Without the availability of TIF funding for the project,

it would not be feasible for the developer to proceed with this redevelopment. Please see the table below which shows rate of returns from 1.4% to 1.6% without TIF funding which is an unacceptable return on investment in today's market.

Proforma Operating Statement w/o TIF							
			Year 1	Year 2	Year 3	Year 4	
Rent Revenue			\$ 885,754	\$ 894,612	\$ 903,558	\$ 912,593	
Expenses			\$ (415,151)	\$ (422,814)	\$ (430,627)	\$ (438,593)	
NOI Without TIF			\$ 470,603	\$ 471,798	\$ 472,931	\$ 474,000	
Debt Service			\$ (435,053)	\$ (435,053)	\$ (435,053)	\$ (435,053)	
Cash Flow Without TIF			\$ 35,550	\$ 36,745	\$ 37,878	\$ 38,947	
Cash on cash return wo/TIF			1.40%	1.45%	1.50%	1.60%	
Equity Investment			\$ 2,531,300	\$ 2,531,300	\$ 2,531,300	\$ 2,531,300	

Proforma with TIF

Proforma Operating Statement with TIF							
			Year 1	Year 2	Year 3	Year 4	
Rent Revenue			\$ 885,754	\$ 894,612	\$ 903,558	\$ 912,593	
Expenses			\$ (378,717)	\$ (382,613)	\$ (386,584)	\$ (390,631)	
NOI Without TIF			\$ 507,037	\$ 511,999	\$ 516,974	\$ 521,962	
Debt Service			\$ (416,795)	\$ (416,795)	\$ (416,795)	\$ (416,795)	
Cash Flow Without TIF			\$ 90,242	\$ 95,204	\$ 100,179	\$ 105,167	
Cash on cash return w TIF			7.85%	8.28%	8.71%	9.14%	
Equity Investment			\$ 1,150,000	\$ 1,150,000	\$ 1,150,000	\$ 1,150,000	

This analysis applies to the multifamily development planned for Lot 3, and similar analysis would apply to the other projects planned for the Phase One project. However, without specific users identified for the projects, any rate of return calculations would be conjecture.

(a) Tax shifts resulting from the approval of the use of Tax Increment Financing;

The proposed redevelopment will create additional valuation of \$6,510,000. No tax shifts are anticipated from the project. The project creates new valuation from the construction of an approximately 78 dwelling unit multifamily housing project that will support taxing entities long after the project is paid off.

(b) Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project;

The Project anticipates the installation of a new public street to be dedicated to the City of Hastings to improve access to the mix of uses contemplated for the Project. Existing water and waste water facilities will not be impacted by this development. The electric utility has sufficient capacity to support the development. It is anticipated that this project will not impact schools in any significant way as the housing component will be targeted to those residents aged 55 and over. Fire and police

protection are available and should not be negatively impacted by this development.

(c.) Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project; and

This project will not have a negative impact on employers and employees of firms locating within the boundaries of the redevelopment and should provide for additional housing opportunities for employees and employers. Further, the mix of the uses envisions additional commercial uses which should create additional job opportunities, the number of which is difficult to quantify at this time.

(d.) Impacts on other employers and employees within the city or village and the immediate area that are located outside of the boundaries of the area of the redevelopment project; and

This project will not have a negative impact on other employers in any manner different from any other expanding business within the Hastings area and should provide for additional housing opportunities for employees.

(e.) Impacts on student populations of school districts within the City or Village:

This development will have a minimal impact on the Hastings area school systems as it will likely not result in any increased attendance and the local school systems would be able to absorb any students from this additional development without adding to school facilities or staffing.

(f.) Any other impacts determined by the authority to be relevant to the consideration of costs and benefits arising from the redevelopment project.

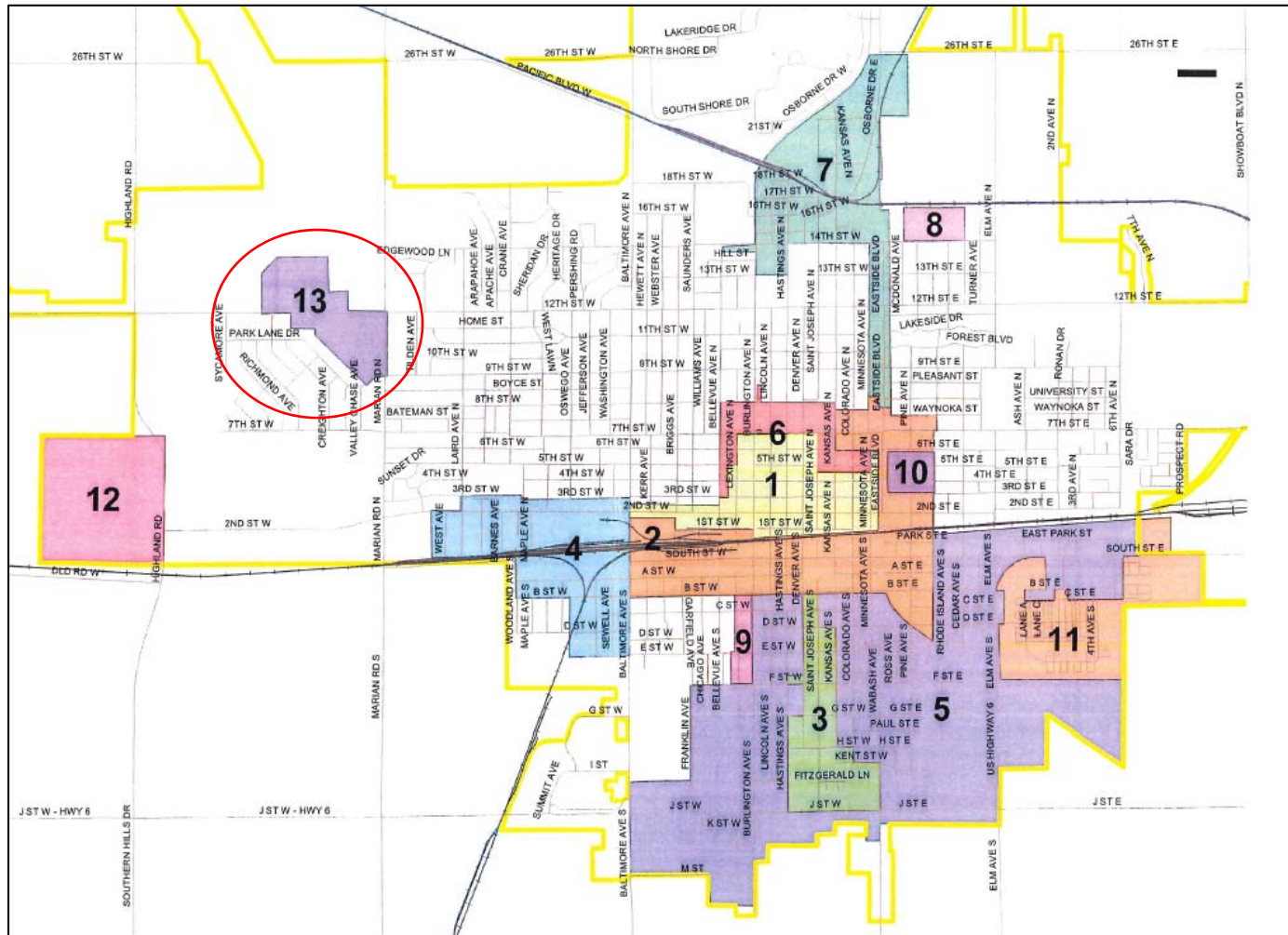
This project is consistent with the goals of the City's Comprehensive Plan, the Hastings Housing Study of 2016 and HEDC's goal to increase workforce housing in the community.

