

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Tuesday, September 21, 2021

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the Hastings Public Library, 314 N Denver Ave., Hastings, Nebraska, on September 21, 2021.

The meeting was called to order at 4:00 p.m. in Regular Session by Chairman Gaines with the following members present: Jacque Cranson, Michelle Lewis, Willis Hunt, Greg Sinner, Marshall Gaines, Lou Kully, LaDaun Schoenhals, Ann Hinton. Absent: Rakesh Srivastava

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

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

Public Notice - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, September 17th, 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 Conference Room B Also, a current copy of the Nebraska Open Meetings Act is posted on the south wall of the Conference Room B which is accessible to members of the public.

Moved by Lewis seconded by Sinner, to approve the minutes of the August 17th, 2021 Planning Commission Meeting. Roll Call: Ayes: Jacque Cranson, Michelle Lewis, Willis Hunt, Greg Sinner, Marshall Gaines, Lou Kully, LaDaun Schoenhals, Ann Hinton, Nays: None. Absent: Rakesh Srivastava

Special Order of Business

a. **2020-043** Presentation of the 2022-2027 One and Six Year Street Improvement Plan.

Lee Vrooman gave an overview on the One and Six Year Street Improvement Plan. He spoken regarding Marian Street, J Street/Hwy 6 Project and South Street Project.

b. **2021-004** Approve ratification for recommendation made on August 17th, 2021 to approve the Restated Plan Modification No. 2020-5 for the Theatre District

Lisa Parnell-Rowe discussed this item.

The previous agenda had an item for the public hearing and consideration of Restated Plan Modification No. 2020-5 for the Theatre District LLC, but it neglected to include an item to ask for a motion to recommend approval of this agenda of Restated Plan Modification No. 2020-5 for the Theatre District LLC. This ratification corrects that omission. This item has not been approved by the City Council yet, but it is slated for their approval on September 27, 2021.

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

Public Hearings.

- a. **2021-045.** Public hearing for a change of zoning for a carwash, generally located between 13th Street West & Hill Street, and directly west of Burlington Avenue from " R-3, Multiple Family Residential" to "C-O, Commercial Office Non-Retail", and to amend the Official Zoning District Map.

Lisa Parnell-Rowe discussed this item.

Surrounding zoning is as follows:

North – C-O, Commercial Office Non-Retail District
South – C-O, Commercial Office Non-Retail District
East – R-1 Urban Single Family Residential
West – R-2, Mixed Density Neighborhood District

The Comprehensive Plan and Future Land Use (FLU) map shows this area slated for Mixed-Use – community. The existing zoning that surrounds this property is partially zoned commercial and partially zoned residential. The residential properties that are adjacent to this property are zoned to allow for higher density residential. This is not uncommon to see in the core areas of a community. As we grow, the larger lots and urban residential single-family types of homes will migrate outwards. The center or core of your community might allow for residential areas; however, it will often be more appropriately zoned for a higher density or mixed use of both residential and commercial areas. In this particular area, we have seen properties previously rezoned to C-O, *Commercial Office Non-Retail* to both the north and the south. This is appropriate zoning due to the fact that the intent of this zoning district is to provide a commercial zone that can be used, "*in areas where commercial uses might be damaging to established residential neighborhoods.*" This is done because we know that there will be residential needs with high density remaining in some areas as we grow and strive to incorporate areas into our community that are mixed use and allow for both commercial and residential. Therefore, for an area that is specifically slated in the future to be utilized for mixed uses, the incorporation of a C-O, *Commercial Office Non-Retail* is considered compatible. This zoning district will be more sensitive to the adjacent residential properties to the west. Many of the commercial uses allowed in this zoning district, and particularly commercial uses with potential impacts on residential areas, require a Conditional Use Permit (CUP) and are conditional in nature. When this development was reviewed in the Table of Uses and Districts in City Code Section 34-200, the Director made certain that the selection of a zone district considered not just this particular use, but strived also to ensure that if this use did not remain in the future that the new zoning district would continue to only allow for lower impact commercial uses or require conditional permissions that would need to be vetted through Planning Commission and City Council in the future. Understand that for this same use category of *automobile repair, limited*, the commercial zoning district of C-3, *Commercial Business District* would also have been allowed for a car wash; however, it would have allowed this as a permitted use. A permitted use would not have required a CUP and there would not have been an opportunity for the neighbors to hear about the development or to place particular conditions on this development that would ensure it mitigated traffic, noise, light, glare, etc. Staff felt that this would be important not just for this development but for any

