

HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission has been scheduled for Tuesday, February 15, 2022 at 4:00 PM in the City Building, 220 North Hastings Avenue.

AGENDA:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Motion to adopt the current agenda for the Planning Commission Meeting
5. Public Notice - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, February 4, 2022. Pursuant to Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is located at the back of the Council Chambers. Also, a current copy of the Nebraska Open Meetings Act is posted on the south wall of the Council Chambers which is accessible to members of the public.
6. Approval of Minutes
 - a. Meeting of January 18, 2022
7. Special Order of Business
 - a. **2022-001.** Election of Officers: Chair; First Vice-Chair; Second Vice-Chair.
8. Unfinished Business
 - a. Continued Applications - None
 - b. Tabled Applications - None
 - c. Postponed Applications - None
9. Public Hearings.
 - a. **2022-000.** Public hearing to consider an ordinance to amend Hastings City Code Chapter 34, Article I, regarding definitions of hotels and motels.

Motion to recommend approval for an ordinance to amend the Hastings City Code Chapter 34, Article I, regarding definitions of hotels and motels.
 - b. **2022-008.** Public hearing to recommend a request for Randy Chick regarding Plan Modification No. 2022-1 to amend the Redevelopment Plan for Redevelopment Area Number #14, Trail Ridge Addition 2.0, for the following collective property, to wit: Lots 2 thru 7, Block 1 and Lots 11 thru 23, Block 1 Trail Ridge Addition, Lots 1 thru 4, Block 2 and Lots 7 thru 11, Block 2 Trail Ridge Addition, Lots 1 thru 5, Block 3 Trail Ridge Addition all in the City of Hastings, Adams County, Nebraska according to the recorded plats thereof.

Motion to recommend approval for Plan Modification No. 2022-1 to amend the Redevelopment Plan for Redevelopment Area Number #14, Trail Ridge Addition 2.0,

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for the following collective property, to wit: Lots 2 thru 7, Block 1 and Lots 11 thru 23, Block 1 Trail Ridge Addition, Lots 1 thru 4, Block 2 and Lots 7 thru 11, Block 2 Trail Ridge Addition, Lots 1 thru 5, Block 3 Trail Ridge Addition all in the City of Hastings, Adams County, Nebraska according to the recorded plats thereof.

- c. **2022-010.** Public hearing for a change of zoning for all of Blocks 19 and 20, except the West 40 feet thereof in Lowman's North Side Addition to the City of Hastings, also known as 1430 West 16th Street, Hastings, Nebraska 68901 from R-3, *Multiple Family Residential* District to C-3, *Commercial Business* District, 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 all of Blocks 19 and 20, except the West 40 feet thereof in Lowman's North Side Addition to the City of Hastings, also known as 1430 West 16th Street, Hastings, Nebraska 68901 from R-3, *Multiple Family Residential* District to C-3, *Commercial Business* District.

- d. **2022-009.** Public hearing to recommend a request for a Conditional Use Permit (CUP) for a Storage Facility on a property generally located West of North Marian Road along West 2nd Street in the Southeast Quarter of Section 10, Township 7 North, Range 10 West of the 6th P.M., City of Hastings, Adams County, Nebraska.

Motion to recommend approval for a CUP resolution for a property generally located West of North Marian Road along West 2nd Street in the Southeast Quarter of Section 10, Township 7 North, Range 10 West of the 6th P.M., City of Hastings, Adams County, Nebraska.

- e. **2021-071.** Public hearing for a change of zoning for a Casino to be at property commonly located to the north of Walmart and 42nd Street W and to the west of Tom Osborne Expressway in the extra-territorial jurisdiction of Adams County and City of Hastings Nebraska from "A, Agriculture" to "C-3, Commercial Business", and to amend the Official Zoning District Map.

Motion to recommend disapproval for an ordinance and the amendment to the Official Zoning District Map to rezone property commonly located to the north of Walmart and 42nd Street W and to the west of Tom Osborne Expressway in the extra-territorial jurisdiction of Adams County and City of Hastings Nebraska from "A, Agriculture" to "C-3, Commercial Business".

- f. **2021-072.** Public hearing for a Conditional Use Permit (CUP) request for a horse racetrack as a Commercial and Retail Outdoor Entertainment & Recreation Business use commonly located to the north of Walmart and 42nd Street W and to the west of Tom Osborne Expressway in the extra-territorial jurisdiction of Adams County and City of Hastings Nebraska.

Motion to recommend disapproval of a request for a CUP for a horse racetrack as a Commercial and Retail Outdoor Entertainment & Recreation Business commonly located to the north of Walmart and 42nd Street W and to the west of Tom Osborne Expressway in the extra-territorial jurisdiction of Adams County and City of Hastings, Nebraska.

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- a. **2021-063.** Final Plat for Lakeview 10th Addition of a tract of land located in the Southwest Quarter of Section 36, Township 8 North, Range 10 West of the 6th P.M. City of Hastings, Adams County, Nebraska.

11. Reports

- a. Committee Reports
- b. Chairman Comments
- c. Staff Reports

Adjourn

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Tuesday, January 18, 2022

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the City Building, 220 North Hastings Avenue, on January 18, 2022.

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

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

4. Motion to adopt the current agenda for the Planning Commission Meeting

Moved by Willis Hunt, seconded by Greg Sinner, to adopt the current agenda for the Planning Commission meeting.

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

5. Public Notice

Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, January 7, 2022. Pursuant to Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is located at the back of the Council Chambers. Also, a current copy of the Nebraska Open Meetings Act is posted on the south wall of the Council Chambers which is accessible to members of the public.

6. Approval of Minutes

a. Meeting of December 21, 2021

Moved by LaDaun Schoenhals, seconded by Ann Hinton to approve Motion

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

9. Public Hearings

a. 2021-084

Public hearing for vacation of the Right of Way of Kansas Avenue from West 6th Street to West 5th Street and adjacent alley, Johnson's Addition City of Hastings, Adams County, Nebraska.

Motion to recommend approval for an ordinance to vacate of Right of Way of Kansas Avenue

from West 6th Street to West 5th Street and adjacent alley, Johnson's Addition City of Hastings, Adams County, Nebraska.

Brian Hurskainen explained the agenda item.

One of the requirements for the closure of Kansas Avenue from 5th to 6th Street was to conduct a traffic study and demonstrate that the adjacent roadways would not be impacted.

The study was initially completed by JEO in 2018 with the basis being data collected from a previous study of the area in 2005. In 2021, JEO and the City Engineering Department collected additional data which confirmed what was found in 2005 and 2018 is still valid.

The study details a number of changes to the flow of traffic with the closure of Kansas Avenue.

These changes are as follows:

- Three (3)-way stop, controlled "T" intersection at Kansas Avenue and 5th Street.
- All access to the school parking lot south of the gymnasium will come from Colorado Avenue. There will no longer be any access out of the west side of the parking lot onto Kansas Avenue or across to 6th Street west bound.
- Conversion of 6th Street between St. Joseph Avenue and Kansas Avenue into a one-way street going east bound.

Closure of Kansas Avenue is projected to divert traffic currently north bound on Kansas Avenue, primarily to either Minnesota Avenue or Denver Avenue. As stated in the study, the level of service (LOS) for intersections in the area either remains unchanged or marginally deteriorated. None of the deterioration is below LOS B, which is considered "reasonably free flow" and only slightly restricted.

After reviewing the traffic study completed by JEO for the Hastings Catholic Schools project, City Engineer found the study to show no significant impact on the closure of Kansas Avenue. With the closure of Kansas Avenue, City Engineer is supportive of the conversion of 6th Street from St. Joseph Avenue to Kansas Avenue into a one-way east-bound street.

Based on the information presented, City Engineer recommends the closure of Kansas Avenue from 5th to 6th Street along with the changes to the adjacent streets as listed above. These changes will allow the Hastings Catholic schools to expand into the street ROW and create a safer environment for the many students crossing Kansas Avenue multiple times a day.

Father Thomas Brouillette, CAO of Hastings Catholic Schools:

I just want to take a moment to thank the Commission for taking time to hear this request and for your understanding of it. I also want to say that our school community, which is our faculty, our staff, our parents and our students, are grateful for this opportunity. We are grateful for the open process, we are grateful for the opportunity that others can come forward and voice their concerns, and we recognize that this will be a blessing and it's something we look forward to if it does happen. I do have with us today Mike Schultes and Ryan Kavan from JEO if there are any questions for them regarding the traffic study and the site consult too. We share through our plans for the future of the school system and our investment in this Hastings downtown

area as well. We are raising 10 million dollars as a school— 8 million dollars of which would go to chapel improvements. The most important goal and first and foremost objective of this is the safety of our students, staff and visitors. At a typical school day there are about 2,500 crossings from the west side of Kansas where the high school and middle school of Kansas to the east side of campus, which is where our gym is, our P.E. our band, our cafeteria and also the church. So if you take that 2,500 a day times our number of school days, 176, it's about 440,000 crossings a year across Kansas. We've been fortunate no serious injuries have been realized between 5th and 6th on Kansas, where a student will typically cross an average of eight times each day. As part of the project, we're formally asking the City to close Kansas Avenue and vacate the Kansas Avenue adjacent alley Right of Way for safety reasons. We would like the street to be closed so that we can again ensure safety for our students. We would also like to, as part of the project if this is realized, to also expand to the East off of the front of the high school for secure entrance and also for some science classrooms. We've provided the city staff with our proposed site plans and study. We've been working with public and private utility owners that would be affected by the project to either relocate or reinforce those utilities as needed. We've also provided some letters of support for the project from the community members and property owners. The plan is to commence construction at the end of this spring and the summer of 2022 and we would do so with modifications at the 5th and 6th Street Right of Way if this should happen. The building construction and remodeling of existing facilities would be completed by the end of 2023. We're very excited about this potential project and we're very grateful again for your consideration of it and also the consideration of the residents of Hastings. Again, thank you for taking the time to hear this and for the work you're doing for the city.

Mark Callahan, COO Mary Lanning Healthcare, spoke in favor of the street closure. Mary Lanning works closely with Hastings Catholic Schools and it's important to keep communication open because one campus' plans may affect the other campus. Hastings Catholic Schools discussed the plans with Mary Lanning and the plans will not adversely affect Mary Lanning. Mary Lanning supports the Hastings Catholic Schools plan.

Daniel Sheehy, 1132 Highland Drive, parent/alumni of Hastings Catholic Schools appeared to speak in favor of the plan. The current crossing presents safety concerns.

Darrell Pernicek, 611 N Kansas, neighbor, appeared to speak on a question regarding drainage.

Ryan Kavan, JEO Consulting, 2727 W 2nd, Lead Engineer:

The drainage on 5th and 6th Street goes East and ties into the large storm trunk line on the Colorado side of the school and church properties and continues on down 6th Street. There's a large brick culvert that goes there. The majority of this site does not flow North to 7th in this area, but it does ultimately tie into the same outlet location, which is Heartwell Park. We will be reducing surface area with our current plan. On Kansas, you have hard areas; you have parking lanes on the West side, and a wide lane on the East side of the street. The bulk of that pavement will be removed and we're proposing it to be landscaped or grassed, which reduces how much flow from the property would be there. Beyond that formal drainage design, we have not evaluated any hard numbers. Typically, that would come as part of the building permit

process, but there does need to be additional information. Regarding the drainage that exists on 5th Street to date, there's a valley gutter across the North side of 5th and Kansas that channels water from the West to the East. With this proposed closure, we would maintain that, but instead of a valley gutter that you can drive through, it would be a curb and gutter all the way through with the exception of curb ramps. On the North side, there are a couple of area inlets, grate inlets on the pavement. Again, we have not gotten the final design to figure out exactly where those go but we would have to locate those within about 20 feet of where they are today.

Lisa Parnell-Rowe: We do have a policy on vacation of Right of Way to send directly to City Council but we want to be transparent with a developed street and if it's going to be a block or more, it's going to be our working policy to come to Planning Commission as a public hearing so we can send out letters and we can get feedback. Also, we've been working with Mary Lanning on drainage as well. Tara Ogren has been working with them, and some of that comes all the way from the West. They are doing a really good job of incorporating various areas for drainage. A lot of that is hopefully going to be mitigated with some of those things to come in the future as well— it all hooks in.

Moved by Greg Sinner, seconded by Michelle Lewis, to recommend approval to the Mayor and City Council the vacation of Right of Way of Kansas Avenue from West 6th Street to West 5th Street and adjacent alley.

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

Absent: Lou Kully. The motion carried.

b. 2021-087

Public hearing for a change of zoning for Lot 2, Copple 3rd Subdivision, City of Hastings, Adams County, Nebraska from "A, Agricultural" to "R-1, Urban Single Family Residential" and "R-1A Single-Family Large Lot 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 Lot 2, Copple 3rd Subdivision, City of Hastings, Adams County, Nebraska from "A, Agricultural" to "R-1, Urban Single Family Residential" and "R-1A Single-Family Large Lot Residential".

Brian Hurskainen discussed the agenda item.

Surrounding zoning is as follows:

North – A, Agricultural

South – A, Agricultural

East – R-1, Urban Single Family Residential

West – R-1A, Single-Family Large Lot Residential

Our applicant is the Copple Family LTD Partnership, they intend to sell this lot off in pieces. They had originally applied for an Administrative plat but the lot sizes they had requested were too

small to be in the Agricultural zone. The minimum lot size is 5 acres and they intend to split the piece into 4.4-acre and 0.6-acre pieces. This parcel currently sits vacant.

The Future Land Use Map is supportive of this rezone with the designation of Suburban Residential. The R-1 and R-1A zoning will allow it to meet the standard of 2 to 5 dwelling units per acre. This area is slowly changing into more of a suburban area with smaller lots already platted along 12th Street and Highland Road in direct vicinity to the subject parcel.

The reason for the different zoning is that the larger piece at 4.4 acres is intended to still be used for farming, which necessitates it being R1-A. The smaller piece at 0.6 acres is being sold to the neighbor directly to the east, which is already R-1 so it makes sense to continue that use down the street.

Anthony Murphy, Fire Marshal, City of Hastings, Nebraska, spoke in favor of the addition. There is hydrant access and adequate water in that area. We would likely be adequately protected.

Moved by LaDaun Schoenhals, seconded by Rakesh Srivastava, to recommend approval to the Mayor and City Council for an ordinance and the amendment to the Official Zoning District Map to rezone Lot 2, Copple 3rd Subdivision, City of Hastings, Adams County, Nebraska from "A, Agricultural" to "R-1, Urban Single Family Residential" and "R-1A Single-Family Large Lot Residential".

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

Absent: Lou Kully. The motion carried.

c. 2021-081

Public hearing for a change of zoning for 1670 E 70th St, in the extra-territorial jurisdiction of City of Hastings, Adams County, Nebraska from "A, Agricultural" to "R-1A, Single-Family Large Lot 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 1670 E 70th St, in the extra-territorial jurisdiction of City of Hastings, Adams County, Nebraska from "A, Agricultural" to "R-1A, Single-Family Large Lot Residential".

Brian Hurskainen discussed the agenda item.

Surrounding zoning is as follows:

North – A, Agricultural

South – A, Agricultural

East – A, Agricultural

West – A, Agricultural

Our applicant is Adam Goertzen, JEO Consulting for the Bierman Family Trust, the intention is to split this piece off from the farm to construct a new house. This lot currently has a house, an accessory structure and a well on the subject site.

The Future Land Use Map is supportive of this rezone with the designation of Agriculture. The R-1A zoning allows it to meet the goal of utilizing that property with limited agricultural uses as options while keeping the lot larger for the surrounding area.

Moved by Willis Hunt, seconded by Greg Sinner, to recommend approval to the Mayor and City Council for an ordinance and the amendment to the Official Zoning District Map to rezone 1670 E 70th St, in the extra-territorial jurisdiction of City of Hastings, Adams County, Nebraska from "A, Agricultural" to "R-1A, Single-Family Large Lot Residential".

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

Absent: Lou Kully. The motion carried.

10. Subdivisions

a. 2021-080

Preliminary/Final Plat for Bierman Subdivision, in the Northeast Quarter of Section 20, Township 8 North, Range 9 West of the 6th P.M., within the extraterritorial jurisdiction of the City of Hastings, Adams County, Nebraska.

Brian Hurskainen discussed the agenda item.

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

All related utilities easement relocations have been reviewed and approved by the Utilities Coordinator as part of this plat process.

Moved by Michelle Lewis, seconded by Willis Hunt, to recommend approval to the Mayor and City Council the Preliminary/Final Plat for Bierman Subdivision.

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

Absent: Lou Kully. The motion carried.

b. 2021-085

Preliminary/Final Plat for Wendell Starr Subdivision, in the Southwest Quarter of Section 14, Township 7 North, Range 10 West of the 6th P.M., within the extraterritorial jurisdiction of the City of Hastings, Adams County, Nebraska

Brian Hurskainen discussed the agenda item.

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

All related utilities easement relocations have been reviewed and approved by the Utilities

Coordinator as part of this plat process.

Moved by Willis Hunt, seconded by LaDaun Schoenhals, to recommend approval to the Mayor and City Council the Preliminary/Final Plat for Wendell Starr Subdivision.

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

Absent: Lou Kully. The motion carried.

11. Reports

a. Committee Reports

Ad hoc did not meet.

b. Chairman Comments

Chair Gaines announced his resignation.

c. Staff Reports

No Staff reports

Adjourn

Moved by LaDaun Schoenhals, seconded by Ann Hinton to adjourn.

Chairman

Department: Development Services

Staff Contact: Lisa Parnell-Rowe

Planning Commission Meeting Date: 2/15/2022

File No: 2022-001

Prepared By: Lisa Parnell-Rowe, Director of Development Services

AGENDA ITEM SUMMARY SHEET

Description of Item:

Chairman Marshall Gaines resigned as of January 18th, 2022. First Vice Chair is currently Ann Hinton and the Second Vice Chair is currently Greg Sinner. Elections for positions of Chair, First Vice-Chair and Second Vice-Chair will be established at this meeting.

Names of People/Business affected by this action:

The applicant, the people of Hastings and the City of Hastings.

Why Planning Commission action is required:

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

In accordance with City of Hastings Rules of Procedures nomination of officers shall be made from the floor at the annual organizational meeting in February of each year, and the elections of officers shall follow immediately thereafter.

Type of action requested:

Motion

Suggested motion:

Deadlines associated with action:

This needs to occur in the month of February of each year.

Department head comments:

Chair - The Chair shall preside over Commission meetings and on behalf of the Commission shall exercise general supervision over the affairs of the Commission, the appointment of committees and representatives, the determination of points of order and procedure, and the signing of all official documents.

First Vice-Chair - The First Vice-Chair shall have authority to act as chairman of the Commission during the absence or disability of the Chair.

Second Vice-Chair – The Second Vice-Chair shall during the absence of both the Chair and First Vice-Chair or their inability to act, have and exercise all of the duties and powers of the Chair, and shall perform such other duties as may from time to time be assigned to the Chair by the Commission. It will be important to have these Chairs re-established or continued continuity of the board.

The positions shall be effective the following month, March 15th, 2022.

Recommendation:

Staff recommends election of officers be established as prescribed in the Planning Commission Rules and Procedures.

Department: Development Services
Staff Contact: Brian Hurskainen
Planning Commission Meeting Date: 2/15/2022
File No: 2022-000
Prepared By: Brian Hurskainen, City Planner

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing to consider an ordinance to amend Hastings City Code Chapter 34, Article I, regarding definitions of hotels and motels.

Motion to recommend approval for an ordinance to amend the Hastings City Code Chapter 34, Article I, regarding definitions of hotels and motels.

Names of People/Business affected by this action:

The residents of Hastings, visitors to the City of Hastings and City of Hastings staff.

Why Planning Commission action is required:

Amendments to the zoning map, the text of Chapter 34 Zoning, or any part of the Comprehensive Plan may be made after a public hearing by the Planning Commission. Upon the final hearing of such application, the Commission shall approve or deny the same and a report of such action, together with a recommendation for final approval or denial, shall be made by the Commission to the City Council (34-801).

Type of action requested:

Motion

Suggested motion:

Motion to recommend approval for an ordinance to amend the Hastings City Code Chapter 34, Article I, regarding definitions of hotels and motels.

Deadlines associated with action:

This code revision case will be presented for approval at the City Council Regular Meeting to be held on March 14, 2022.

Department head comments:

City staff has recently been made aware of the definitions for hotels and motels that were creating some challenges for developers and inconsistent with neighboring communities. With how the definition reads now, someone needs 12 or more rooms to open a hotel and there cannot be any provisions for cooking in the individual rooms. The room restriction seems like an odd condition when looking at the surrounding communities like Kearney and Grand Island, both of which do not

have any number of rooms in their definitions. The section about cooking in the rooms also seems unnecessary when looked at in relation to the rest of the Tri Cities. In addition, there are currently operating hotels within the city limits (i.e., 200 W 31st Street) that have things to cook with, such as microwaves, electric stovetops and refrigerators within individual rooms. Having these things within the rooms can give travelers a little flexibility and help them enjoy their stay in Hastings a little more, particularly in a city that admittedly has fewer places to eat. The revision to the definition for motels is strictly to simplify the definition and to get closer with surrounding communities. Parking areas are a given with the transient nature of the people being served with these types of uses. A majority of the people that travel to Hastings are doing it by automobile and will need a place to leave their car in the immediate vicinity. Vending Machines are another omission because they do not add people to the area; no one goes out to these places just to use the vending machines. The other uses listed are accessory uses but can be used by people not staying there. These amendments create fewer arbitrary restrictions for developers and more closely follow what our neighbors in the Tri-Cities adhere to with regard to hotels and motels.

Recommendation:

Staff recommends motion to recommend approval for an ordinance to amend the Hastings City Code Chapter 34, Article I, regarding definitions of hotels and motels.

V. *Lodging.* Lodging services involving the provision of room and/or board, but not meeting the classification criteria of Bed and Breakfasts. Typical uses include hotels, apartment hotels, and motels.

Hotel shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word "hotel" includes motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, motor hotel.

Sec. 34-104. Descriptions and categories of uses.

The following categories and descriptions of specific uses of land and buildings correspond to the Use Table 34-200. Where a use appears to meet two or more descriptions or where a use is not described, the Director shall make a determination of the most comparable use. In making this determination, the Director shall compare: (a) the intensity and scale of the use relative to the site; (b) the typical site and building designs associated with the use; (c) the functional or operational characteristics and the potential impacts the use on adjacent property; and (d) the potential contribution of the use to the overall character of the district or districts in which the comparable use is allowed. All other uses which cannot be interpreted in this manner are different from the described uses, are not anticipated by these regulations, and may only be allowed by a zoning text amendment.

- (1) *Residential uses.* The residential use category is for all types of dwelling units used for permanent residence, including a variety of lot types, building types, and unit types, that may vary in the kind and classes of buildings based on the character of the neighborhood.

Detached dwelling. A residential use in a detached building designed as a single principal dwelling unit and situated on its own fee simple lot.

Detached dwelling, accessory. A detached single family dwelling located a lot developed with a detached dwelling as the principal use, and accessory to the principal detached dwelling.

Semi-attached dwelling ("duplex"). A residential use in detached building designed as two principal dwelling units. It may be designed as a "paired house," matching the appearance of a house, or it may be designed as a "flat-over-flat," matching the appearance of a small apartment building. A duplex is situated on its own fee simple lot, but each unit of a side-by-side paired house may be platted on an individual lot if party walls are used.

Attached dwelling ("townhouse"). A residential use in a building designed with a series of attached principal dwelling units separated by a single common wall. Each unit is typically situated on its own fee simple lot where party walls are used, but buildings or grounds may be owned in common. Each unit has the same orientation and front façade, and has its own private entrance to the exterior of the structure.

Multi-dwelling building ("apartment"). A residential use in a building designed for more than two principal dwelling units and situated on a single fee simple lot. This building type includes a number of variations based on the permitted building scale, including "stacked flats" (three-story/tri-plex), "six-plex" (paired stacked flats), or larger apartment buildings.

Live/work. A primarily residential use in a building designed for two principal uses, where a portion is designed for residential dwelling use, and a portion is designed for a limited non-residential use to support the occupation or vocation of the resident of the dwelling unit. The non-residential portion is limited to the first story and less than 50 percent of the total floor area of the building. The building is situated on its own fee simple lot but may be attached or detached based on zoning district standards and context.

Mixed-use dwelling. A residential use in a building designed for a mix of uses with office or retail on the first story/street-front and residential uses on the upper stories where the dwelling units are not accessory to the non-residential uses. Mixed-use buildings may be either small- or large-scale, with larger scale buildings, depending on the context and zoning district standards, and typically being broken into multiple fee simple lots with party walls, but the dwelling units may be owned in fee simple, as condominiums, or apartments.

Group housing. The grouping or clustering of living units (dwelling units) on a suitable site in such a manner that the amount of usable open space per unit is equal to or exceeds the open space

requirements for conventional development under the pertinent use district standards. Group housing developments are only allowed by conditional use permit.

Type A manufactured housing. A factory built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, as promulgated by the United States Department of Housing and Urban Development, or any successor regulations thereto. See the provisions of Section 34-312 for additional regulations relating to Type A and Type B Dwellings.

Type B manufactured housing. A modular housing unit as defined in Section 71-1557 of the Nebraska Revised Statutes 1943 which bears the seal of the Nebraska Department of Health. See the provisions of Section 34-312 for additional regulations relating to Type A and Type B dwelling.

Mobile home court. Any mobile home court, trailer park, trailer court or tract of land designated, maintained or tended for the purpose of supplying a location or accommodation for any mobile home or Type A or Type B manufactured dwelling and upon which one or more mobile homes or Type A or Type B manufactured dwelling are parked, and shall include all building used or intended for use as part of the equipment thereof, whether a charge is made for the use of the mobile home court and its facilities or not. 'Mobile home court' shall not include automobile or trailer sales lots on which unoccupied mobile homes are parked for purposes of inspection or sale or storage or a tract of land used to park trailers temporarily for overnight stays for a maximum period of one week where the mobile home trailer is parked for recreational purposes or for stopping by migrating persons while passing through the City.

Mobile home, accessory. A detached, single or two family dwelling which was originally designed for long-term human habitation and which was constructed and fabricated into a complete unit at a factory and capable of being transported to a location for use on its own chassis and wheels, identified by model number and serial number by its manufacturer, and designed primarily for placement on an impermanent foundation, when used for residential or any other purposes, but not including any structure which meets the definition of a Type A or Type B manufactured dwelling.

- (2) *Civic uses.* The civic use category includes uses serving a broad and general public and community interest to enhance daily cultural, social or recreation opportunities for area landowners and residents. This category is based on the need of different kinds and classes of buildings in close proximity with other uses, which can be integrated in to these areas with the appropriate level of civic design. The civic use category may contain uses that are either public and accessible to all citizens; common and accessible by rights associated with ownership; or private and accessible by membership or general association.

Neighborhood assembly (< 350 maximum occupancy). 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.

Community assembly (350—700 maximum occupancy). 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 for citizens in the general vicinity. Community assemblies typically have buildings and supporting facilities designed for a capacity of no more than 750 people for any one event. Common examples include community centers, museum, or large churches. For larger facilities see entertainment venue.

Eleemosynary or philanthropic institution. A private, non-profit organization which is not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which inures to the benefit of any member of said organization or individual, and which either (a) provides volunteer aid to the sick and wounded of the armed forces in time of war and natural relief in case of a national calamity or emergency or (b) provides all or any of the following: religious, social, physical, recreational, and benevolent services. In addition, such term shall include such an organization providing housing and related facilities for elderly or physically handicapped families. This definition shall not be construed to include supervised homes, halfway houses, or supervised home for the mentally handicapped.

Golf course/clubhouse (non-business). A civic use engaged in the management and operation of a golf course as an outdoor recreation activity, and any accessory sales or businesses associated with the operation of the golf course and which are intended solely for patrons of the golf course.

Public park/playground. A civic use where an area of land is used for structured or unstructured outdoor recreation.

Public museum or library. A building used for the artistic, cultural, educational or other exhibition of materials, artifacts, and resources which are presented or made available to the public.

School, elementary or middle. A civic use where buildings and facilities are used for the education and instruction of K through 8 students.

School, secondary. A civic use where buildings and facilities are used for the education and instruction of 9 through 12 students.

School, college or university. A civic use where buildings and facilities are used for the education and instruction of post secondary.

- (3) *Service uses.* The service use category is for businesses engaged in the exchange of professional skills, advice, personal care or other resources, and the nature of the exchange generally requires frequent interactions with the clients, customers or patrons on the premises, and where lots or buildings may require access or exposure to the public-at-large.

Adult care, home. A residence or facility wherein adult day services are provided for less than four adults.

Adult care facility. A program of structured and monitored social, manual, physical, and intellectual services and activities provided in a supervised, ambulatory (including wheelchairs) setting outside an individual's own home, directed toward adults who do not require 24-hour institutional care but who, because of physical or mental impairment (including social isolation) require services in a group setting for the purpose of achieving or maintaining self-sufficiency, preventing or remedying neglect, abuse, or exploitation, and preventing or reducing inappropriate institutional care. Adult day services will constitute a home occupation if conducted in a residence, and in accordance with Hastings City Code Section 34-302.

Automobile service station—Limited. A service use engaged in the retail sale of fuel, and may include accessory sales of lubricants, accessories, repair services, or maintenance services. This use is limited to no more than two fuel pump islands and no more than eight fueling stations.

Automobile service station—General. A service use engaged in the retail sale of fuel, and may include accessory sales of lubricants, accessories, repair services, or maintenance services, or accessory convenience retail. This use is limited to no more than four fuel pump islands and no more than 16 fueling stations.

Automobile service station—Large-scale. A service use engaged in the retail sale of fuel, and may include accessory sales of lubricants, accessories, repair services, or maintenance services, or accessory

convenience retail. This use may have more than four fuel pump islands and more than 16 fueling stations.

Automobile repair—Limited. 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.

Automobile repair—General. A service use engaged in the repair, maintenance, or condition of motor vehicles and including the accessory sales of lubricants, parts, or accessories. Where outside overnight storage of vehicles or equipment may be required.

Bank. A service use providing financial services to the general public, including associated office and customer service facilities.

Child care, home. A service use wherein there is provided for up to eight children, as a secondary use within a residential dwelling, any care, supervision, custody, control or other services in lieu of parental supervision, for compensation.

Child care facility. A service use wherein there is provided for children, as a principal or as an accessory use of non-residential buildings, any care, supervision, custody, control or other services in lieu of parental supervision, for compensation.

Halfway house, quasi-institutional use. Shall be described as a licensed home by the State of Nebraska or the United States Government, for individuals on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation, re-employment and counseling are provided to mainstream residents back into society, enabling them to live independently.

Kennel, commercial. An establishment where any combination of more than four dogs or cats are bred, boarded, trained, or sold. Any dog or cat which is younger than four months old, shall not be counted towards the four animal limit. A veterinary clinic shall not be considered to be a kennel for purposes of this chapter.

Lodging, bed and breakfast. A service use where up to six guest rooms are rented, generally for short-term occupancy for sleeping, together with limited facilities for the accommodations of guest in a home-like atmosphere.

Lodging, rooming house. A service use where more than six guest rooms are rented, generally for short-term occupancy for sleeping, together with limited facilities for the accommodations of guest in a home-like atmosphere.

Lodging, hotel. A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, ~~and in which there are more than 12 sleeping rooms, and no provisions for cooking in individual rooms.~~

Lodging, motel. A building containing one or more sleeping rooms to be rented on a daily basis, primarily to the motoring public, together with ~~parking area,~~ recreation space, ~~vending machines,~~ restaurants, clubs, or other related accessory uses including meeting room and banquet facilities.

Medical office. A service use where physicians, dentists, or other health care professionals carrying on their professions. A medical office may include a dental or medical laboratory, but may not include in-patient care or operating rooms for major surgery and may not be open for after-hours emergency care.

Medical clinic. A service use where physicians, dentists, or other health care professionals are associated for the purpose of carrying on their professions. A health clinic may include a dental or

medical laboratory, after hours emergency care, but it may not include in-patient care or operating rooms for major surgery.

Medical hospital. A service use providing health services, primarily for inpatients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

Nursing home/assisted living. Any structure used or occupied by persons recovering from illness or suffering from infirmities of old age in a group care setting.

Professional services office. A service use where individuals with specialized knowledge provide planning, advice, technical aid to the general public. Examples include doctor of medicine, engineer, lawyer, accountant, insurance agent or other similar professional services.

Self storage. A self-service storage facility designed to provide dead storage for families and small businesses only.

Veterinary office. A Service use where domestic animals are cared for in an office environment and any boarding areas is only accessory to the primary use of the facility for ordinary care and treatment of domestic animals.

Veterinary hospital. A service use where animals are admitted for examination, treatment, or health care by a doctor of veterinary medicine, which may include boarding and other facilities associated with longer term care or extraordinary treatments.

- (4) *Employment uses.* The employment use category is for businesses engaged in administrative, clerical, and professional operations and support, where products or services are of the nature that generally do not require daily on-premise interactions with the clients, customers or patrons, and where lots and buildings are not primarily designed to maximize exposure to the public-at-large.

Home occupation. Any occupation or activity carried on within a dwelling unit by a member(s) of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character thereof. The regulations pertaining to home occupations can be found in Section 34-302.

Office—Limited. An employment use which is limited and associated with another use, and generally involves less than 2,000 square feet of office space, and where each owner or tenant typically employs less than ten employees on premises.

Office—Small. An employment use which is not an accessory to another use, but limited individual units of gross leasable area are less than 3,500 square feet, and where each owner or tenant typically employs less than 20 employees on premises. Examples include small-scale professional service offices such as accountants, architects, insurance, law, real estate, or other similar businesses which can operate within the unit square footage and employee limits of this category.

Office—General. An employment use where individual units of gross leasable area are between 3,500 and 20,000 square feet, and where each owner or tenant typically employs between 20 and 100 employees on premises. Examples include large professional service offices such as accountants, architects, insurance, law, real estate, or other similar businesses which exceed the office—limited category, or other moderate size business or corporate employment operations.

Major office or office complex. An employment use where individual units of gross leasable area may be more than 20,000 square feet in a single building or group of buildings, and each owner or tenant may typically employ more than 100 employees on premises. Examples include major professional service firms or large corporate offices.

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- (5) *Commercial and retail uses.* The commercial use category is for businesses engaged in the exchange of merchandise for general consumers, and nature of the exchange generally requires frequent interactions with the clients, customers or patrons on the premises, where lots or buildings are primarily designed for exposure to the public-at-large.

Convenience retail, automobile (< 5K). A commercial use primarily engaged in the small-scale sale of household merchandise and general consumer products and involving less than 5,000 square feet of gross leasable area. Convenience retail, automobile uses are characterized by a target market based on high-traffic roadways, or are an associated accessory to an employment or service business.

Convenience retail/corner store (< 2K). A commercial use primarily engaged in the small-scale sale of household merchandise and general consumer products and involving less than 2,000 square feet of gross leasable area. Convenience retail/corner store uses are characterized by a target market area of less than ¼ mile radius for most of its on-premise sales or are associated accessory to an employment or service business.

Neighborhood retail (< 5K). A commercial use primarily engaged in the small-scale sale of household merchandise and general consumer products and involving less than 5,000 square feet of gross leasable area. Neighborhood retail uses are characterized by a target market area of less than ½ mile radius for most of its on premise sales.

General retail (5K—20K). A commercial use primarily engaged in the sale of household merchandise, specialty merchandise, and consumer products and involving between 5,000 and 20,000 square feet of gross leasable area. General retail uses are characterized by a target market area of less than one mile radius for most of its on-premise sales.

Large-scale retail (20K—100K). A commercial use primarily engaged in the s sale of household merchandise, specialty merchandise or general consumer products and involving between 20,000 and 100,000 square feet of gross leasable area. Large-scale retail uses are characterized by a target market area that may be greater than one mile radius for its on-premise sales.

Warehouse retail (> 100K). A commercial use primarily engaged in the sale of household merchandise, specialty products, general consumer products, or wholesale products and involving greater than 100,000 square feet of gross leasable area. Warehouse retail uses are characterized by a target market area more than one mile radius for most of its sales.