Time Frame for Development

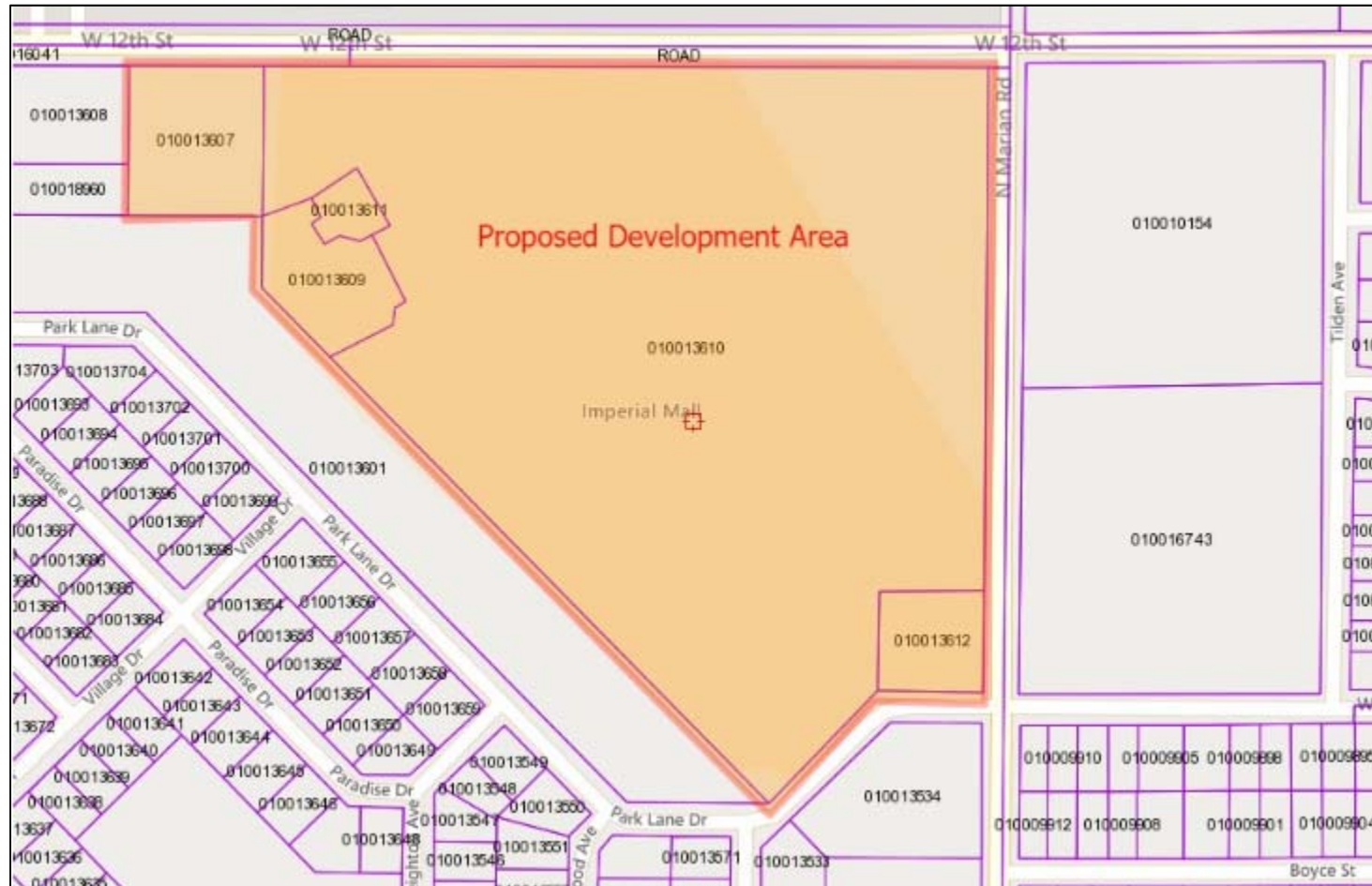
Development of the Phase One multifamily component containing approximately 78 dwelling units is anticipated to be developed commencing in approximately June of 2021 and substantially completing construction by December of 2022. Further, the Redeveloper envisions that the internal street shall be constructed during this time period and that redeveloper shall undertake the exterior building enhancements to the former Kmart and Sunmart buildings.

MAPS FOR REDEVELOPMENT AREA #13 – THEATRE DISTRICT REDEVELOPMENT PROJECT (Amended)

Redevelopment Area #13



Lots 1-8, Block 1, and Lots 1-4, Block 2, Theatre District Subdivision to be developed – Plan Modification 2020-5 (orange outlined area)



Aerial Viewpoint: Lots 1-8, Block 1, and Lots 1-4, Block 2, Theatre District Subdivision to be developed – Plan Modification 2020-5 (orange outlined area)



Department: Development Services
Staff Contact: Lisa Parnell-Rowe
Planning Commission Meeting Date: 8/17/2021
File No: 2021-041
Prepared By: Emilia Kienbaum, Administrative Assistant

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing to recommend approval for a CUP resolution for Hastings Tribune and the assembly, neighborhood use of a meeting area for events held by various community organizations, and civic parties and groups within an existing structure commonly addressed as 908 W 2nd Street, City of Hastings, Adams County, Nebraska.

Motion to recommend approval of a CUP resolution for Hastings Tribune and the assembly, neighborhood use of a meeting area for events held by various community organizations, and civic parties and groups within an existing structure commonly addressed as 908 W 2nd Street, City of Hastings, Adams County, Nebraska.

Names of People/Business affected by this action:

The applicant, the people of Hastings, and the City

Why Planning Commission action is required:

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

Type of action requested:

Motion

Suggested motion:

Motion to recommend approval of a CUP resolution for Hastings Tribune and the assembly, neighborhood use of a meeting area for events held by various community organizations, and civic parties and groups within an existing structure commonly addressed as 908 W 2nd Street, City of Hastings, Adams County, Nebraska, with the following conditions:

- 1) There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply.
- 2) This resolution shall be filed with the registrar of deeds so as to provide notice to any person examining the real estate records of the existence of this CUP. The recording costs incurred to

comply with this section shall be paid by the applicant for the CUP.

3) Applicant agrees to enforce a reduced maximum occupancy for this space to no more than 134 persons at one time. Occupancies listed must be re-posted and the one in this space will be posted to state, “This space cannot exceed maximum occupant load of 134 persons” and must be approved by the Building Inspector.

4) This new use will require a new change in occupancy permit and inspection.

Deadlines associated with action:

This item will be heard at the next regular City Council Meeting on September 27, 2021.

Department head comments:

The Hastings Tribune is a newspaper published in Hastings, Nebraska. The newspaper is published six days a week, excluding Sundays. It serves ten counties in south central Nebraska and north central Kansas. Their building of nearly 13,250 SF, sits at the northwest corner of Burlington and 2nd Street and was originally built in 1930. As stated in their narrative, they are seeking approval to use roughly 2000 SF of vacated space on their main floor for meetings and social events.

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 these criteria are met.

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

Surrounding land uses are:

North: C-2, Central Business district

South: C-2, Central Business district

East: C-2, Central Business district

West: Directly to the west of this location C-3, Commercial business & I-1 Light Industrial

When considering the use of *assembly, neighborhood* in this area, we look not just to the zoning of the property itself but also the surrounding properties. An assembly use is conditional across all zoning districts; however, staff finds this use in the C-2, *Central Business District*—the heart of downtown and a concentrated area for businesses, to be possibly the most compatible zone for such a use. In fact, there are several similar uses that have been established in the C-2 District (i.e., Lark and Brique 1887).

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

Pedestrian and vehicular traffic circulation and safety. This area has optimal vehicular traffic circulation with street access into a privately owned off-street parking lot from urban principal arterial, Burlington Avenue. This access has sufficient ingress/egress into and out of this parking

lot that will accommodate all vehicle types and allow for safe disbursement onto Burlington Avenue even in heavier traffic times and days. The Hastings Tribune Office also fronts off of 2nd Street which is a minor arterial street so there is also additional connections for both pedestrians and vehicles to circulate traffic to and from this center. There are no off-street parking requirements in C-2 District; however, staff notes that this structure does have an existing parking lot that can accommodate 28 vehicles and, in addition to this there is a large public parking lot to the south within 400 feet, as well as multiple areas of on street parking. This structure has a mixture of businesses from a law office to the newspaper. If this were to be assessed for meeting an off-street parking lot it would be required to accommodate approximately 43.725 spaces as a business with less than 60,000 SF.

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 this additional use within this structure.

Noise, fumes, dust or other environmental pollution. No noise, fumes and/or environmental pollution are anticipated as part of the addition of an assembly use within the walls of this structure.

The maintenance of logical and efficient development patterns and land use mixtures. The addition of assembly use to this structure and area is logical due to its use compatibility to the now present and growing trend for a mixture of uses in our downtown C-2 Central Business District. The Future Land Use Map shows this area to be slated for a mixed-use downtown and having an assembly use fits nicely into this area to provide another space for businesses within the downtown area to convene for special meetings and retreats or for residents to have another option to conduct special events like graduation parties, baby showers and much more. All adjacent property are currently zoned for commercial and future zoned for mixed-use downtown. In the downtown area there are some mixed high-density residential uses, but these properties will only further benefit from another community-oriented assembly and likely choose this area to live in because of its close proximity to venues where they could utilize in a social fashion. The greater the mixture in uses in the downtown area the more appropriate and valued this area become to adjacent property owners.

The maintenance of property values in accordance with established and permitted land uses. If anything, having a neighborhood assembly within walking distance of residential can be seen as a perk for a property owner in this area to easily integrate into the community and may have more of a positive impact on property values than a negative impact in this area. Adjacent property owner letters were sent to property owners within 300 feet and Staff has received no feedback as of the date of drafting this report.