commercial ventures that could be placed here in the future if this use were to discontinue at some point. The applicant agreed to this path willingly and, though it requires extra time, he agreed it was worth it in order to ensure that the adjacent properties had an opportunity to express any concerns and to allow for those things to be worked through. Therefore, Staff feels that both the change in zoning and the CUP go hand-in-hand with this development and that this request for change in zoning from *R-3, Multiple Family Residential* to *C-O, Commercial Office Non-Retail*, is appropriate to the surrounding area, yet sensitive to the residential neighbors. It is also felt that this zoning district has provided an opportunity for conditions that will better assist this development to integrate into this area as part of the CUP process and that, in the end, this will ensure that this business will be successful and yet still be good neighbors to the residential homes that are west of this development.

Thomas Kayton, 1119 Augusta, Seward, Nebraska spoke on behalf of this item.

Moved by Kully, seconded by Sinner, to recommend approval to the Mayor and City Council for an ordinance and the amendment to the Official Zoning District Map to rezone property generally located between 13th Street West & Hill Street, and directly west of Burlington Avenue from "R-3, Multiple Family Residential" to "C-O, Commercial Office Non-Retail". Roll Call: Ayes: Jacque Cranson, Michelle Lewis, Greg Sinner, Marshall Gaines, Lou Kully, LaDaun Schoenhals, Ann Hinton, Nays: Willis Hunt. Absent: Rakesh Srivastava

- b. 2021-046.** Public hearing to recommend a request for a Conditional Use Permit (CUP) for a carwash to be located at property generally located between 13th Street West & Hill Street, directly west of Burlington Avenue.

Lisa Parnell-Rowe discussed this item.

Our applicant is Mr. Thomas Kayton desires to bring a different kind of car wash to the City of Hastings, called WashTech. What is unique about WashTech is that it is based on a membership program that is simple and easy to use. This is also accomplished within a tunnel wash, which is limited in the City of Hastings. Our applicant has purchased 5 lots west of Burlington Avenue between Hill Street and 13th Street West for the placement of this car wash. The project zoning actions will start with a change in zone from *R-3, Multiple Family Residential* to *C-O, Commercial Office Non-Retail* and a Conditional Use Permit (CUP) to allow this use. The use of a car wash is not explicitly spelled out in the Table of Uses and Districts or Table 200-1. However, the Director has slated this use as a *automobile repair, limited use* which is defined as *a service use engaged in the repair, maintenance, or condition of motor vehicles and including the accessory sales of lubricants, parts, or accessories, where the scale of the business and design of the site is such that no outside overnight storage of vehicles or equipment is required.* In the C-O zoning district, this use requires a CUP.

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-O, Commercial Office Non-Retail District. Directly across Hill Street and to the north there is a single-family home, but to the north of this is Burger King and then the Hastings Senior High School.

South: C-O, *Commercial Office Non-Retail* District. Directly south of West 13th Street is DeWitt Funeral Home & Cremation Services, then south of that is New View Real Estate of Hastings. From here, as you move south to the end of this block, there are mostly residential homes.

East: R-1, *Urban Single-Family Residential* District. Burlington Avenue, consisting of 100 feet of right-of-way (ROW), is directly to the east and to the east of this ROW is Hastings Museum, several parking lots and Highland Park.

West: R-2, *Mixed Density Neighborhood* District. Most of this area consists of single family and some duplex-type homes for local residents.

This location is currently zoned R-3, *Multiple Family Residential*. This area is single family housing, but has been mostly used as rental property while up for sale by the owner. These homes were built between 1920 and 1940 and several of these existing structures are declining in condition. There are C-O, *Commercial Office Non-Retail* zoning districts directly to the north and south of this property with several already established businesses. Some of these are considered uses that would have greater impact on the surrounding area, like the funeral home and crematorium to the south. This is also not far from several fast food restaurants and sits directly across from the Museum and Highland Park, which are public areas in use. This area has heavier exposure to traffic. Though the area to be developed is currently zoned R-3, *Multiple Family Residential*, it is the intent of the developer to rezone this to C-O, *Commercial Office Non-Retail*, which is a transitional zone that is more sensitive to the adjacent well-established residential populations as we see to the west and further south of this property. One of the intents of the C-O zoning district is that it can be used “*in areas where commercial uses might be damaging to established residential neighborhoods.*” Staff feels that this project fills a pocket in between 2 already established C-O areas, revitalizes and reuses property that is declining and further works this area towards the overall vision for future use of mixed-use community land found in the Future Land Use Map and Comprehensive Plan. Staff has evaluated and worked with the applicant to mitigate all concerns (i.e., noise, light glare, traffic and visual aesthetics) that might be brought forward for a car wash near to residential properties and these will be discussed in further detail throughout this report.

