

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Tuesday, August 17th, 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 August 17th, 2021.

The meeting was called to order at 4:08 p.m. in Regular Session by Chair Gaines with the following members present: Ann Hinton, LaDaun Schoenhals, Lou Kully, Marshall Gaines, Willis Hunt, Michelle Lewis, Rakesh Srivastava, Greg Sinner. Absent: Jacque Cranson

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

Moved by Kully, seconded by Sinner, to adopt the current agenda for the Planning Commission Meeting. Roll Call: Ayes: Ann Hinton, LaDaun Schoenhals, Lou Kully, Marshall Gaines, Willis Hunt, Michelle Lewis, Rakesh Srivastava, Greg Sinner, Nays: None. Absent: Jacque Cranson

Public Notice - Official Notice of the Regular Meeting was published in the Hastings Tribune on Saturday, August 14th, 2021. Pursuant to Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is located at the back of the 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 July 20th, 2021, Planning Commission Meeting. Roll Call: Ayes: Ann Hinton, LaDaun Schoenhals, Lou Kully, Marshall Gaines, Willis Hunt, Michelle Lewis, Rakesh Srivastava, Greg Sinner, Nays: None. Absent: Jacque Cranson

Public Hearings.

a. 2020-040. 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.

Lisa Parnell-Rowe discussed the agenda item.

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.

Ryan Kavan, JEO Consulting, 2727 West 2nd St, spoke for the item in regards to working towards a new and updated Preliminary Plat that will come next month for this rezone.

Kully recalled having something similar brought before Planning Commission years back.

Moved by Sinner, seconded by Hunt, to recommend approval to the Mayor and City Council an 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". Roll Call: Ayes: Ann Hinton, LaDaun Schoenhals, Lou Kully, Marshall Gaines, Willis Hunt, Michelle Lewis, Rakesh Srivastava, Greg Sinner, Nays: None. Absent: Jacques Cranson

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..

Lisa Parnell-Rowe discussed the agenda item.

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.

Moved by Kully, seconded by Hunt to recommend approval to the Mayor and City Council for a Resolution to amend and restate 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. Roll Call: Ayes: Ann Hinton, LaDaun Schoenhals, Lou Kully, Marshall Gaines, Willis Hunt, Michelle Lewis, Rakesh Srivastava, Greg Sinner, Nays: None. Absent: Jacque Cranson

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.

Lisa Parnell-Rowe discussed the agenda item

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 $1/15 \text{ net, } 2000 \text{ SF} / 15 = 134$. 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".

Moved by Schoenhals, seconded by Srivastava to recommend approval for the Mayor and City Council 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 persons" and must be approved by the Building Inspector.
- 4) This new use will require a new change in occupancy permit and inspection.

Roll Call: Ayes: Ann Hinton, LaDaun Schoenhals, Lou Kully, Marshall Gaines, Willis Hunt, Michelle Lewis, Rakesh Srivastava, Greg Sinner, Nays: None. Absent: Jacque Cranson

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.

Lisa Parnell-Rowe discussed the agenda item

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.

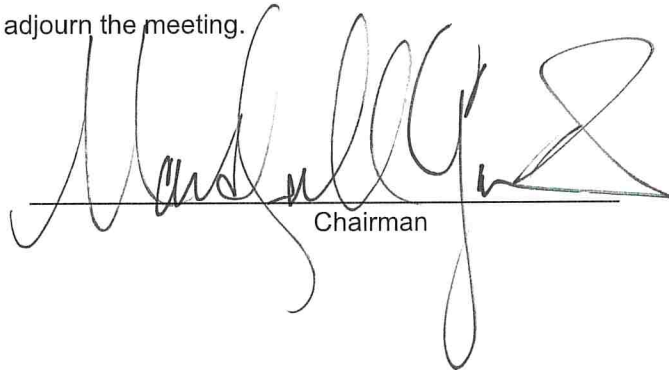
Additionally, staff has been provided with a Site Plan and preliminary building plans that demonstrate

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.

Moved by Sinner, seconded by Kully to recommend approval to the Mayor and City Council for an ordinance and the amendment to the Official Zoning District Map 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". Roll Call: Ayes: Ann Hinton, LaDaun Schoenhals, Lou Kully, Marshall Gaines, Willis Hunt, Michelle Lewis, Rakesh Srivastava, Greg Sinner, Nays: None. Absent: Jacque Cranson

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



Chairman