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 assessed the building, its capacity and its existing condition to the proposed additional use of *assembly, neighborhood*. The building is well-maintained, the maximum occupancy of all spaces within this large structure is approximately 13,250 SF. However, the space for the use of *assembly, neighborhood* will only be

conducted within 2000 SF. Our building consultant calculated the occupant load for assembly use in this area according to Table 1004.5 International Building Code based on assembly without fixed seats, unconcentrated tables and chairs as $1/15$ net, $2000 \text{ SF} / 15 = 134$. He also advised that if they want to hold an event and have 300 or more then there would need to be sprinklers installed. Fire, Building and Zoning have agreed and discussed this with the applicant and as sprinkler installation can be quite costly we have agreed to place a condition on this permit to require new occupancy assessment, as well as to limit the occupant load for this use to no more than 134, the calculated load occupancy. This new occupancy will be posted and any old occupancy listed will be adjusted and re-posted accordingly. Fire and Building have also verified that the appropriate fire alarms are installed for this use. A final reinspect with the new occupancy permit will be conducted as a condition of this permit to ensure that the space meets all requirements necessary for this change in use to this space within this structure.

4. That the use, subject to conditions, maintains compliance with the Comprehensive Plan and the purpose and intent of the zoning regulations. The Comprehensive Plan Future Land Use for this property is mixed-use downtown, which is compatible to the current zoning of C-2, Central Business District. The comprehensive plan states that with this use in the future that, “the continued mix and growth of all types of land uses is appropriate for downtown Hastings”.

Recommendation:

Staff recommends a motion to recommend approval for a CUP resolution for Hastings Tribune and the assembly, neighborhood use of a meeting area for events held by various community organizations and civic parties and groups within an existing structure commonly addressed as 908 W 2nd Street, City of Hastings, Adams County, Nebraska with the following conditions:

- 1) There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply.
- 2) This resolution shall be filed with the registrar of deeds so as to provide notice to any person examining the real estate records of the existence of this CUP. The recording costs incurred to comply with this section shall be paid by the applicant for the CUP.
- 3) Applicant agrees to enforce a reduced maximum occupancy for this space to no more than 134 persons at one time. Occupancies listed must be re-posted and the one in this space will be posted to state, “This space cannot exceed maximum occupant load of 134” and must be approved by the Building Inspector.
- 4) This new use will require a new change in occupancy permit and inspection



Permit #: 21041

Permit Date: 07/21/21

Permit Type:

Permit Type: Conditional Use

Title: Tribune CUP

Site Address: 908 W. Second St.

Owner Name:

Owner Address:

City State Zip:

Owner Phone:

Owner Email:

Applicant Name: Darran Fowler

Applicant Address: 2585 S. Meadow Lane

City, State, Zip: HASTINGS, NE, 68901

Phone Number: 402-303-1400

Applicant Email: dfowler@hastingstribune.com

Proposed Use: Assembly

Description: Use of vacated space on main floor for meetings and social events

Number of Cases: 0

Project Cost: 0

Square Feet: 2000

Within City Limits: Yes

Current Zoning: C-2, Central Business

Current Zoning Explained:

Proposed Zoning:

Conditions:**Conditions Defined:****1st PN & Agenda Send By (11:30):** 08/04/2021**1st PN & Agenda Due Date:** 08/04/2021**1st PN & Agenda Sent:****2nd PN & Agenda Send By (11:30):****2nd PN & Agenda Due Date:****2nd PN & Agenda Sent:****Sign / Website Posting - Post By:** 08/05/2021**Sign / Website Posting - Posted:****APO Letter - Send By:** 08/06/2021**APO Letter - Sent:****PC Approval - Date Approved:****PC Outcome Letter - Due:** 08/18/2021**PC Outcome - Completed:****CRA Approval - Meeting Date:****CRA Approval - Approved:****CC Packet - Goal Load Date:** 09/17/2021**CC Packet - Due Date:** 09/21/2021**CC Packet - Completed:****CC Out/Admin Due Date:****CC Out/Admin - Completed:****Stage:** In Review**ENG Meeting:****ENG Email:****Status:** Open**Assigned To:** Lisa Parnell-Rowe**Property**

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
010006167	900-908 W 2ND ST		SEATON PUBLISHING CO		

Inspections

Date	Inspection Type	Description	Scheduled Date	Completed Date	Inspector	Status
08/06/2021	City Council Meeting		09/27/2021		Lisa Parnell-Rowe	Open
08/06/2021	Planning Commission Meeting		08/17/2021		Lisa Parnell-Rowe	Open

Fees

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

Payments

Date	Paid By	Description	Payment Type	Accepted By	Amount
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07/27/2021	Hastings Tribune	ck 5686	\$416.00
Outstanding Balance			\$0.00

Notes

Date	Note	Created By:
07/26/2021	Emailed applicant about payment	Emilia Kienbaum

Uploaded Files

Date	File Name
07/21/2021	fe41326a464e9705796057d8f1317145_view_from_second_st_entrance.jpg
07/21/2021	4e916da1fd81e790dc58e3edf6805666_kitchen_area.jpg
07/21/2021	47391210830014d667ebf5ad440afa89_view_from_hallway_entrance.jpg
07/21/2021	f57216a88ae36cbb6a090b8857e99e70_tribune_parking_lot.jpg
07/21/2021	ee52653fa034b0da99b86badbc86a7e7_view_from_alley_entrance.jpg
07/21/2021	c72ec330ab3e4edf5da1c4600f173eeb_weekend_event_rental.pdf
07/21/2021	151d82d44c563e43b41349d81c26e67c_weekday_event_rental.pdf
07/21/2021	d983b210ef6560f40f0d82a16fc9b847_permit_application.pdf



Aug. 12, 2021

Lisa Parnell-Rowe
Director of Development Services
City of Hastings

The Hastings Tribune is seeking approval for the use of roughly 2,400 square feet of vacated office space in the Tribune Building at Second Street and Burlington Avenue for public use as a meeting area for various community organizations and civic groups as well as for events, such as receptions, reunions, family or company parties and celebrations, and other small gatherings. We are calling it Seaton Hall.

As a matter of reference for anyone familiar with the history of the Tribune Building, this space became available after we relocated our business office and circulation and advertising departments to the old "S&H Green Stamp" location adjacent to Burlington Avenue, which offers better visibility for the Tribune and better accessibility for our customers.

Since it is our understanding that there is a community need such venues, we feel this is now the best use of this space on the main floor of the Tribune Building. At this time, we have enough seating for up to 78 people and maximum occupancy has been established at 134 people. Hours are 8 a.m. to 10 p.m. Monday through Thursday and 8 a.m. to 11 p.m. Friday through Sunday.

There are separate men's and women's restrooms, and both are handicapped-accessible. We are making an employee kitchen area that includes a sink and garbage disposal, microwave, chest freezer and refrigerator available for those who choose to use Seaton Hall. There will be no stove or oven. Only food that is catered or "pot luck" is allowed. If requested, we would like to make alcohol available for users of Seaton Hall as long as they have the proper licensing or permits from a caterer.

It is also worth mentioning that the Hastings Tribune plans to use Seaton Hall to host its own events.

The Tribune Building is also occupied by the Conway, Pauley, Johnson law firm on the second floor. It has a staff of six people and averages about 7 customers per day. I have visited with Doug Pauley on multiple occasions about the use of this space and there has been no objection. He agrees this is a good use of this space.

The Hastings Tribune owns the parking lot on the north side of this building. There are 28 parking stalls, including one for handicapped parking. There is also a city lot on First Street a block south of this location. The public can enter and exit Seaton Hall from every direction.

The building does have a fire alarm system that is highly sensitive, but no sprinklers. There is a tornado shelter in the basement of the Tribune Building and there are five exits in case of a fire. Maps detail the locations of those exits as well as the tornado shelter. There are maps in three locations in Seaton Hall, including the kitchen area. Also, exit and tornado shelter signs are posted throughout the building.

Thank you for your time and attention to this request, and please feel free to contact me should you need additional information.

Darran Fowler
Publisher

Hastings Tribune ♦ P.O. Box 788 ♦ Hastings, NE 68902
402-303-1400 ♦ dfowler@hastingstribune.com

Seaton Hall

WEEKDAY Event Reservation & Use Agreement

Seaton Hall is a 2,400 square foot space with a seating capacity for up to 78 people. Maximum occupancy is 134 people. There is access to a kitchen and bathrooms, and Internet access is available. Parking is available in the Tribune parking lot on the north side of the building. Additional parking is available in the city lot a block south of the building. For access to Seaton Hall, guests can use the glass doors on the north, west and south side of the building. There is a tornado shelter and five exits in case of a fire. Several maps and signs are posted in the building to help occupants locate the tornado shelter and those exits.

Rates (Monday through Thursday from 8 a.m. to 10 p.m.)

Hourly rate is \$20 per hour for up to 4 hours. Daily rate is \$125 for up to 8 hours. Additional \$25 per extra hour.

A check deposit of \$100 is required to reserve the space and to cover the cost of cleaning the hall, bathrooms, kitchen and parking area after use for an event.

Reservation cancellation and cleaning policy

The amount of the deposit will be applied to the balance owed if no cleaning is necessary on the part of the Hastings Tribune and if any notification of cancellation is made at least 14 days before the event date.