Grocery store (< 45,000K). A commercial use engaged in the retail sale of a broad range of food products and limited household products for consumption off premises, although some limited areas may be dedicated to the on-premise sale and consumption of food. A grocery store involves less than 45,000 square feet of gross leasable area and is characterized by a target market of less than one-mile radius.

Supermarket (> 45,000[K]). A commercial use engaged in the retail sale of a broad range of food and household products for consumption off premises, although some limited areas may be dedicated to the on-premise sale and consumption of food. A supermarket typically involves more than 45,000 square feet of gross leasable area and is characterized by a target market of greater than one-mile radius.

Indoor entertainment and recreation business. A service use where facilities for indoor sports, entertainment, or similar recreation opportunities for participants of spectators are offered as a business. Examples of uses include roller skating rinks, movie theaters, or fitness clubs.

Outdoor entertainment and recreation business. A service use where facilities for outdoor sports, entertainment, or similar recreation opportunities for participants of spectators are offered as a business. Examples race tracks, driving ranges, or other similar grounds.

Entertainment, venue. A Service use where floor shows or other forms of entertainment, performances or presentations by persons are provided for guests, which may include accessory dining, bar, and similar refreshment services. Examples include concert halls, dinner theaters, or banquet halls, or auditoriums.

Outdoor sales, limited. The limited display of merchandise on a sidewalk or an exterior private area of a site associated with an otherwise permitted commercial use. This display is further limited by the following: (1) it only occurs during regular business hours and is brought indoors; (2) is limited in extent to less than ten percent of the entire merchandise area of the commercial use; and (3) it is limited to seasonal sales or events lasting no longer than one-week at a time with at least four weeks between consecutive events.

Outdoor sales, seasonal. The limited display of merchandise on a sidewalk or an exterior private area of a site associated with an otherwise permitted commercial use. This display is further limited by the following: (1) it only occurs during regular business hours and is brought indoors; (2) is limited in extent to less than 20 percent of the entire merchandise area of the commercial use; and (3) it is limited to seasonal sales or events lasting no longer than one month at a time with at least two months between consecutive events.

Outdoor sales, yard. The display and sale of merchandise where the primary business is generated by merchandise displayed permanently and year round on an exterior portion of the site.

Outdoor market (farmers market). A special event outdoor sales of products that are produced off-site by a number of different merchants, typically farm or craft products.

- (6) *Industrial uses.* The industrial use category is for businesses engaged in manufacturing, fabrication, warehousing, processing, wholesale or disposal of goods, products and component parts, and services related to these businesses. These uses typically belong in a special district due to their inability to blend with the uses from other use categories, except when occurring at the smallest scale.

Grain storage elevator. A facility used for the storage, exchange, processing and distribution of grain.

Manufacturing, limited. An industrial use where small-scale activities produce no by products such as smoke, odor, dust or noise discernable from the outside of the building in which it is located. Individual facilities typically occupy less than 10,000 square feet of gross leasable area, it requires no outside storage, and distribution and deliveries are commonly made by general consumer delivery services, requiring no significant truck access. A retail, showroom, or service component is often associated with the use. Examples include artist studios, metal and wood shops, arts and crafts manufacturing, small appliance or machine repairs, or other small-scale assembly of finished parts or products from previously prepared materials.

Manufacturing, light. An industrial use whereby products such as smoke, odor, dust or noise are not discernable from outside of the building in which it is located. It requires no outdoor storage or operations to occur, and where distribution and deliveries can occur from general consumer delivery services or limited commercial truck access. Examples include research labs or facilities, small electronics or computer assembly and manufacturing, furniture assembly.

Manufacturing general. An industrial use whereby products such as smoke, odor, dust or noise are not discernable from beyond the property boundary. Limited outdoor storage or materials may occur, and operations may require substantial commercial vehicle access for distribution and deliveries. Examples include large-scale non-animal food processing, commercial warehouses or wholesale distribution centers.

Manufacturing, heavy. An industrial use capable of producing significant by products discernable from outside the building and property including noise, odors, or other potentially offensive materials. It includes outdoor storage of materials and operations may require substantial commercial vehicle

assess for distribution and deliveries. Examples include food-processing involving animals, metal or chemical manufacturing, impoundment yards.

Impound yard. A place where the primary use is the storage or parking of operating or non-operating vehicles for longer than 48 hours, including, but not limited to, the following: (1) the storage of private parking towed-away vehicles; or (2) the long term storage of vehicles with consent of the owner.

Recycling collection and processing. An industrial use where land and buildings are used for the public drop-off, storage, and packaging of recyclable materials. Processing may occur on site, or materials may be shipped to other industrial sites for further processing.

Salvage yard/junkyard. Any lot, or portion of a lot, which is used for the purpose of the outdoor storage, handling, dismantling or wrecking of abandoned airplanes, appliances, vehicles, boats, building and building materials, machinery, equipment, or parts thereof, including but not limited to, scrap metals, wood, lumber, plastic, fiber, or other tangible materials as defined in this subsection under "junk."

Slaughter house/meat packing. A manufacturing use where live animals are temporary boarded for processing and distribution as food or other byproducts.

Storage or sale of liquid petroleum. A manufacturing use where storage, processing and sale of large quantities of combustible or flammable fuels may be present on the premises, and where frequent truck traffic is necessary for the safe distribution of products.

Warehouse storage/bulk storage. A structure containing an area whose primary purpose is storing commercial, industrial or private personal property, which may or may not include associated office space.

Wholesale. A merchant or middleman who sells chiefly to retailers, other merchants, or industrial, institutional and commercial users mainly for resale or business use.

- (7) *Agriculture and natural resource uses.* The agriculture use category is for uses that are commonly associated with an agrarian or rustic lifestyle, and which demand little or no public infrastructure or services.

Limited agriculture (AR). The production of grain, animals, food and fiber on a small scale where any impacts on potential adjacent property from storage, operations, and equipment can be internalized into the site or buffered from abutting areas, typically not occurring on lots or parcels larger than ten acres.

General agriculture. The production of grain, animals, food and fiber; the science and art of farming and ranching; and the work of cultivating the soil, producing crops and raising livestock. General agriculture specifically excludes concentrated feeding operation where animals are confined, fed and maintained for 45 consecutive days or more in any 12 month period.

Aquaculture. The raising, feeding, planting, and harvesting of fish, shellfish or water borne plants, and associated facilities necessary for the use.

Feed lot.

- (a) Any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail.
- (b) Any structure, pen or corral wherein cattle, horses, sheep, goats, swine, fowls or other animals maintained in close quarters for the purpose of fattening and confinement feeding of such livestock or fowl for final shipment to market.

Natural resource extraction. The growth, harvesting, cultivating land preparation of plants or other products of the land for distribution and sale as raw material in some other manufacturing process.

Nursery. The use of land and facilities for growing trees and plants for the retail or wholesale distribution on the premises. Examples include tree farms, orchards, or commercial greenhouses.

Stable, public. A business engaged in the keeping of horses, ponies, mules or cows for others.

- (8) *Public service uses.* The public service use category is for business or government entities engaged in serving a broad and general public and community interest to enhance general health, safety, welfare and convenience for landowners and residents. This category is based on the need of different kinds and classes of buildings in close proximity with other uses, which can be buffered from these areas with the appropriate site design, or alternatively which can be located in special purpose districts and still serve the public interest.

Air field. An area constructed for the purpose of serving as a location for small airplanes or similar aircraft to land and take off.

Heli-stop. A hard surfaced area constructed for the purpose of serving as a location for helicopters to land and take off.

Public parking lot. A parking area available for public use whether free, for compensation or as an accommodation for clients or customers.

Public recreation grounds. Structures used primarily for participation by the public in athletic activities such as tennis, handball, racquetball, basketball, and other court games; jogging, track and field, baseball, football, soccer, and other field games; skating, swimming, or golf. Recreational facilities shall include country clubs and athletic clubs; it shall not include facilities accessory to a private residence used only by the owner and guest, nor shall it include arenas or stadia used primarily for spectators to watch athletic events.

Public utility plant. A public service use where land is used for the concentrated location of fixed equipment necessary to serve large areas with utility service, including operations of the utility other accessory buildings and facilities essential to the operation of the equipment, distribution, and processing associated with the utility. Examples include sewage treatment plant, electric supply plant, water supply plant, or sanitary landfill.

Public utility substation. A public service use where land is used for equipment necessary to serve adjacent areas with utility services, which facilitates are typically unmanned except for during ordinary maintenance.

Cemetery. An area where land is used for the burial of the deceased, both human and animals, and dedicated for internment purposes, including columbaria, crematoria, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Small wind energy systems. Facilities used to generate energy from wind as a use accessory to other permitted structures on the premises.

Large scale wind generator (wind farms). Any wind generator facilitates that do not qualify for small scale wind energy systems according to the standards of these regulations.

Telecommunication facilities and support structures. Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A telecommunication facility can consist of one or more antennas and accessory equipment or one base station, and supporting structures.

All words and phrases shall have their ordinary and customary meanings unless the context of the word or phrase indicates otherwise.

(Ord. No. 4233-11/2009, 4309 -10/2011, 4354 -7/2013 and 4416 -11/2014)

Department: Development Services
Staff Contact: Brian Hurskainen
Planning Commission Meeting Date: 2/15/2022
File No: 2022-008
Prepared By: Brian Hurskainen, City Planner

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing to recommend a request for Randy Chick regarding Plan Modification No. 2022-1 to amend the Redevelopment Plan for Redevelopment Area Number #14, Trail Ridge Addition 2.0, for the following collective property, to wit: Lots 2 thru 7, Block 1 and Lots 11 thru 23, Block 1 Trail Ridge Addition, Lots 1 thru 4, Block 2 and Lots 7 thru 11, Block 2 Trail Ridge Addition, Lots 1 thru 5, Block 3 Trail Ridge Addition all in the City of Hastings, Adams County, Nebraska according to the recorded plats thereof.

Motion to recommend approval for Plan Modification No. 2022-1 to amend the Redevelopment Plan for Redevelopment Area Number #14, Trail Ridge Addition 2.0, for the following collective property, to wit: Lots 2 thru 7, Block 1 and Lots 11 thru 23, Block 1 Trail Ridge Addition, Lots 1 thru 4, Block 2 and Lots 7 thru 11, Block 2 Trail Ridge Addition, Lots 1 thru 5, Block 3 Trail Ridge Addition all in the City of Hastings, Adams County, Nebraska according to the recorded plats thereof.

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:

Motion to recommend approval for Plan Modification No. 2022-1 to amend the Redevelopment Plan for Redevelopment Area Number #14, Trail Ridge Addition 2.0, for the following collective

property, to wit: Lots 2 thru 7, Block 1 and Lots 11 thru 23, Block 1 Trail Ridge Addition, Lots 1 thru 4, Block 2 and Lots 7 thru 11, Block 2 Trail Ridge Addition, Lots 1 thru 5, Block 3 Trail Ridge Addition all in the City of Hastings, Adams County, Nebraska according to the recorded plats thereof.

Deadlines associated with action:

This case will be presented for final approval at the March 14, 2022 regular City Council meeting.

Department head comments:

Hastings Economic Development Corporation (HEDC) wants to amend the Redevelopment Plan for Area #14. The developer intends to build out the infrastructure for Trail Ridge Addition.

HEDC will utilize Tax Increment Financing to aid in infrastructure costs including site preparation, water, sewer and paving, design and construction of a public park, architectural, engineering and planning costs, capitalized interest, and legal fees, and any other eligible public improvements essential for public uses in accordance with the Redevelopment Plan. Total anticipated project costs are approximately \$9,920,000.00 for construction and installation of the project. Cost of TIF eligible public improvements are estimated to be \$2,000,000.00. The redevelopment project area currently has an estimated valuation of \$41,679.00. The proposed redevelopment will create an additional valuation of \$7,878,321.00.

Future Land Use for this area is Mixed Use – Neighborhood. The Imagine Hastings Comprehensive Plan stated a desire for a land use pattern that is supportive of similar uses. This area is currently zoned R-1 and will not require rezone to accommodate this use.

Plan Modification 2022-1, attached, details further information.

Recommendation:

Recommend a motion to recommend approval of a resolution for Plan Modification No. 2022-1 to amend the Redevelopment Plan for Redevelopment Area Number #14, Trail Ridge Addition 2.0, for the following collective property, to wit: Lots 2 thru 7, Block 1 and Lots 11 thru 23, Block 1 Trail Ridge Addition, Lots 1 thru 4, Block 2 and Lots 7 thru 11, Block 2 Trail Ridge Addition, Lots 1 thru 5, Block 3 Trail Ridge Addition all in the City of Hastings, Adams County, Nebraska according to the recorded plats thereof.

REDEVELOPMENT PLAN #14
PLAN MODIFICATION NO. 2022-1
(Hastings Economic Development Corporation
Trail Ridge Addition 2.0 Redevelopment Project)

The Community Redevelopment Authority (CRA) of the City of Hastings intends to amend the Redevelopment Plan for Area #14 within the city, pursuant to the Nebraska Community Development Law (the "Act") and provide for the financing of a specific redevelopment related project in Area #14.

Executive Summary:

Project Description

THE PROJECT CONSISTS OF REDEVELOPMENT OF LAND SOUTH OF N. 33RD STREET LOCATED IN TRAIL RIDGE ADDITION. THE DEVELOPER HAS ACQUIRED THE PROPERTY AND PLANS TO BUILD OUT INFRASTRUCTURE ON FRAHM LANE, RITTENHOUSE STREET, FISHER STREET AND BROOKING CIRCLE INCLUDING SITE PREPARATION, WATER, SEWER AND STREETS. THE DEVELOPER PLANS TO SELL THE LOTS TO LOCAL BUILDERS WHO WILL CONSTRUCT HOUSING.

Hastings Economic Development Corporation (HEDC) will utilize Tax Increment Financing to pay for water, sewer and paving and other infrastructure expenses associated with the development of Frahm Lane, Rittenhouse Street, Fisher Street and Brooking Circle. The use of Tax Increment Financing is an integral part of the development plan and necessary to make this project affordable. The project will result in the sale of 33 lots and the construction of 33 single family homes. The addition of single-family housing is consistent with the 2016 Hastings Housing Study and this project would not be possible without the use of TIF.

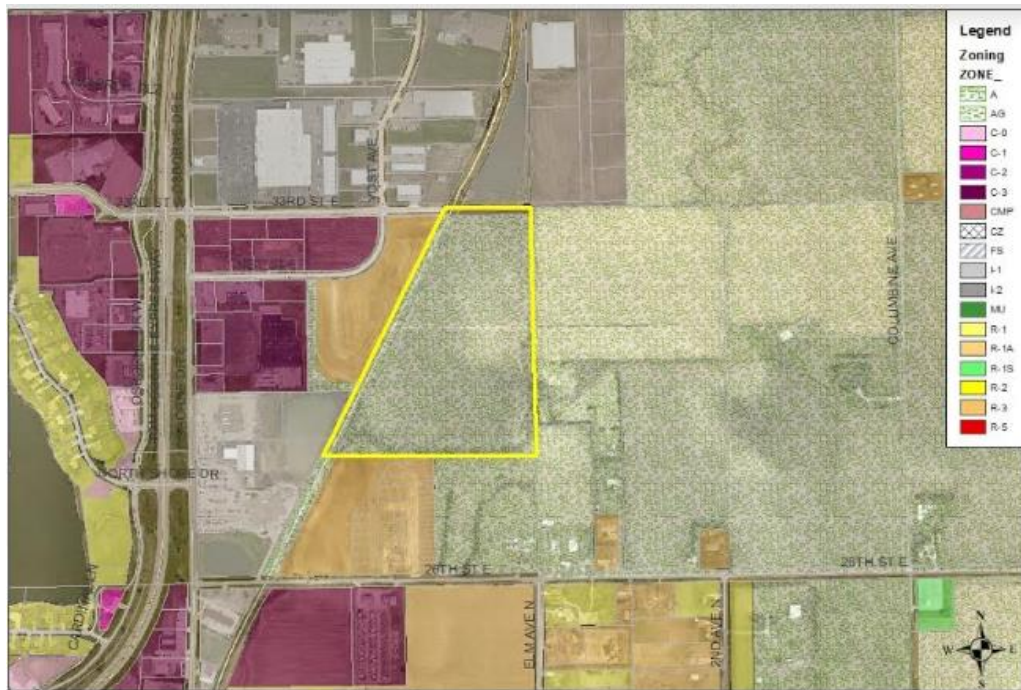
TAX INCREMENT FINANCING TO PAY FOR INSTALLATION OF WATER, SEWER AND PAVING AND OTHER PUBLIC IMPROVEMENTS ON THE PROPERTY WILL COME FROM THE FOLLOWING REAL PROPERTY:

Property Description (the "Redevelopment Project Area")

Legal Description: Lots 2 thru 7, Block 1 and Lots 11 thru 23, Block 1 Trail Ridge Addition, Lots 1 thru 4, Block 2 and Lots 7 thru 11, Block 2 Trail Ridge Addition, Lots 1 thru 5, Block 3 Trail Ridge Addition all in the City of Hastings, Adams County, Nebraska according to the recorded plats thereof.

HEDC will utilize Tax Increment Financing to aid in infrastructure costs including site preparation, water, sewer and paving, design and construction of a public park, architectural, engineering and planning costs, capitalized interest, and legal fees, and any other eligible public improvements essential for public uses in accordance with the Redevelopment Plan.

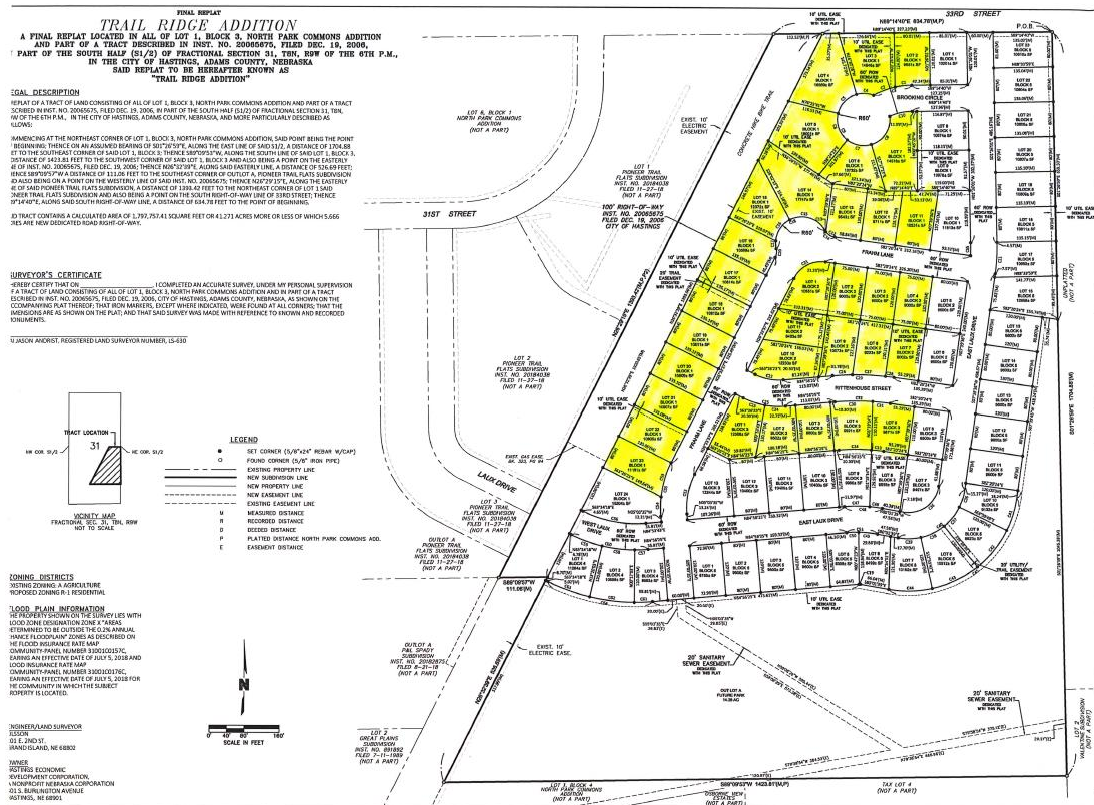
Map of Existing Land Use and Proposed Redevelopment Site



Trail Ridge Existing Land Use



Proposed Redevelopment Site



The real property ad valorem taxes on the current valuation will continue to be paid to the normal taxing entities. The increase in value will come from the construction of up to 33 single family homes as permitted in the R-1 Residential Zoning District. The tax increment will be captured beginning in the tax year 2023. Provided, however, if there is no increase in valuation for the 2023 tax year, the increment will be captured beginning in the year when an increase in value is available for capture and ending fifteen years after the Notice to Divide Taxes has been filed.

Project costs for the preparation of the site and the installation of water, sewer, paving and other public improvements are estimated to be \$2,000,000. The developer intends to sell 33 lots to local builders who will construct 33 single family homes for workforce housing. When site improvements and the 33 homes are completed the total project costs are anticipated to be \$9,920,000. The anticipated project valuation when completed is \$7,920,000 and the developer projects an incremental valuation increase of approximately \$7,878,321.

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 on September 11, 2017. 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.

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. This plan merely provides funding for the developer to construct 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 February 15, 2022 and approved Plan Modification No. 2022-1 to Redevelopment Plan #14 confirming that this project is consistent with the Comprehensive Development Plan for the City of Hastings.

3. The Redevelopment Plan must be sufficiently complete to address the following items:

a. Land Acquisition:

The Redevelopment Plan for Area #14 provides for real property acquisition and this plan amendment does not prohibit such acquisition. HEDC is the current owner of the property on which the Project will be constructed.

b. Demolition and Removal of Structures:

The project to be implemented with this plan does not provide for the demolition and removal of any structures on this property.

c. Future Land Use Plan

See the attached map from the 2009 Hastings Comprehensive Development Plan. All of the area around the site in private ownership is planned for residential development and ancillary uses; this includes housing and commercial development. This property is owned by the Hastings Economic Development Corporation. The attached map also is an accurate site plan of the area after redevelopment.



Trail Ridge Future Land Use

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

This area was previously zoned agriculture and has been changed to R-1 Single Family Residential in anticipation of this project. The property will be graded and new streets will be constructed in conjunction with the plat filed with the City of Hastings. No changes are anticipated in building codes or ordinances, nor are any other planning changes contemplated.

e. Site Coverage and intensity of Use

The developer is proposing to cause the construction of 33 single family homes and plans to meet the applicable regulations regarding site coverage and intensity of use.

f. Additional Public Facilities or Utilities

Sewer, water and paving will be installed by the developer to support this development. Sufficient electric utilities and gas lines will also be installed by the developer for the proposed construction of these single-family homes. The individual builders will be responsible for installing any sidewalks required for the project. No other utilities would be impacted by the development.

4. The Act requires a Redevelopment Plan provide for relocation of individuals and families displaced as a result of plan implementation. This property has previously been utilized for farm ground and agriculture related uses and no relocation is contemplated or necessary.

5. No member of the Authority, nor any employee thereof holds any interest in any property in this Redevelopment Project Area.

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.

The land is owned by the developer (HEDC) who intends to provide the land for the project at no cost in order to buy down the cost of each home to meet the community's housing needs. The development costs for infrastructure are estimated to be \$2,000,000 which will be partially paid for by TIF revenue and the sale of lots estimated at \$5,000 per lot. The City will create sewer, water and paving districts and assess the infrastructure costs to the property owner/developer. TIF revenue created by the development of 33 single family homes will be used to pay for a portion of the water, sewer and paving assessments.

Financing for the construction of the single-family homes will be secured by the builders and is anticipated to be in the form of conventional construction loans. Based on current projections, the Developer is seeking \$2,000,000 in TIF to make the Project economically viable and the Developer believes the project is not feasible without the assistance of TIF.

The total TIF eligible expenses for this project are \$2,013,301. The property is owned by HEDC and the developer and or local builders will provide and secure all necessary financing for the construction of homes.

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

The developer will provide the land at \$5,000 per lot and the individual builders will provide all necessary financing for the construction of the homes. Funding for the 33 single family homes will come from

builder equity and conventional construction loans. The Authority will assist the project by providing up to \$2,000,000 from the proceeds of tax increment financing in direct aid to the project. This indebtedness will be repaid from the Tax Increment Revenues generated from the project. TIF revenues shall be made available to repay the original debt and associated interest after January 2023 provided, however, if there is no increase in valuation for the 2023 tax year, TIF Revenues will be available beginning twelve months after the year in which an increase in value is available for capture.

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 quality housing that will help meet the needs of the Hastings workforce.

8. Time Frame for Development

Development of this project is anticipated to be completed between March of 2022 and October of 2025. Excess valuation should be available for this project for 15 years beginning with the 2023 tax year, provided, however, if there is no increase in valuation for the 2023 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

Extension of utilities, substantial site grading and installation of streets are necessary to facilitate redevelopment of this site. The redevelopment of this property will result in increased housing opportunities and increased sales tax and is another step in the creation of 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 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:

Project Sources and Uses.

Approximately \$2,000,000 in public funds from tax increment financing will be provided by the Hastings Community Redevelopment Authority. The land for this project is being provided by HEDC at very little cost in order to further buy down the cost of each individual home and make the cost of purchasing a home more affordable for the Hastings workforce. This investment by the Authority and HEDC will leverage \$9,920,000 in private sector financing; a private investment of \$4.96 for every public/TIF dollar of investment.

USE OF FUNDS		SOURCE OF FUNDS	
Acquisition & Grading	\$420,000	Sale of Lots	\$165,000
Engineering	\$120,000	Bank Financing & Owner Equity	\$7,755,000
Water Sewer & Paving	\$1,260,000	TIF	\$2,000,000
Public Park Improvements	\$200,000		
Housing Construction Costs	\$7,920,000		
TOTALS	\$9,920,000		\$9,920,000

Tax Revenue. The property to be redeveloped is anticipated to have a January 1, 2022, valuation of approximately \$41,679. Based on the 2021 levy of 0.01753088 this would result in real property taxes of approximately \$730.67 which will be paid out to all the existing taxing entities. It is anticipated that the assessed value will increase by \$7,878,321 upon full completion, as a result of the construction of 33 homes. This development will result in an additional estimated tax increase of over \$138,114 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 from the Notice to Divide, 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.

Estimated 2022 assessed value:	\$41,679
Estimated value after completion	\$7,920,000
Increment value	\$7,878,321
Annual TIF generated (estimated)	\$138,114
TIF bond issue	\$2,000,000

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. A combination of the owner provided land and TIF are needed to make the project feasible. The developer and the individual builders are contributing land and owner equity/bank financing of \$9,920,000 and TIF funding along with owner financing is intended to fill the remaining gap, making this project feasible. The project is asking for \$2,000,000 in a TIF loan amortized over 15 years. Without the availability of TIF funding for the project the individual lot cost is \$60,606 and it would not be feasible for the developer to proceed with this redevelopment.

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

The redevelopment project area currently has an estimated valuation of \$41,679.

The proposed redevelopment will create additional valuation of \$7,878,321. No tax shifts are anticipated from the project. The project creates new valuation from the construction of 33 single family residential homes.

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

No additional public service needs have been identified. Existing water and waste water facilities will not be impacted by this development. The electric utility has sufficient capacity to support the development. 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 area. The project will provide additional opportunities for workforce housing which should have a positive impact on local employers.

(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 have a positive impact on local employers as many local companies have indicated that over 50% of their workforce lives outside the city and commutes daily from surrounding communities. The addition of workforce housing should be a benefit to local employees by providing local housing options.

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

Over the time frame of the project this development will have a moderate impact on the Hastings area school systems. While the addition of 33 homes is likely to result in an increased attendance, this increase will be spread out over grades 1-12 and will not result in a significant increase in attendance. The units to be developed with this project are likely to draw families with school age children but it is anticipated that the three local school systems will be able to absorb any students from this additional development without adding to school facilities or staffing. HEDC and the Community Redevelopment Authority have reviewed this development with local school superintendents and school officials are in support of the project.

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

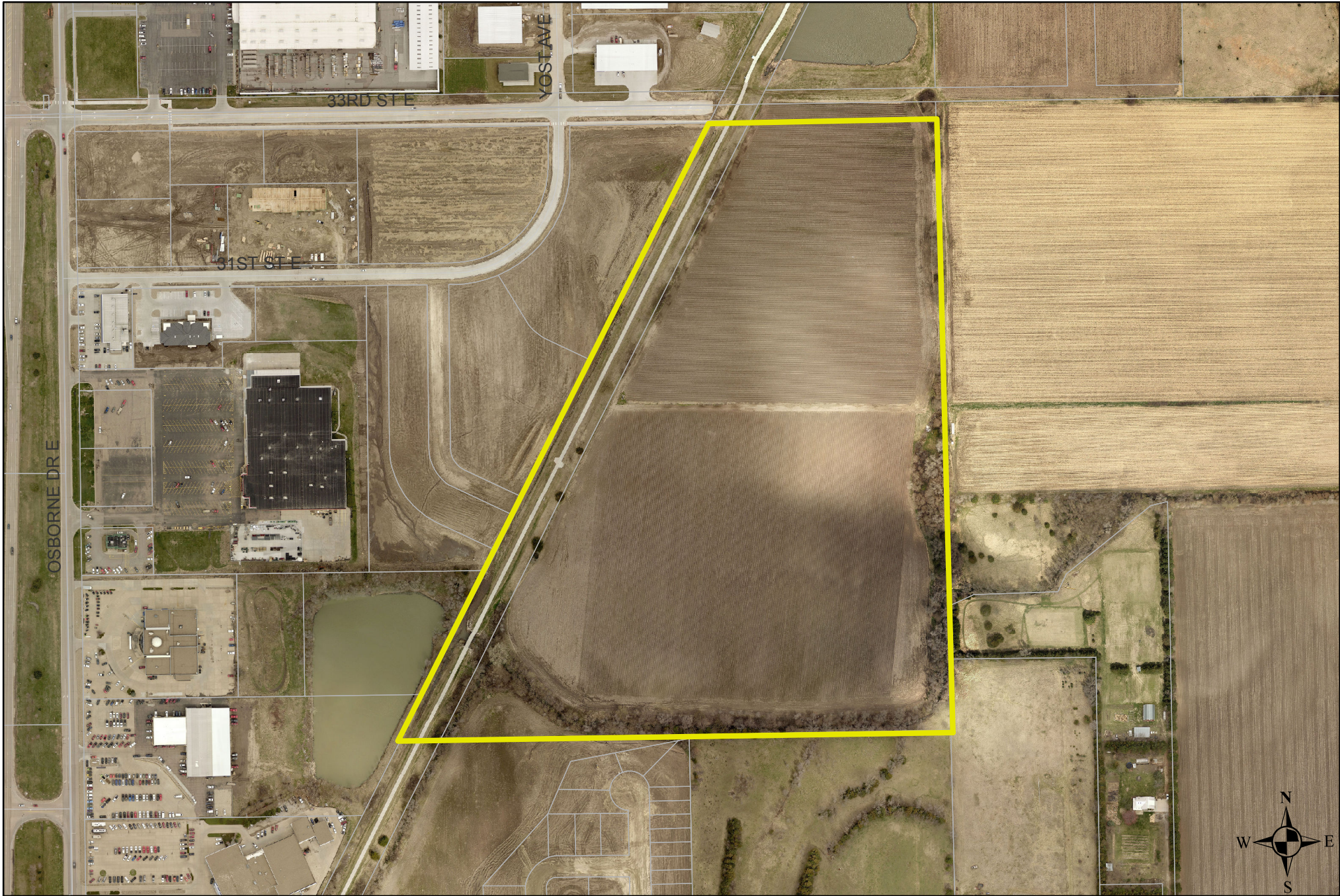
This project is consistent with the goals of the City Council, HEDC and the Community Redevelopment Authority to create additional housing units. The project will create additional housing opportunities for the local workforce and hopefully decrease the number of employees that commute from nearby communities. This project is consistent with the goals of the City's Comprehensive Plan, and the Hastings Housing Study of 2016.

Time Frame for Development

Development of this project is anticipated to be completed between March of 2022 and December of 2025. The base tax year should be calculated on the value of the property as of January 1, 2022. Excess valuation should be available for this project for 15 years beginning in 2023 with taxes due in

2024. Excess valuation will be used to pay the TIF Indebtedness issued by the CRA per the contract between the CRA and the developer for a period not to exceed 15 years on an amount not to exceed \$2,000,000 which is the projected amount of increment based upon the anticipated value of the project and current tax rate. Excess valuation should be available for this project for 15 years beginning with the 2023 tax year, provided, however, if there is no increase in valuation for the 2023 tax year, the excess valuation will be available beginning in the year when an increase in value is available for capture.

Based on the estimates of the expenses of the infrastructure costs the developer will spend at least \$2,000,000 on TIF eligible activities. The CRA will reserve the right to issue additional debt in the form of a second bond issuance for construction of a public park and other public improvements to benefit the Hastings Economic Development Corporation Trail Ridge Addition 2.0 Redevelopment Project upon verification that there is sufficient valuation to support such debt.



Trail Ridge Addition, Aerial Map

Department: Development Services
Staff Contact: Brian Hurskainen
Planning Commission Meeting Date: 2/15/2022
File No: 2022-010
Prepared By: Brian Hurskainen, City Planner

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing for a change of zoning for all of Blocks 19 and 20, except the West 40 feet thereof in Lowman's North Side Addition to the City of Hastings, also known as 1430 West 16th Street, Hastings, Nebraska 68901 from R-3, *Multiple Family Residential* District to C-3, *Commercial Business* District, 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 all of Blocks 19 and 20, except the West 40 feet thereof in Lowman's North Side Addition to the City of Hastings, also known as 1430 West 16th Street, Hastings, Nebraska 68901 from R-3, *Multiple Family Residential* District to C-3, *Commercial Business* District.

Names of People/Business affected by this action:

The applicant, 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 all of Blocks 19 and 20, except the West 40 feet thereof in Lowman's North Side Addition to the City of Hastings, also known as 1430 West 16th Street, Hastings, Nebraska 68901 from R-3, *Multiple Family Residential* District to C-3, *Commercial Business* District.

Deadlines associated with action:

The rezone will be heard at the City Council Regular meeting on March 14, 2022.