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. The applicant has discussed this plan with engineering staff representing the streets both at the local and state level, due to the jurisdictional share of Burlington Avenue. The applicant has assessed this area carefully to ensure that it can handle the car count requirements of up to 20,000 vehicles per day and they have shown trip counts logged by the State in 2015 to support this assessment. Effort has also been taken on the part of the applicant to ensure the drive-through area shown on the site plan will adhere to waiting requirements found in Chapter 38, Table VS-1. Ingress and egress have been designed to come off of less busy Hill Street and 13th Street West to ensure that there are never backups onto Burlington Avenue. Nebraska Department of Transportation (NDOT), Wes Wahlgren and City Engineer, Lee Vrooman have reviewed and approved this site plan for the CUP. We have added one condition to ensure the applicant provides the required NDOT permit to reconstruct curbs appropriately where the existing driveways are currently located and that this is done with appropriate coordination between both public entities when we move forward into building permit.

Reasonable and economic extension of public utilities and facilities. Utilities have reviewed the project and worked with the applicant to ensure that appropriate sewer and water will be installed to accommodate the car wash. Existing water and sewer mains off of Hill Street will be utilized for tapping into the appropriate supply of those resources. To ensure that too much water usage will not back up and cause issues, the applicants are investing in a water reclaim system that will reuse 70% of the water used for the car wash. Staff appreciates the efforts to be environmentally proactive and responsible. Electrical and natural gas will be accommodated through 13th Street West lines. There is one sewer line that runs to the neighbor to the south of existing property located at 1301 N Burlington. The developer will work to establish a private easement with the neighbors and has designed the plan to avoid building over this line in case there is a need to access it. All necessary utilities will be appropriately established in easements with the final replat for this development that will follow approval of the related change in zoning and this CUP.

Civil Engineer, Tara Ogren, has also been working with the applicant to ensure the applicants' development would not hinder the city's storm water system. The applicants are installing a detention cell in the southeast corner of this development to allow for extra runoff and a full drainage plan is being prepared for submittal with the building permit. Staff has approved the detention cell as shown on this site plan and we will ensure this by placing a condition on this permit to attain final approval of a full drainage plan that will be provided with the building permit.

Noise, fumes, dust or other environmental pollution. A car wash can come with some additional noise, glare and visual concerns. All of these potential concerns have been considered by both the applicant and staff. The applicant has been agreeable to adhere to all recommendations made by Staff and has incorporated extra measures to ensure the least possible imposition is made on any neighbors that are adjacent to this development. Below is detail to explain how each of these potential concerns has been proactively mitigated in advance.

Noise: There is noise from any vacuums that might be incorporated into a car wash. To mitigate this, there have been several measures taken. First, the applicant agreed and configured this development to position all vacuums on the east side of the structure and at the farthest point possible and away from the residential properties to the west. In fact, there is likely to be more noise heard on this side from the continuous cars passing by than from the vacuums for this development. Secondly, the motor that runs the actual operations of these vacuums will be housed on the far south side of this development and enclosed with ICF blocks that will eliminate any noise that could be heard by neighbors to the west. In addition, the applicant has adjusted normal business hours, which are from 7 AM to 8 AM in other municipalities, to be from 8 AM to 7 PM, Monday through Saturday. This should better track to regular working hours where most of the neighbors will go to their own jobs or activities.

Light Glare: Adjusting the hours of this car wash also has the added benefit of eliminating 2 hours per day, which would require the car wash to be fully lit. Car wash hours will require lighting for security measures after business hours. However, the applicant has worked with staff and any pole lighting that will be placed on the west side of the structure will be required to incorporate full cutoff lighting despite the height of the poles. Our applicant has also stated that his light poles will be less than 25' high. Additionally, staff has incorporated a condition as part of this permit to ensure that all lighting and glare to the east meets the expectations of Table 305-11, and that a more detailed lighting plan will be provided with the building permit.