Contact and event details

Event date: _____

Name of person in charge of event: _____ Phone number: _____

Address: _____ Email: _____

Type of event: _____ Number of guests expected: _____

Time rental starts: _____ Time rental ends: _____

Confirmation of agreement

Tribune Representative

Date

Authorized Renter

Date

Payment details

Hourly rate total: _____ Daily rate total: _____

Use of Audio/Video equipment: \$10 Yes _____ No _____

Reservation and cleaning deposit: \$100 Refund deposit: Yes _____ Refund deposit: No _____

TOTAL _____

Release of liability

By signing below, I hereby agree to not hold the Hastings Tribune, its owners, agents and employees responsible for any injuries, property damage or theft, regardless of cause, that may occur in regard to the use of this building, its entryways and its parking areas before, during and after this event.

By _____

Authorized Renter

Date

Seaton Hall

Weekend Event Reservation & Use Agreement

Seaton Hall is a 2,400 square foot space with a seating capacity for up to 78 people. Maximum occupancy is 134 people. There is access to a kitchen and bathrooms, and Internet access is available. Parking is available in the Tribune parking lot on the north side of the building. Additional parking is available in the city lot a block south of the building. For access to Seaton Hall, guests can use the glass doors on the north, west and south side of the building. There is a tornado shelter and five exits in case of a fire. Several maps and signs are posted in the building to help occupants locate the tornado shelter and those exits.

Rates (Friday, Saturday, Sunday from 8 a.m. to 11 p.m.)

Hourly rate is \$25 per hour for up to 4 hours. Daily rate is \$175 for up to 8 hours. Additional \$25 per extra hour.

A check deposit of \$100 is required to reserve the space and to cover the cost of cleaning the hall, bathrooms, kitchen and parking area after use for an event.

Reservation cancellation and cleaning policy

The amount of the deposit will be applied to the balance owed if no cleaning is necessary on the part of the Hastings Tribune and if any notification of cancellation is made at least 14 days before the event date.

Contact and event details

Event date: _____

Name of person in charge of event: _____ Phone number: _____

Address: _____ Email: _____

Type of event: _____ Number of guests expected: _____

Time rental starts: _____ Time rental ends: _____

Confirmation of agreement

Tribune Representative	Date	Authorized Renter	Date
------------------------	------	-------------------	------

Payment details

Hourly rate total: _____ Daily rate total: _____

Use of Audio/Video equipment: \$10 Yes _____ No _____

Reservation and cleaning deposit: \$100 Refund deposit: Yes _____ Refund deposit: No _____

TOTAL _____

Release of liability

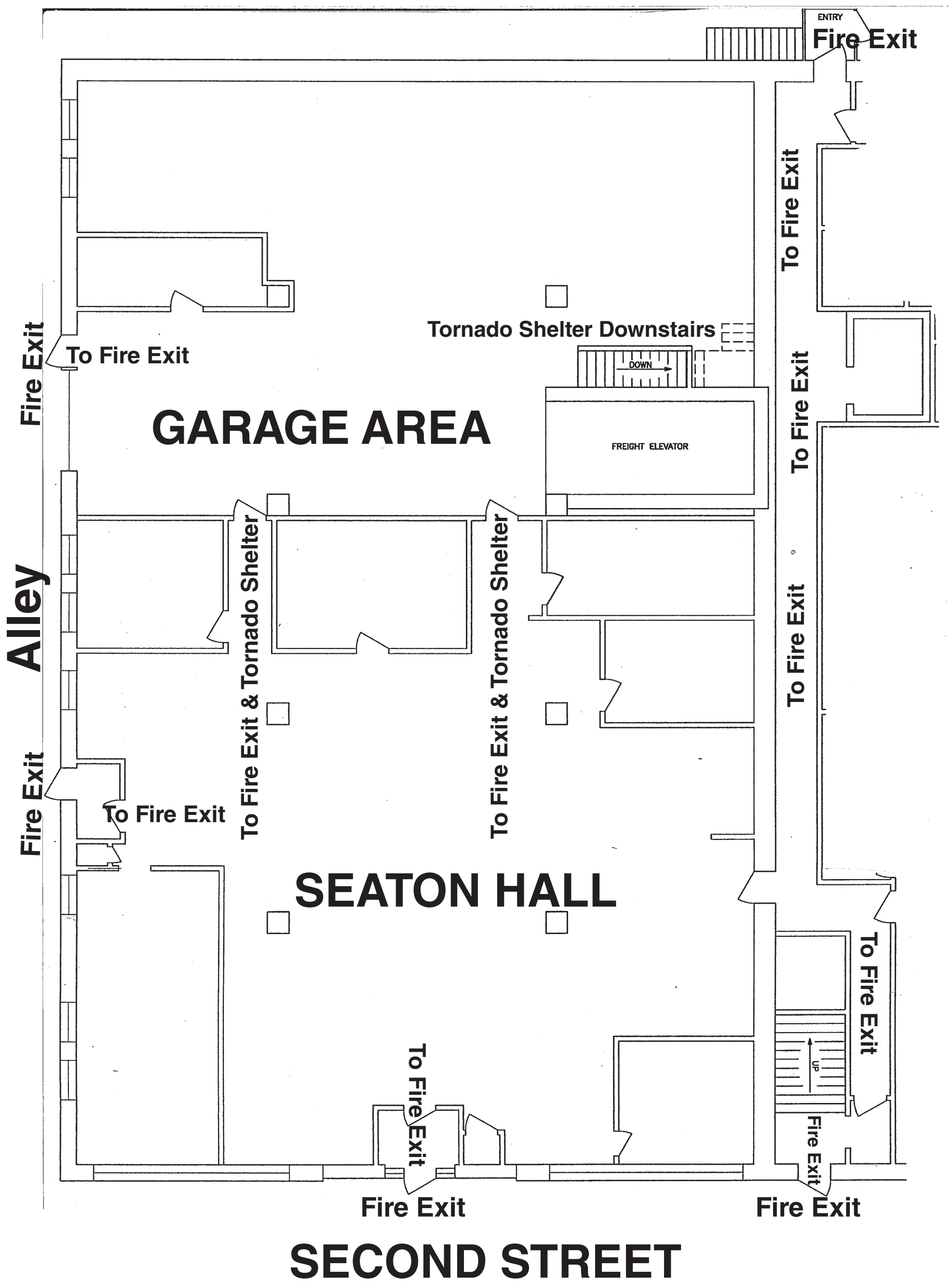
By signing below, I hereby agree to not hold the Hastings Tribune, its owners, agents and employees responsible for any injuries, property damage or theft, regardless of cause, that may occur in regard to the use of this building, its entryways and its parking areas before, during and after this event.

By _____
Authorized Renter **Date**



Fire Evacuation and Tornado Shelter Map

PARKING LOT



Tornado Shelter

For shelter in case of a tornado, please follow signs leading you to the basement in the garage area. Tornado shelter includes emergency supply cabinet with flashlight, bottled water and First Responder Kit.

Fire Exits

In case of a fire, please look for exit signs that will help lead you out of the building.