Department head comments:

Surrounding zoning is as follows:

North – I-1, Light Industrial District

South – R-3, Multiple Family Residential District

East – R-1 Urban Single Family Residential District (High School Fields)

West – R-1 Urban Single Family Residential District (Libs Park)

This rezone is to fix an inconsistency with the zoning code and the current use of the YMCA. The closest category to what their use is defined as would be an *Indoor entertainment and recreation business*, defined as:

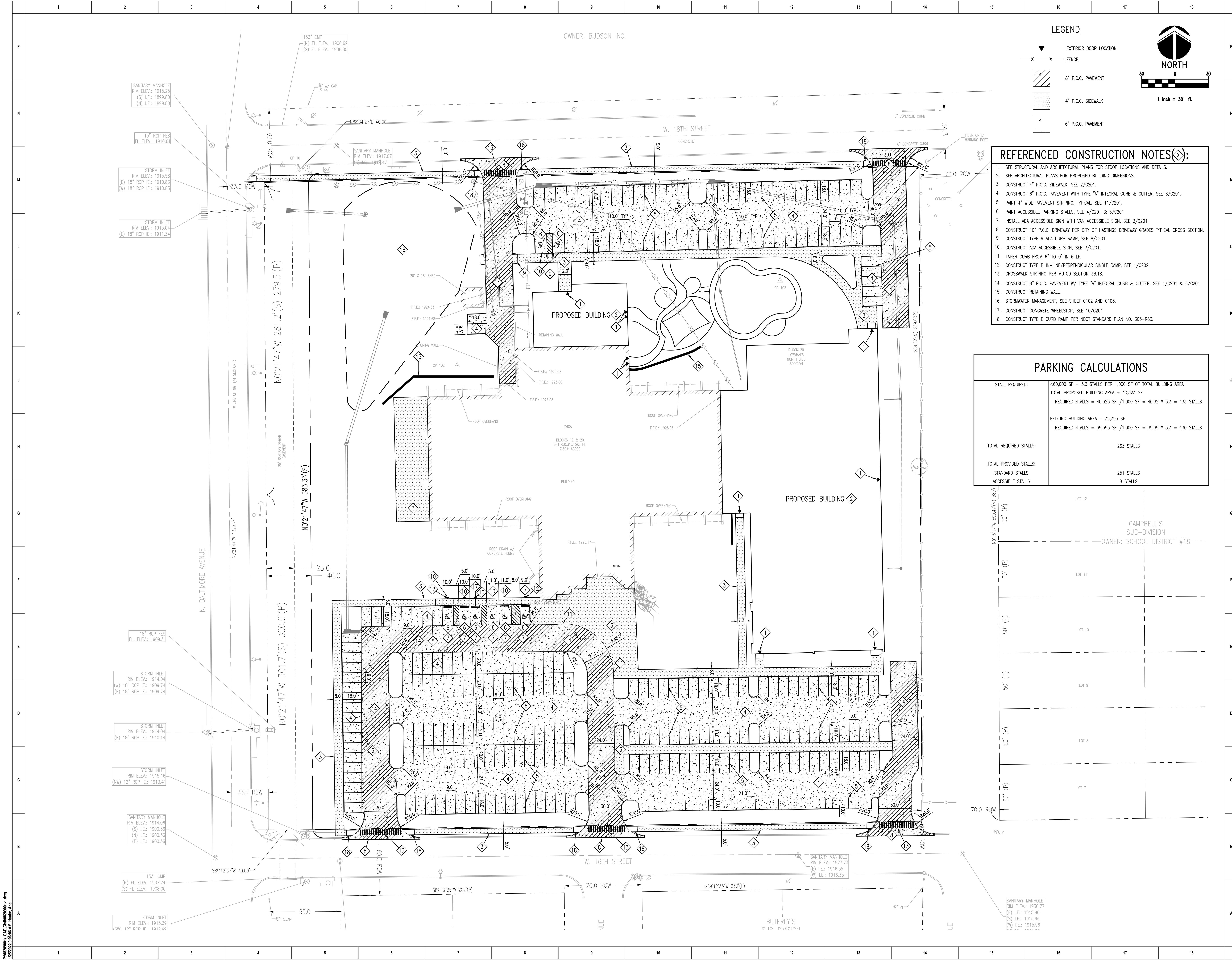
Indoor entertainment and recreation business. A service use where facilities for indoor sports, entertainment, or similar recreation opportunities for participants of spectators are offered as a business. Examples of uses include roller skating rinks, movie theaters, or fitness clubs.

With the current zoning of R-3, *Multiple family residential*, indoor entertainment and recreation are not permitted as uses. The change to C-3, *Commercial Business*, allows them to have this use and upgrade their facility.

The Future Land Use Plan for this area has the land designated as a Mixed-Use Neighborhood. This is a supported use as the plan mentions institutional uses as appropriate for the designation.

Recommendation:

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone all of Blocks 19 and 20, except the West 40 feet thereof in Lowman's North Side Addition to the City of Hastings, also known as 1430 West 16th Street, Hastings, Nebraska 68901 from R-3, *Multiple Family Residential* District to C-3, *Commercial Business* District.



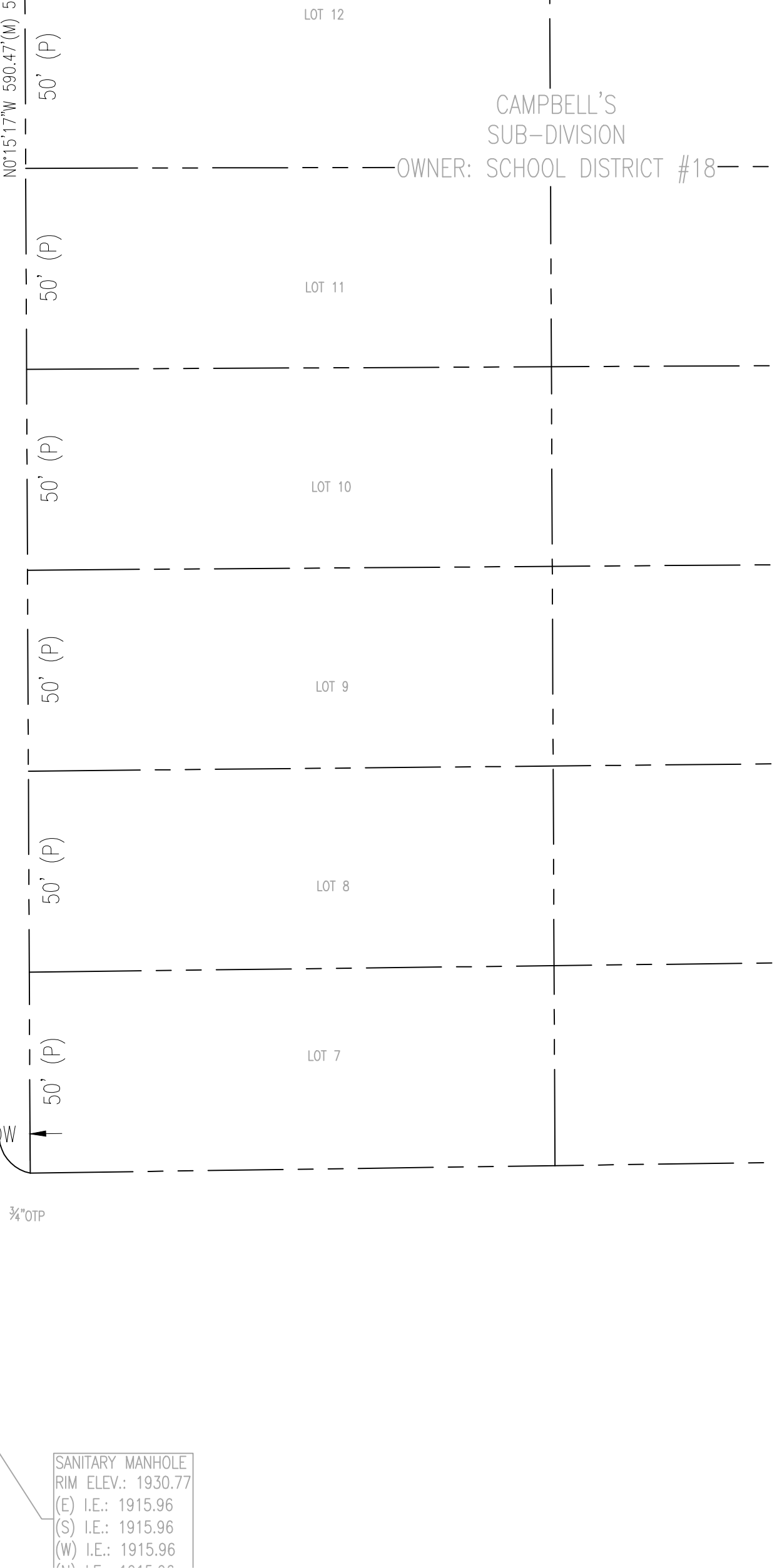
LEGEND

- EXTERIOR DOOR LOCATION
- FENCE
- 8" P.C.C. PAVEMENT
- 4" P.C.C. SIDEWALK
- 6" P.C.C. PAVEMENT

REFERENCE CONSTRUCTION NOTES:

- SEE STRUCTURAL AND ARCHITECTURAL PLANS FOR STOOP LOCATIONS AND DETAILS.
- SEE ARCHITECTURAL PLANS FOR PROPOSED BUILDING DIMENSIONS.
- CONSTRUCT 4" P.C.C. SIDEWALK, SEE 2/C201.
- CONSTRUCT 6" P.C.C. PAVEMENT WITH TYPE "A" INTEGRAL CURB & GUTTER, SEE 6/C201.
- PAINT 4" WIDE PAVEMENT STRIPING, TYPICAL. SEE 11/C201.
- PAINT ACCESSIBLE PARKING STALLS, SEE 4/C201 & 5/C201.
- INSTALL ADA ACCESSIBLE SIGN WITH VAN ACCESSIBLE SIGN, SEE 3/C201.
- CONSTRUCT 10" P.C.C. DRIVEWAY PER CITY OF HASTINGS DRIVEWAY GRADES TYPICAL CROSS SECTION.
- CONSTRUCT TYPE 9 ADA CURB RAMP, SEE 8/C201.
- CONSTRUCT ADA ACCESSIBLE SIGN, SEE 3/C201.
- TAPER CURB FROM 6" TO 0" IN 6 LF.
- CONSTRUCT TYPE B IN-LINE/PERPENDICULAR SINGLE RAMP, SEE 1/C202.
- CROSSWALK STRIPING PER MUTCD SECTION 3B.18.
- CONSTRUCT 8" P.C.C. PAVEMENT W/ TYPE "A" INTEGRAL CURB & GUTTER, SEE 1/C201 & 6/C201.
- CONSTRUCT RETAINING WALL.
- STORMWATER MANAGEMENT, SEE SHEET C102 AND C106.
- CONSTRUCT CONCRETE WHEELSTOP, SEE 10/C201.
- CONSTRUCT TYPE E CURB RAMP PER NDOT STANDARD PLAN NO. 303-R83.

PARKING CALCULATIONS	
STALL REQUIRED:	<60,000 SF = 3.3 STALLS PER 1,000 SF OF TOTAL BUILDING AREA TOTAL PROPOSED BUILDING AREA = 40,323 SF REQUIRED STALLS = 40,323 SF / 1,000 SF = 40.32 * 3.3 = 133 STALLS
	EXISTING BUILDING AREA = 39,395 SF REQUIRED STALLS = 39,395 SF / 1,000 SF = 39.39 * 3.3 = 130 STALLS
TOTAL REQUIRED STALLS:	263 STALLS
TOTAL PROVIDED STALLS:	
STANDARD STALLS	251 STALLS
ACCESSIBLE STALLS	8 STALLS



PROJECT NO.: 08209.001

C101

HASTINGS FAMILY YMCA

1430 W 16TH STREET
HASTINGS, NE 68901

SITE LAYOUT & PAVING PLAN

SCHEMMER
Design with Purpose. Build with Confidence.

ISSUE DATE: 07/16/2021

DESIGNED: XXX

DRAWN: XXX

CHECKED: XXX

REVISIONS: No.

DATE:

BY:

DESCRIPTION:

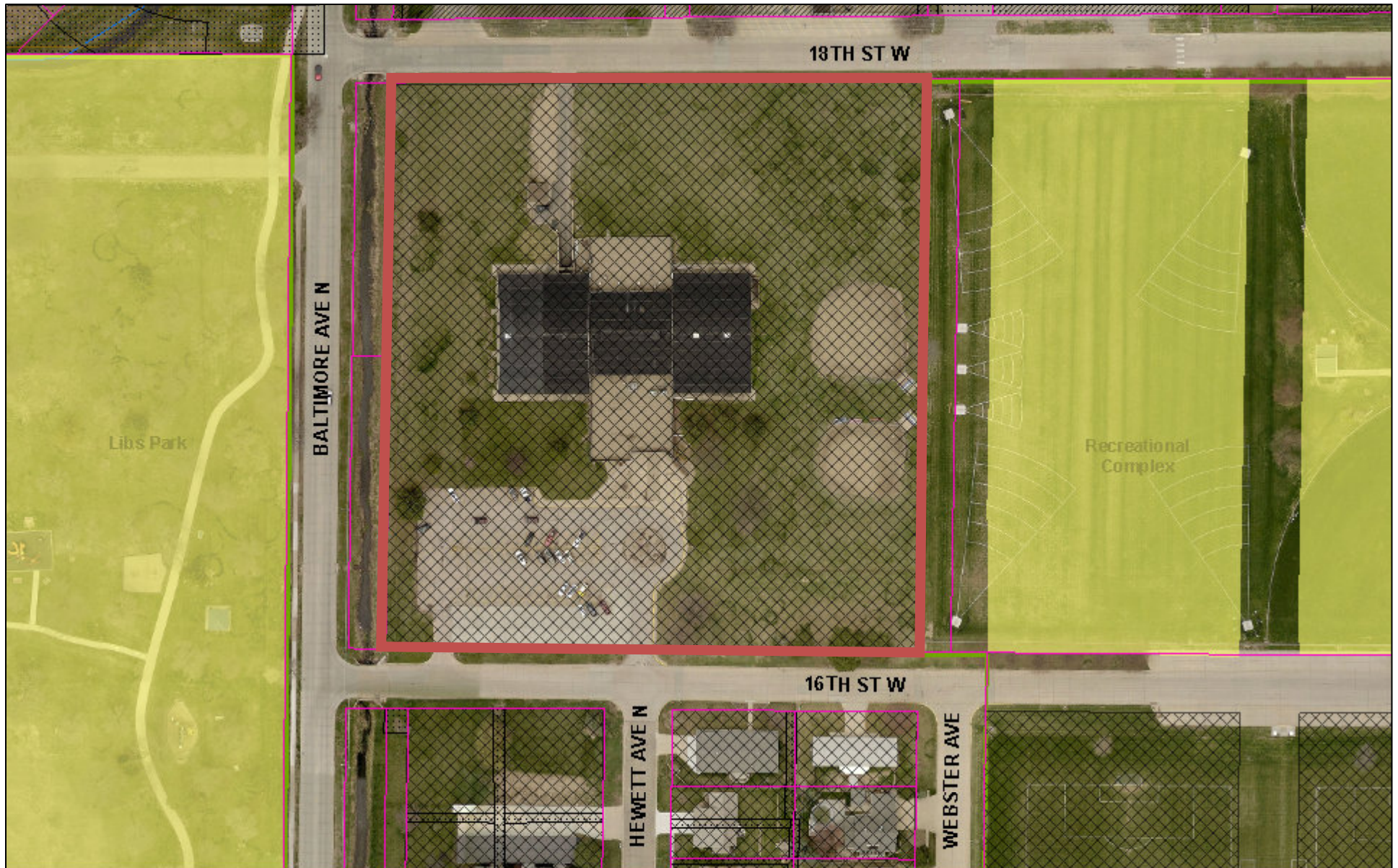
Hastings Family YMCA
January 25, 2022

I. PROJECT SUMMARY

The Hastings Family YMCA is planning an addition and renovation to their existing facility located at 1430 West 16th Street in Hastings, Nebraska. The planned building consists of 51,768 sf of renovated space and 79,939 sf of building additions, as well as site modifications. Site modifications include grading, parking lot improvements, sidewalks, utilities, and storm water management BMPs.

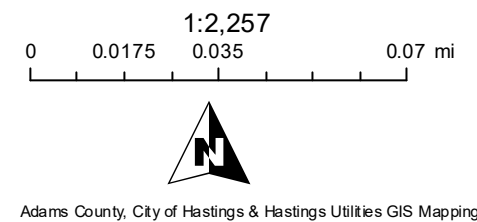
The site is currently zoned R-3 and in order to conform to the current zoning code, we have been asked to rezone this property to the C-3 zoning district.

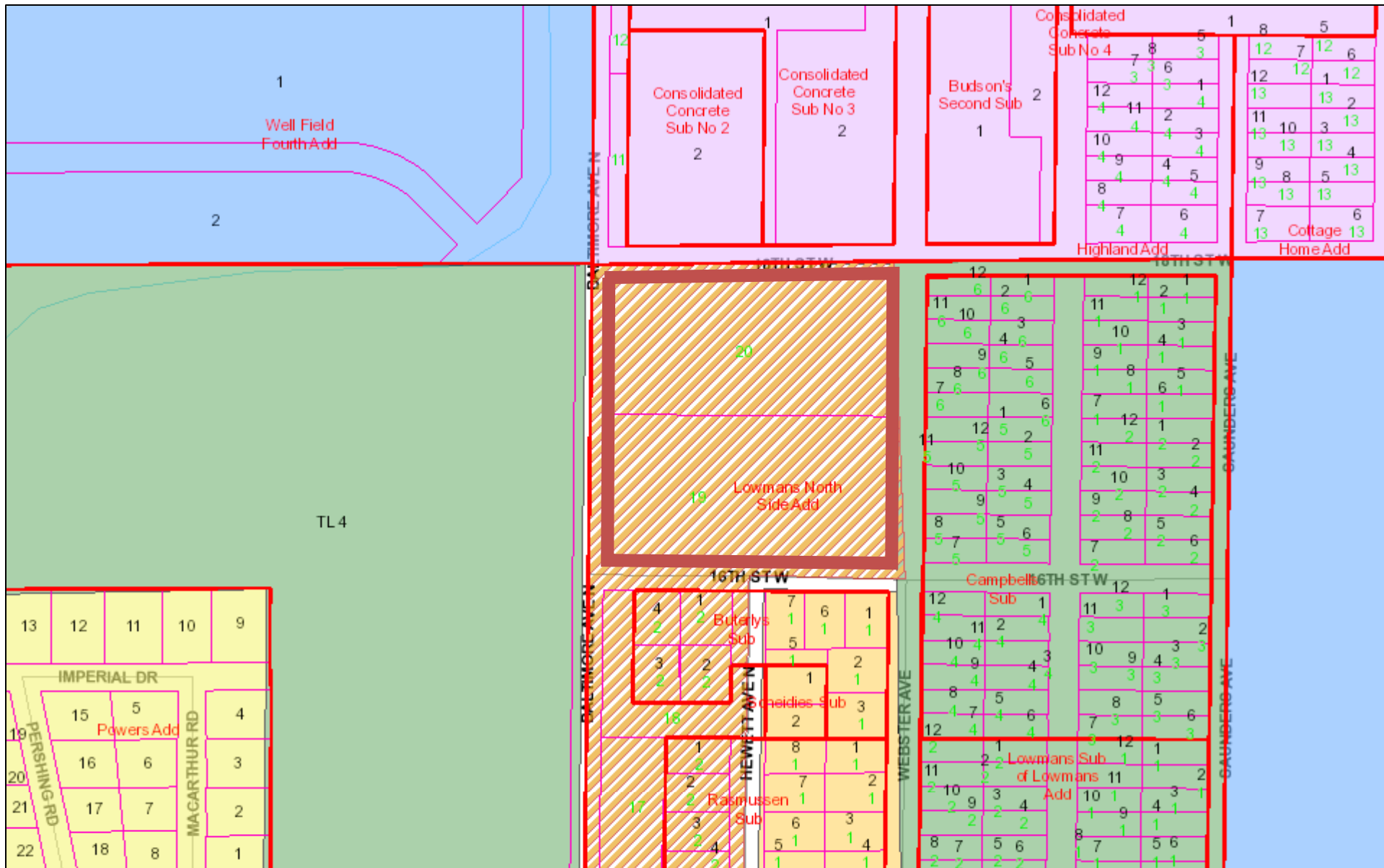
ArcGIS Web Map



2/7/2022, 8:50:14 AM

	Limits		Easements		C-0		CMP		MU		R-1		R-1S		R-5
	OneMile		Zoning		C-1		CZ		MU		R-1		R-2		TA
	TwoMile		A		C-2		FS		R-1		R-3		R-3G		
	Parcels		AG		C-3		I-1		R-1A						





Legend

- | | | |
|------------------------|--------------------------|--------------------------|
| — Runways | Urban Residential | Parks & Recreation |
| ▭ SUBDIVISIONS | Mixed-Use - Neighborhood | Agriculture |
| ▭ LOTS | Mixed-Use - Community | South Burlington Overlay |
| ▭ City boundary | Mixed-Use Downtown | Highway 6 Overlay |
| ▭ ETJ boundary | Commercial/Retail | Urban Industrial Overlay |
| Future Land Use | Employment | |
| — Rural Residential | Public / Semi-Public | |
| — Suburban Residential | | |

Sub Title

Future Land Use

2/7/2022, 8:55:26 AM

This map is to be used for reference purposes only. Legal Survey Title Search is necessary for precise information.



1:4,514

Department: Development Services
Staff Contact: Brian Hurskainen
Planning Commission Meeting Date: 2/15/2022
File No: 2022-009
Prepared By: Brian Hurskainen, City Planner

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing to recommend a request for a Conditional Use Permit (CUP) for a Storage Facility on a property generally located West of North Marian Road along West 2nd Street in the Southeast Quarter of Section 10, Township 7 North, Range 10 West of the 6th P.M., City of Hastings, Adams County, Nebraska.

Motion to recommend approval for a CUP resolution for a property generally located West of North Marian Road along West 2nd Street in the Southeast Quarter of Section 10, Township 7 North, Range 10 West of the 6th P.M., 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 conditional use permit.

Type of action requested:

Motion

Suggested motion:

Motion to recommend approval for a CUP resolution for a property generally located West of North Marian Road along West 2nd Street in the Southeast Quarter of Section 10, Township 7 North, Range 10 West of the 6th P.M., City of Hastings, Adams County, Nebraska.

Deadlines associated with action:

This item is scheduled to be heard at the next regular City Council meeting March 14, 2022.

Department head comments:

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 zoning is as follows:

North – R-1, Urban Single Family Residential and A, Agricultural (Undeveloped)

South – I-1, Light Industrial (Undeveloped)

East – R-1, Urban Single Family Residential, Middle School

West – I-1, Light Industrial (Undeveloped)

I-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 use is for the storage of larger vehicles like recreational vehicles, boats and trailers; with such a use, pedestrian traffic should be at a minimum. The site is designed to be very spread out to make it easy for larger vehicles to traverse the site. The entrance is 30' wide and the aisles range from 75' to 80' wide.

-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. Utilities has reviewed and approved this site plan.

-No noise, fumes and/or environmental pollution are anticipated.

The self-service storage facility standards for conditional use found in Section 34-404 (9) do not allow for outdoor storage. However, outdoor storage for campers and RVs (recreation vehicles) is not specifically addressed in the Table of Uses and Districts. There are similar uses found in Section 34-404 (5) for storage of vehicles in an impound yard and 34-404 (6) for off-street parking spaces and structures. These sections do include some applicable standards, though there are many standards that are not applicable. As allowable under 34-104, the Director of Development Services has made a determination that these are comparable uses and provide standards towards this proposed supplementary use that are similar enough after consideration of the intensity and scale of the use relative to this site and that this site accommodates heavier, more industrial uses. Adding to this decision is the fact that there are no residential properties in the vicinity that this use would have an adverse impact on. The following are additional standards that were placed on this development as required by this hybrid of requirements:

1. The exterior storage of any items or objects will not be permitted to be stored in and around the premises with the exception of specifically approved autos, boats and campers in the defined area.
2. Items such as gasoline, fuel, paint, containers with any flammable liquid or items which can readily cause fire or flame will not be allowed to be stored on the premises or within the storage building.
3. No maintenance, dismantling, construction, reconstruction or repair of any vehicles, boats, RV's or appliances will be allowed within the storage units, or the exterior of the building grounds or in any part of this facility.
4. Landscaping shall be provided in the areas outside the fences between the fence and the property line per Section 34-305 of the Hastings City Code.

5. The storage facility shall be enclosed by a six-foot high, sight-proof fence whenever the site abuts residentially zoned or developed property. Said fence, when abutting any residential district, shall be solid or semi-solid and constructed to prevent the passage of debris or light, and constructed of either brick, stone, masonry units, wood or similar materials. Chain-link fence may be used so long as it has slats installed to prevent the passage of light through the unit. The side and rear of a building located upon the site may serve as fencing.
6. All exterior lighting shall be of cut-off type to prevent off-site glare.
7. Buildings shall be separated a minimum of 30 feet from one another within self-service storage facilities.
8. Commercial activity: It shall be unlawful for any owner, operator or lessee of any self-service storage facility or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever, other than leasing of the storage units, or to permit same to occur upon any area designated as a self-service storage facility. Violation of this section shall be subject to the provisions of Section 34-804 of the Hastings City Code. Any violation may be cause for revocation of the conditional use permit by the City Council.
9. Building setbacks shall be the same as in the C-3 District.
10. The site shall abut and have direct access to a city street

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

The addition of these storage uses to this area is logical due to its use in compatibility with the allowable use of storage in the I-1 District. This use is less intensive than some uses that are permitted within the district, such as general manufacturing. This is important with both the Hastings Middle School and the Head Start Child and Family Development to the east. Storage typically does not add a significant amount of traffic to areas, which is important for this area with morning and afternoon pickup of children.

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

The use of storage units should not evoke safety concerns and property values should remain the same. Providing these units will provide a service that is lacking in this area, particularly for parking of recreational vehicles. Adjacent property notice letters were sent out to all properties within 300 feet of this location and there has 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.

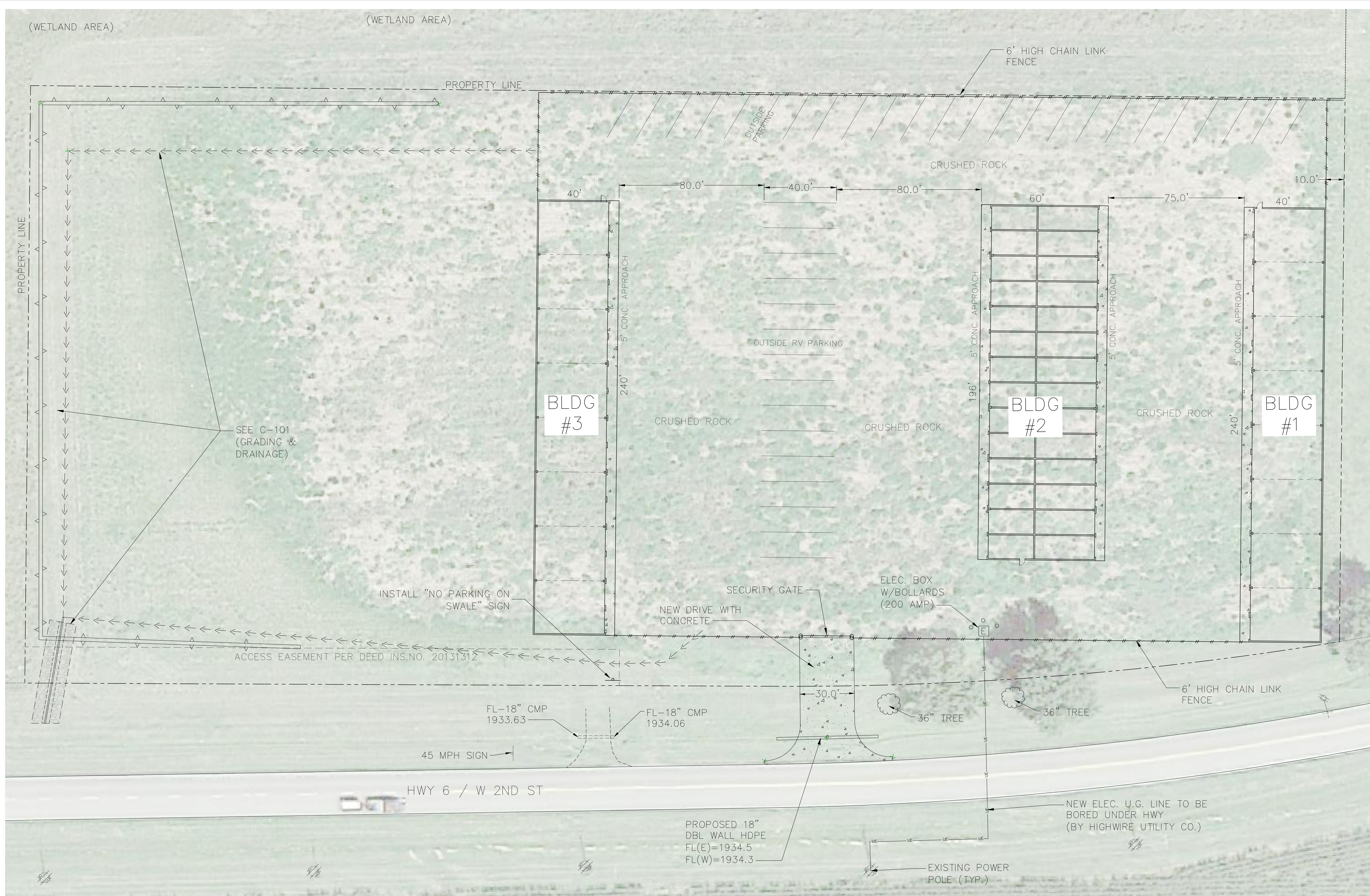
The Future Land Use Plan for this property is suburban residential. Staff feels as though this designation is incorrect for this area and should be changed during the major update to the Zoning code in the coming months. There is a large depression in the ground which tends to hold water after rain, to the west and north of this property. There are also train tracks less than 900' to the south of the subject property. Both of these things would make suburban residential development difficult, evidenced by how the surrounding area has remained vacant.

Recommendation:

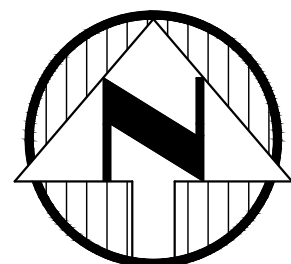
Staff recommends a motion to recommend approval for a CUP resolution for a property generally located West of North Marian Road along West 2nd Street in the Southeast Quarter of Section 10,

Township 7 North, Range 10 West of the 6th P.M., City of Hastings, Adams County, Nebraska, subject to the following conditions:

- 1) The applicants' Self Service Storage Site Plan with inclusive dimensions of buildings, parking locations, access and easement location notes are hereby approved and applicant agrees to comply to all inclusive details.
- 2) Applicant must provide a detailed landscape plan following provisions listed in Section 34-305 of the Hastings City Code at the time of building permit application.
- 3) There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply.
- 4) 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.



1 PLAN VIEW



NOTES:

1. SAFETY LIGHTING PROVIDED BY LED WALL PACKS ON BUILDINGS, DARK SKY DOWNLIGHTING TO PREVENT LIGHT POLLUTION.
2. FACILITY SIGNAGE TO BE INSTALLED ON BUILDING EXTERIOR ONLY.

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CONSULTANTS:



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OMAHA OFFICE:
22214 SOUTH 109TH ST.
LAWISTA, NE, 68128
OFFICE: (308)548-2264
STROBELENERGY.COM

PROJECT LOCATION:	HASTINGS, NE
-------------------	--------------

OWNER:
GREG & JULIE ELLENWOOD

REV	DATE	DESCRIPTION
A	1-13-22	IFR - ISSUED FOR REVIEW
B	1-14-22	IFR - ISSUED FOR REVIEW
C	1-20-22	IFR - ISSUED FOR REVIEW
D	1-24-22	IFR - ISSUED FOR REVIEW
E	2-7-22	IFA - ISSUED FOR APPROVAL
O	2-8-22	IFC - ISSUED FOR CONSTRUCTION

PROJECT NO: 21-1524

CAD DWG FILE:
HASTINGS SITE PLAN REV G.DWG

DATE: 1-13-22

DRAWN BY: TMB

CHECKED BY: DV

FIRM: STROBEL ENERGY GROUP

SHEET TITLE	30x42
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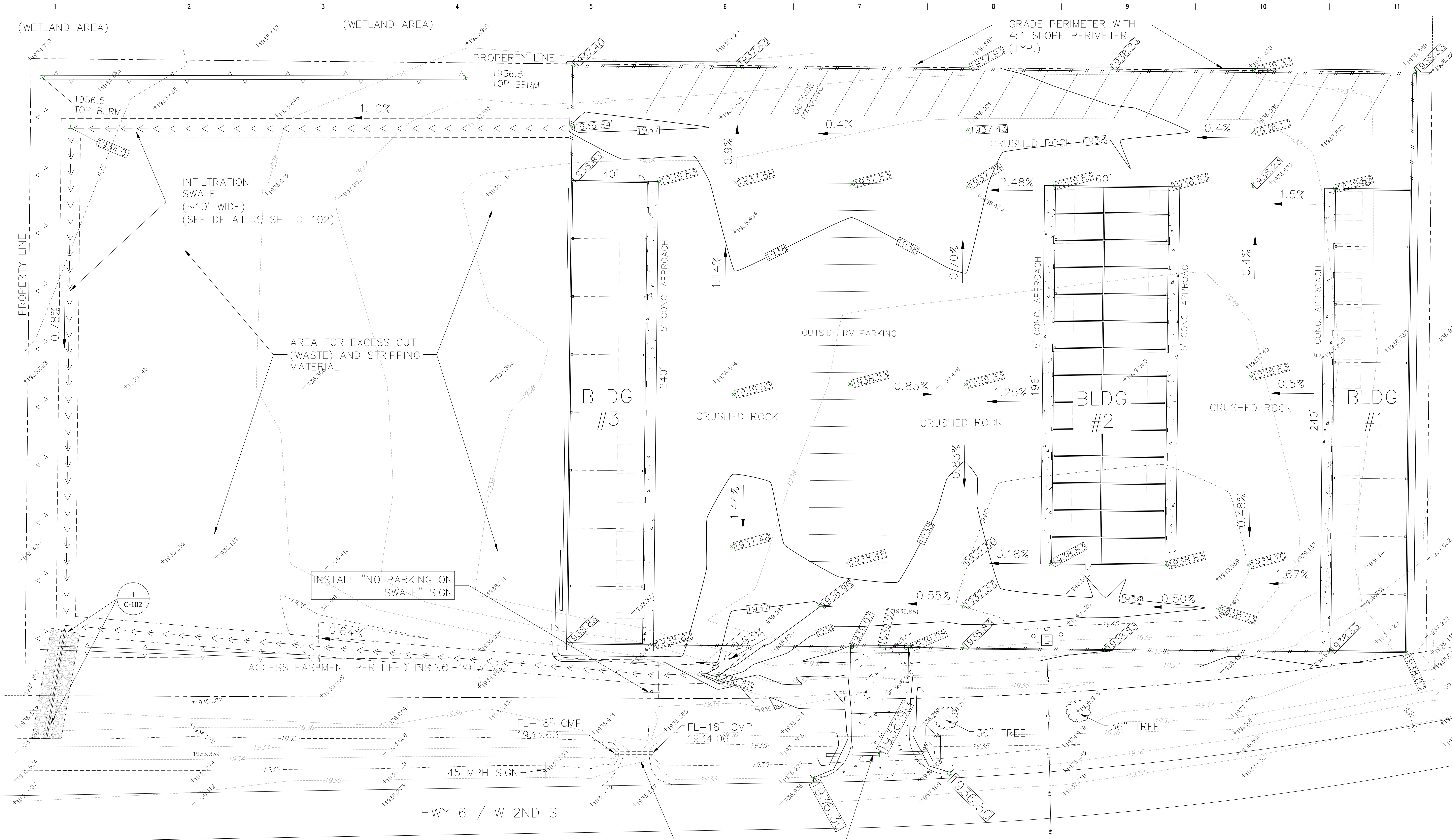
SITE PLAN

DRAWING NUMBER:

C-100

SHEET	REV
	0

FILE NAME: G:\21\21-1524 Steve's Projects\Storage Units Hastings NE\21 DD_ENG_AutoCAD\Site\Hastings Site Plan rev G.dwg

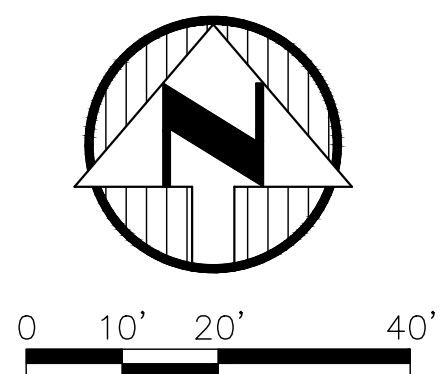


25 YEAR STORM DESIGN	
Existing Conditions Drainage	
Runoff Coefficient, C	0.15 Grass w/ gravel
Drainage Area	5.00 ACRES
Longest Watercourse Path	700.00 FT
Time of Concentration	
	0.9 hours
Peak Flow Rate Q = CiA	
Runoff Coefficient, C	0.15 Grass w/ gravel
Rainfall Intensity, i	2.61 in/hr (NOAA)
Peak Flow Rate, Q	2.00 CFS

25 YEAR STORM DESIGN	
Post-Development Condition	
Runoff Coefficient, C	0.56 Average
Drainage Area (total)	5.00 ACRES
Drainage Area (grass)	1.99 ACRES
Drainage Area (gravel)	2.19 ACRES
Drainage Area (concrete & roof)	0.82 ACRES
Longest Watercourse Path	700.00 FT
*Time of Concentration decreased by 0.3 hours	
Peak Flow Rate Q = CiA	
Runoff Coefficient, C	0.56 Grass w/ gravel
Rainfall Intensity, i	2.00 in/hr (NOAA)
Peak Flow Rate, Q	5.60 CFS
Proposed Drainage (Refer to Grading Plan)	
8" Pipe Discharge to Ditch	1.16 CFS
Rock Spillway Overflow	4.44 CFS (Max)

NOTE:
DRAINAGE CALCULATIONS WILL NEED TO BE RE-EVALUATED UNDER ANY ADDITIONAL DEVELOPMENT OF THE PROPERTY. AT THIS TIME FUTURE DEVELOPMENT, SURFACING AND GRADE CHANGES ARE UNKNOWN.