Visual Aesthetics: Probably one of the most important factors that the applicant has agreed to incorporate into this development has been a 6' fence that will separate the majority of the length of the development to better buffer and separate this development from the residential properties to the west. This fence will be made to blend aesthetically with the environment (see attached renderings), will be substantial in durability and is also shown in the renderings and discussed in the narrative. The applicant has also added and met all landscaping and extra buffer requirements with fence and additional trees and shrubs spaced in accordance with City Code 34-305. Sprinklers are to be installed with sod to ensure the landscaping can be easily watered and maintained to present a nice green and neatly landscaped image. The structure will be designed to provide a fresh, eye-catching modern appeal. Planning and Zoning as well as Parks and Recreation directors have reviewed and advised on the landscaping and street trees to ensure that there is good diversity and appealing trees are placed along this urban principal arterial (Burlington Avenue) which is also noted in our comprehensive plan as a character street and a primary commercial corridor.

The maintenance of logical and efficient development patterns and land use mixtures. The development pattern of the area that lines either side of Burlington Avenue has been slowly changing from what was more of a residentially-lined area to one that is more conducive to its label in the comprehensive plan as a commercial corridor. This area was future land-use-slatted for a mixed-use community. Though the initial concept of this was for more of a large center or merchandising mall area, many things have changed this large structural vision of mixed use. Nearly 12 years later, we are diverting away from large strip malls and centers and incorporating the same base concept but in outdoor venues. Though this would be just one piece of that area, the future may continue to add to this with various mixed uses that can show compatibility being placed together. This use has been fully mitigated to fit the proposed zoning of this lot as a *C-O, Commercial Office Non-Retail area*. Staff have reviewed the details on many occasions in multiple meetings and one-on-one consultations with the applicant. We feel any concerns have been fully vetted by the applicant and that this development can fit into this area without having a negative effect on property values of residences that are located west of this property.

3. *The conditions imposed are necessary to ensure the maintenance of property values and the safety, health, comfort, and repose of the residents.* Again, Staff has worked diligently to mitigate any potential issues and feels the conditions imposed due to this use being adjacent to residential areas are appropriate for this unique development. As previously discussed, a fence and additional landscaping will be utilized to create additional buffer between the uses and to separate the residential area to the west from this development. Staff also notes the applicant's willingness to be proactive to take such measures upfront with the CUP process and to provide many additional measures that will better ensure the safety, health, comfort and repose of the adjacent properties. Adjacent property notice letters were sent out to all properties within 300 feet of this location and there has, as of the drafting of this report, been no response.

4. *That the use, subject to conditions, maintains compliance with the Comprehensive Plan and the purpose and intent of the zoning regulations.* The Comprehensive Plan, Future Land Use Map for this property shows Mixed-Use – Community, which is appropriate for both residential and commercial uses. Based on the character and nature of this area, the staff feel comfortable with the use of a car wash should the area attain a successful change of zoning to *C-O, Commercial Office Non-Retail*. Again, though the intent of the Mixed-Use – Community is

spelled out to be more of a center or plaza, Staff feels that this piece of the category has become less of a factor over time, as the trend more recently has been to incorporate outdoor malls or more of a mix of separate, yet complementary uses in an area. COVID has drastically shifted our thoughts on this as well and now the goal is to create greater distancing, open spaces and put more businesses in outdoor plazas or centers rather than one large structure or a mall. This development has incorporated the required open space, landscape and buffers and will be a good addition to the community because it will be off a main corridor and offers a new and different business plan than others here in our community with a membership option. It will also provide 20 additional jobs for our community.

Thomas Kayton, 1119 Augusta, Seward, Nebraska spoke on behalf of the item.

Moved by Kully, seconded by Sinner, to recommend approval to the Mayor and City Council for a CUP resolution for a carwash to be located at property generally located between 13th Street West & Hill Street, directly west of Burlington Avenue. Roll Call: Ayes: Jacque Cranson, Michelle Lewis, Greg Sinner, Marshall Gaines, Lou Kully, LaDaun Schoenhals, Ann Hinton, Nays: Willis Hunt. Absent: Rakesh Srivastava

- c. **2021-043.** Public hearing for a change the zoning for a portion of land generally located at the southwest corner of E Street West and Chicago Avenue from "R-1, Urban Single Family Residential" to "R-2, Mixed-density Neighborhood" and to amend the Official Zoning District Map..

Lisa Parnell-Rowe discussed this item.