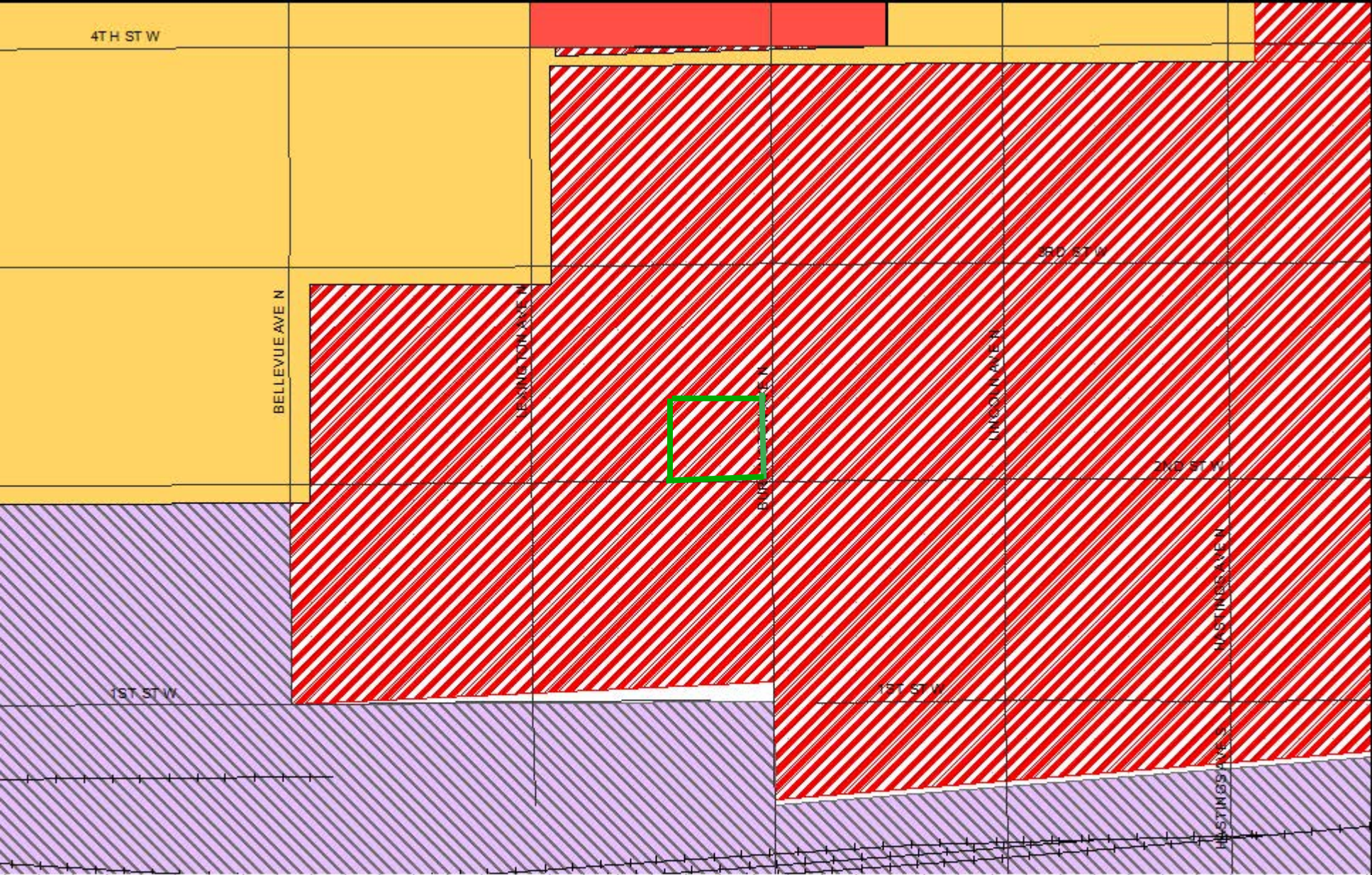












Future Land Use

City of Hastings, Nebraska

0 80 160 320 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: 8/17/2021
File No: 2021-039
Prepared By: Emilia Kienbaum, Administrative Assistant

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing for a change of zoning for Shipping Ventures Hastings LLC, lots 14, 15, and 16, Block 15 of Veith's Park Addition, City of Hastings, Adams County, Nebraska from "R-1, Urban Single Family Residential" to "I-2, Heavy Industrial" and to amend the Official Zoning District Map.

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone Lots 14, 15, and 16, Block 15 of Veith's Park Addition, City of Hastings, Adams County, Nebraska from "R-1, Urban Single Family Residential" to "I-2, Heavy Industrial".

Names of People/Business affected by this action:

The applicant, prospective buyers, surrounding neighborhood, people of Hastings, and the City.

Why Planning Commission action is required:

Neb. Rev. Stat. 19-902 provides the city council shall receive the advice of the planning commission before taking definite action on any contemplated amendment, supplement, change, modification, or repeal, and no such regulation, restriction, or boundary shall become effective until after separate public hearings are held by both the planning commission and the city council in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be given by publication thereof in a legal newspaper in or of general circulation in such municipality at least one time ten days prior to such hearing.

Type of action requested:

Motion

Suggested motion:

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone lots 14, 15, and 16, Block 15 of Veith's Park Addition, City of Hastings, Adams County, Nebraska from "R-1, Urban Single Family Residential" to "I-2, Heavy Industrial".

Deadlines associated with action:

An administrative replat will also be necessary to bring all lots together to allow this structure to be built within lot lines and a building permit also will be necessary for the structure to be built. The rezone will be heard at the City Council Regular meeting on September 27, 2021.

Department head comments:

Surrounding zoning is as follows:

North – R-1, Urban Single Family Residential

South – I-2, Heavy Industrial

East – I-2, Heavy Industrial

West – R-1, Urban Single Family Residential

Our applicant is Shipping Ventures Hastings LLC. They own Crystal Creek Logistics specializes in frozen fulfillment, logistics, and shipping services for ecommerce companies. Hastings provides one of their four warehouse locations. They act as a distribution center for products for other retailers. This business is best slated in our City Code Section 34-200, Table of Uses and Districts as both a *Warehouse storage/bulk storage* use for their storage aspects of the business and as a *Manufacturing, general use* for their distribution activities. As stated in the narrative provided by the applicant, this rezone request is to change the zoning for lots 14, 15, and 16, Block 15 of Veith's Park Addition to I-2, *Heavy Industrial*, in order to build an approximate 9,990-SF freezer storage facility and loading dock. Currently this property is zoned R-1, *Urban Single Family Residential*. A freezer for this frozen goods logistics business is permitted in the I-2 District as part of their business as a warehouse & distribution center. This property has been vacant and was acquired by the owners to expand their warehouse in August of 2020. Though there is R-1 zoning to the west and north of these lots, the uses of that adjacent land is not consistent with the intent of the R-1 zoning district, which is for residential development. Much of the land to the west is currently being used agriculturally as alfalfa fields. The lot to the north, also zoned R-1, is being held back by the original owner, Becker Leasing LLC, in order to potentially expand the existing storage facility on lots 18, 19 & 20 Veith's Park Addition in the future. The use of storage would actually require industrial zoning as well, but though the owner was contacted to see if he would like to also rezone this lot to I-2, he did not respond in time to be included in the public notice that is required 10 days prior to any public hearing. As such, that lot will remain R-1 for the time being, but would likely be rezoned in the future to I-2 for the use of storage. A small distance from here and to the south of M Street is where the County Jail has been slated for future development.

Additionally, staff has been provided with a Site Plan and preliminary building plans that demonstrate the applicant's project. It also demonstrates that once this is rezoned to I-2 the development will be able to meet the required setbacks for this zoning district.

Though the Future Land Use map has slated this area as Suburban residential, staff does not feel that this is in line with what the owner of the land would like to accomplish nor is it in line with the way this adjacent area is starting to develop. Development of this pocket of land, zoned R-1 for residential, would seem unlikely as it is sandwiched in between M Street and south of L Street, which surrounded to the north by commercial, the west and east by heavy industrial and will soon be neighbors to the County Jail. This jail is looking to soon be annexed into the City limits and may predestine this area to a less restrictive and more commercial or industrial use. Staff feels this entire stretch would be better served now and into the future as a commercial or industrial zone.

Recommendation:

Staff recommends motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone lots 14, 15, and 16, Block 15 of Veith's Park Addition, City of Hastings, Adams County, Nebraska from "R-1, Urban Single Family Residential" to "I-2, Heavy Industrial".

The rezone request is for Lots 14, 15 & 16, Block 15 of Veith's Park Addition, City of Hastings, to be zoned to accommodate the construction of freezer storage and loading dock for storing and shipping frozen product. The freezer is 8,640 Sq. Ft. and the dock is 1,350 Sq. Ft. for three truck access from Lexington Avenue. The zoning around the property is already Industrial in zoning and in nature of use. The property to the west is currently agriculture, having alfalfa growing on it. The Adams' County Jail is proposed to go on a parcel approximately ¼ mile to the west of this site.



Permit #: 21039

Permit Date: 06/30/21

Permit Type:

Permit Type: Zoning Change (Rezone)

Title: Rowley Rezone

Site Address: Lots 14, 15, and 16, Block 15 of Veith's Park Addition, City of Hastings, Adams County, Nebraska

Owner Name: Shipping Ventures LLC (POC: Mark Voorhees)

Owner Address: 2460 Salashan Loop

City State Zip: Femdale WA 98248

Owner Phone: 402-461-5905

Owner Email: MarkV@crystalcreeklogistics.com

Applicant Name: Jay rowley

Applicant Address: 3807 south road

City, State, Zip: Mukilteo

Phone Number: 12067303446

Applicant Email: jayrowley@msn.com

Proposed Use: cold storage warehouse

Description: currently zoned R1,

Number of Cases: 2

Project Cost: 0

Square Feet: 9990

Within City Limits: Yes

Current Zoning: R-1, Urban Single Family Residential

Current Zoning Explained:

Proposed Zoning: I-2, Heavy Industrial

Conditions:

Conditions Defined:

1st PN & Agenda Send By 08/04/2021
(11:30):

1st PN & Agenda Due Date: 08/06/2021

1st PN & Agenda Sent: 08/06/2021

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

2nd PN & Agenda Due
Date:

2nd PN & Agenda Sent:

Sign / Website Posting - Post 08/05/2021
By:

Sign / Website Posting - 08/05/2021
Posted:

APO Letter - Send By: 08/06/2021

APO Letter - Sent: 08/06/2021

PC Approval - Date
Approved:

PC Outcome Letter - Due: 08/18/2021

PC Outcome - Completed:

CRA Approval - Meeting
Date:

CRA Approval - Approved:

CC Packet - Goal Load 09/17/2021
Date:

CC Packet - Due Date: 09/21/2021

CC Packet - Completed:

CC Out/Admin Due Date: 09/27/2021

CC Out/Admin -
Completed:

Stage: In Review

ENG Meeting:

ENG Email:

Status: Open

Assigned To: Lisa Parnell-Rowe

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
010008089	S LEXINGTON AVE		SHIPPING VENTURES HASTINGS LLC		

Inspections

Date	Inspection Type	Description	Scheduled Date	Completed Date	Inspector	Status
08/06/2021	City Council Meeting		09/27/2021		Lisa Parnell-Rowe	Open

08/06/2021	Planning Commission Meeting	08/17/2021	Lisa Parnell-Rowe	Open
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Fees

Fee	Description	Notes	Amount
Rezoning Application	(Amendment to the Zoning Map)		\$450.00
Total			\$450.00

Payments

Date	Paid By	Description	Payment Type	Accepted By	Amount
07/29/2021	rowley refrigeration	243962			\$450.00
Outstanding Balance					\$0.00

Notes

Date	Note	Created By:
07/27/2021	Waiting to hear from Mr. Becker as to whether or not he wants to rezone his one lot with the other 3 lots.	Lisa Parnell-Rowe

Uploaded Files

Date	File Name
08/02/2021	9371349-Title Report.pdf
07/26/2021	9324261-Existing site plan.pdf
07/26/2021	9324260-Structural 2021.05.27 ROWLEY REFRIGERATION - CHIEF CONSTRUCTION FINAL (7).pdf
07/26/2021	9324259-Rowley Chief Plans 3-19-21 (4).pdf
07/26/2021	9316869-Title Report.pdf
06/30/2021	87edf6773490fe1390a9b4dffc07bbca_scan0937.pdf
06/30/2021	b6ffe65158d3b74b08b3914a5c915a4d_structural_2021.05.27_rowley_refrigeration_-_chief_construction_final_7_.pdf

Lisa Parnell-Rowe

From: Jay Rowley <jayrowley@msn.com>
Sent: Saturday, July 31, 2021 10:53 AM
To: Lisa Parnell-Rowe; Ryan Kavan; markv@crystalcreek.com; Jay Rowley
Subject: Receipt for Re zone fee

124



support@ibxpays.c... Thursday

To: jay rowley >

Receipt from CITY OF HASTINGS

Your receipt is attached

7/29/2021

jay rowley
3807 south road
Mukilteo, WA 98275
2067903446
jayrowley@msn.com

CITY OF HASTINGS
200 N HASTINGS AVE
HASTINGS, NE 68901
402 461-2302
LPARNELL-ROWE@CITYOFHASTINGS.ORG

Thank you for submitting your payment! The details of your transaction are below

Result: Approval - Approved and completed (AVS: 5 Zip Match No Address Match)

Service Fee: 14.62

Amount: 460.00

Total Amount: 464.62

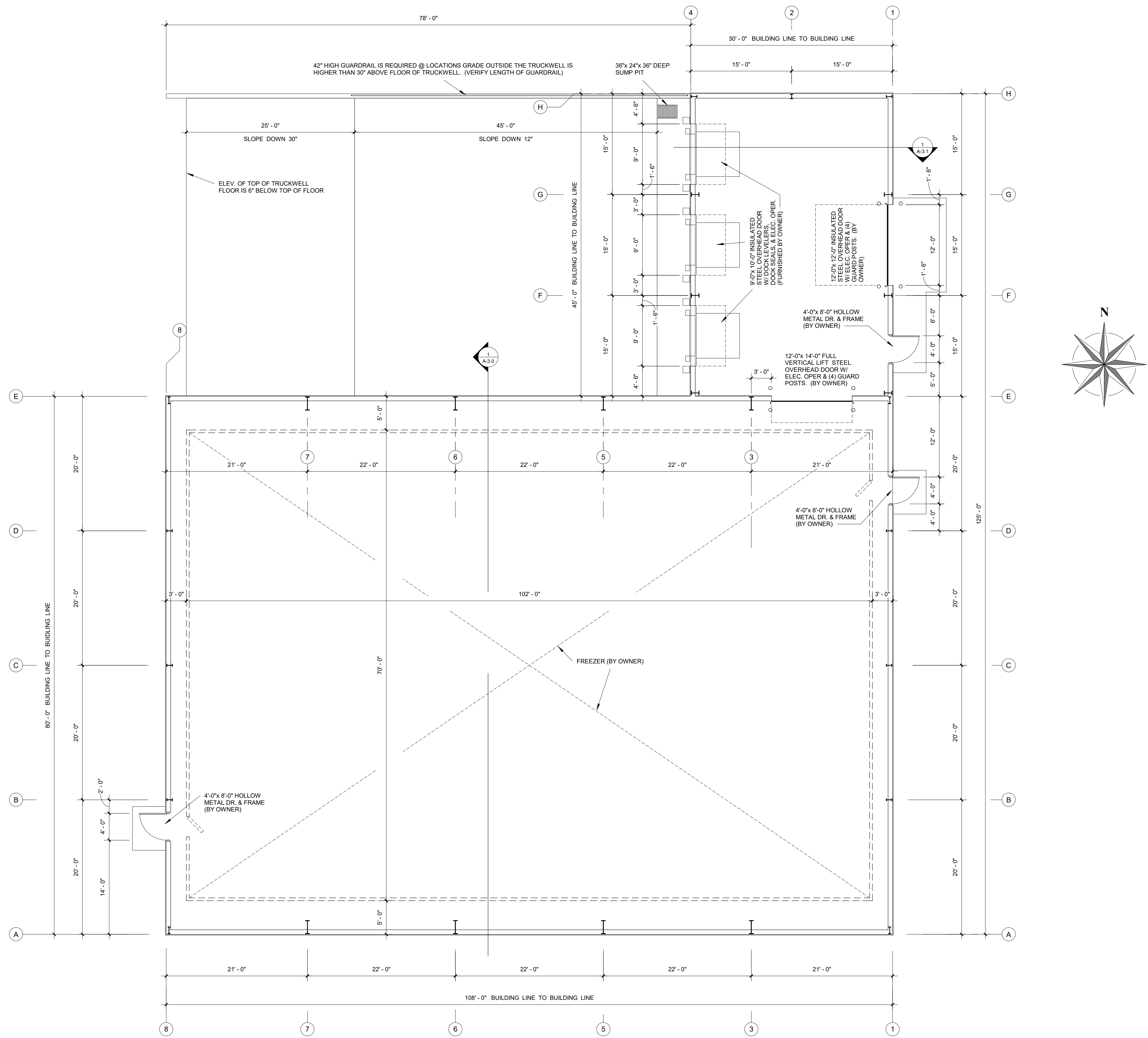
Auth Code: 683712

Transaction ID: 23519924

Card Present: No

paymenttransactionid: 243962

Sent from my iPhone



FLOOR PLAN
1/8" = 1'-0"