1 PLAN VIEW



DIRTWORK SUMMARY:	
6" STRIPPING	= 2,700 CY
CUT	= 2,337 CY
FILL	= 2,504 CY (W/30% SHRINK)

- LEGEND
- +1938.20 EXISTING GRADE ELEVATION
 - ×1938.20 PROPOSED FINISHED GRADE ELEVATION (TOP OF ROCK)
 - 0.47% PROPOSED FINISHED GRADE SLOPE

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CONSULTANTS:

Driven by Energy

HEADQUARTERS: ST. LOUIS, MO
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STROBELENERGY.COM

OMAHA OFFICE: 8214 SOUTH 109TH ST. LAVISTA, NE 68128
OFFICE: (308) 548-2264
STROBELENERGY.COM

PROJECT LOCATION:
HASTINGS, NE

OWNER:
GREG & JULIE ELLENWOOD

REV	DATE	DESCRIPTION
A	1-20-22	IFR - ISSUED FOR REVIEW
B	1-24-22	IFR - ISSUED FOR REVIEW
C	2-7-22	IFR - ISSUED FOR APPROVAL
O	2-8-22	IFR - ISSUED FOR CONSTRUCTION

PROJECT NO: 21-1524

CAD DWG FILE: HASTINGS SITE PLAN REV G.DWG

DATE: 1-13-22

DRAWN BY: TMB

CHECKED BY: DV

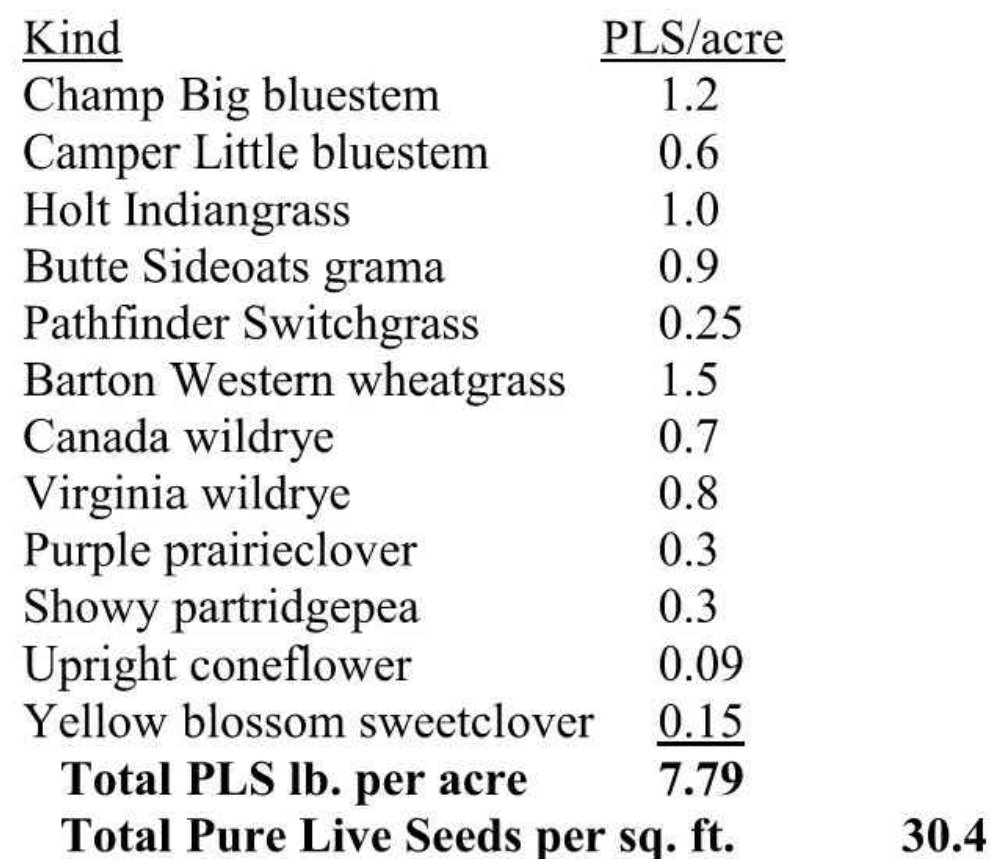
FIRM: STROBEL ENERGY GROUP

SHEET TITLE: 30x42

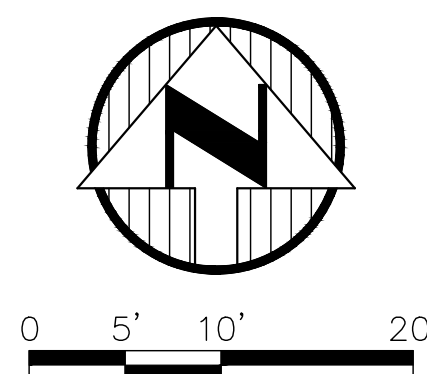
GRADING & DRAINAGE PLAN

DRAWING NUMBER:
C-101

SHEET	REV
	0



2



1

PROJECT NO: 21-1524

CAD DWG FILE:
HASTINGS_SITE_PLAN_REV_C.DWG

DATE: 2-7-22

DRAWN BY: TMB

CHECKED BY: DV

FIRM: STROBEL ENERGY GROUP

SHEET TITLE	30x42
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NOTES AND
DETAILS

DRAWING NUMBER:

C-102

SHEET	REV
	0

CONSULTANTS:

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106 SOUTH GREEN ST.
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STROBELENERGY.COM

OMAHA OFFICE:
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LAVISTA, NE. 68128
OFFICE: (308)548-2264
STROBELENERGY.COM

PROJECT LOCATION:
HASTINGS, NE

OWNER:



STROBEL
ENERGY GROUP
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Storm Water Pollution Prevention Plan (Con't.)

3. STABILIZATION REGIMENTS

As areas reach their final grade, additional silt fences, silt basins, intercepting ditches, sod flumes, letdowns, bridge end drains, and earth dikes shall be installed as specified in the plans and/or as required by the project engineer. This will include using silt fence as ditch checks and to protect intakes.

Stabilization of disturbed areas may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, and other appropriate stabilizing measures shall be used outside the seeding time period.

As the work progresses, additional erosion control items may be required as determined by the engineer after field investigation. These may be items such as leeward structures, soil stabilization mats, and other appropriate measures to be installed by the contractor/subcontractor as directed by the engineer. The contractor/subcontractor shall complete the construction with the establishment of permanent perennial vegetation of all disturbed areas.

4. APPROVED STATE OR LOCAL PLANS

5. MAINTENANCE

6. INSPECTIONS

7. TOPSOIL

Areas where 4.0 inches or more of topsoil existed prior to the commencement of soil disturbing activities: The depth of topsoil after soil disturbing activities have been completed and final stabilization achieved shall equal to, or greater than, 4.0 inches, including soil contained in sod, on all areas of the site where the surface of the ground disturbed is exposed and not covered by concrete, asphalt, gravel or other such material.

Areas where less than 4.0 inches of topsoil exist prior to the commencement of soil disturbing activities: The minimum depth of topsoil after soil disturbing activities have been completed and final stabilization achieved shall be equal to, or greater than, the depth of topsoil that existed prior to the commencement of soil disturbing activities.

8. NON-STORM DISCHARGES

9. SEQUENCE OF MAJOR CONSTRUCTION ACTIVITIES

1. Install perimeter erosion control measures. (Silt fence and stabilized construction entrance installed at this time.)
2. Perform initial site grading and driveway installation. (Rock check dam installed, and silt fence added as necessary.)
3. Install rock site road.
4. Install building foundations.
5. Building erection.

10. STORM WATER CONTROL AFTER CONSTRUCTION

Once construction on the site has been completed the site will be seeded for permanent growth. Once 70% of the site is covered with vegetative growth the temporary erosion controls can then be removed. This would include the silt fence, stabilized construction entrance, rock check dam, and any other controls that were used. The new vegetation will then work to naturally slow down runoff and filter out sediment. The rip rap aprons around our pipes will also remain in place to prevent erosion around our pipe exits.

SWPPP NOTES

DRAWING NUMBER:

C-103

SHEET	REV
	0

CONSULTANTS:

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STROBELENERGY.COM

PROJECT LOCATION:
HASTINGS, NE

OWNER:

GREG & JULIE ELLENWOOD

PROJECT NO: 21-1524

CAD DWG FILE:
HASTINGS SWPPP.DWG

DATE: 1-13-22

DRAWN BY: TME

CHECKED BY: DV

FIRM: STROBEL ENERGY GROUP

SHEET TITLE	30x42
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DRAWING NUMBER:

C-103

SHEET	REV
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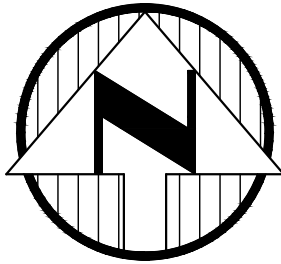
FILE NAME G:\21\21-1524 Steve's Projects\Storage Units Hastings NE\21 DD_ENG_AutoCAD\Site\Hastings SWPPP.dwg



1

PLAN VIEW

0 10' 20' 40'



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PROJECT LOCATION: HASTINGS, NE

OWNER: GREG & JULIE ELLENWOOD

REV	DATE	DESCRIPTION
A	1-20-22	IFR - ISSUED FOR REVIEW
B	1-24-22	IFR - ISSUED FOR REVIEW
C	2-7-22	IFR - ISSUED FOR APPROVAL
O	2-8-22	IFR - ISSUED FOR CONSTRUCTION

PROJECT NO: 21-1524

CAD DWG FILE: HASTINGS SWPPP.DWG

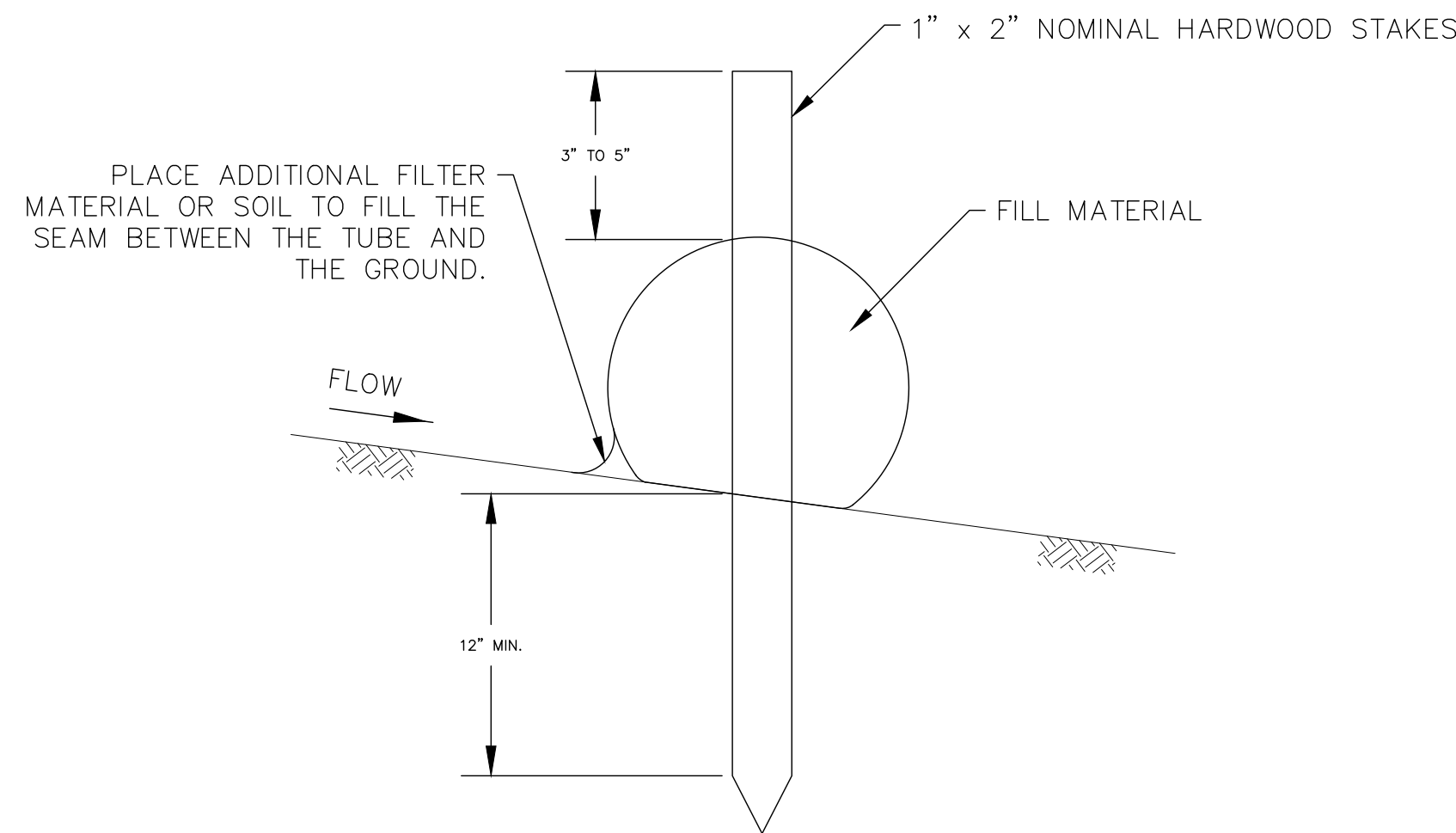
DATE: 1-13-22
DRAWN BY: TMB
CHECKED BY: DV
FIRM: STROBEL ENERGY GROUP
SHEET TITLE 30x42

EROSION & SEDIMENT CONTROL PLAN

DRAWING NUMBER: C-104

SHEET	REV
	0

FILE NAME G:\21\121-1524 Steve's Projects\Storage Units\Hastings NE\21 DD_ENG_AutoCAD\Site\Hastings SWPPP.dwg

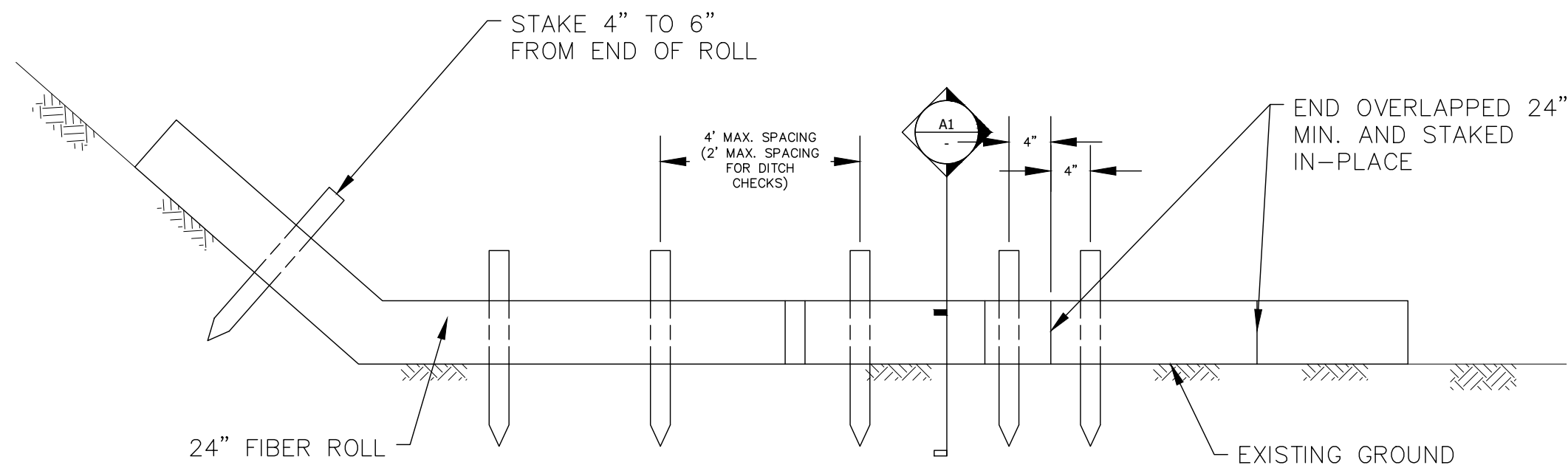


A1 24" FILTER SOCK STAKING DETAIL

Scale: NTS

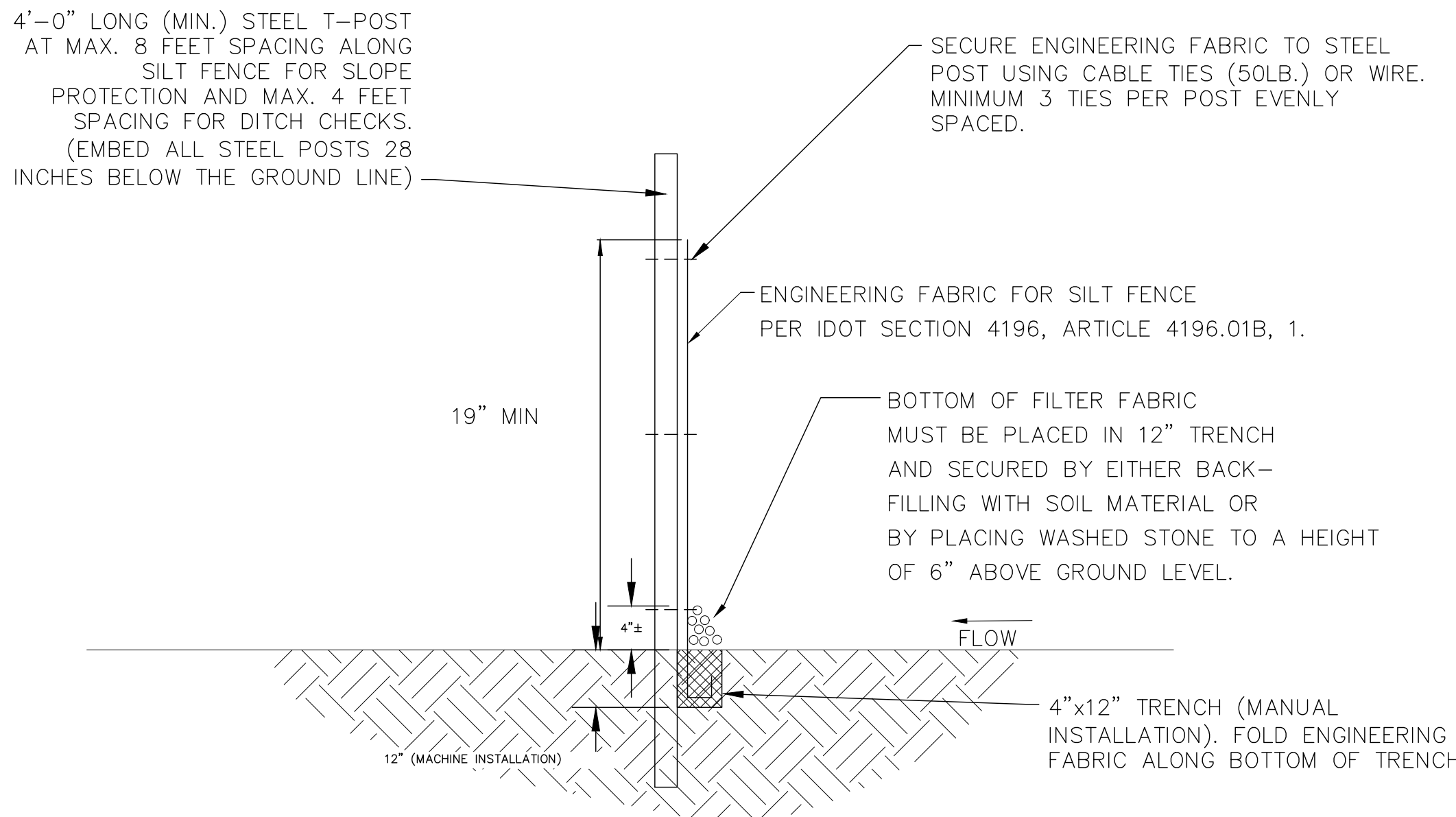
NOTES:

1. FILTER SOCKS ARE PREFABRICATED TUBE-SHAPED EROSION CONTROL DEVICES PNEUMATIC FILLED WITH MATERIAL DERIVED FROM WOOD, BARK, OR OTHER, NON-TOXIC VEGETATIVE FEED STOCKS THAT IS SCREENED TO REMOVE SOME OF THE FINES. PARTICLE SIZES SHALL BE: 2" SIEVE-100% PASSING, 1" SIEVE-90 TO 100% PASSING, 3/8" SIEVE-0 TO 30% PASSING. SOCKS SHALL BE WRAPPED WITH A CONTINUOUS, TUBULAR, KNITTED, MESH NETTING WITH 1/8 INCH OPENINGS, CONSTRUCTED OF 5 MIL THICKNESS, PHOTODEGRADABLE HDPE.
2. THE FILTER SOCKS SHALL BE HELD IN-PLACE WITH HARDWOOD STAKES EVERY 4 FEET ALONG THE LENGTH OF FILTER SOCK FOR SLOPE PROTECTION AND EVERY 2 FEET FOR DITCH CHECKS.
3. WHEN AT LEAST ONE-HALF THE DISTANCE BETWEEN THE TOP OF THE FILTER SOCK AND THE GROUND SURFACE IS FULL OF SEDIMENT, REMOVAL AND DISPOSAL OF SEDIMENT IS NECESSARY.



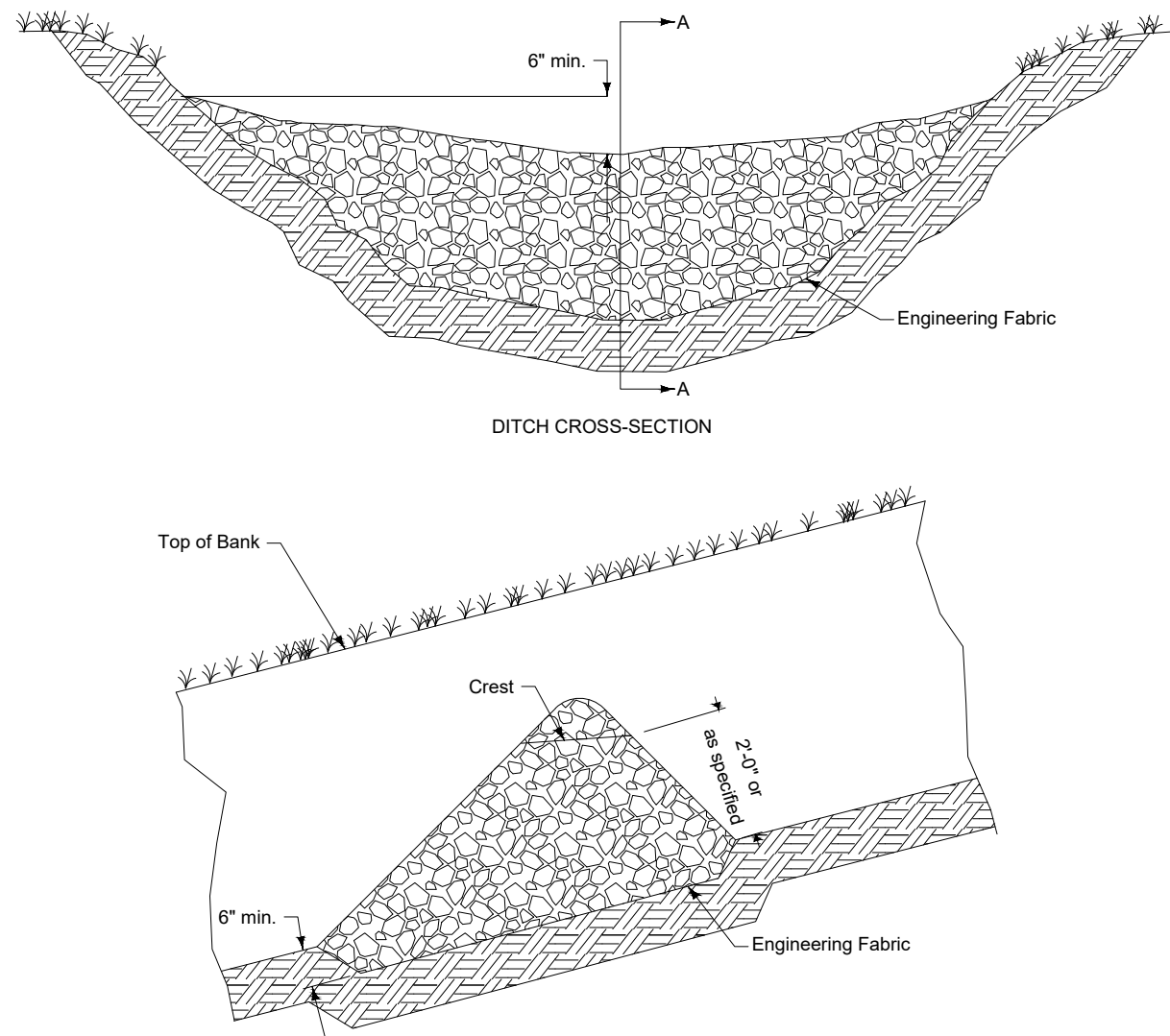
B2 24" FILTER SOCK

Scale: NTS



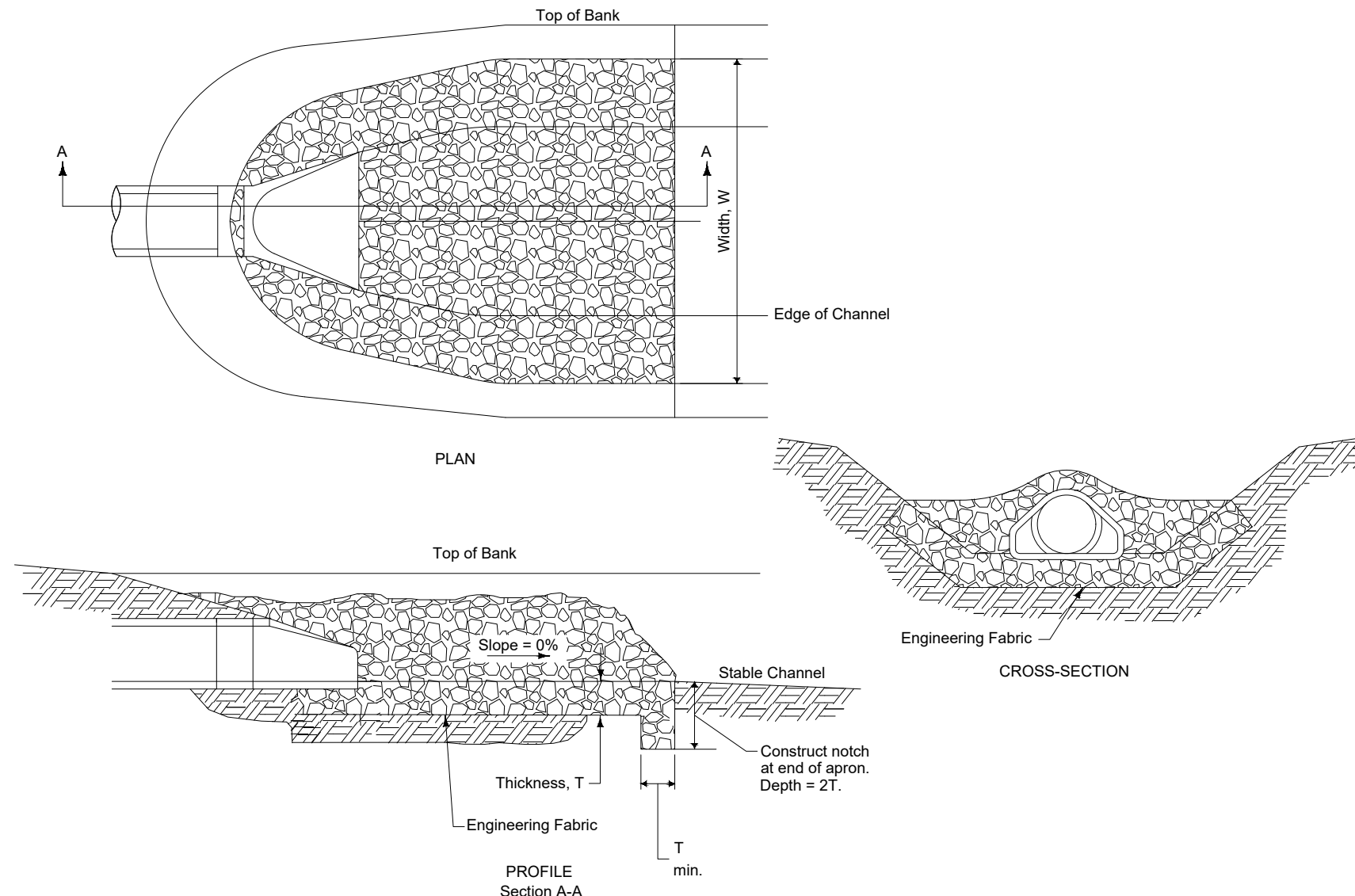
A2 TEMPORARY SILT FENCE

Scale: NTS



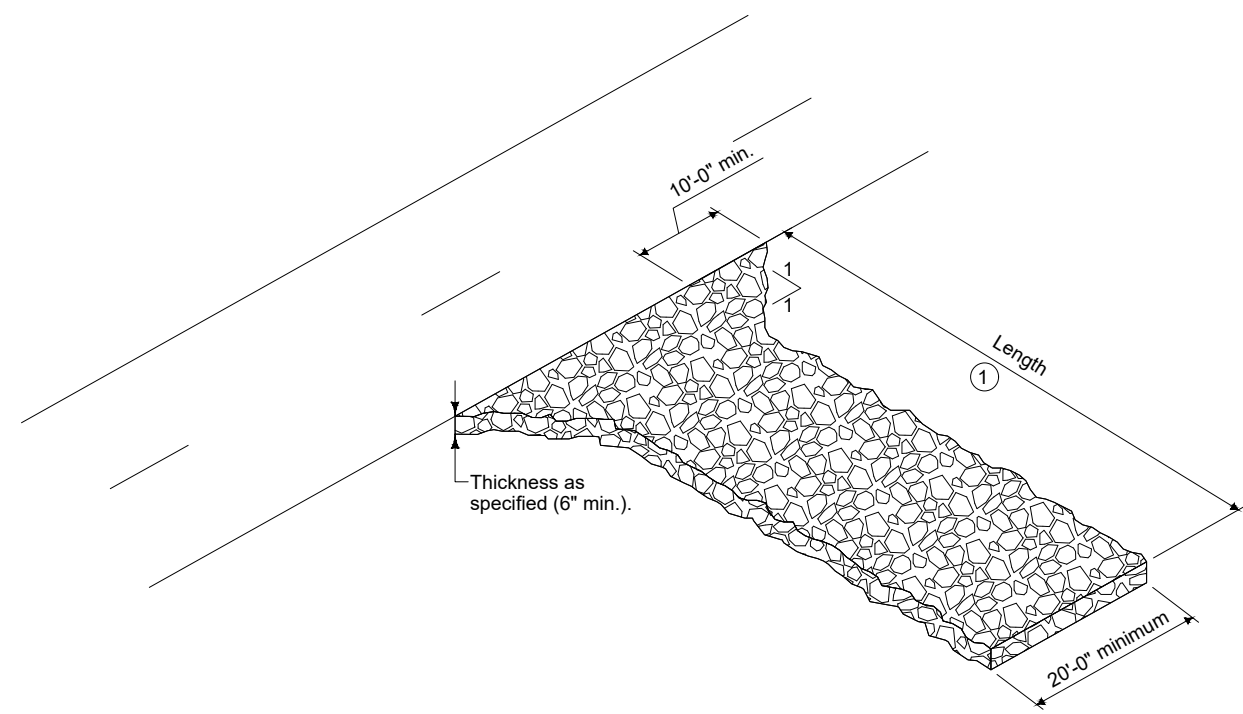
A2 ROCK CHECK DAM

Scale: NTS



A1 RIP RAP APRON

Scale: NTS



B2 STABILIZED CONSTRUCTION ENTRANCE

Scale: NTS

① Entrance length: 50 foot minimum (30 foot for single family residential), or as specified in the contract documents. Length of entrance may be increased if sediment track-out occurs.

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OMAHA OFFICE: 8214 SOUTH 109TH ST. LAVISTA, NE. 68128 OFFICE: (308)548-2264 STROBELENERGY.COM

PROJECT LOCATION: HASTINGS, NE

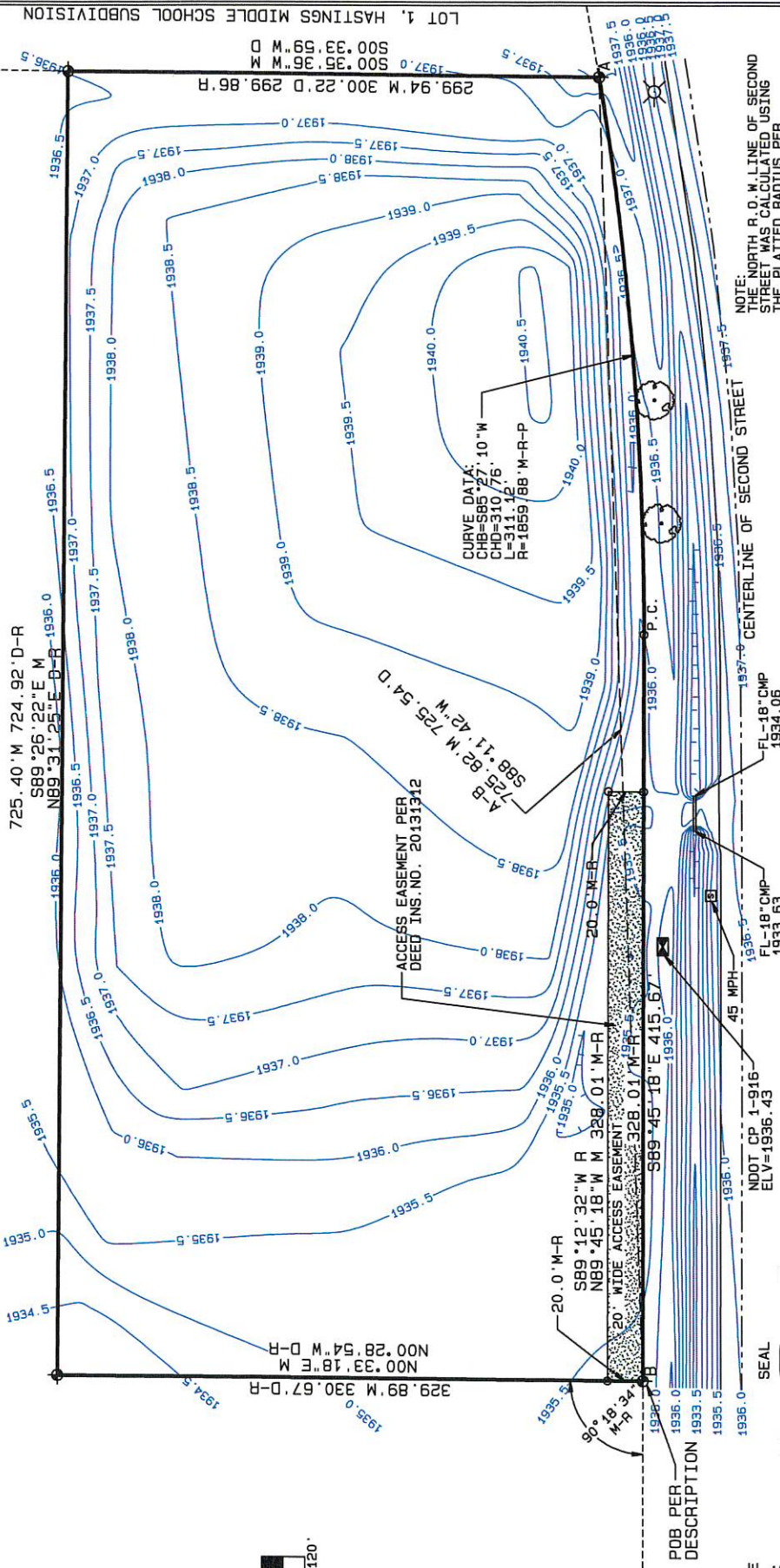
OWNER: GREG & JULIE ELLENWOOD

REV	DATE	DESCRIPTION
A	1-24-22	IFR - ISSUED FOR REVIEW
B	2-7-22	IFA - ISSUED FOR APPROVAL
O	2-8-22	IFC - ISSUED FOR CONSTRUCTION

PROJECT NO: 21-1524
CAD DWG FILE: HASTINGS SWPPP.DWG
DATE: 1-13-22
DRAWN BY: TMB
CHECKED BY: DV
FIRM: STROBEL ENERGY GROUP
SHEET TITLE 30x42

SWPPP DETAILS
DRAWING NUMBER: C-105
SHEET REV 0

NOTE:
ALL ELEVATIONS ARE NAVD 1988



NOTE:
THE NORTH R. O. W. LINE OF SECOND
STREET WAS CALCULATED USING
THE PLATTED RADIUS PER
HASTINGS MIDDLE SCHOOL SUBDIVISION
PLAT AND THE RECORD ANGLE OF THE
SURVEY DONE BY LS-520 ON 03/03/2011

Description In Exhibit "A" of Deed Instrument No. 20190197

A Tract consisting of 5.36 acres, more or less, legally described as follows:

A tract of land in the Southeast Quarter of Section Ten, Township Seven North, Range Ten West of the 6th P.M., Adams County, NE, and more particularly described as follows: Commencing at the south one-quarter corner of said Section 10 at an Aluminum Cap, thence N00°31'19"W and on the West line of the Southeast Quarter of said Section 10, a distance of 784.96 feet to a point on the north right-of-way line of Second Street, thence N94°12'32"E and on the north right-of-way line of said Second Street, a distance of 1003.91 feet to the Point of Beginning; thence N00°28'54"W, a distance of 330.67 feet, to a point; thence N84°31'25"E, a distance of 724.92 feet to a point on the west line of Lot 1, Hastings Middle School Subdivision to the City of Hastings, Adams County, Nebraska, according to the recorded plat thereof; thence S00°33'54"W along the west boundary of said Lot 1 Hastings Middle School Subdivision a distance of 300.22 feet to the intersection of the north right-of-way line of Second Street and the southwest corner of said Lot 1 Hastings Middle School Subdivision; thence westerly along the north right-of-way line of Second Street 725.54 feet, more or less, to the Point of Beginning, in the City of Hastings, Adams County, Nebraska.