Surrounding zoning is as follows:

North – R-1 Urban Single Family Residential
South – R-2, Mixed Density Neighborhood
East – R-1 Urban Single Family Residential
West – R-1 Urban Single Family Residential

The Comprehensive Plan and Future Land Use (FLU) map shows this area slated for *Urban Residential* use. It is not uncommon to see residential areas in the more established areas or center of a community transformed to a higher density use as a community grows outwards. The Urban Residential category allows for higher density residential development, typically 4-10 units per acre with lots ranging in size from 7,000 to 10,750 SF. R-2, *Mixed Density Neighborhood* is the most compatible current residential zone to meet the Urban Residential FLU category projection. In order to meet the vision for these existing lots to allow for more than one single family home, rezoning the new lots to R-2, *Mixed Density Neighborhood* is necessary to meet the lot width requirements. Additionally, to the south and adjacent to these lots there is some existing R-2 *Mixed Density Neighborhood* zoning.

Moved by Schoenhals, seconded by Hinton to recommend approval to the Mayor and City Council for an ordinance and the amendment to the Official Zoning District Map to rezone a portion of land generally located at the southwest corner of E Street West and Chicago Avenue from "R-1, Urban Single Family Residential" to "R-2, Mixed-density Neighborhood" Roll Call: Ayes: Jacque Cranson, Michelle Lewis, Willis Hunt, Greg Sinner, Marshall Gaines, Lou Kully, LaDaun Schoenhals, Ann Hinton, Nays: None. Absent: Rakesh Srivastava

Subdivisions

- a. **2021-042.** Final Plat for Habitat Fifth Subdivision, a portion of land generally located at the southwest corner of E Street West and Chicago Avenue.

Lisa Parnell-Rowe discussed this agenda item.

This is a replat of a portion of land generally located at the southwest corner of E Street West and Chicago Avenue. In the past, prior to the demolition of an approximate 800-SF house, it was addressed as 702 S. Chicago Avenue. On April 29th, 2021, The City of Hastings posted a "For Sale" sign on the property, as well as opened a request for bids around the end of May 2021. Habitat for Humanity then acquired the property and plans to place 2 single family dwellings on this property. The lots did run length-wise in a west to east fashion, but in order to allow for a greater density of 2 homes to sit on this land, the lots are now being reconfigured to run length-wise in a north to south fashion. Reconfiguring the lots to run this way and rezoning to a higher density category will allow for a shorter lot width requirement and fit 2 homes without garages nicely.

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

Create an accurate public record for the sale of lots: Habitat for Humanity is known for their contributions to providing homes for those in need here and all over the world. A habitat homeowner helps build their own home alongside volunteers and pays an affordable mortgage. Habitat Fifth Subdivision is necessary to reconfigure these lots to maximize the use of this land within the necessary requirement for more than one home owner. Reconfiguring the lots will make it necessary to subdivide for the appropriate sale and tax of these lots. This subdivision will consist of 2 lots and each lot will be utilized for a single-family home. Lot 1 will be approximately 6,621 SF and Lot 2 will be approximately 6,626 SF, making the total of all replanted lots approximately 13,247 SF.

Guarantee construction of all public improvements according to the standards in the subdivision regulations: City Engineering and Utilities have discussed and reviewed appropriate placement of easements (i.e., utilities) with Krueger Surveying.

Ensure buildable lots to district zoning:

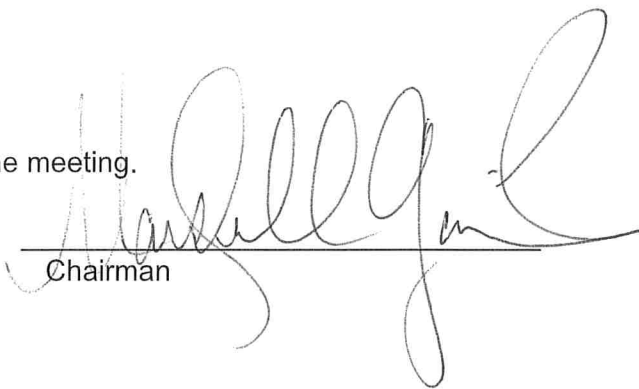
The base zoning district for this subdivision is currently R-1, *Single Family Residential*; however, the applicants have a concurrent rezone request in review to rezone this from R-1 to R-2, *Mixed Density Neighborhood*. The R-2 base district also allows single family dwellings with a minimum lot area of 6,000 SF and a minimum lot width of at least 50 SF.

The Development Department and Plat Track review teams (to include County officials) have reviewed this final plat and the applicant has incorporated all recommendations found to be relevant to subdivision design standards and regulations in both City Code Section 38-202 and 38-203.

Dan McCarthy spoke for this agenda item.

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

Moved by Kully, seconded by Sinner, to adjourn the meeting.



Chairman