No.	Description	Date
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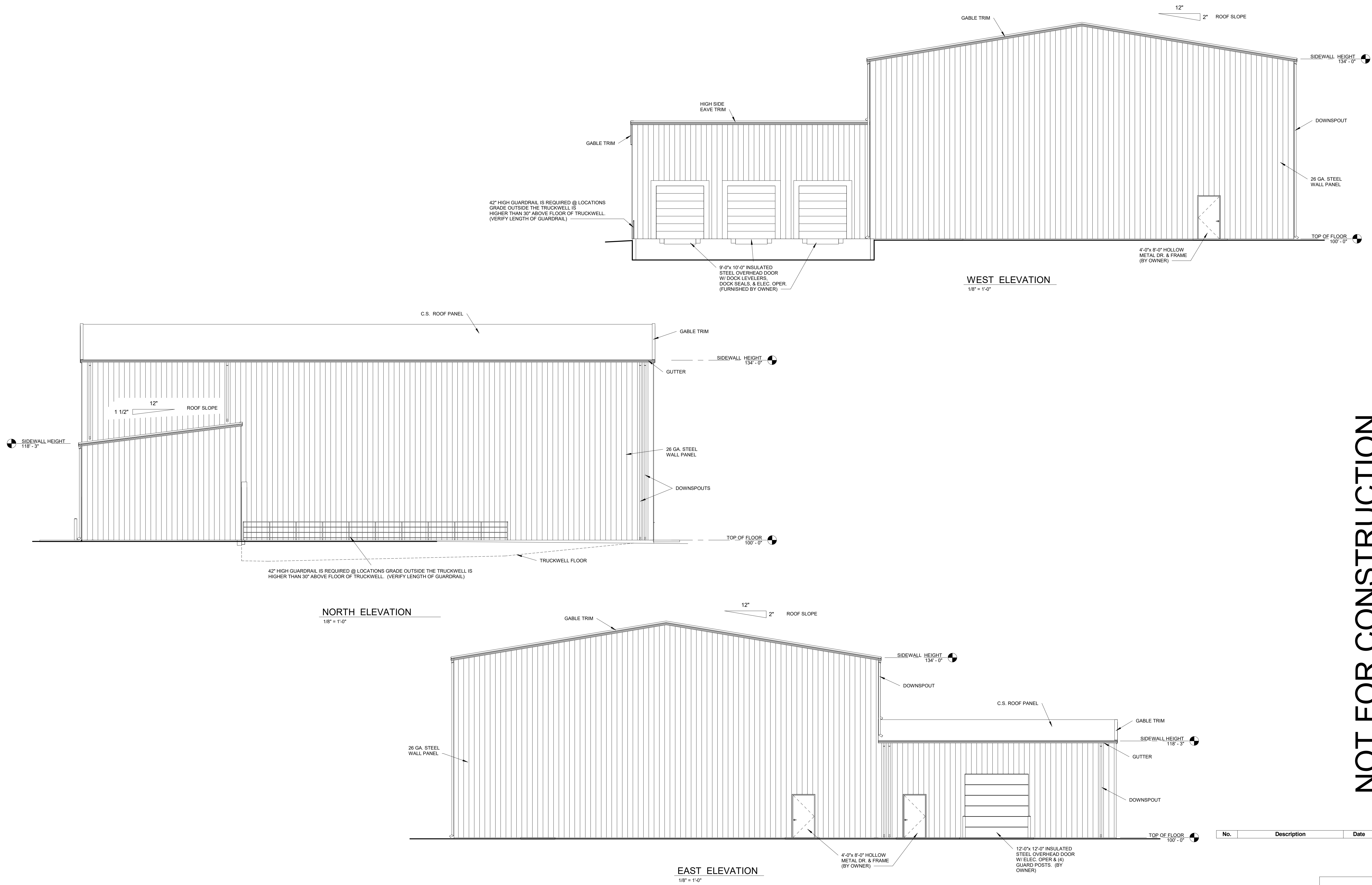
DESIGN/BUILD — GENERAL CONTRACTORS
GRAND ISLAND, NE (308) 389-7222
KEARNEY, NE (308) 238-2755
http://www.chiefconstruction.us



PROJECT NAME:
ROWLEY-CRYSTAL CREEK
HASTINGS, NEBRASKA
FLOOR PLAN

BRAWN BY:
Gary
DATE:
03/19/2021
PROJECT NO:
21028
SCALE:
1/8" = 1'-0"
SHEET NO:

A-1.0



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http://www.chiefconstruction.us



PROJECT NAME
ROWLEY-CRYSTAL CREEK
HASTINGS, NEBRASKA
BUILDING ELEVATIONS

DRAWN BY:
Gary

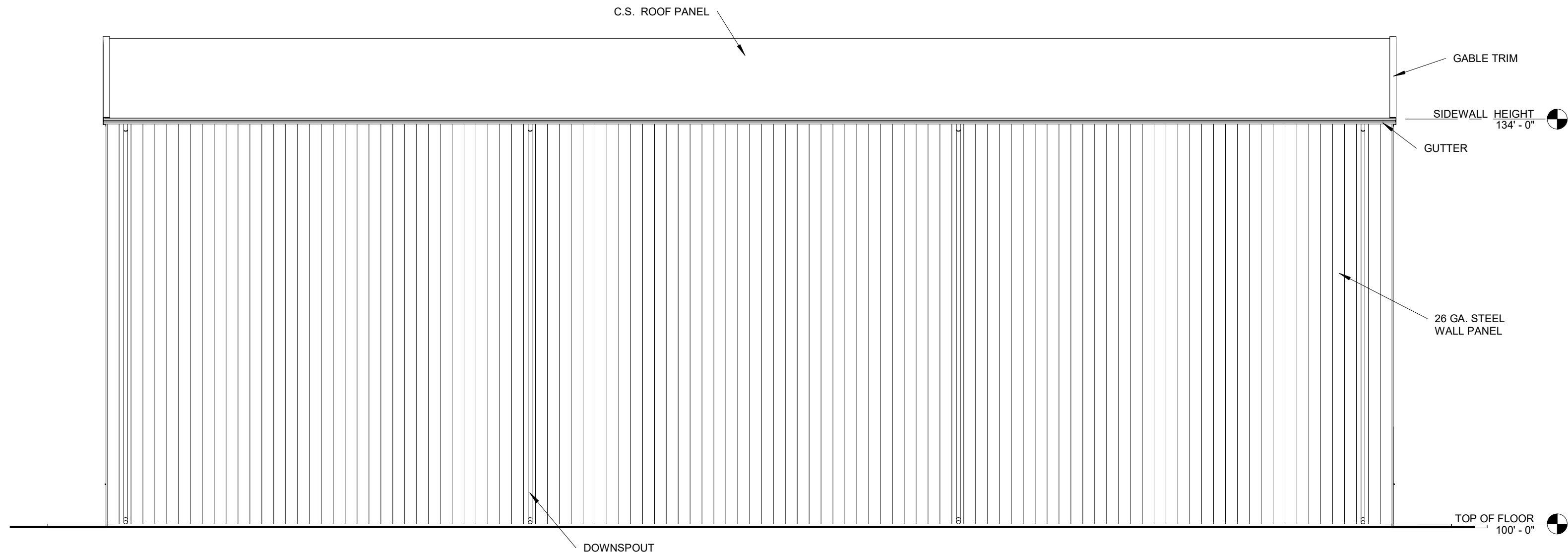
DATE:
03/19/2021

PROJECT NO:
21028

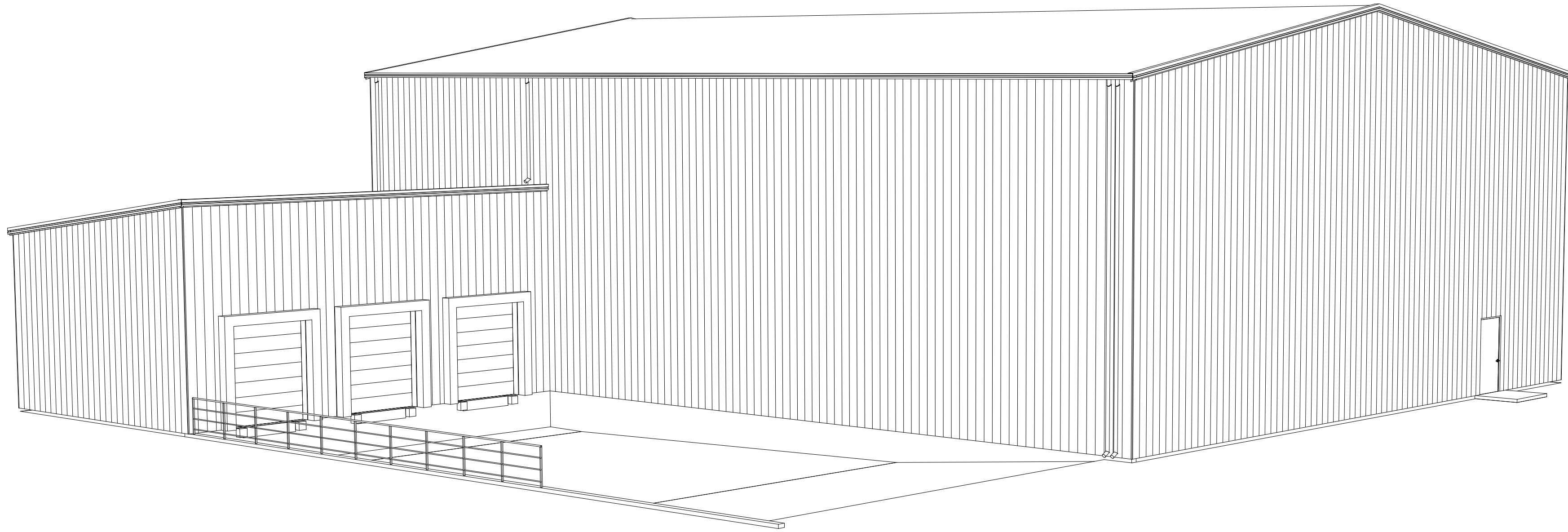
SCALE:
1/8" = 1'-0"

SHEET NO:

A-2.0



SOUTH ELEVATION
1/8" = 1'-0"