JOSHUA E. GRUMMERT | LS-783
GRUMMERT PROFESSIONAL SERVICES, LLC

PO BOX 37, KENESAW, NE 68956
PHONE 402-879-5701 EMAIL jmgruntmer@yahoo.com
WEBSITE www.gruntmersurveying.com

I HEREBY CERTIFY THAT THIS TOPOGRAPHICAL SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE, AND THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA. COMPLETED ON JANUARY 19TH, 2022.

Joshua E. Grummet
JOSHUA E. GRUMMET | LS-783

GRUMMERT PROFESSIONAL
PO BOX 37, KENESAW, NE 68524
781-555-5555 | 781-555-5555

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2nd Street-All REC Storage
Hastings, NE

The following narrative will outline our plans to construct a new RV/Boat/Vehicle storage facility on the West side of Hastings, NE. We have been contemplating and researching this project for a couple years and are excited to put our research and planning into a project in Hastings that we feel is a definite need and asset to the Hastings area. We have chose a local builder from Hastings to build our new facility that has the knowledge and experience to put together an attractive facility for us.

Greg and Julie Ellenwood, owners/applicants, have lived in Hastings since 1984 and claim our permanent address to currently be in Republican City, NE near Harlan County Reservoir. We raised our 3 children in Hastings and all graduated from Hastings High School. Our oldest son and his family live in Lincoln. Our daughter and her family live in York. Our middle son continues to live in Hastings and will be an intergral part of facility management.

Many hours of serious thought and consideration have gone into this project. We feel this project will be a great addition to Hastings and also provide a needed service to a large surrounding area. We feel we have an efficient site layout that provides security and multiple storage options to bring recreational vehicle storage to another level.

Building 1 and Building 3 will be 40'x240' buildings each providing 16 indoor parking stalls 40'x15'. Each bay will provide its own appropriately sized overhead door to accommodate nearly all shapes and sizes of recreational vehicles. Building 2 will be a 60'x196' building providing 28 smaller indoor parking stalls to provide for smaller items such as boats and classic or recreational automobiles. There will be exterior parking North of these 3 buildings and between building 2 and building 3. West of the areas outlined above will provide for future expansion, either additional building(s) or more exterior parking. Buildings 1 and 3 will have electricity for convenience outlets and interior lighting. The site will be illuminated with LED wall packs mounted to the buildings only, providing security lighting for the area without creating any additional light pollution beyond the site.

The entire site will be fenced to provide security for our tenants. There will be a gate at the South entrance that tenants will be provided with a unique code for access and will allow 24-hour private access. A proposed 6' galvanized chain link fence will be along the perimeters as noted, which falls in line with city code. All 3 buildings will have concrete aprons in front of the doors, with the remaining parking/driveway areas being crushed rock. The entrance off 2nd Street will be poured concrete 30' wide allowing plenty of space for traffic flow coming into and exiting the facility.

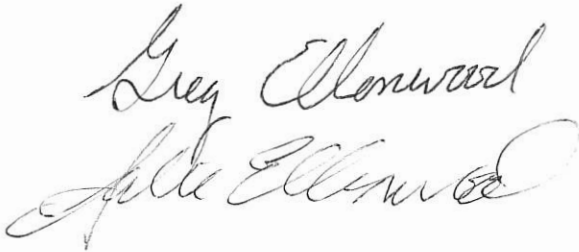
We chose the site on West 2nd Street for a number of reasons. We feel that it fits the area well and is located in an appropriate area of Hastings. This facility will bring very little additional traffic to West 2nd Street, as most tenants access their recreational vehicles in the off season very rarely. We can anticipate when the storage units are fully occupied, the traffic will still be quite minimal. 60 tenants for enclosed storage, and 23 plus that will utilized the outdoor parking areas. Minimal traffic throughout the year, with the majority of the activity occurring between the months of April thru September,. The majority of people are done with the recreational activities after Labor Day. The bulk of the traffic flow will not interfere with any traffic associated with the Middle School because school in not in session mid May thru mid August. We have modeled this facility after Undercover Storage in Holdrege. I have observed this Holdrege facility for the last 5 years, and drive by it twice a day, the traffic is very minimal.

Throughout the planning process of the project, we have consulted with our friends and local businesses in Hastings, and the feedback has all been positive and supportive. Gary Jerman w/LCL owner, Gary Anderson w/Guarantee Electric, Gregg Hughes, Chris Johnson, Happy Hooker Towing in Alma, Mike Fitch owner of Undercover Storage, Dykeman's Camper Sales, to name a few. Hwy 2 Storage in Grand Island and other facilities in York, Holdrege, Aurora, Republican City, Alma all have waiting lists. This is a much needed model in Hastings that has been successfully built in surrounding communities.

We have not yet established a name for this project. However, the only signage we have planned for will be mounted to the buildings as opposed to a free standing sign out front.

Thank you for your consideration and we look forward to providing this service to the citizens of Hastings!

Greg and Julie Ellenwood

Handwritten signatures of Greg and Julie Ellenwood. The signature for Greg is on top, and the signature for Julie is below it. Both are written in a cursive, flowing style.



Home

View

Cut
Copy



Select

Crop

Resize

Rotate

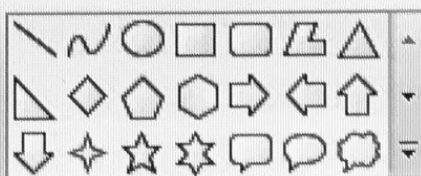
Image



Tools



Brushes



Shapes

Outline

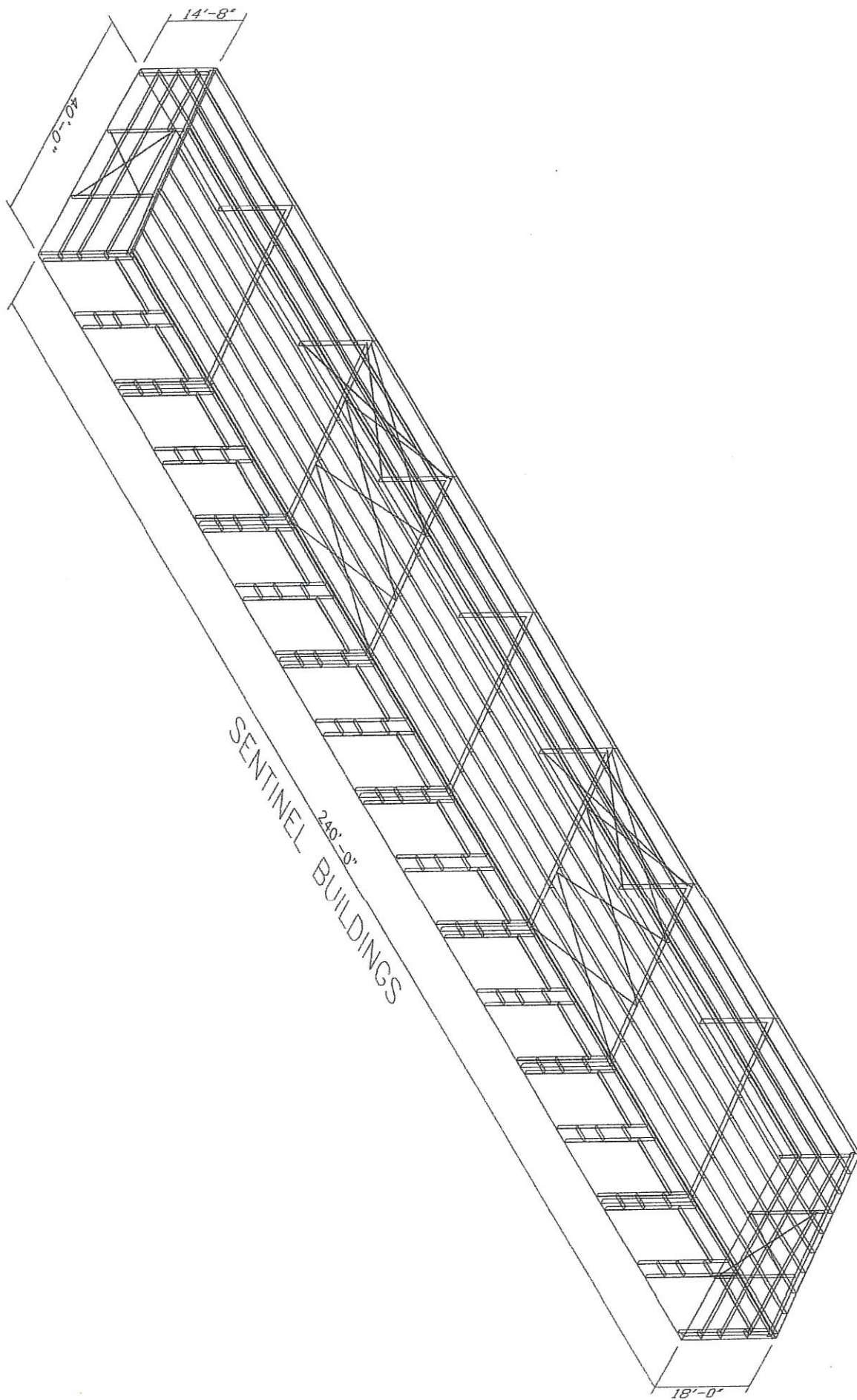
Fill

Size

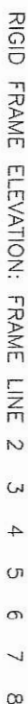
board



ALL REC
STORAGE

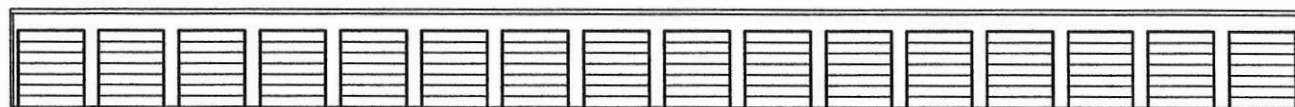
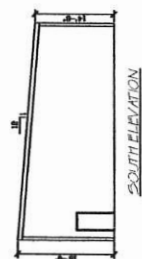
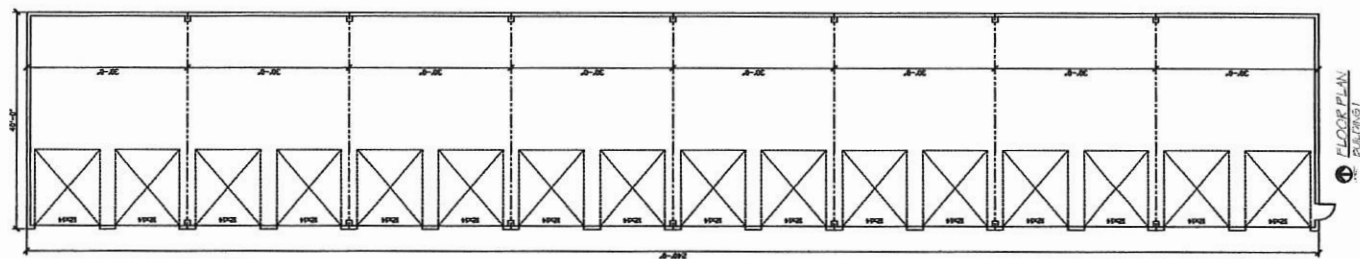


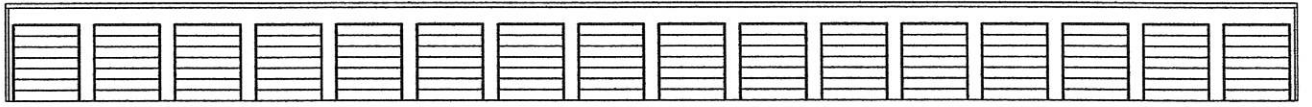
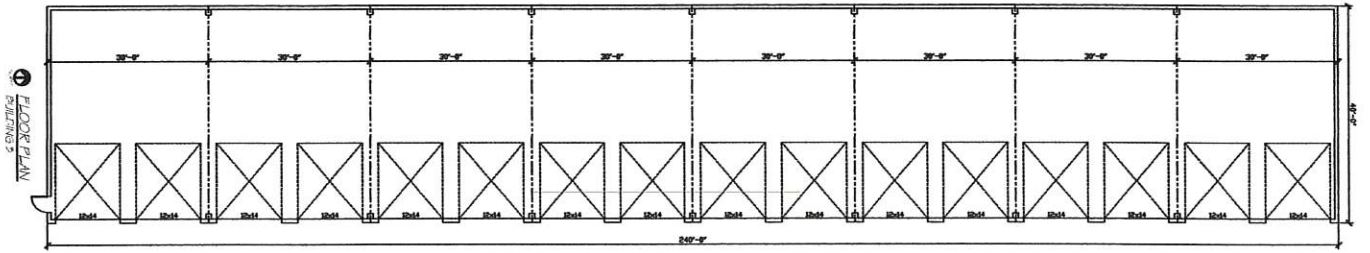
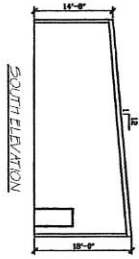

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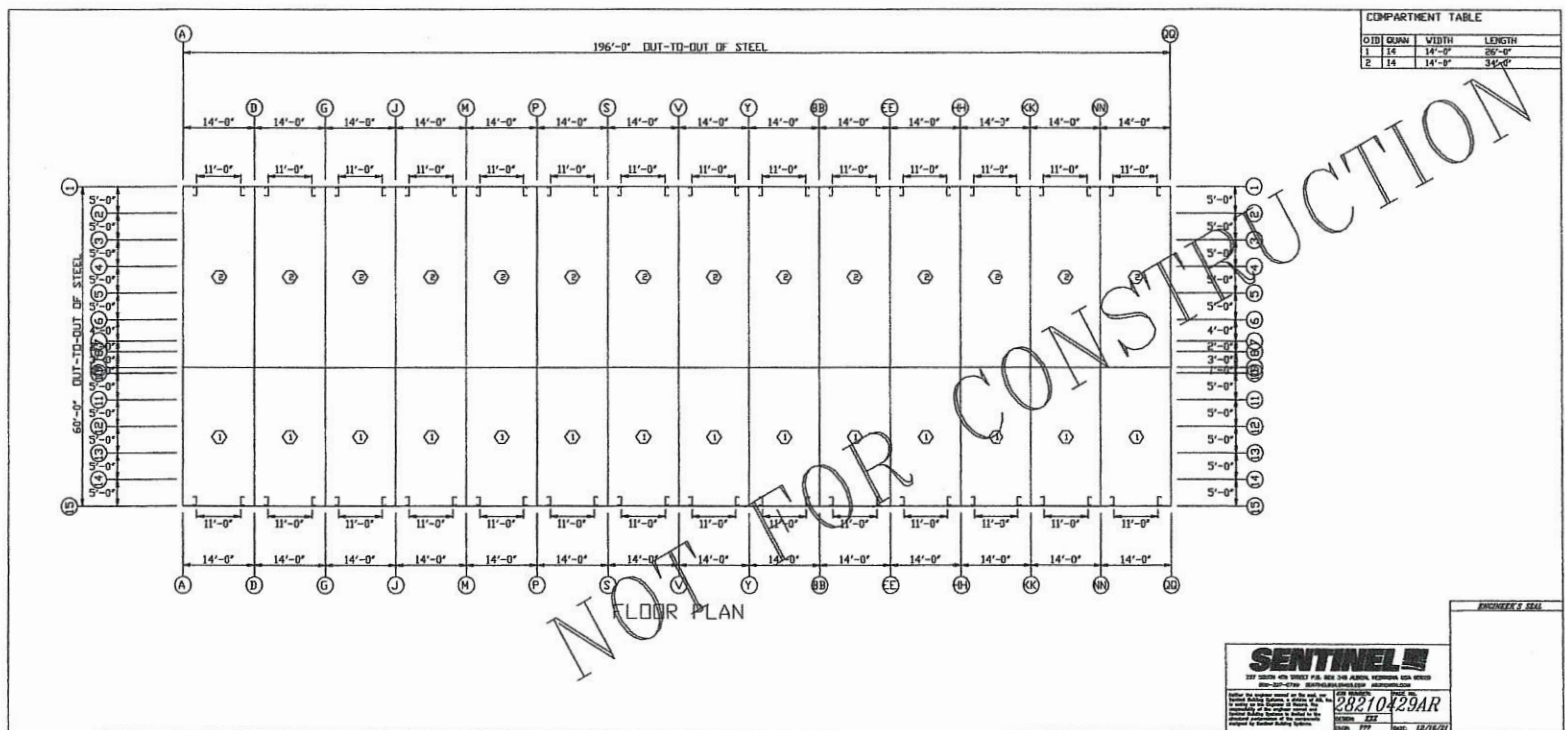


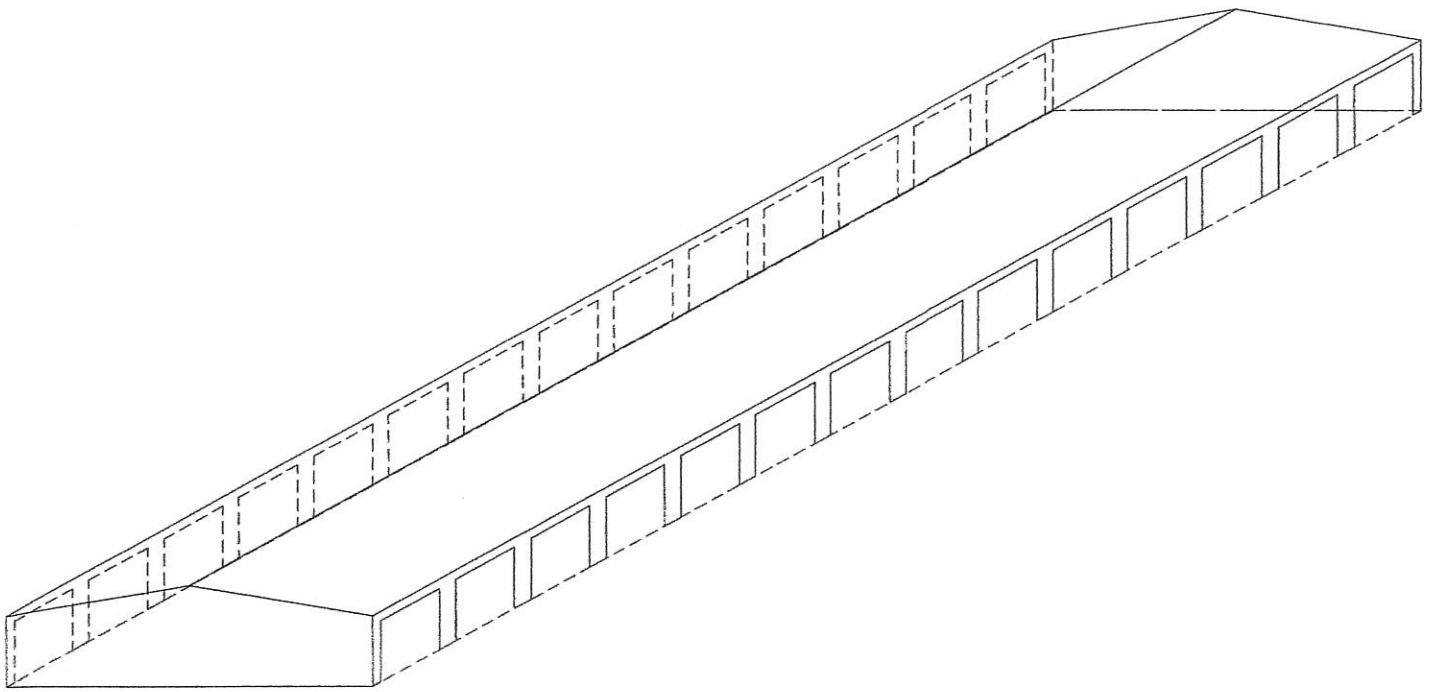
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ENGINEER'S SEAL









28210429AR

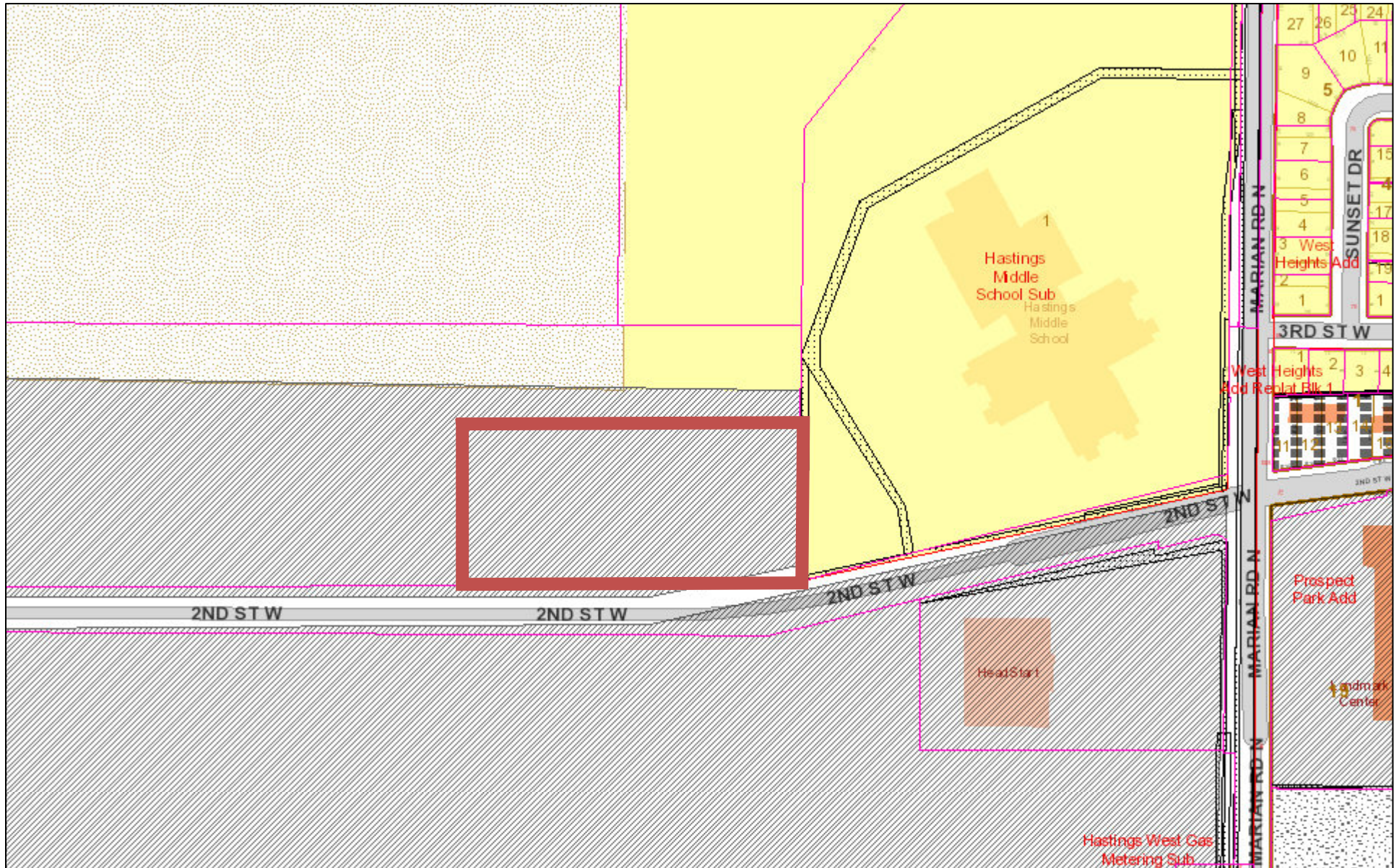
Building

12/16/21

 **FLOOR PLAN**
BUILDING 2

Architectural drawing of a building facade showing a grid of windows and doors. The top section is a large window wall with 16 windows, each labeled "11'x20'". The bottom section is a row of 12 doors, each labeled "11'x20'". Dimensions are provided for the overall width (176'-0") and height (28'-0").

ArcGIS Web Map



2/9/2022, 2:02:31 PM

- | | | | | | | | |
|---------|---------------|-----|-----|-----|------|------|--------|
| Limits | Subdivisions | AG | C-3 | I-1 | R-1A | R-3G | BLOCKS |
| OneMile | Easements | C-0 | CMP | I-2 | R-1S | R-5 | |
| TwoMile | Zoning | C-1 | CZ | MU | R-2 | TA | |
| Parcels | A | C-2 | FS | R-1 | R-3 | LOTS | |

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ArcGIS Web Map



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-  Limits
-  Easements
-  OneMile
-  TwoMile
- Parcels

1:4,514
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Department: Development Services
Staff Contact: Lisa Parnell-Rowe
Planning Commission Meeting Date: 2/15/2022
File No: 2021-071
Prepared By: Clara McCully, Administrative Assistant

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing for a change of zoning for a Casino to be at property commonly located to the north of Walmart and 42nd Street W and to the west of Tom Osborne Expressway in the extra-territorial jurisdiction of Adams County and City of Hastings Nebraska from "A, Agriculture" to "C-3, Commercial Business", and to amend the Official Zoning District Map.

Motion to recommend disapproval for an ordinance and the amendment to the Official Zoning District Map to rezone property commonly located to the north of Walmart and 42nd Street W and to the west of Tom Osborne Expressway in the extra-territorial jurisdiction of Adams County and City of Hastings Nebraska from "A, Agriculture" to "C-3, Commercial Business".

Names of People/Business affected by this action:

The applicant, and the citizens of the City of Hastings and Adams County.

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 disapproval for an ordinance and the amendment to the Official Zoning District Map to rezone property commonly located to the north of Walmart and 42nd Street W and to the west of Tom Osborne Expressway in the extra-territorial jurisdiction of Adams County and City of Hastings Nebraska from "A, Agriculture" to "C-3, Commercial Business".

Deadlines associated with action:

There is a concurrent item on our agenda to process a Conditional Use Permit for the Racetrack portion of the use for this development.

Department head comments:

Surrounding zoning is as follows:

North – A, Agriculture, RP-3, Multiple Family Planned Residential & R-1, Urban Single-Family Residential districts

South – C-3, Commercial Business District

East – A, Agriculture; C-3, Commercial Business; and R-3, Multiple Family districts

West – A, Agriculture District

It is important for all to understand the rezone is a totally separate action that is necessary only to place the Casino in this area as the use of the Casino is slated as an *Indoor Entertainment and Recreation Business* that is not allowed in the A, Agriculture District (its current zoning). A rezone is normally an option to consider when the comprehensive plan and corresponding Future Land Use (FLU) map indicate it to be compatible or when there is clearly surrounding growth and changes that would justify the FLU map is not as accurate as it once was when the comprehensive plan was originally undertaken. When staff sees an area they consider to be tagged inaccurately in the future, they will bring it before the Planning Commission and City Council as a proposed FLU change to justify this corresponding rezone as seen in the past year on several occasions.

The applicants are well aware of the practice of a Comprehensive Plan and Future Land Use (FLU) and the intent of this visionary or goal-oriented document to drive current zoning changes. When they first came to us with this proposal, the land they were proposing in the development area included the area to the north. With that area included, there was a fairly even mix of both Suburban Residential and Commercial/Retail being slated for this future development. Then, after seeing the response in letters opposed to this development that specifically seemed to be feedback from Lochland residents to the north, they responded by providing a revision that peeled back an approximate 325' to the north that was in their original proposal provided on December 21, 2021. In peeling this area back, they are leaving that area, which is mostly slated for Suburban Residential as Agricultural. However, there was still a significant portion of that land slated for future Suburban Residential use—particularly to the northwest portion of the development. Then, in January, the applicants postponed their cases just prior to the last Planning Commission and again submitted a revision to the area for which they were requesting rezone. The latest proposal for rezone removes the area to the north where the race track will be placed. A race track is also conditional in the Agricultural district. In this way, they further lower the percentage of the area that is slated for future Suburban Residential uses from their proposal. You can see these changes in the attached document named Rezone area changes by Request to the FLU. Though their proposal changes can be requested Staff believes the sheer fact that so many adjustments have had to be made on their part is a good indication that this area is not the perfect fit for the use they are attempting to place in this area.

Another important factor that must be considered in a rezone is the amount of area that is optimal for placing the development in or what is referred to as the lay of the land or topography. Some uses are more conducive to a topographically challenging area than others. In looking at the area

being proposed, one can see that the topography shown on the Contours Map drastically increases in variances the further south and southeast, indicating larger grade differences. If one also overlays the Resource Map that shows the Floodplain over the top of the FLU Map for this area, it becomes apparent the area to the south is less conducive for development than the rest of this area as shown in the attached Latest Rezone Area in the FLU Map. In fact, if you take a look at the Site Plan, you will notice this entire area does not have an actual structure placed in it, but rather they are proposing open and impervious space in these areas as one would expect. Roughly 25% of the area found in the Commercial/Retail area of the FLU is in a Floodplain and is best used as open space, a detention area or left undeveloped. When one looks at this entire area (150 acres) currently undeveloped, the area more adaptable to development is predominantly FLU-slanted for Suburban Residential. Something to also understand and consider is that if a residential use were to be placed here, there would also not need to be a consideration for the required buffer found in Table 305-8 of our Zoning Code. This means you can utilize more of this total area for buildout as a residential use than you could as a Commercial/Retail use.

As a result of the floodplain and the residential presence to the north, we will end up with a development that has to be unnaturally squeezed into a center point of 150+ acres. The area slated to the north of this race track, still slated for future suburban residential, will be less likely to develop as that use if this rezone and the race track CUP are approved. Staff finds it questionable, based upon the abundant public feedback that we have received, as to whether or not anyone would want to live this close to a Racino. So, even though the immediate percentage of area for Suburban Residential in their project area has been greatly diluted, the fact still remains that part of the area where their race track will sit and the area to the north of this are future slated for Suburban Residential.

The even mix of both Suburban Residential & Commercial/Retail slated for the entire 150+ acres of undeveloped area between Walmart and Lochland, as shown in the FLU, indicates to Staff that the most appropriate district zone for this area is C-O, *Commercial Office Non-Retail District*. This is because the intent of that particular zone district is to “include urban and suburban residential and professional office uses that are appropriate in areas undergoing a transition” and specifically states, “the regulations and restrictions are intended to protect, preserve and enhance the residential uses while permitting uses characterized principally by consultative services or executive, administrative or clerical activities”. Staff believes if this area were to be zoned to truly consider the potential impacts of both Lochland residents and the southern commercial presence, that C-O, *Commercial Non-Retail* is the most appropriate district for which we should rezone this entire area. The C-O zoning district would consider both residential and commercial FLU types projected for this area. What does this mean for the future of an area being proposed for a “Racino” that may not be successful but remains zoned C-3? It means other future uses for outdoor sales of any type (like a car lot), some light manufacturing uses, or even other indoor and outdoor entertainment and recreational businesses or uses, and much more could more than likely follow if this area were rezoned to C-3. If this area were to be rezoned to a C-O zoning district, many of these uses are retail and would not be permitted in this area. This is why this area at most should only be considered for a C-O Zoning District rezone. However, that is not what our applicant has proposed—it is not what they proposed because only the C-3, *Commercial Business Zone District* will permit them to have the Casino.

There was obviously some intentional consideration on the part of those who created the FLU to cease Commercial/Retail as they moved north towards Lochland. We know this because when we review the FLU and compare the western side of the Tom Osborne Expressway to the eastern side, only the eastern side continues to incorporate Commercial/Retail as it moves north, whereas the western side ceases Commercial/Retail future zoning as it approaches Lochland. The question Planning Commission and City Council will need to determine is to what point this cessation in future Commercial/Retail use should be cut off or transitioned as you move closer to Lochland. The existing zoning surrounding this property is a mixture of agricultural, commercial and residential. The residential properties adjacent to this property are zoned to allow for lower-density residential; these are larger single-family residential homes where property values average \$344,024. These are not townhomes, apartments or duplexes. This mixture is not uncommon to see in an area such as this located on the outskirts of town, as this area is technically still in transition from what was farmland to what has become commercial and residential through time. Though we do have Walmart, and many commercial businesses to the south of this area, it is important to remember those were permitted outright by the C-3, *Commercial Business District*. Walmart, and the other retail businesses and restaurants did not need to consider and prepare plans for mitigating potential hazards and nuisances like horse manure, intense light glare, dust and smell.

Staff has evaluated the submission provided by the applicants and does not feel based on the area for which it is proposed, the future outlook slated in our FLU, the challenges presented by the existing floodplain in the southeast corner, and the proximity it will have to existing residential uses located in Lochland, that their proposal to rezone to C-3, *Commercial Business Zone District* is the best-suited zone district for this area now or into the future should this development fail.

Though this development would clearly provide some much-needed economic growth for the City of Hastings, staff would not feel this is the appropriate place for this particular use. Staff has provided several other options to the applicants that would seem to offer the applicant similar visibility from a nearby principal street right-of-way, while fitting better into the existing and future land uses. Staff questions the economic need for this in our community when the City of Grand Island has Fonner Park and future plans for a casino. Grand Island and Fonner Park are well-known with the added visibility for all during State Fair events. Additionally, since the onset of Nebraska State Initiative 429, many other "Racinos" have been planned and/or approved for communities like Gering, North Platte, Bellevue and more. Many of these were placed in areas that did not entail the need to rezone the land, but were already zoned for the use of a casino. Careful consideration should be taken on our part to ensure if this is approved, that we have not been provided with market research evidence that this use would be successful and not a failed use of infrastructure left adjacent to our city's gateway due to an obvious oversaturation of this newly allowable Racino use. Though the applicants have given us verbal assurance of this market research there has yet to be any documentation provided that shows this market research was accomplished.

Additionally, we must not forget this area is the primary gateway to our city. Though it is not unusual for Casinos to desire a gateway location, that type of use may fit for larger cities like Omaha and Lincoln; it simply is not what Staff feels this community would want to express as the identity and first impression of Hastings. Staff knows this because when we held key stakeholder

and public focus group meetings to discuss our Transportation and Parking Plan, one of the primary strengths that was identified as part of this plan was our city's unique character, often described as “Small Town Charm” and appeal. This is what is said to be the most important thing to our residents. The difference between Grand Island, Kearney and Hastings is when you drive into town and down Burlington Avenue, you still see many older, charming residential properties along this corridor. Though this particular area doesn’t exude that “Small Town Charm”, it is not currently in complete contrast to that vision. This “Small Town Charm” definitely has been a strength for Hastings that these other communities do not have and the more we stray from that vision the more we gravitate away from that strength. This is not to say Hastings can never grow, but it is to say architecturally and visually, we want to ensure developments in that gateway area are not visually disparate to the look and feel of the “Small Town Charm”. Staff contends a “Racino” at our gateway does not consider this long-standing strength and is a complete disregard to this known community engagement feedback.

Recommendation:

Staff recommends a motion to recommend disapproval for an ordinance and the amendment to the Official Zoning District Map to rezone property located directly north of Walmart at property and addressed 4555 West Osborne Drive in the extra-territorial jurisdiction of Adams County and City of Hastings Nebraska from "A, *Agriculture*" to "C-3, *Commercial Business*".



HASTINGS EXPOSITION & RACING
AERIAL VIEW LOOKING SOUTHWEST



HASTINGS EXPOSITION & RACING
AERIAL VIEW LOOKING NORTHWEST



HASTINGS EXPOSITION & RACING
INFIELD VIEW LOOKING SOUTH

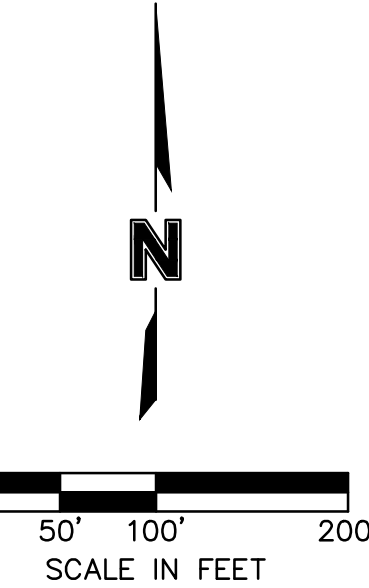
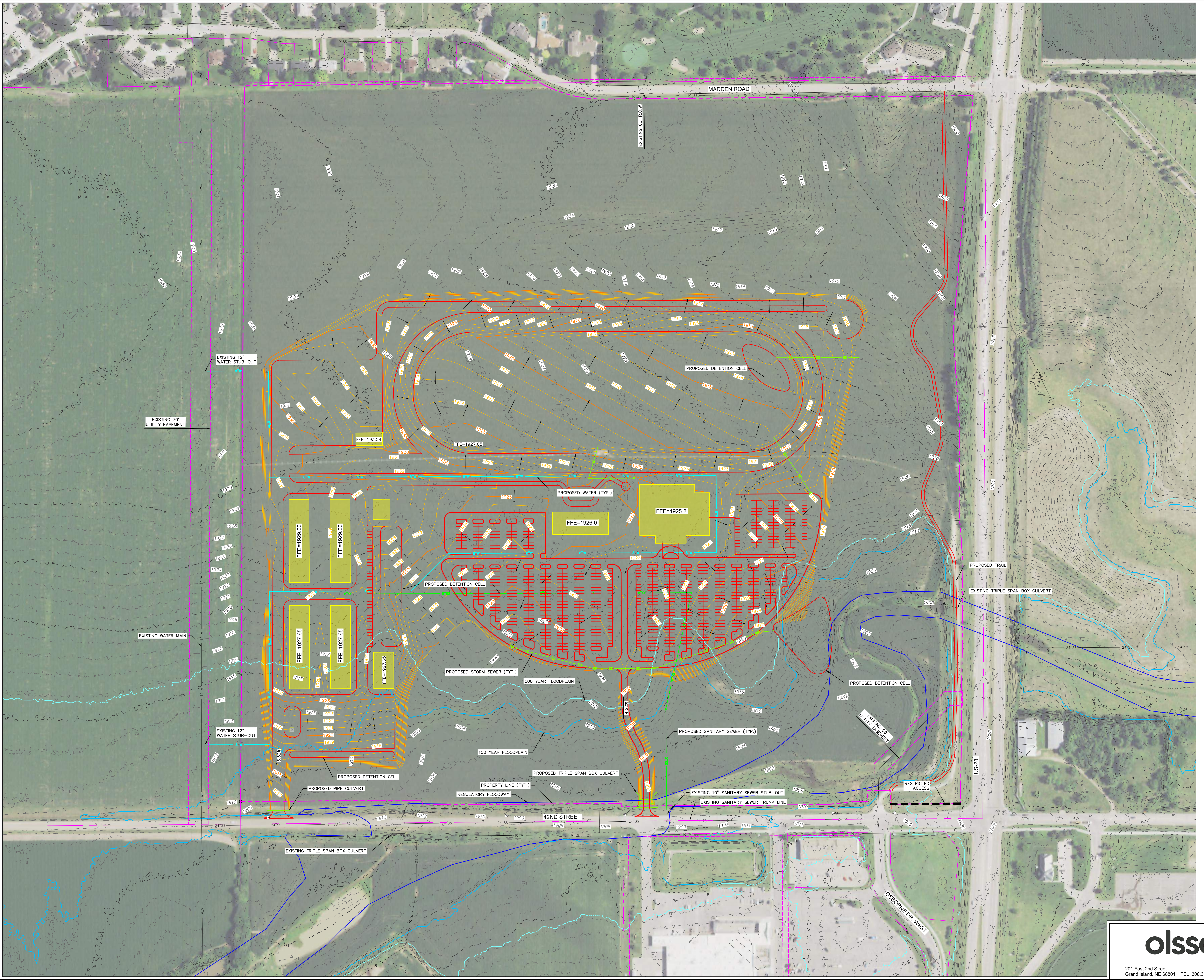


HASTINGS EXPOSITION & RACING
FINISH LINE VIEW LOOKING SOUTHWEST



HASTINGS EXPOSITION & RACING
FINISH LINE VIEW LOOKING WEST

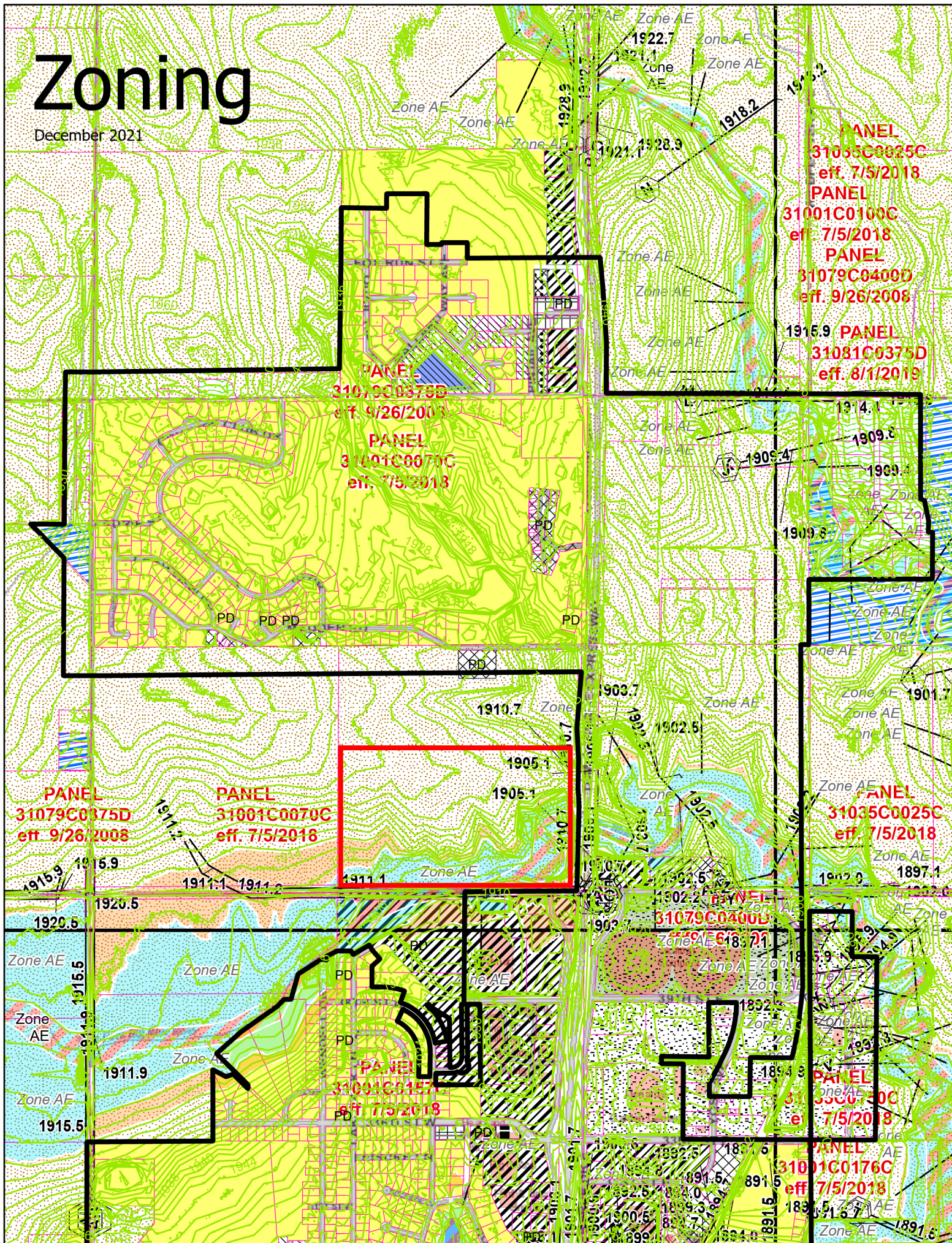
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olsson

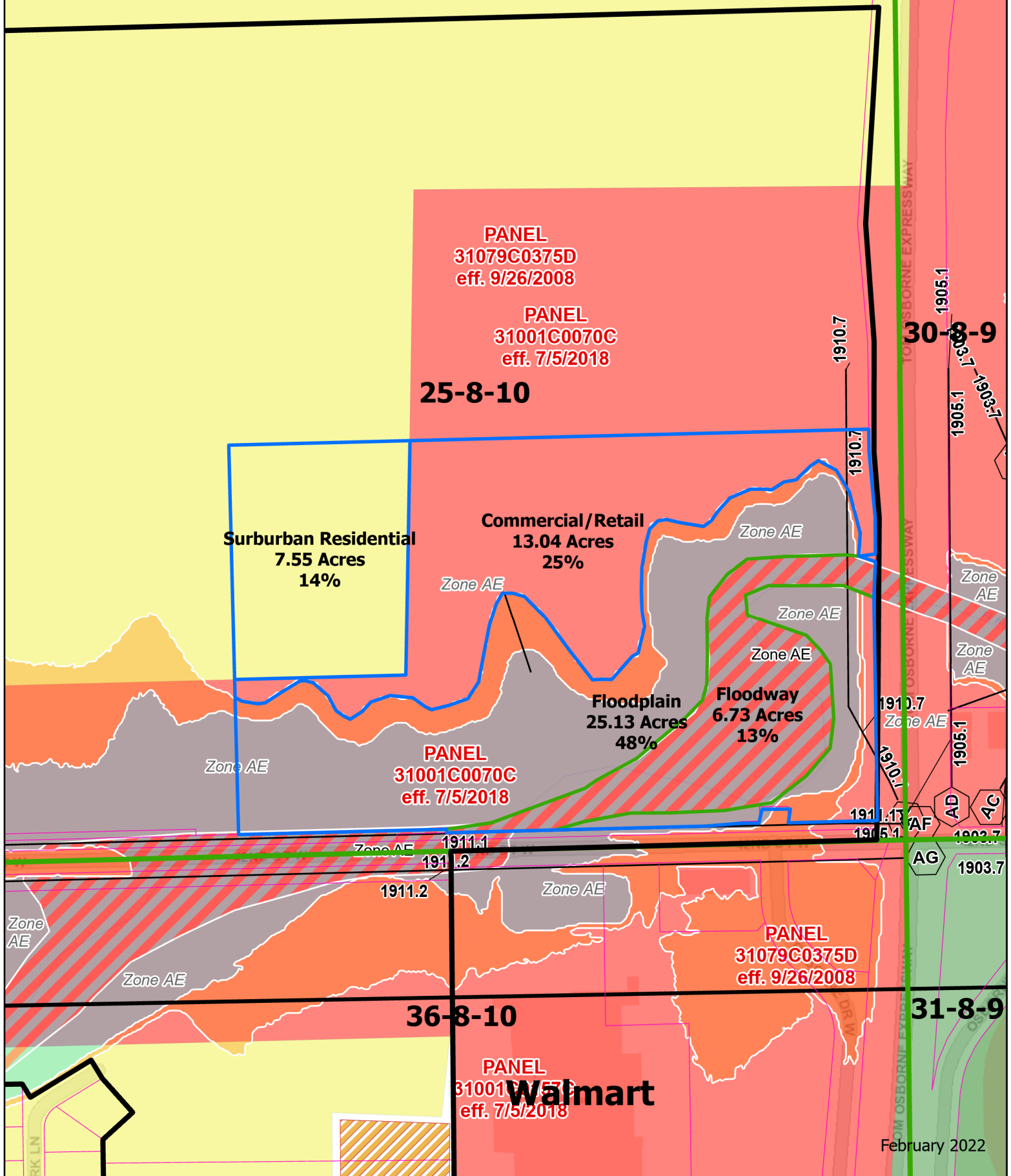
201 East 2nd Street
Grand Island, NE 68801 TEL 308.384.8750 www.olsson.com

December 2021



Lochland

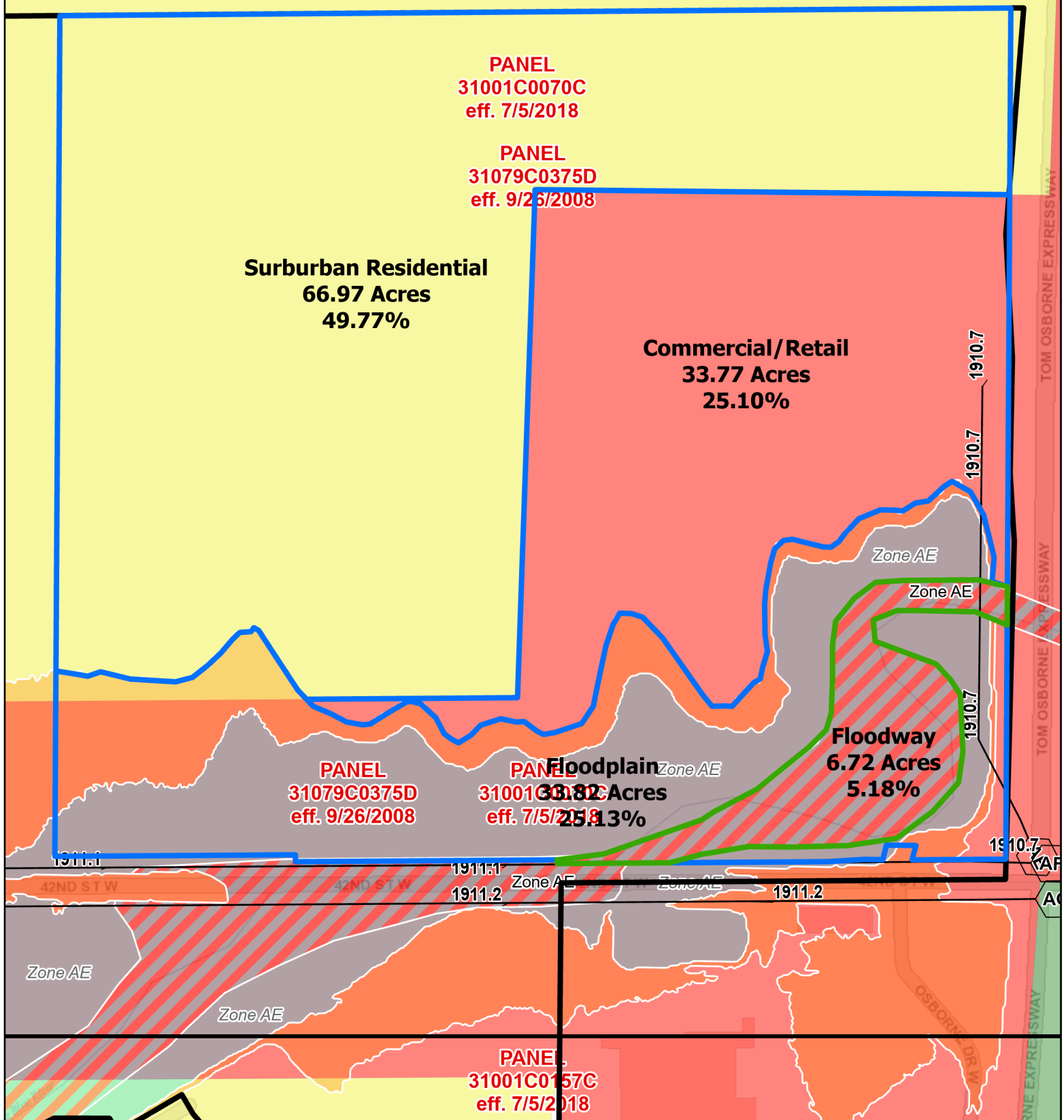
Future Land Use



[illegible]

Future Land Use

December 2021



HASTINGS



TRANSPORTATION AND PARKING MASTER PLAN

Focus Group Outreach

The city hosted five focus group interviews, one for each of the four voting wards plus a city-wide evening meeting. These meetings gave 37 participants the opportunity to discuss transportation topics and aspirations with the project team. Below is a summary of themes heard in those conversations.



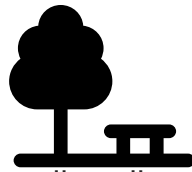
What's Important?

Safety



Safety of the city is a core value for Hastings residents; from crashes to crime

Character



The overall small town character and cleanliness of the city add to the charm of Hastings.

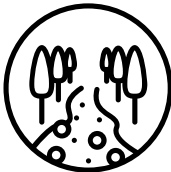
Community



Hastings has friendly neighbors who are willing to volunteer their time and work together.

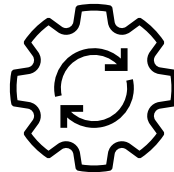
What Do We Like?

Trails



The growing trail system is great for families and community health!

Maintenance



Upkeep and repairs are done in a timely fashion throughout the city.

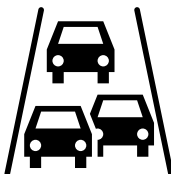
Places



From the colleges to water parks, Hastings has interesting places to go that add to it's appeal.

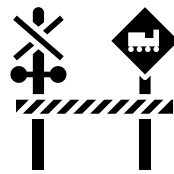
What Could Use Improvement?

Traffic Flow



Traffic signals and limited cross-town routes cause congestion, particularly around schools.

Railroad Quiet Zones



Train horns regularly impact resident's quality of life and downtown visitors.

Alternative Modes



There is desire for more hiking & biking trails, sidewalk consistency, and public transit.

Name 1	Name 2	Date	For or against	# Letters
Kirk Dielman	Karen Swan Dielman		against	1
Ann Russell	Tim Russell	1/11/2022	against	1
Kimberly Perez			against	1
David DeRosear	Linda DeRosear	1/12/2022	against	1
Richard French M.D.		1/12/2022	against	1
Alan Robertson D.D.S.		12/15/2021	against	2
John Welch M.D.	George Adam M.D.	12/19/2021	against	1
Property Owners	Daniel C. Pauley	1/12/2022	against	2
Colleen Adam	George Adam	1/12/2022	against	1
Tony Swanson	Cathy Swanson	1/12/2022	against	1
Timothy O'Keeffe		1/12/2022	against	5
Dr. Raul Franco	Dr. Allison Kern	1/12/2022	against	1
Sarah Allen		1/12/2022	against	1
Charles Bauer D.D.S.		1/11/2022	against	1
Bill Lindsteadt	Tanya Lindsteadt	1/12/2022	against	1
Daniel Sheehy	Kristi Sheehy	1/12/2022	against	3
Mark Phillips	Cathy Phillips	1/12/2022	against	1
Patrick Kern		1/12/2022	against	1
Gordon Blake Ph.D.		1/11/2022	against	1
Janet Blake		1/12/2022	against	1
Lorri Oakeson		1/11/2022	against	1
James Lewis		1/12/2022	against	1
Carol Brouillette		1/12/2022	against	1
Jacob Brouillette		1/14/2022	against	1
Mike Butler		1/26/2022	against	1
Troy Curtis		1/26/2022	against	1
				34

Kirk Dielman
And Karen Swan Dielman
14 Village Dr.
Hastings, NE 68901

City of Hastings Planning Commission
Attn: Development Services Department
220 N. Hastings Ave.
Hastings, NE 68901

Re: Comments on Proposal for Re-zoning for a Racetrack/Casino on West Osborne Drive between West 42nd Street and Madden Drive

We have several concerns about the proposed rezoning of a large parcel of real estate on West Osborne Drive between West 42nd Street and Madden Road. Residential housing should be protected as much as possible by the Planning Commission. The quiet enjoyment of a home is of utmost concern to the owners and residents of residential real estate.

Increased traffic on West Osborne Drive and surrounding roads will result if the proposal is approved. The proposed development provides for 1000 guest parking spaces and additional parking for those bringing in horses and trailers. Has a traffic study been performed? Will new traffic signals or new turn lanes be required? In addition to customers, there would be traffic from delivery trucks, garbage trucks and horse trailers. The commission should consider all of these aspects of increased traffic.

Noise and light issues will also result from a racetrack alone and would be greatly exacerbated by a casino. Lights and noise from a racetrack would be somewhat limited due to the timing of a race schedule. However, it could be open later than expected due to simulcasting races from other timezones. Is there a limit on hours of operation? In addition, a casino would undoubtedly want to be open late at night and would require lighting for the casino, its parking lots and possibly signage.

Special events could also increase the days and hours of operation and the resulting effect on nearby real estate owners and residents. Concerts can be extremely loud and the light shows and pyrotechnics would disturb the quiet enjoyment of life on nearby properties.

Casinos also bring a host of other problems in areas and communities which permit them. CNN did a written story about these effects. The link is:

<https://cnn.com/2013/09/24/opinion/frum/casinos-harm/index.html> This article has a disturbing conclusion.

The impact of casinos on local property values is “unambiguously” negative, according to the National Association of Realtors. Casinos do not revive local economies. They act as parasites upon them. Communities located within 10 miles of a casino exhibit double the rate of problem gambling. Unsurprisingly, such communities also suffer higher rates of home foreclosure and other forms of economic distress and domestic violence.

Furthermore, the National Association of Realtors reported that residential real estate near a casino is devalued by between 2-10%. This is a significant impact on residential owners and residents who live nearby.

We urge the City of Hastings Planning Commission to recommend to the City Council that the proposed development not be approved.

Sincerely,

Kirk Dielman and
Karen Swan Dielman
14 Village Drive
Hastings, NE 68901

January 11,2022

To the City Of Hastings

Regards to the Development of Casino in North Hastings

Please consider our following concerns regarding the proposed Casino location near our Hastings home.

We moved to the Lochland area 18 years ago. At the time, and since our home site adjoined another home, the golf course, and farmland to our south. Through time we have seen commercial development -including car lots, retail operations large and small and more-expanding along the Highway 281 corridor. Softball fields created a wonderful area for recreation but along with that, noise and light pollution.

As a result, traffic throughout the area, particularly on summer weekends, has increased drastically.

With adjoining land now proposed for rezoning to allow the construction of a horse racetrack and casino, please consider these information points in determining the fate of the application.

This will change the image of the main entrance into the city of Hastings along a heavily traveled road.

The racetrack facility will sit idle the majority of the year.

Nearby casino competition (Grand Island) could result in an underused facility here.

There would be increase trash in the area of tickets, cups, and wrappers for the entire facility.

Increased traffic in the area. An area the already sees regular traffic issues and accidents particularly at the Highway 281 intersections with 42nd and 33rd street.

A need for increased police presence.

Loss of land for potential housing development.

Reduced value on existing homes. And the subsequent drop in property tax revenue as a result.

Casino developers had considered the fairgrounds, where a race track exists, but family values were cited by the Adams county fair Board in rejecting that plan. Those same considerations can apply in placing the facility at the city's front door.

Please take your time with this issue and maybe see how other cities work the casino matter out.

Thank you

Handwritten signatures of Tim and Ann Russell. The signature on the left is 'Tim Russell' and the signature on the right is 'Ann Russell'. Both are written in a cursive, flowing style.

Tim and Ann Russell

500 Madden Road

Tim Russell
500 MADDER RD.

City of HASTINGS
Zoning & Planning

I believe in growth for Hastings, which is why I'm opposed to this location being zoned for a Horse Racing Track and Casino.

Horse racing is going the way of dog racing. The industry has seen a steady decrease in popularity over the past several years with a 36% decrease over the past decade. Although it has seen a slight increase since the pandemic, forecasters have predicted the steady decline to continue. It is not likely that it will make a comeback. Recent bad publicity of the industry standards has reduced the popularity of the sport even more. Statistically, if you are not already interested in horse racing, you are not likely to become a fan. Placing a horse racing track in the north part of Hastings creates direct competition with Grand Island's Fonner Park and over saturates an already dying market.

Fonner Park racetrack CEO Chris Kotulak said he's worried the state may wind up with too many racetracks because of companies wanting to operate casinos. "There's not the human or equine infrastructure in place to support any more racing than we already have," Kotulak said. (Quote from Lincoln Journal Star)

This location at the entrance of town will create an identity for Hastings that we need to consider. What will this say about our town? What will people see when they enter Hastings? What will they smell? Is this what we want as our town's first impression?

This plot of land is likely to be very popular for development considering the growth that is already naturally occurring in that area. Is it a smart investment for Hastings to place a business that is decreasing in popularity and not likely to attract new customers in such an opportunistic location? I would argue that it may prevent growth for Hastings. If this business goes the way of dog racing and shuts down, will Hastings have utilized this space to its fullest potential?

The National Association of Realtors have done studies noting that casinos devalue residential, agricultural, and commercial areas within a 1 mile radius of the placement of a casino. Does Hastings have no other potential areas in town that would not decrease the value of people's homes and businesses? After 4 years, casinos see a crime increase in that same 1 mile radius, devaluing homes and businesses further and adding crime to communities.

Considering that Hastings has an under-utilized horse racing track in a space already zoned appropriately for this activity, it may be better to capture the market from the south of Hastings for events, instead of competing with an already established Fonner Park.

Mr Becker's own mission statement acknowledges that the industry is dying. Placing a dying industry business in a growing part of town is a big risk and could not only stop growth for Hastings, but reverse it. I urge you all to consider what's best for our community and our future.

Kimberly A Perez
611 Madden Rd, Hastings NE

A handwritten signature in black ink, appearing to read 'Kimberly A Perez', with a stylized, flowing script.

January 12, 2022

City of Hastings Planning Commission
Attn: Marshall Gaines, Chmn.
220 N. Hastings, Ave.
Hastings, NE 68901

Re: Proposed Zoning Change for Racetrack/Casino
Hwy 281 & 42nd St., Hastings, NE

Dear Chairman Gaines & Planning Comm. Members:

We are residential property owners on Lakepark Lane, directly across 42nd St. to the south of the proposed site for a racetrack/casino complex.

The purpose of this letter is to express our objection to a zoning change to allow a casino at this location. We strongly believe that such a complex would have a negative impact on property values; along with the traffic, noise, lighting, etc. that will disturb a residential area. Additionally, we are concerned that police, fire, and emergency services will be inadequate due to racetrack/casino activities.

In summary, we firmly believe the negative aspects of a racetrack/casino far outweigh the positives. Hastings has a long history of positive family and community values that will surely be compromised if this zoning request is approved.

Thank you for your consideration of our objection,



David and Linda DeRosear
3816 Lakepark Lane
Hastings, NE 68901



Dear Mr. Hurskainen and members of the Hastings City Planning Commission,

Is there any legitimate reason to undermine the development of lovely residential neighborhoods between Lake Hastings and Lochland which have been moving north steadily from 25th Street to 33rd Street and almost 42nd Street over the past 20 years.

I live at 710 Dockside Cove, just north of the Lake Hastings. I have been impressed that a cornfield behind my house has become populated with numerous streets stretching almost 10 blocks to the north. These are beautiful neighborhoods.

It seemed to me that the city's master plan should be to continue expanding residential neighborhoods to connect 42nd Street to Madden Road, which would beautify our city and make it attractive to new families. Do you realize that all of the houses north of 35th street will have to look out from their hillside over this racetrack facility and barns? The best vision for the cornfield north of 42nd would be to develop 80-90% residential/10-20% light commercial—definitely NOT 90% casino and race track, etc. Have you no prior master plan for development of that area? A casino there certainly shows lack of vision.

Placing a racetrack, horse barns and a casino on a major portion of the cornfield between 42nd Street and Madden Road will kill residential development in that area. It also sabotages the families and developers that have already invested in the housing established north and south of this particular land parcel. If they ever suspected that you would allow the moving of horse barns and race track, akin to moving the County Fairgrounds into their neighborhoods, they would never have dreamed of building north of 35th Street, or in much of Lochland subdivision. Maybe we could maintain some ag feel to the property in question and put a cattle or hog feeding confinement on the west side of the acreage—call the whole parcel "Fairgrounds North."

You may feel that a casino is a good investment for Hastings, but I contend that it will harm the downtown businesses and our present restaurant investments. The discretionary spending in our redeveloped downtown and local eating establishments will be severely dried up by the sucking of extra household dollars out of our community by the casinos. Local and out-of-town people may still prefer to make their bets at the grander casinos in Grand Island, Kearney and elsewhere. You may find that there will be an offset of tax revenue from the casino with reduced sales tax income locally because of the casino drain of available Hastings dollars. Property taxes may then make no improvements or more likely worsen.

Regardless of the merits of a casino in Hastings, the worst possible location is at the entrance to our city. If you aim to allow a casino, move it near the fairgrounds or away from our residential areas. Do you want the casino in your back yard?

Richard French M.D.
710 Dockside Cove
Hastings, NE

1/12/2022 RD French

LISA:

WOULD YOU PLEASE INCLUDE THESE
4 ~~8~~ PAGES IN THE PLANNING COMMISSION
PACKET FOR THEIR DECEMBER 21
MEETING.

THANK YOU

ALAN ROBERTSON

CENTRAL DENTAL GROUP, P.C.

ALAN L. ROBERTSON, D.D.S.
ANN M. HECKMAN, D.D.S.
NATHAN F. THOMPSON, D.D.S.

515 West Ninth Street
P.O. Box 787
Hastings, Nebraska 68902



December 15, 2021

Dear Commission Members,

I am writing to you regarding your agenda item concerning the re-zoning of the ground between 42nd Street and Madden Road, and the ultimate plan to build a race track/casino there.

Obviously, this entire gaming issue is brand new to the State of Nebraska. The Nebraska Racing and Gaming Commission has not yet established clear rules and regulations as of this date.

It would seem that the conglomerate behind the racetrack/casino is trying to "fast-track" the re-zoning.

I feel it would be prudent to perhaps wait until clear-cut rules have been established by the State of Nebraska to make your decision regarding re-zoning.

Thank you.

A handwritten signature in cursive script that reads "Alan L. Robertson, D.D.S.".

Alan L. Robertson, D.D.S.

ALR/deh

This Husker volleyball team is one we can all root for, Tom Shatel writes.
Sports



States take stock of storm damage as many who were feared dead are located.
Page A5

Omaha World-Herald

MONDAY, DECEMBER 13, 2021 • SUNRISE EDITION • REAL. FAIR. ACCURATE.

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Casino revenue estimates 'all over the place'

Nebraska could see up to \$98 million in property tax relief from expanded gambling, industry says

MARTHA STODDARD
World-Herald Bureau

LINCOLN — New industry estimates show that casino gambling could give Nebraskans significantly more property tax relief than advocates touted during last year's successful campaign to legalize expanded gambling.

One source put the amount at about \$63 million annually from casinos planned at the state's six existing horse racetracks. Another projects it at closer to \$82 million for those casinos — or as much as \$98 million if two more track/casino combinations were built.

All three figures top the \$45.5 million that supporters estimated casino legalization would add to the state's Property Tax Credit Fund each year.

But Anthony Lucas, a professor of casino management at

the University of Nevada, Las Vegas, warned that the amount collected will depend on several factors, including the number and location of casinos built and the quality of the facilities.

Some factors are easy to track, such as population and driving distances. Others are harder to predict, such as whether a new casino proves attractive enough to keep Nebraskans from crossing the river to the Iowa casinos or whether it can lure people from outside the state to come and play.

"That's why you see these estimates are all over the place," he said. "This is a pretty common problem for new jurisdictions."

Nebraska became the newest state to legalize casinos last year, when voters passed a trio of ballot initiatives. The measures included a constitutional amendment allowing casino gambling at licensed horse racetracks and laws regulating the casinos and earmarking tax revenue for property tax relief.

Please see **CASINOS**, Page A2

US military explosives lost, stolen over decade

AP unearths inquiries into munitions emerging in the civilian world

**KRISTIN M. HALL, JUSTIN PRITCHARD
AND JAMES LAPORTA**

Casinos

From A1

Under those laws, the casinos are to pay a 20% tax on gross gambling revenue.

The state's long-standing Property Tax Credit Fund, which offsets a portion of property tax bills, will get 70% of those taxes. The fund will provide \$300 million worth of credits this fiscal year, using money collected from sales, income and other taxes.

The rest of the tax revenue will be divided among the city and county where the casino is located, state government and the Compulsive Gamblers Assistance Fund.

During the campaign, Keep the Money in Nebraska, the group pushing the initiatives, estimated casino revenue at about \$325 million, which would yield \$45.5 million in property tax relief.

Lance Morgan, president and CEO of Ho-Chunk Inc., the economic development arm of the Winnebago Tribe of Nebraska, said the revenue estimate used during the campaign focused primarily on the Omaha, Lincoln and South Sioux City areas. He said newer projections put the revenue closer to \$450 million, bringing the property tax relief portion to about \$63 million.

Ho-Chunk Inc. partnered with the Horsemen's Benevolent and Protective Association, a group representing the horse owners and trainers who race in Nebraska, to get the initiatives on the ballot and campaign for their passage.

At the time of the vote, Nebraska had six racetracks, in Omaha, Lincoln, Grand Island, Hastings, Columbus and South Sioux City, which meant the potential for six casinos. WarHorse Gaming, a new division of Ho-Chunk, has contracts to develop casinos at three of those tracks, Horsemen's Park in Omaha, the Lincoln Race Course and Atokad in South Sioux City.

Morgan was skeptical of higher revenue estimates produced by Global Gaming Nebraska, a business entity of the Chickasaw Nation of Oklahoma that is working to develop casinos in Hastings, North Platte and Gering.

The entity has teamed up with Brian and Breann Becker, who operate a quarter horse track in Hastings but are now proposing to build a new track there and to establish new racetracks in the other two locations.

Sean Boyd, president of Global Gaming Nebraska, estimated that casinos at the six current tracks could produce almost \$583 million in revenue and almost \$82 million for property tax relief. Adding ca-

sinos to potential tracks in North Platte and Gering would push revenue to about \$698 million and the property tax money to about \$98 million.