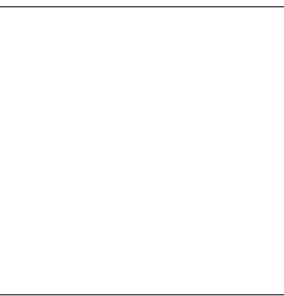


NORTHWEST VIEW

No.	Description	Date
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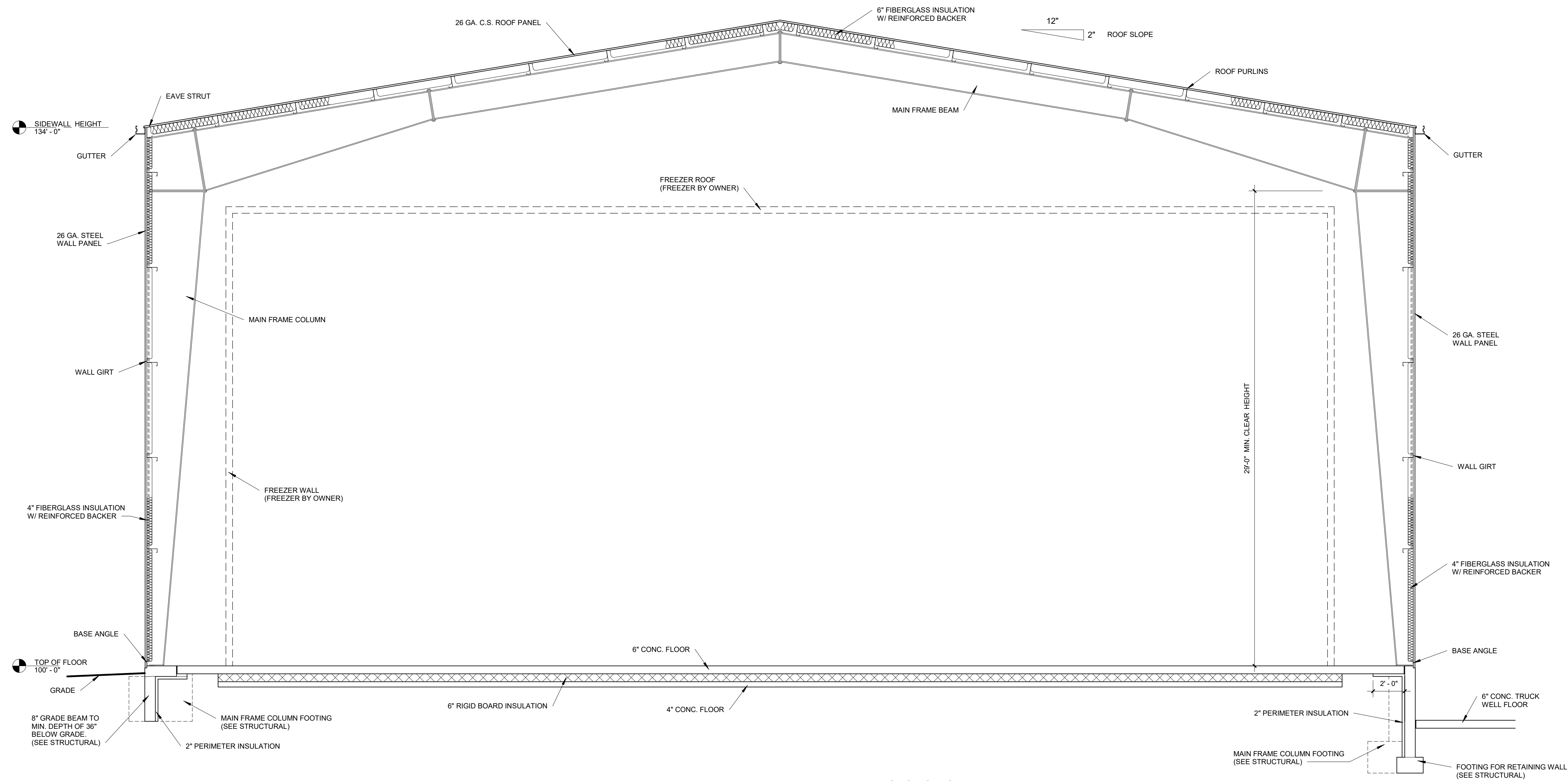
DRAWN BY: Gary
DATE: 03/19/2021
PROJECT NO: 21028
SCALE: 1/8" = 1'-0"
SHEET NO:

PROJECT NAME:
ROWLEY-CRYSTAL CREEK
HASTINGS, NEBRASKA
BUILDING ELEVATIONS



DESIGN/BUILD — GENERAL CONTRACTORS
GRAND ISLAND, NE (308) 389-7222
KEARNEY, NE (308) 238-2755
<http://www.chiefconstruction.us>

A-2.1



1 FREEZER BUIDLING SECTION
1/4" = 1'-0"

No.	Description	Date
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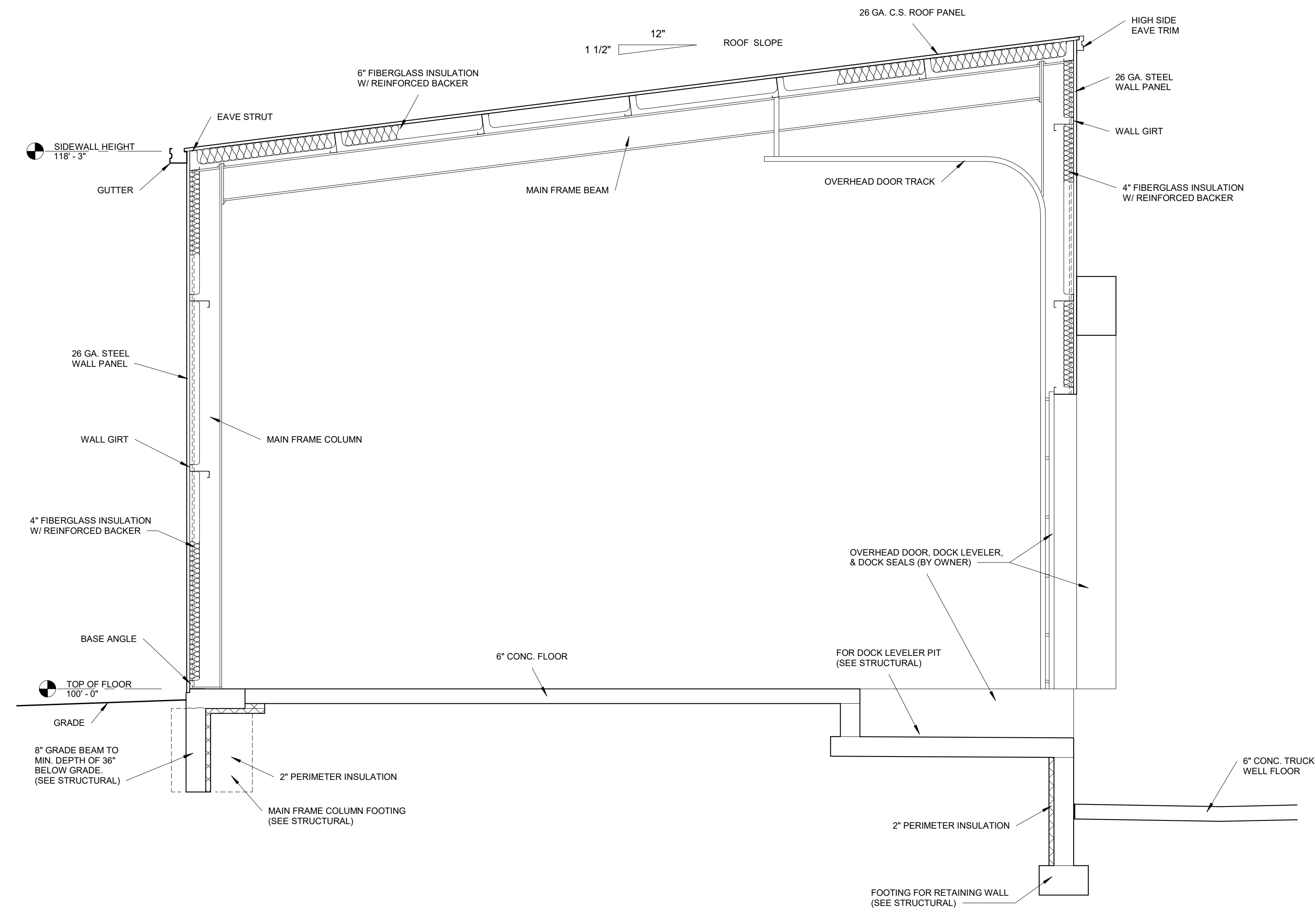
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http://www.chiefconstruction.us



PROJECT NAME
ROWLEY-CRYSTAL CREEK
HASTINGS, NEBRASKA
BUILDING SECTION

DRAWN BY:
Gary
DATE:
03/19/2021
PROJECT NO:
21028
SCALE:
1/4" = 1'-0"
SHEET NO:

A-3.0



① SHIPPING AREA SECTION
3/8" = 1'-0"

NOT FOR CONSTRUCTION

No.	Description	Date
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http://www.chiefconstruction.us

**CHIEF**
CONSTRUCTION

PROJECT NAME:
ROWLEY-CRYSTAL CREEK
HASTINGS, NEBRASKA
BUILDING SECTION

BROWN BY:
Gary

DATE:
03/19/2021

PROJECT NO:
21028

SCALE:
3/8" = 1'-0"

SHEET NO:

A-3.1