He said the projections were based on a proprietary model that takes into account such things as population, drive times, other forms of entertainment and competition. The model also looks at area residents' "propensity to game."

"The findings of this study verify our belief that western Nebraska is an untapped market for this type of entertainment facility," he said. "We believe we can deliver revenue to the state and, in turn, to property tax relief."

But Morgan believes that those revenue figures are overly optimistic and are geared to winning support for the new tracks.

"They're looking for a big number because they want to sell the concept," he said. "I think the average Nebraskan can smell when they are being manipulated."

Morgan said a proliferation of track/casino combinations in Nebraska could weaken the whole market and harm everyone. He said the new casinos need to be big enough to lure Nebraska dollars back from the casinos in Council Bluffs and elsewhere.

While more casinos might pro-

duce modest increases in total gambling revenue, he said they would not provide the industry-saving boost to horse racing that backers of the ballot measures wanted.

"Having six tracks in a state like Nebraska is a massive number," Morgan said, although he added that there may be room for one or two more.

Boyd estimated that Nebraska could support eight to 10 track/casino combinations, although he agreed that the market could suffer if all of the current proposals were approved.

"At some point, you may reach saturation, where you're merely cannibalizing from each other," he said.

At a July meeting, the Nebraska Racing and Gaming Commission heard plans for five new racetracks, with accompanying casinos, in Bellevue, York, Norfolk, North Platte and Gering. Additional track/casino combinations have since been proposed for Ogallala and Kimball.

Commission members have taken no action on the proposals while working to set up the state's oversight and regulatory process. One key step, a hearing on proposed rules and regulations, is set for 9:30 a.m. Friday at the Nebraska Innovation Campus on

Lincoln. But it could take several more months for the rules to win final approval from Gov. Pete Ricketts and Attorney General Doug Peterson.

In the meantime, State Sen. Tom Briese of Albion, who chairs the General Affairs Committee, plans to bring legislation in January to limit the number of track/casino combinations that can be approved. He said he is looking at a bill that would require track/casinos to be at least 50 miles apart and to have a minimum number of race days.

"I think it's fair to say that Nebraskans don't want a casino at every I-80 interchange or every county seat," he said. "They want a well-regulated industry."

Lucas, the casino management professor, said it may be prudent to start with a limited number of track/casinos in Nebraska. However, he said the market would eventually stabilize on its own, as the first entrants start seeing revenues drop and new proposals have difficulty getting backing to proceed.

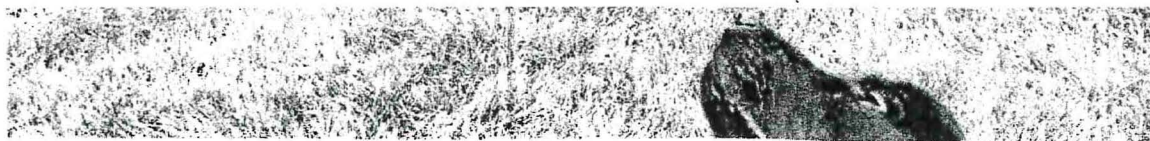
"You want to end up with something that is economically viable and competitive," he said.

martha.stoddard@owh.com,
402-670-2402, twitter.com/
stoddardOWH

Maya

From A1

Nebraska Humane Society.



Pet Care in Omaha. Veterinarians there were preparing to euthanize Maya because she was in such bad shape when Brown said no, she was too young.

From: alan robertson [REDACTED]
Subject: Letter to Planning and Zoning Commission
Date: Dec 13, 2021 at 9:42:52 AM
To: lparnell-rowe@cityofhastings.org

Dear Commission Members:

I understand you are voting on possibly re-zoning the farm ground between 42nd Street and Madden Road from agricultural to commercial. I also understand that the endgame is for an Oklahoma Indian tribe to establish a casino/racetrack on that property.

I can't testify before you in person today due to an out of town meeting, so I am writing this letter instead.

I wish to express my very strong opposition to this re-zoning and ultimately, the construction of this proposed casino/racetrack.

Let me indicate the numerous negative aspects of this proposed project.

- 1.). This ground is located between 2 very nice residential neighborhoods; folks have invested significant funds to build homes and create a very nice residential area. This casino/racetrack project would have a serious detrimental impact on property values.
- 2.). The potential for increased crime. The Nebraska Gaming Commission has already indicated setting aside funds for problem gambling and sex trafficking; potential problems that we certainly do not need.
- 3.) There have been several very attractive, architecturally well designed commercial buildings constructed on the west side of Highway 281 just north of Lochland Road; a casino/racetrack in this vicinity would visually blight the entrance to our city.
- 3.). Is there even a need for a casino/racetrack in Hastings? Grand Island's Fonner Park will have a much more elaborate and better funded facility just a short 20 miles north. Attempting to compete with that facility will be extremely difficult. The chances for long term success seem slim.
- 4.). Does city code allow for multiple horses to be stabled within the city limits?
- 5.). Lastly, if the citizens of Hastings truly want a casino/racetrack, why not locate it at the Adams County Fairgrounds where there is already an existing racetrack? Does that not make more sense?

In conclusion, I encourage you to vote against this re-zoning and retain the current agricultural use of this property.

Thank you for your consideration.

Sincerely,

Alan L. Robertson, D.D.S.

December 19, 2021

Dear Mayor Stutte, Members of the Hastings City Planning Commission and Members of the Hastings City Council,

We would like to submit this letter in opposition to the request for rezoning and approval of a Conditional Use Permit (“CUP”) to facilitate the proposed relocation of the horse racetrack to north Hastings, with the proposed casino adjacent to the track. We realize that there will likely be a casino in Hastings as approved by the voters of Nebraska. We feel strongly that the property in question should not be rezoned in the manner requested and the CUP should not be granted to allow a track in north Hastings at our most visible entrance. This is the front door to our town.

1. This proposal has been sprung on the citizens of Hastings in a very rushed fashion. It is the obvious intent of those proposing this change of location to deny opposition their right as citizens to have a voice in the process. Proponents of the move do not want opposition to become organized. They have put it before the state gaming commission on December 17 and then before the City Planning Commission on December 21. There has not been a single reference to this proposal in the Hastings Tribune. We understand why the proponents of the change of location are trying to ram this through our city’s process — we do not understand why the City Planning Commission and the Hastings City Council would consider accommodating them.
2. The horse track will have stables for hundreds of horses which may be on location for months if not all year. This would be very unfair to those who live adjacent to the track on both the north and south sides of the property. You cannot operate a dog kennel

with more than three dogs in the city limits. Why should this business be allowed to expand and move their track and stables to a location within city limits adjacent to residential neighborhoods which were developed with no knowledge that this might occur? Why just change zoning rules just because this group requests such a change? This is precisely the kind of development zoning rules are intended to avoid, and citizens rely on these zoning rules when planning their homes and futures.

3. The noise pollution and smell of such a horse track with hundreds of stalls and horses would be a great burden on the adjacent residential neighborhoods. In addition there would be expected problems with dust, trash, and flies. While the proposal indicates there will only be a few race days per year, it does not indicate how many days, weeks or months horses will be on the premises covered by the conditional use permit. Horses could be stabled and trained on site for months. We must require any proposal for a CUP to state the number of days horses would be present. Questions like these must be addressed and proper limitations must be formalized before the citizens grant the CUP.
4. The number of horses allowed at any one time on the property must be limited to the standard set as established for the CUP owned by George Adam on the east side of Highway 281. One animal per acre of the CUP is the established standard set by the city. Dr. Adam has at most sixty animals on his CUP at any one time, much less than allowed. The CUP for HER should include the track and stable buildings. This would be approximately fifty acres of ground, allowing for no more than fifty horses on site at any one time.

5. The northward expansion of residential developments over the past twenty years has been a great success, leading to increased housing access, downward price pressure on homes for citizens and the strengthening of community and school systems. We should not intentionally halt that progress by altering the Future Land Use map to rezone a considerable amount of residential area at the request of this group.
6. A horse track and casino as the dominant image for a visitor arriving in Hastings will be detrimental to our town. The perception of Hastings would change from a very pleasant small college town with a priority on family life to Hastings being a Casino Town. Having the casino in a more appropriate location would not lead to such a change in perception. Hastings would then be a town with a casino, not a Casino Town. We are very concerned about our ability to attract professionals to Hastings when we feature a horse track and casino at our primary entrance. It should not be at our front door.
7. Have the proponents provided strong data as to the benefits, financial and otherwise, that similar towns have derived from such a track and casino? Do those benefits justify ruining the north entrance to our community and the harm to the adjacent neighborhoods? Reading about the economic benefits to a city by a new casino indicates that the initial benefits and growth are limited to the first several years of the casino. The detrimental effects do not go away. If the casino and horse track do not meet their expected financial goals, will the city have any ability to avoid an unsightly mess of a failed venture at our front door? A casino and horse track in Hastings is acknowledged to have a limited chances of success compared to competing casinos and tracks in Grand Island and Lincoln. Those competitors will win

most out of town customers. Instead of drawing in money from outside the city this proposed operation will extract money from the local citizens and send it to the site's out-of-town ownership group.

8. The anger of citizens once again blindsided by a clandestine, rushed approval process may result in litigation and organized opposition that would seriously lessen the likelihood of the project's commercial success. This in turn would increase the risk that the community would have a failed enterprise on its hands. The likelihood of this opposition would decrease significantly if there was open public debate before the decision.
9. We have a fantastic softball, baseball, and soccer complex in this area. Do we believe the young people and their families that come to Hastings for tournaments will view the horse track and casino as a favorable nearby attraction? Will teams view Hastings as a family friendly location to bring their young people?
10. The floor plan for the casino makes clear that this will not be a full-service casino with large entertainment venues and multiple restaurant options. The floor plan shows a handful of blackjack tables buried in a crowded warehouse of hundreds of slot machines. While the merits of a casino in Hastings are a separate issue, this particular facility is not worth changing our community's approved Future Land Use plan to accommodate.

We strongly urge the Planning Commission not to deny the citizens of Hastings their right to learn about this proposal and provide input to the commission. The Planning Commission and City Council's decision will affect the future of Hastings more than any other decision we can think of during the past fifty years. Will the members of the

Planning Commission be able to explain to citizens that such a decision had to be made with such little deliberation and in such a rushed fashion? If there is a reason, the citizens have a right to know before the decision is made.

Do you want Hastings to be known as a Casino Town? Do you want this to be the image at our front door? The renderings of the proposed development erase our communities and depict an empty expanse surrounding their casino. While the owners of this “Racino,” as they call it, do not care about our existing neighborhoods and community, the City Council and Planning Commission must care.

The number of horses on the property must be limited to no more than one per acre of the CUP, as established by precedent by our City of Hastings. The applicants do not deserve more favorable treatment than what has already been established.

Please vote against this proposal. If you cannot vote against it at this time, please table the proposal and allow for at least six months of study and conversation between the Planning Commission, City Council and the citizens of Hastings. Thank you.

Sincerely,

John C. Welch MD

George M. Adam MD

FRASER STRYKER

PC LLO

LAWYERS

500 ENERGY PLAZA
409 SOUTH 17TH STREET
OMAHA, NEBRASKA 68102-2663

WWW.FRASERSTRYKER.COM



DANIEL C. PAULEY

January 12th, 2022

Hastings City Planning Commission
c/o Lisa Parnell-Rowe, Director of Development Services
220 N. Hastings, Avenue
Hastings, NE 68901

Hastings City Council
220 N. Hastings Ave.
Hastings, NE 68901

VIA Email: lparnell-rowe@cityofhastings.org

RE: Protest of Permit #2021-071 / Rezoning and Conditional Use Permit Request for the Property located at or near 4555 Osborne Drive West, Hastings, Nebraska, 68901 (SE1/4 of Section 25, Township 8N, Range 10 West of the 6th P.M., Adams County)

Dear Members of the Hastings City Planning Commission and Hastings City Council:

I have been retained to represent a group of Hastings citizens and adjoining property owners that make up more than Twenty Percent (20%) of the adjoining land surrounding the proposed Conditional Use Permit area ("CUP") and Zoning Change referenced above. My clients further comprise and make up long standing citizens, business owners, and leaders of the Hastings Community.

I have attached a Protest and Objection from certain landowners who adjoin the property at issue with regard to Permit #2021-071 and the request to rezone and obtain a conditional use permit on the property located at approximately the Southeast Quarter of Section 25, Township 8N, Range 10 West of the 6th P.M., Adams County, Nebraska. I have also attached an Affidavit from Steve Sokol, P.E., with regard to this property, as well as the surrounding property.

You will see through my letter, as articulated below, that my clients have significant legal, economical, practical and finally moral objections to the proposed CUP and Zoning Change.

1. Objection by 20% of Adjoining Landowners. Pursuant to Hastings Mun. Code § 34-801 and Neb. Rev. Stat § 19-905, my clients have submitted a Protest and Objection to the above-referenced CUP and Zoning Change application. I plan to discuss this Protest and Objection on the record at the January 18, 2022, meeting to make Planning and Zoning aware that this shall legally change the process and procedure to approve such CUP and Zoning Change to require that three-fourths of the Hastings City Council must vote in favor of any approval of a CUP or Zoning Change.

2. Objection to CUP. My clients specifically object to the CUP on the grounds that granting it would be an extreme departure of the nature, use, and master plan of the property and surrounding properties as well as the community at large. The use and establishment of a race track will have significant negative economic impacts to the surrounding properties. The potential noise, smell, water and drainage issues, traffic impact and overall nature of a race track is not in keeping with the surrounding properties. Further, as time and experience have shown, Hastings is not a community that can move quickly on alternative uses for specific facilities. Case in point, the Imperial Mall. Should the proposed use of this facility and the CUP ever falter for any reason, both the community and the surrounding property owners would be left with a significant impact to their economic values and no likely way to pay for the remediation of a facility that could quickly become dilapidated. This facility would also likely become the associated image of Hastings, given its focal location at the entrance of the community. There further appears to be no consideration to the long term economical, practical, and safety impacts of the waste water and or drainage issues associated with a facility like the one proposed and the number of animals identified to be part of the same. The use of this facility as proposed is tantamount to a commercial feed lot operation.

The city and community of Hastings have spent a lot of focused time and attention on the development North of Hastings, which has been a collaborative effort of HEDC and the city and citizens of Hastings, NE. This was and has been done specifically to ensure that such an important and initial introduction to the Hastings Community is representative of the values, economics and development plan for Hastings. This proposed use does not conform to the tone and temperament that Hastings uses in looking at Conditional Use Permits. CUP's are typically granted on the basis that they should be approved when they advance the greater good of the Community and ultimately conform to the long term view and plan of the future growth of Hastings.

3. Objection to Rezoning. The reasons stated in paragraph 2 herein carry forward for objecting to a rezoning of the parcel in question. The anticipated use is contrary to the value, use and nature of the surrounding properties. Whether for horses or cars, a race track in this location is not the type of quiet mixed use that has been planned and incorporated to the entire area. This location is not proper or practical for a facility of this nature now or in the future. There is very real reason to consider keeping the current zoning of this parcel to protect from future impacts that would alter the entrance of the community.

4. Moral Objection. Everything else notwithstanding, my clients advocate that not only is the proposed location not with keeping in the considerations that Planning and Zoning should approve, but that the proposed use in general is a detrimental addition to the city of Hastings. There are many objections that can and likely will be made on the basis of whether gambling establishments should be morally permissible. For now, I would call attention to the impact on a community well known for "clean living", liberal arts education, and family values. A facility such as this goes in direct opposition to what almost all of the rest of the Hastings community has been built and marketed around to business, and citizens.

5. Legal Basis. Pursuant to the relevant law, a Planning and Zoning Commission and subsequently a City Council, may adopt any proposed zoning regulations and conditional use permits according to Neb. Rev. Stat, § 19-903. Which states: in part

" Regulations adopted pursuant to sections 19-901 to 19-915 shall be designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to secure safety from flood; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to protect property against blight and depreciation; to protect the tax base; to secure economy in governmental expenditures; and to preserve, protect, and enhance historic buildings, places, and districts.

Such regulations shall be made with reasonable consideration, among other things, for the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality." Further, Hastings Mun. Code 34-402 holds:

(1) The Planning Commission shall hold a public hearing to review the required submission documents of each application for a conditional use to assure that the proposed development will integrate compatibility with existing land uses and with permitted uses that may be established within any area to be affected by the proposed development. No conditional use design may be approved which will have a permanent negative impact on those items listed below substantially greater than that anticipated from development permitted without a conditional use. The Commission, following its public hearing, shall forward its recommendation on the application to the Hastings City Council, which shall have final authority following:

- (a) Pedestrian and vehicular traffic circulation and safety.
- (b) Reasonable and economic extension of public utilities and facilities.
- (c) Noise, fumes, dust or other environmental pollution.
- (d) The maintenance of logical and efficient development patterns and land use mixtures.
- (e) The maintenance of property values in accordance with established and permitted land uses

(2) Where the approval of a conditional use application would result in the interface of residential and non-residential uses, any approval of the conditional use shall impose conditions and design standards necessary to ensure the maintenance of residential property values and the safety, health, comfort and repose of residents.

(3) All standards contained in this Chapter are minimum standards. More restrictive conditions may be recommended by the Planning Commission and imposed by the Hastings City Council where necessary to ensure compliance with the Comprehensive Plan or the purpose and intent of the zoning regulations.

The law both of Nebraska and of the Hastings city code, cited above makes clear that Planning and Zoning has broad discretion to deny both CUP's and Zoning changes when there is any question in their "good faith" review of a propped changed to the Zoning. In the instant matter, this Planning and Zoning commission would be deviating from the master plan, surrounding properties and communities best interests in allowing this CUP or Zoning change to pass.

Hastings City Planning Commission and Hastings City Council
January 12th, 2022
Page 4

I will be further supplementing the protest and objection of my clients at the oral hearing section of the meeting scheduled for January 18, 2022.

Very truly yours,

A handwritten signature in black ink, appearing to read "Daniel C. Pauley". The signature is stylized with large, sweeping letters.

Daniel C. Pauley
FOR THE FIRM

DCP/saw
2732813

PROTEST AND OBJECTION

January 12, 2022

Hastings City Planning Commission
Development Services Department
220 N. Hastings Ave.
Hastings, NE 68901

Hastings City Council
220 N. Hastings Ave.
Hastings, NE 68901

RE: Protest of Permit #2021-071 / Rezoning and Conditional Use Permit
Request for the Property located at or near 4555 Osborne Drive West,
Hastings, Nebraska, 68901 (SE1/4 of Section 25, Township 8N, Range 10)

Dear Hastings City Planning Commission and Hastings City Council:

We, the undersigned property owners, hereby present this Protest and Objection in accordance with NEB. REV. STAT. § 19-905 and Hastings Municipal Code § 34-801. We submit and present this Protest and Objection to the Hastings City Planning Commission, the Hastings Development Services Department, and the Hastings City Council.

We, the undersigned property owners, are the owners of certain real property that is immediately adjacent to that certain real property located at or near the Southeast Quarter of Section 25, Township 8 North, Range 10 West of the 6th P.M., Adams County, Nebraska, commonly described as 4555 Osborne Drive West, Hastings, Nebraska, 68901, Parcel Nos. 010000579 and 010000679 (hereafter, "Subject Property"). Together, our real property consists of more than 20% of the lots and real property that are immediately adjacent to the Subject Property. We have attached hereto as Exhibit 1 a description of our real property. We have also attached hereto as Exhibit 2 a true and correct copy of an aerial map that shows our real property in relation to the Subject Property.

We, the undersigned property owners, hereby object to and protest the application and request of West Fork, Inc., Gremco, Inc., and Prairie Thunder Hastings, LLC (collectively, "Applicants") to rezone, and obtain a conditional use permit for, the Subject Property. We, the undersigned property owners, hereby object to and protest the Applicants' application and request to rezone any part of the Subject Property, including, but not limited to, the Applicants' application and request to rezone the Subject Property from Agricultural District (A) to Commercial District (C-3). We, the undersigned

property owners, also hereby object to and protest the Applications' application and request to obtain a conditional use permit on any part of the Subject Property, including, but not limited to, the Applicants' application and request to obtain a conditional use permit to operate a horse racetrack on the Subject Property.

We, the undersigned property owners, object to and protest any amendment, revision, or change to the zoning map or comprehensive plan for any part of the Subject Property. We, therefore, request that the Hastings City Planning Commission, the Hastings Development Services Department, and the Hastings City Council deny the Applicants' request to rezone, and obtain a conditional use permit on, any part of the Subject Property.

Sincerely Yours,

The undersigned property owners

EXHIBIT 1

PROPERTY OWNERS **JOINING PROTEST** **AND DESCRIPTION OF** **THEIR REAL PROPERTY**

PARCEL #010015519

Colleen B. Adam

I, Colleen B. Adam, am the titled and legal owner of that certain real property having the following approximate legal description: South One-Half of Fractional Section 30, Township 8 North, Range 9 West of the 6th P.M., Adams County, Nebraska, Lot 1 Prairie Heights Second Subdivision, also described as 4900 Osborne Drive East, Hastings, Nebraska, 68901 (Parcel #010015519) (hereafter, "My Property"). My Property is directly east of, and immediately adjacent to, the Subject Property.

I, Colleen B. Adam, have read and hereby join the aforementioned Protest and Objection to the Applicants' application and request to rezone any part of the Subject Property, including, but not limited to, the Applicants' application and request to rezone the Subject Property from Agricultural District (A) to Commercial District (C-3). I, Colleen B. Adam, also hereby object to and protest the Applicants' application and request to obtain a conditional use permit on any part of the Subject Property, including, but not limited to, the Applicants' application and request to obtain a conditional use permit to operate a horse racetrack on the Subject Property.

Among other things, I, Colleen B. Adam, believe the Applicants' application and request to rezone and obtain a conditional use permit on the Subject Property (including, but not limited to, the Applicants' plan to build a horse racetrack and a casino on the Subject Property) will negatively affect and decrease My Property's value, as well as the value of the properties adjacent to and surrounding the Subject Property; does not promote the health and general welfare of the public; does not align with the anticipated long-range future growth and development patterns of Hastings; is not a logical or efficient use of the Subject Property or of land use mixtures; will create unwanted noise, fumes, dust, and/or other environmental pollution; and will create unwanted dangers and nuisances.

I, Colleen B. Adam, object to and protest any amendment, revision, or change to the zoning map or comprehensive plan for any part of the Subject Property. I, therefore, request that the Hastings City Planning Commission, the Hastings Development Services Department, and the Hastings City Council deny the Applicants' request to rezone, and obtain a conditional use permit on, any part of the Subject Property.

AFFIRMATION AND ACKNOWLEDGMENT

I, Colleen B. Adam, being first duly sworn upon oath, state that I have read the foregoing Protest and Objection herein and know the contents thereof and that the facts and information stated therein are true and correct to the best of my knowledge.

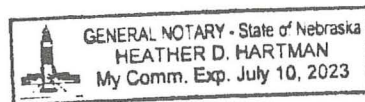
Colleen B. Adam
Colleen B. Adam

January 12, 2022
Date

STATE OF NEBRASKA)
) ss:
COUNTY OF ADAMS)

I, Heather D. Hartman, the undersigned notary public, hereby certify that on the 12th day of January, 2022, Colleen B. Adam appeared before me and acknowledged before me that she executed the foregoing Protest and Objection and that I had satisfactory evidence that Colleen B. Adam was the person described in and who executed the foregoing Protest and Objection. The foregoing Protest and Objection was subscribed, acknowledged, and sworn to and signed before me by Colleen B. Adam on the date identified above.

Heather D. Hartman
Notary Public
My Commission expires: July 10, 2023



PARCEL #010000615
Engel Construction, Inc.

Engel Construction, Inc. is the titled and legal owner of that certain real property having the following approximate legal description: Northeast Quarter of Section 36, Township 8 North, Range 10 West of the 6th P.M., Adams County, Nebraska (Parcel #010000615) (hereafter, "My Property"). My Property is directly south of, and immediately adjacent to, the Subject Property.

Engel Construction, Inc. has read and hereby joins the aforementioned Protest and Objection to the Applicants' application and request to rezone any part of the Subject Property, including, but not limited to, the Applicants' application and request to rezone the Subject Property from Agricultural District (A) to Commercial District (C-3). Engel Construction, Inc. also hereby objects to and protests the Applicants' application and request to obtain a conditional use permit on any part of the Subject Property, including, but not limited to, the Applicants' application and request to obtain a conditional use permit to operate a horse racetrack on the Subject Property.

Among other things, Engel Construction, Inc. believes the Applicants' application and request to rezone and obtain a conditional use permit on the Subject Property (including, but not limited to, the Applicants' plan to build a horse racetrack and a casino on the Subject Property) will negatively affect and decrease My Property's value, as well as the value of the properties adjacent to and surrounding the Subject Property; does not promote the health and general welfare of the public; does not align with the anticipated long-range future growth and development patterns of Hastings; is not a logical or efficient use of the Subject Property or of land use mixtures; will create unwanted noise, fumes, dust, and/or other environmental pollution; and will create unwanted dangers and nuisances.

Engel Construction, Inc. objects to and protests any amendment, revision, or change to the zoning map or comprehensive plan for any part of the Subject Property. Engel Construction, Inc., therefore, requests that the Hastings City Planning Commission, the Hastings Development Services Department, and the Hastings City Council deny the Applicants' request to rezone, and obtain a conditional use permit on, any part of the Subject Property.

AFFIRMATION AND ACKNOWLEDGMENT

I, Dennis E. Engel, being first duly sworn upon oath, state that I am the President and Owner of Engel Construction, Inc.; that I am duly authorized to act on behalf of Engel Construction, Inc.; and that I have read the foregoing instrument/document herein and know the contents thereof and that the facts and information stated therein are true and correct to the best of my knowledge.

Engel Construction, Inc.

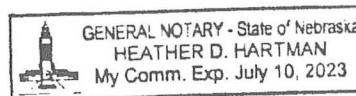
Dennis E. Engel
Dennis E. Engel, President and Owner

01/12/22
Date

STATE OF NEBRASKA)
) ss:
COUNTY OF ADAMS)

I, Heather D. Hartman, the undersigned notary public, hereby certify that on the 12th day of January, 2022, Dennis E. Engel, President and Owner of Engel Construction, Inc., a Nebraska corporation, appeared before me and acknowledged before me that he executed this foregoing instrument/document on behalf of the said corporation and that I had satisfactory evidence that Dennis E. Engel was the person described in and who executed this foregoing instrument/document. This foregoing instrument/document was subscribed, acknowledged, and sworn to and signed before me by Dennis E. Engel, President and Owner of Engel Construction, Inc., a Nebraska corporation, on behalf of the said corporation on the date identified above.

Heather D. Hartman
Notary Public
My Commission expires: July 10, 2023



PARCEL #010015520
Kathy McNerney-Kohl

My name is Kathy McNerney-Kohl. I am the widow of Brian Alan "Dusty" Kohl ("Mr. Kohl"), who passed away on December 2, 2021.

I, Kathy McNerney-Kohl, am the titled and legal owner of that certain real property having the following approximate legal description: Lot One (1), Kohl Subdivision, an addition to the City of Hastings, Adams County, Nebraska (Parcel #010015520) (hereafter, "My Property"). My Property is directly east of, and immediately adjacent to, the Subject Property. My Property passed to me upon Mr. Kohl's death.

I, Kathy McNerney-Kohl, have read and hereby join the aforementioned Protest and Objection to the Applicants' application and request to rezone any part of the Subject Property, including, but not limited to, the Applicants' application and request to rezone the Subject Property from Agricultural District (A) to Commercial District (C-3). I, Kathy McNerney-Kohl, also hereby object to and protest the Applications' application and request to obtain a conditional use permit on any part of the Subject Property, including, but not limited to, the Applicants' application and request to obtain a conditional use permit to operate a horse racetrack on the Subject Property.

Among other things, I, Kathy McNerney-Kohl, believe the Applicants' application and request to rezone and obtain a conditional use permit on the Subject Property (including, but not limited to, the Applicants' plan to build a horse racetrack and a casino on the Subject Property) will negatively affect and decrease My Property's value, as well as the value of the properties adjacent to and surrounding the Subject Property; does not promote the health and general welfare of the public; does not align with the anticipated long-range future growth and development patterns of Hastings; is not a logical or efficient use of the Subject Property or of land use mixtures; will create unwanted noise, fumes, dust, and/or other environmental pollution; and will create unwanted dangers and nuisances.

I, Kathy McNerney-Kohl, object to and protest any amendment, revision, or change to the zoning map or comprehensive plan for any part of the Subject Property. I, therefore, request that the Hastings City Planning Commission, the Hastings Development Services Department, and the Hastings City Council deny the Applicants' request to rezone, and obtain a conditional use permit on, any part of the Subject Property.

AFFIRMATION AND ACKNOWLEDGMENT

I, Kathy McNerney-Kohl, being first duly sworn upon oath, state that I have read the foregoing Protest and Objection herein and know the contents thereof and that the facts and information stated therein are true and correct to the best of my knowledge.

Kathy McNerney-Kohl
Kathy McNerney-Kohl

Jan 12th 2022
Date

STATE OF NEBRASKA)
) ss:
COUNTY OF ADAMS)

I, Heather D. Hartman, the undersigned notary public, hereby certify that on the 12th day of January, 2022, Kathy McNerney-Kohl appeared before me and acknowledged before me that she executed the foregoing Protest and Objection and that I had satisfactory evidence that Kathy McNerney-Kohl was the person described in and who executed the foregoing Protest and Objection. The foregoing Protest and Objection was subscribed, acknowledged, and sworn to and signed before me by Kathy McNerney-Kohl on the date identified above.

Heather D. Hartman

Notary Public

My Commission expires: July 10, 2023

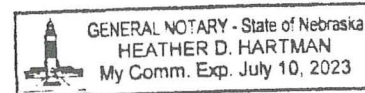
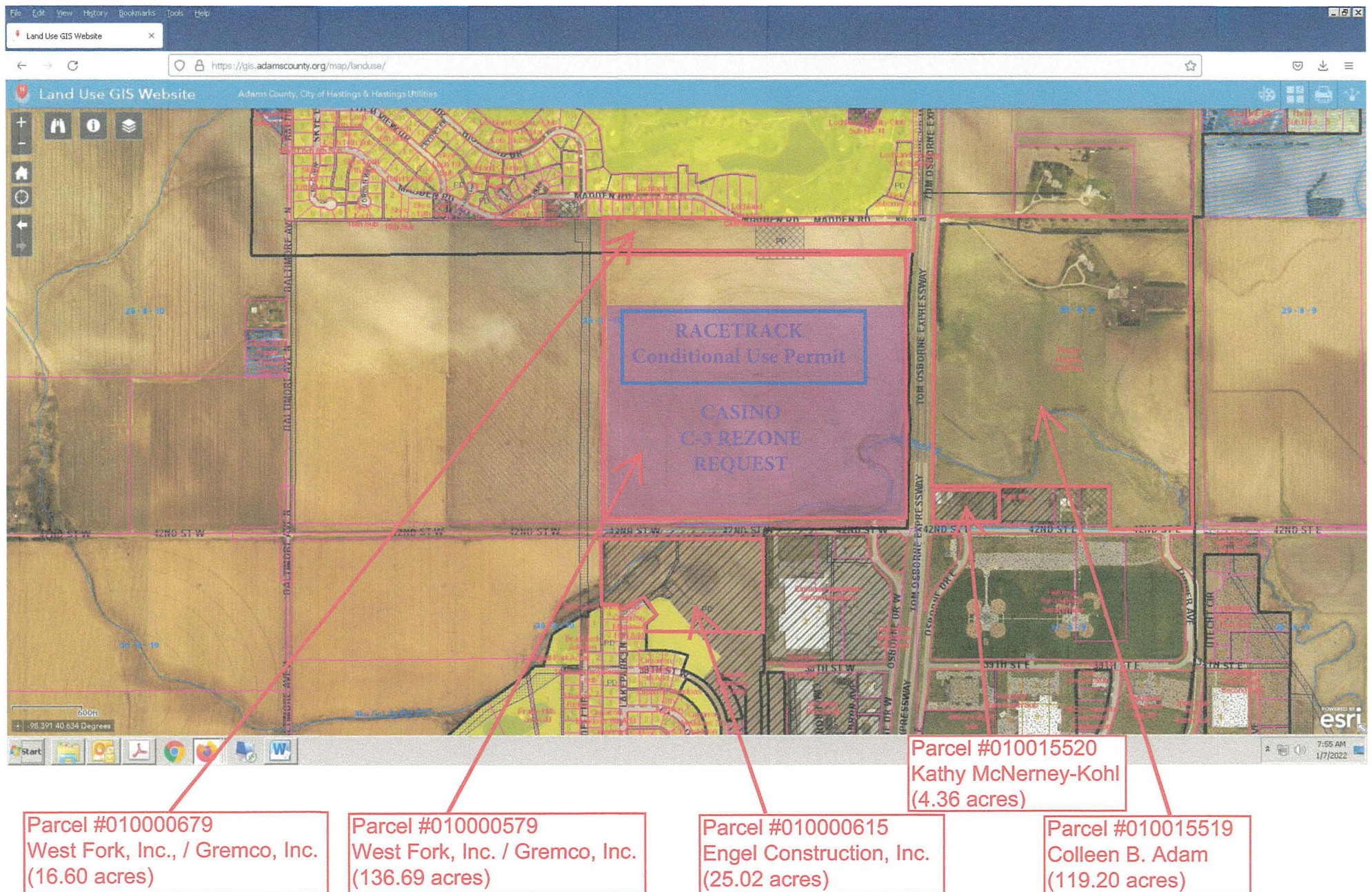


EXHIBIT 2

AERIAL MAP
SHOWING PROPERTY
OWNERS' PARCELS

HASTINGS, NEBRASKA AERIAL MAP





FAAR CONSULTING, LLC

FAILURE ANALYSIS ACCIDENT RECONSTRUCTION

Ted T. Sokol, Ph.D., P.E.
Registered Professional Civil Engineer

Steve F. Sokol, P.E., J.D.
Registered Professional Civil Engineer

Steve F. Sokol, P.E., J.D., being first duly sworn upon oath, deposes and states as follows:

1. I am above the age of 19, am competent to testify, and have personal knowledge of all facts set forth herein.

2. I am a licensed professional engineer with over 20 years of experience in the fields of professional and civil engineering. I also received my Juris Doctor degree in 2007. I have attached a true and correct copy of my *curriculum vitae* as Exhibit 4.

3. I specialize in forensic engineering investigations, including, but not limited to, accident reconstructions and industrial accidents.

4. As part of my profession and day-to-day activities as a forensic engineer, I routinely create, evaluate, and work with engineered plans, drawings, and diagrams. I also routinely use Computer-Aided Design (CAD) software and programs, and prepare CAD drawings and figures. Using CAD software, I, like other engineers, am able to create figures, including drawings showing sites and distances on aerial images.

5. I am familiar with and use geographic information systems (GIS) to evaluate sites and determine distances. In the accident reconstruction and civil engineering fields, engineers like myself routinely and reliably calculate distances and measurements using GIS aerial maps.

6. I have reviewed materials in connection with a proposed rezoning request and a conditional use permit (CUP) for that certain property located at approximately the Southeast Quarter of Section 25, Township 8 North, Range 10 West of the 6th P.M., Adams County, Nebraska, commonly described as 4555 Osborne Drive West, Hastings, Nebraska, 68901, Parcel No. 010000579 (hereafter, Subject Property). The applicants for this rezoning request are seeking to rezone a portion of the Subject Property from agriculture

(A) to commercial (C-3) in order to operate a casino on that property. In addition, the applicants are seeking a conditional use permit (CUP) on a portion of the Subject Property to operate a horse racetrack.

7. My review of the materials has included, but is not limited to, (a) the applicants' proposed site plan for the Subject Property, (b) a December 15, 2021, engineered drawing from Populous of the site plan for the Subject Property, and (c) a December 16, 2021, contour map and engineered drawing created by Olsson Engineering of the site plan for the Subject Property.

8. I have also reviewed data and information regarding the Subject Property and the surrounding properties from the Adams County Assessor's Office, Google Earth, and Google Maps. This data included, but is not limited to, the owner information, property descriptions, and parcel information for the owners of the Subject Property and all of the property surrounding and adjacent to the Subject Property.

9. Using FARO® CAD software, I used a publicly-available aerial map from the Adams County GIS Mapping website (<https://gis.adamscounty.org>) and measured certain distances on that map. Engineers commonly and routinely use FARO® CAD software to determine distances on aerial maps.

10. Using FARO® CAD software, I have created the two scaled images/drawings that are attached hereto as Exhibits 1 and 2, respectively. The exhibits truly and accurately show the Subject Property and the properties that surround it and are immediately adjacent to it. I have also identified the Adams County, Nebraska, parcel numbers for the landowners that are adjacent to the Subject Property. The individual parcels are outlined in these two exhibits.

11. Exhibit 1 (labeled as "Map 1") shows a purple box, which consists of that portion of the Subject Property that the applicants are seeking to rezone from agriculture (A) to commercial (C-3) in order to build a casino. Exhibit 2 (labeled as "Map 2") shows a red box, which consists of that portion of the Subject Property that the applicants are seeking a conditional use permit to operate a horse racetrack.

12. Exhibits 1 and 2 truly and correctly identify the distance (in feet) of the perimeter of the purple box (*i.e.*, the applicants' C-3 rezone request) and the red box (*i.e.*, the applicants' CUP request), respectively.

13. Exhibits 1 and 2 also truly and correctly identify the number of feet of each parcel that is adjacent to and directly opposite of the applicants' C-3 rezone request and the applicants' CUP request.

14. Exhibits 1 and 2 are scaled drawings/images, and there is a scale in the bottom left-hand corner of each of those exhibits that shows distances in feet.

15. I have also attached hereto as Exhibit 3 a spreadsheet that truly and correctly identifies the landowners (and their parcel numbers) who are adjacent to the Subject Property. The spreadsheet in Exhibit 3 truly and correctly identifies (a) the names of each landowner, (b) their parcel numbers, (c) the number of feet that each landowner is adjacent to/directly opposite of the applicants' C-3 rezoning request and the CUP request, (d) the percentage that each landowner's property makes up of the total perimeter of the applicants' C-3 rezone request (the purple box) and the applicants' CUP request (the red box), and (e) the direction that each parcel is located in relation to the Subject Property.

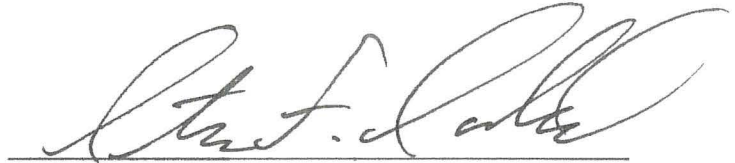
16. The Adam property (parcel no. 010015519) and the Kohl property (parcel no. 010015520) comprise at least 20% of the perimeter of the applicants' C-3 rezone request. Adding the Engel Construction property (parcel no. 010000615), those three properties comprise at least 36% of such perimeter.

17. The Adam property and the Engel Construction property are also directly adjacent and opposite to at least 34% of the applicants' CUP request.

18. Your Affiant further states he has read the foregoing Affidavit, that he knows the contents thereof, and that the statements contained therein are true and based upon personal knowledge.

FURTHER AFFIANT SAITH NOT.

DATED this 12th day of January, 2022.



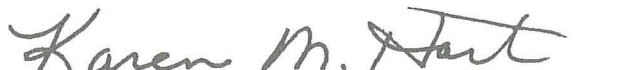
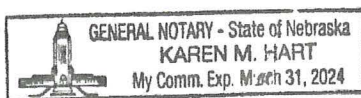
Steve F. Sokol, P.E., J.D.

STATE OF NEBRASKA)

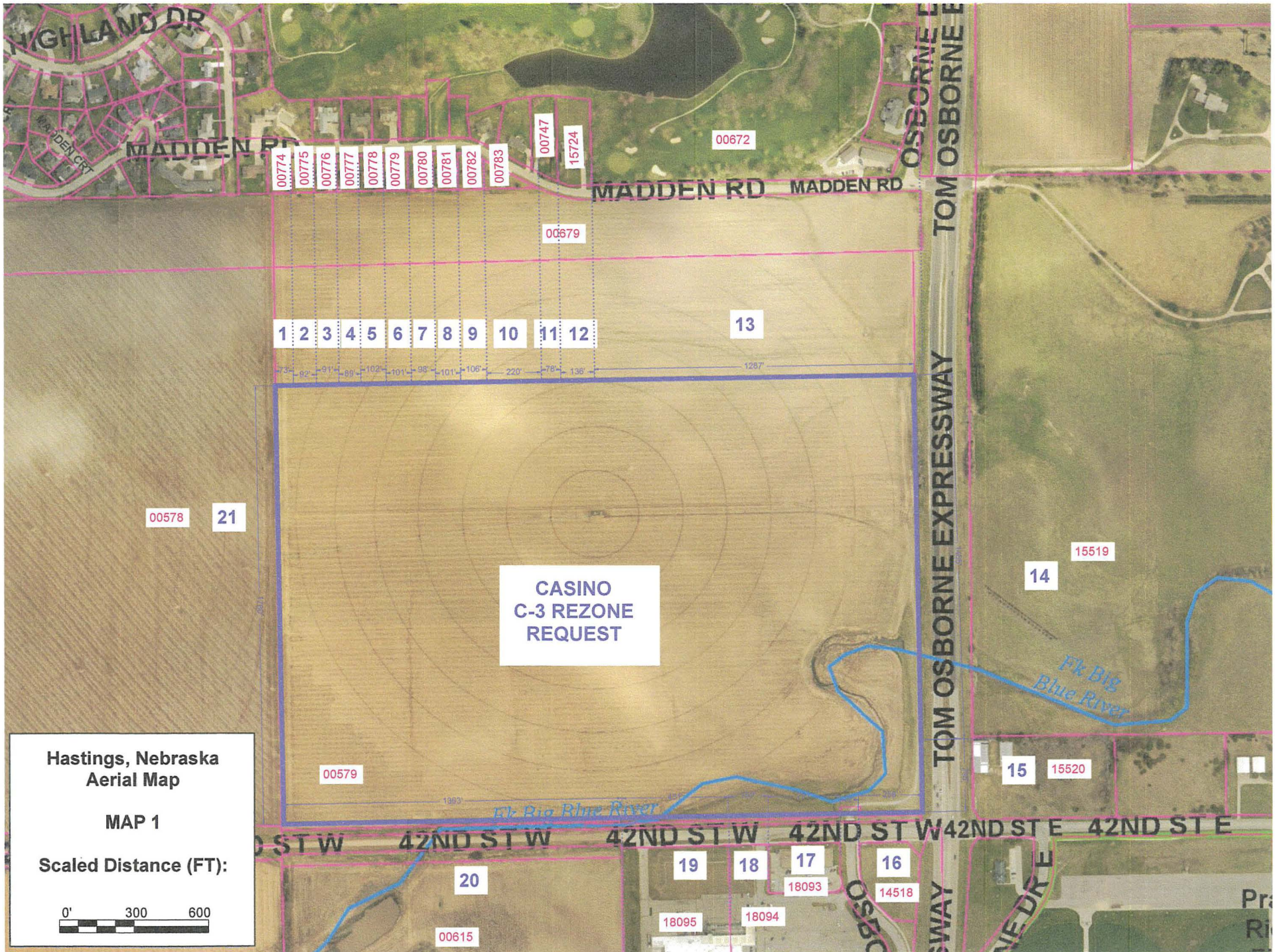
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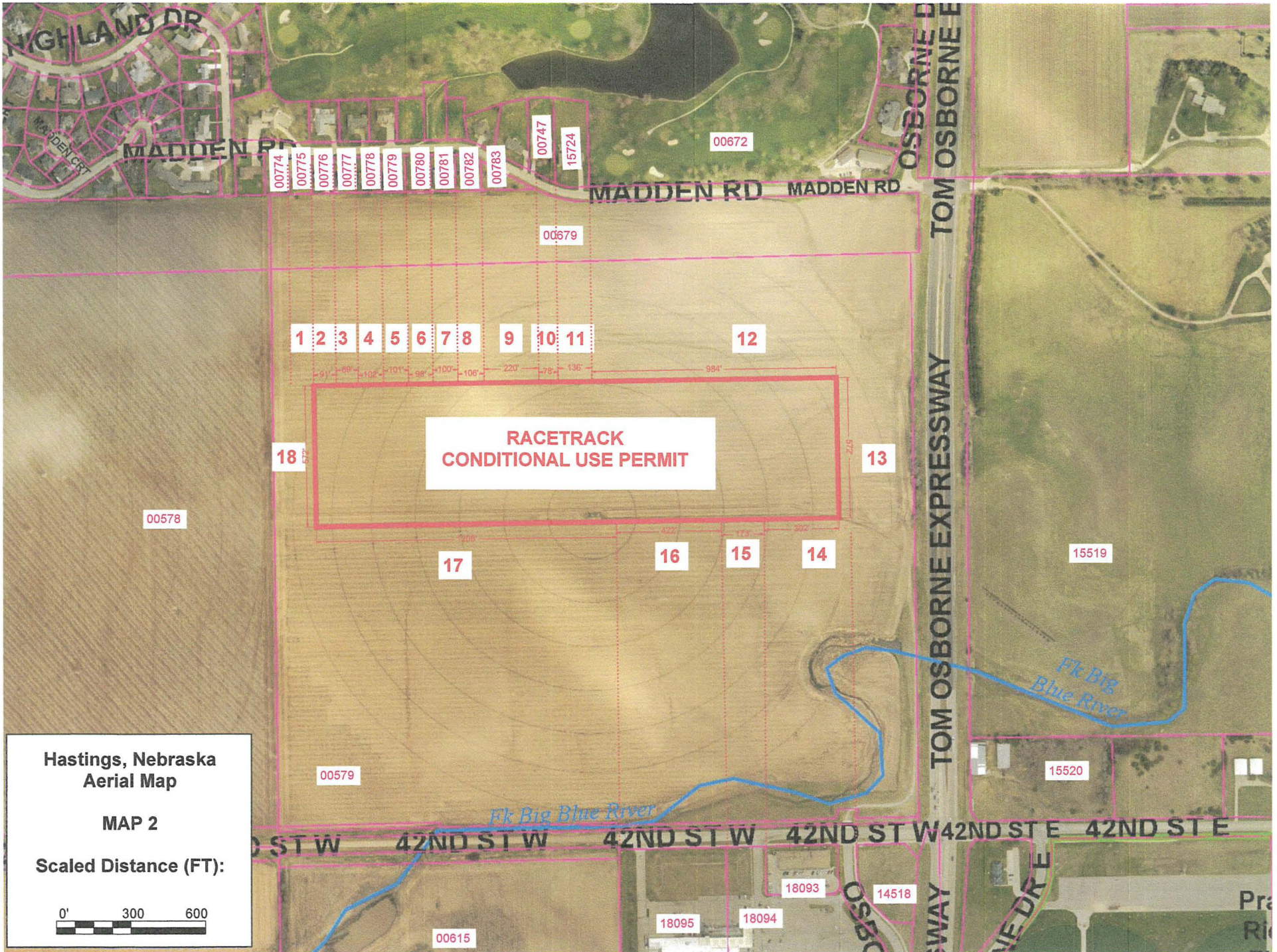
COUNTY OF DOUGLAS)

The foregoing document was subscribed, acknowledged, and sworn before me this
12th day of January, 2022.


Notary Public

My Commission Expires:





Map 1 Casino C3 Rezoning Request (21 Parcels)
Purple Box (C3 Rezoning Area)

Boundary Side	Segment Number	Parcel ID	Owner Name	Perimeter Distance (Ft)	Percentage of Perimeter
North	1	10000774	Clint L. Bucknell and Jessica M. Bucknell	73	1%
	2	10000775	Carol A. Brouillette	92	1%
	3	10000776	Micah McCaffery and Katie L. Crowe	91	1%
	4	10000777	Anthony L. Nicassio a/k/a Tony Nicassio and Colleen Velasquez-Nicassio	89	1%
	5	10000778	Bierman Family Trust	102	1%
	6	10000779	Jordan A. Kohtz and Alexa J. Kohtz	101	1%
	7	10000780	Jorge Perez-Gonzalez and Kimberly A. Perez	98	1%
	8	10000781	Christopher M. Uridil and Amy S. Uridil	101	1%
	9	10000782	Kathryn Ann Adams Revocable Trust (Roxanne Janeke, Successor Trustee)	106	1%
	10	10000783	Jeffrey D. Hinrichs and Ronda L. M. Hinrichs	220	3%
	11	10000747	Timothy A. Ossowski and Patricia M. Ossowski	78	1%
	12	10015724	Timothy Russell and Ann Russell	136	2%
	13	10000672	Highland Realty Inc.	1287	15%
East	14	10015519	Colleen B. Adam	1485	17%
	15	10015520	Kathy McNerney Kohl	295	3%
South	16	10014518	Walmart Property Tax Department	258	3%
	ROW		Osborne Dr. West	72	1%
	17	10018093	Osborne Place LLC	291	3%
	18	10018094	Walmart Realty Company	159	2%
	19	10018095	Walmart Realty Company	431	5%
	20	10000615	Engel Construction, Inc.	1363	16%
West	21	10000578	Gro Then Harvest, L.L.C.	1780	20%

Total Boundary Distance

8708

100%

Map 2 CUP Request (18 Parcels)
Red Box (Racetrack Conditional Use Permit)

Boundary Side	Segment Number	Parcel ID	Owner Name	Perimeter Distance (Ft)	Percentage of Perimeter
North	1	10000775	Carol A. Brouillette	NA	NA
	2	10000776	Micah McCaffery and Katie L. Crowe	91	2%
	3	10000777	Anthony L. Nicassio a/k/a Tony Nicassio and Colleen Velasquez-Nicassio	89	2%
	4	10000778	Bierman Family Trust	102	2%
	5	10000779	Jordan A. Kohtz and Alexa J. Kohtz	101	2%
	6	10000780	Jorge Perez-Gonzalez and Kimberly A. Perez	98	2%
	7	10000781	Christopher M. Uridil and Amy S. Uridil	100	2%
	8	10000782	Kathryn Ann Adams Revocable Trust (Roxanne Jaeke, Successor Trustee)	106	2%
	9	10000783	Jeffrey D. Hinrichs and Ronda L. M. Hinrichs	220	4%
	10	10000747	Timothy A. Ossowski and Patricia M. Ossowski	78	1%
	11	10015724	Timothy Russell and Ann Russell	136	3%
	12	10000672	Highland Realty Inc.	984	18%
East	13	10015519	Colleen B. Adam	572	11%
South	14	10018093	Osborne Place LLC	302	6%
	15	10018094	Walmart Realty Company	173	3%
	16	10018095	Walmart Realty Company	422	8%
	17	10000615	Engel Construction, Inc.	1208	23%
West	18	10000578	Gro Then Harvest, L.L.C.	572	11%

Total Boundary Distance

5354

100%



Steve F. Sokol, P.E., J.D.
Registered Professional Civil Engineer

CURRICULUM VITAE

BUSINESS INFORMATION:

- Office Address: 11620 Arbor Street, Suite 202, Omaha, NE 68144

EDUCATIONAL BACKGROUND:

Creighton University School of Law, Omaha, Nebraska
Juris Doctor, *cum laude* May 2007

Iowa State University, Ames, Iowa
Bachelor of Science, Civil Engineering, May 2001

PROFESSIONAL REGISTRATIONS:

Registered Professional Civil Engineer
State of Nebraska - Registration Number E-13148

Certified Traffic Accident Reconstructionist
Accreditation Commission for Traffic Accident Reconstruction, ACTAR
Registration Number 2235

Member of the Nebraska State Bar Association
Attorney Number 23685 (Inactive)

Certified Crash Data Retrieval System Technician and Analyst
Collision Safety Institute, San Diego, CA

PRIVATE INDUSTRY ENGINEERING EXPERIENCE:

FAAR Consulting, LLC, Omaha, Nebraska

2003 to Present

Civil Engineer/ Accident Reconstructionist

Responsible for the investigation and analysis of vehicle accident reconstructions and industrial accidents. Reconstructed motor vehicle accidents involving automobiles, motorcycles, commercial motor vehicles, bicycles and pedestrians. Evaluated transportation systems and roadway signage as it pertains to vehicle accidents. Performed vehicle and site inspection. Analyzed site distances related to accident reconstruction. Calculated pre-impact vehicle speeds. Causation analysis, accident avoidance maneuvers, vehicle and motorcycle braking analysis, collision analysis.

Prepared roadway plan and profile drawings. Retrieval of event data from vehicle Airbag Control Modules and Engine Control Modules. Analyzed roadway traffic control plans and construction work zone signage.

Investigations of various types of industrial accidents. Scissor lifts, ladders, and construction equipment. Analyzed Uniform Building Code and OSHA regulations as they apply to industrial accidents.

Northern Natural Gas, Omaha, Nebraska

2003

Civil Engineer / Project Engineer

Assessed gas pipeline projects, including shallow / exposed pipe remediation, horizontal directional drilling, maintenance of existing pipeline systems, and pipeline system integrity. Estimated project costs, coordinated with subcontractors, prepared preliminary and bid drawing packages, and worked with project managers to produce project scopes and schedules.

CH2M Hill, Denver, Colorado

2001, 2002

Civil Engineer / Transportation Engineer

Developed design alternatives and roadway plan and profile sheets. Prepared cost estimates and quantity calculations for roadway projects. Provided engineering services during the construction phase of roadway projects. Prepared traffic control plans, grading plans, and preliminary design plans for roadway projects.

Burns and McDonnell, Kansas City, Missouri

2000

Civil Engineer / Transportation Engineer

Designed aircraft terminal markings and engine danger zones. Verified the location of existing fuel pits and isolation values. Evaluated the current fuel pit layout for the terminals and made recommendations on the placement of proposed fuel pits.

Kiewit Construction Co., Omaha, Nebraska

1998 & 1999

Construction Engineer

Assisted with the foundation layout of 90-inch diameter drilled shafts and the daily site log. Coordinated drilling schedule with drilling subcontractor.

Reviewed construction drawings, prepared RFI's (Request for Information), and reviewed shop drawings. Assisted with job site safety program and performed job site inspections to ensure compliance with OSHA regulations. Communicated daily with subcontractors, and gained knowledge of construction industry.

PROFESSIONAL SOCIETY AFFILIATIONS:

Member – Society of Automotive Engineers, SAE

Member – Midwest Association of Technical Accident Investigators, MATAI

Member – National Society of Professional Accident Reconstruction Specialists, NAPARS

Member – Nebraska State Bar Association (Currently Inactive Member)

Fellowship – Claims and Litigation Management Alliance

HONORS AND AWARDS:

Chi Epsilon National Civil Engineering Honor Society

Cum Laude Graduate, Creighton University School of Law, 2007

UNIVERSITY COURSES TAKEN RELATING TO ACCIDENT RECONSTRUCTION:

- | | |
|---------------------------------|----------------------------------|
| ➤ Algebra | ➤ Mechanics of Materials |
| ➤ Trigonometry | ➤ Structural Analysis |
| ➤ Analytical Geometry | ➤ Transportation Engineering |
| ➤ Calculus I, II, III | ➤ Materials Testing |
| ➤ Computer Programming | ➤ Structural Steel Design |
| ➤ Physics I, II | ➤ Concrete & Pavement Structures |
| ➤ Engineering Statics | ➤ Highway Design |
| ➤ Computer Aided Drafting | ➤ Engineering Dynamics |
| ➤ Route & Engineering Surveying | ➤ Engineering Design |

SEMINARS & TRAINING ATTENDED RELATING TO ACCIDENT RECONSTRUCTION:

Advanced Crash Reconstruction Utilizing Human Factors Research, Crash Safety Solutions LLC, October 11-15, 2021.

Cloud Compare Software Course, ai2-3D Forensics, July 8-9, 2021.

Click 3D Photogrammetry Course, ai2-3D Forensics, June 28-29, 2021.

Applying Automotive EDR Data to Traffic Crash Reconstruction, Society of Automotive Engineers, Troy, MI, November 20-22, 2019.

Drone (sUAS) Training - Oracle Aviation, Omaha, NE, August 30, 2018.

Advanced Crash Reconstruction Utilizing Human Factors, Northwestern University Center for Public Safety, Evanston, Illinois, May 14-18, 2018.

MUTCD: Work Zone Traffic Control, CED Engineering, Omaha, NE, April 9, 2018.

I.DRR User Forum, Austin, TX, February 23-24, 2018.

FARO Zone 3D CAD Software, FAAR Consulting, LLC, Omaha, NE, November 7, 8 and 10, 2017.

Aerial Mapping and Modeling Workshop, Dart Drones, Fremont, CA, October 28-29, 2017.

Part 107 Test Preparation Course, Dart Drones, Kansas City, KS, October 22, 2017.

Phantom and Inspire Flight Training, Dart Drones, Kansas City, KS, October 21, 2017.

Crash Data Retrieval - Data Analyst, Northwestern University Center for Public Safety, Evanston, Illinois, April 4-8, 2016

Energy Methods and Damage Analysis in Traffic Crash Reconstruction, Institute of Police Technology and Management at University of North Florida, Jacksonville, Florida, August 18-22, 2014.

Utilizing Human Factors in Traffic Crashes, Northwestern University Center for Public Safety, Evanston, Illinois, May 20-24, 2013.

Inspection and Investigation of Commercial Vehicle Crashes, Institute of Police Technology and Management – University of North Florida, Jacksonville, FL, February 18-22, 2013.

Motorcycle Crash Reconstruction, Northwestern University Center for Public Safety, Evanston, Illinois, September 10-14, 2012

How to Interpret Commercial Vehicle Event Data Recorders, The University of Tulsa, Tulsa, Oklahoma, March 26-30, 2012.

Cummins INSITE Training, Kansas City, MO, October 4-5, 2011.

INSITE Cummins Virtual College, Omaha, NE, September 17, 2011.

Trimble M3 Total Station Training, Seiler Instrument, Omaha, NE, April 6, 2011.

How to Interpret Commercial Vehicle Event Data Recorders, The University of Tulsa, Tulsa, Oklahoma, November 15 -19, 2010.

Advanced Crash Reconstruction, Fort McCoy, Wisconsin, October 4-8, 2010.

Human Factors For Traffic Crash Reconstruction Presented By The Crash Safety Research Center, Coralville, IA, May 26-28, 2010.

Certified Crash Data Retrieval Analyst Course, Chantilly, Virginia, February 16-19, 2010.

Certified Crash Data Retrieval Technician Course, Chantilly, Virginia, February 15, 2010.

ARC-CSI Crash Conference, Las Vegas, Nevada, June 1-4, 2009.

Crash Data Retrieval System Operator's Certification Course, Collision Safety Institute, Houston, Texas, June 9-11, 2004.

Physics Principles Applied to Accident Reconstruction, Hawkeye Community College, Midwest Association of Technical Accident Investigators, Waterloo, Iowa, February 9-13, 2004.

SEMINARS PRESENTED RELATING TO ACCIDENT RECONSTRUCTION:

Case Study: Kozlov vs. Associated Wholesale Grocers Inc., et. al., I.DRR User Forum, Austin, TX, February 24, 2018.

"Engine Control Module & Airbag Control Module Data," Nebraska Association of Trial Attorneys, Omaha, NE. December 9, 2016.

"Vehicle Accident Reconstruction," Nebraska Trucking Association Safety Management Council, Omaha, NE. November 13, 2014.

"Vehicle Accident Reconstruction," Lincoln/Nebraska Claims Association Fall Seminar, Ashland, NE. October 6, 2011.

"Accident Reconstruction Expert for Trial Demonstration", Nebraska Chapter of American Board of Trial Advocates Masters in Trial Seminar, LaVista, NE. August 26, 2011.

"Accident Reconstruction and Demonstrative Evidence", seminar presented to the Inns of Court, Lincoln, NE. April 12, 2011.

"Introduction To ACMs and EDRs", seminar presented to the Nebraska Defense Counsel Association, Ashland, NE. May 21, 2010.

"Introduction To ACMs and EDRs", seminar presented to Baylor Evnen law firm for the annual Baylor Evnen educational program, Lincoln, NE. April 1, 2010.

"Introduction To Event Data Recorders a.k.a. Black Boxes", seminar presented to the National Association of Trial Attorneys (NATA), Omaha, NE. October 2, 2009.

"Introduction To Event Data Recorders a.k.a. Black Boxes", seminar presented to the Nebraska State Bar Association, Lincoln, NE. August 19, 2009.

RESEARCH AND ANALYSIS PROGRAMS DEVELOPED RELATING TO ACCIDENT RECONSTRUCTION:

- Evaluation of braking distance from a known speed
- Research regarding edge drop-offs in construction work zones
- Reconstruction and analysis of staged collisions
- Review of current research literature relating to accident reconstruction
- Sight Distance Analysis
- Comparison studies relating to crush damage as it relates to real accidents
- Stopping Distance Calculations
- Low Speed Collision Analysis
- Lane Change Maneuvers
- Post Impact Speed Calculations

FORENSIC TESTING:

- Nighttime Visibility Study of Railcar Shuttlewagon, Mead, NE, September 5, 2018.
- Nighttime Visibility Study of Pedestrians, Friend, NE, November 20, 2017.
- Nighttime Visibility Study of Tractor/Trailer, Nebraska City, NE, April 12, 2015.
- Nighttime Visibility Study of Pedestrians, Ames, IA, April 3, 2013.
- Motorcycle Acceleration, Evanston, IL, September 12, 2012.
- Motorcycle Lane Change Maneuver, Evanston, IL, September 12, 2012.
- Motorcycle Intersection Turning Time From Stopped Position, Evanston, IL, September 12, 2012.
- Motorcycle Deceleration: Braking, Evanston, IL, September 13, 2012.
- Motorcycle Deceleration: Post-Impact Sliding and Tumbling, Evanston, IL, September 13, 2012.
- Commercial Vehicle Event Data Recorder (EDR) forensic testing, Tulsa, OK, March 28, 2012.
- Nighttime Visibility Study of Pedestrians, Kearney, NE, December 14, 2010.
- Commercial Vehicle Event Data Recorder (EDR) forensic testing, Tulsa, OK, November 17, 2010.

Colleen and George Adam
4900 Osborne Drive East
Hastings, NE 68901
[REDACTED]

To: Members of the Hastings City Council
Corey Stutte, Mayor
Members of Hastings Planning and Zoning Commission

Date: January 12, 2022

Re: Proposed Racetrack/Casino located on Hwy 281

Prairie Thunder Hastings (PTH) and Global Gaming Solutions (GGS) Nebraska (a wholly owned subsidiary of Chickasaw Nation) are proposing a racetrack/casino on the NW corner of Hwy 281 and 42nd street, arguably the *gateway* to Hastings.

PTH and GGS tell us that 110 to 150 new jobs will be created bringing approximately \$2.75 million in salaries. They state, ***"This represents a significant amount of new jobs and new economic growth."***

- Let's be clear. That's an average annual income of **\$25,000** per employee.
- **In 2020 the Dept. of Health & Human Services set the federal poverty level at \$26,000 for a family of four. A living wage must at least be greater than the poverty level.**

Where does the *revenue* from expanded gambling really go? 80% will leave our community.

PTH and GGS also tell us that 63% of those living at Lochland voted in favor of expanded gambling. Lobbyists told us that expanded gambling would bring property tax relief. Those voting in favor of expanded gambling said, "Keep the money in Nebraska."

- Those who voted in favor were not told that there would be efforts to bring casinos and racetracks into numerous towns, villages, and cities in our state.
 - For reference, Oklahoma currently has over 140 casinos. Over 20 are owned by GGS.
- Those who voted in favor didn't think about the fact that a multi-million-dollar facility with casino, racetrack, and hotel would be located less than 25 miles away in Grand Island.
- Those who voted in favor of expanded gambling didn't think the casino would be built on a prime piece of property within a 2-mile radius of a beautiful downtown and on what is referred to as the gateway to our community.
- Those who voted in favor did not learn about the low-paying jobs and the impact they would have on an already stressed public school system managing the

reality of 64+% students eligible for the free and reduced lunch program. (The state average for this program is 58%.)

Pat Loontjer, Executive Director of *Gambling with the Good Life* says, ***“Nearly all casinos in America cannibalize their local economies. They bring little money from outside. Rather, they pull most of it from spending at existing businesses.”***

Additionally, Ms. Loontjer says, “GGS knows that most casino revenue comes from within 35 miles of a casino, with a smaller secondary market within 80 miles.” **“The last thing Nebraska’s rural business community needs is another revenue drain.”**

- **“A casino is designed to be an all-absorbing environment that does not release its customers until they have exhausted their money.”** (David Frum, *The Atlantic*)
- The reality is that Hastings will likely attract day-trippers. They will find food within the casino. They will head home when their gambling for the day is completed. No visits to restaurants outside of the casino. No hotel stays.
- The large casino planned for Grand Island will draw from those living in the area and possibly from the state, particularly during State Fair days. Competing with a local casino housing primarily slot machines will be difficult.

Finally, the impact of casinos on neighboring property values is “unambiguously negative,” according to the economists at the National Association of Realtors. **“Casinos don’t encourage nongaming businesses to open nearby, because the people who most often visit casinos do not wander out to visit other shops and businesses.”**

The evidence is compelling that *“Casinos are a Good Way to Wreck a Local Economy.”*

We urge you to do the right thing. Vote **NO** to the proposal for a racetrack and casino.

Sincerely,

Colleen Adam

George Adam

Tony & Cathy Swanson
630 N Shore Dr
Hastings, NE 68901



January 12, 2022

Hastings City Council

RE: Proposed Casino Development

To Whom It May Concern:

We strongly oppose the building of casino in the city of Hastings, especially on the property on north side of on town as it is the entrance most used to enter our community.

Although many may believe that a casino would bring needed revenue to our city, we believe that the negatives of such a business will far outweigh the possible financial benefits. The depreciation of residential properties in the vicinity of a casino has been proven in different analysis that have been done in other communities where casinos have been built. Gambling addictions are known to be caused or greatly exacerbated if there is casino operation close to those who struggle with that addiction. This addiction causes financial hardships to not only those addicted, but to those closest to them, often creating broken relationships and families. Those broken people and families affect the community as a whole.

In short, the construction of a casino in Hastings may provide some financial benefit, but we strongly feel it would be a net negative for our long term prosperity.

Regards,



Tony & Cathy Swanson

Timothy J. and Carol Q. O'Keeffe

1809 North Elm Street

Hastings, NE 68901

January 12, 2022

Zoning and Planning Commission
City of Hastings, Nebraska

Dear Commissioners:

Please find attached a slide deck briefing that details my significant concerns regarding locating a casino and horse track at the main entrance to our City, as well as significant concerns in regard to the application for rezoning and the security of a conditional use permit by Robert A. Wallace for West Fork, Inc. / Breann Becker Prairie Thunder Hastings, LLC.

As I write I read what appears to be staff disapproval of the rezoning request, as well as a recommendation to table the request for a Conditional Use Permit ("CUP") in the agenda published this morning, January 12, 2022. I urge you to proceed to deliberate this matter and to vote "NO" for these proposals, regardless of future information provided. The idea of building a race track and casino at the entrance to our City is a bad idea- always and forever. Let us send a strong message to the developers now, so as to compel them to find other locations in our community that would not detract from nearby property values, and which align to the standards set forth in our Comprehensive Plan. Otherwise we can expect to continue to invest our precious resources in time and energy to continuously contest future iterations as the developers work to put together a quality application that is even worthy of consideration. The developers have now had two meeting opportunities and they still have not elevated the worthiness of their application to warrant consideration. End this now.

For the record, here is a summary as to why the notion of a casino and horse track at this location will always be a bad idea:

1. In recent days I have completed a data analysis of all building permits issued in the City of Hastings from January 1, 2017 to December 15, 2021 (about five years). I identified those permits which appeared to be single family new construction residential. About 70% of the permits issued, encompassing 90% of estimated value, came from an area bound by Lochland to the north; Hastings Lake to the south; USS 281 on the east, and North Baltimore on the west. The source for the data was an Information Request from the City. This data indicates the natural development pattern of the City lies in the area between Lochland and Hastings Lake and this site is in the middle of this "greenfield" of development opportunity. Installing a horse track and casino would destroy that pattern and significantly reduce the development opportunity of the parcel to the west, known as the "Grothen Farm".
2. We have seen a massive and rapid community mobilization against this proposal in only a few short weeks. If one drives the neighborhood, one will find numerous signs against this proposal. In recent days we have worked to have adjacent neighbors as defined in City Code 34-801 to file a Protest, therefore elevating City Council requirements to

approve this project to 75%. We believe that we will achieve a near 50% protest level, as opposed to a 20% requirement. These numbers reinforce the significant opposition that exists to this proposal.

3. The applicant proposes a CUP to encompass the horse racing track set within a rezone of about 85% of the site from "A" to "C3". The CUP does not appear to encompass horse barns. My reading of the codes would suggest that the barns need to be included in the CUP. Is this the result of lax and poor planning by the applicant, or some sort of more sinister ill intent?
4. The applicant seeks to communicate an intent to conform to the Comprehensive Plan which calls for mixed-use residential and commercial. This site plan lists a 16-acre narrow buffer to the north, which the applicant has labeled "Residential". If the applicant was actually earnest in intent, the applicant would be platting the land area and actually zoning the designated residential area as R1 or other similar zoning. Additionally, the cost to run a street into the residential area and try and sell residential lots or build multi-family structures is non-economic and not rational. Those residences, if ever built, would back up to a horse track and casino on one side, and a Federal four-lane highway on another. No one would want to live there, especially at the cost it would require to develop. The percentage of development cost per unit in street addition alone would tender the entire idea non-economic and irrational. The applicant's assertion of residential is bogus and misleading.
5. The Comprehensive Plan calls for mixed use residential and commercial in this area. If the C-3 zoning is approved, a zoning that runs with the land, an estimated 40% of the land area in the site designated as residential would be taken away. Worse, such rezoning would destroy the potential for residential development along the eastern portion of the "Grothen farm" to the west. In short, rezoning the site to C-3 does not conform to the Comprehensive Plan and materially alters the entire development character of the land area between North Baltimore and U.S. 281. Such rezoning would destroy our City's residential development green field and forever alter the future natural development pattern of the community. Think of this as damming a river.
6. There are so many elements of the application that are bogus, that the application itself is laughable and cannot be trusted. For example, the developers note that there will be pole lights or stadium lights that illuminate the track, and *"because we will run races predominantly day races..... we will not need to have the lights that lead to light pollution"*. Nearly all casinos are open 24/7. This facility will need pole lights. The applicant is intentionally deceiving here. In addition, with respect to matter of light pollution, the applicant only addresses concern from person's north of the proposed development, stating, *"Lights related to signage on the casino itself will be located on the front of the building which is the side facing south toward 42nd Street and will not be visible to the north in Lochland"*. What about the folks in Cimarron? What about folks on the east side of 281? Would you want to stare down at neon lights from your yards?
7. Among the most serious concerns by area residents in a one-mile radius, are what will be a decrease in property values among single family residences. This is a key consideration for approval of a CUP as set forth in City Code 34-402. The applicant has provided two letters from brokers at Nebraska Realty that state that this development would not negatively impact value. The two letters are nearly identical word-for-word causing one to question the amount of thought that went into them. Nebraska Realty is the listing agent for the property according to persons who answer the phone there, and thus the letters were written by people most likely to earn a commission on the sale

to the applicant. This built-in conflict-of-interest, an interest not disclosed in the letters, further reinforces the laughable nature and wanton poor quality of execution in putting the application together. Nebraska Realty is a member of the National Association of Realtors ("NAR") according to their website. NAR has published an array of articles and studies that note that casinos lower the value of residences. This project WILL lower values in Lochland and Cimarron and beyond and as noted prior, will lower property values to the west, and to the east. Think of it as 360-degree residential property value destruction.

8. The proposal comes at a time when there currently are no state laws or regulations that govern the conduct and operations of casinos. We have no codes in place that contemplate the unique land use aspects of casinos such as 24/7 operation, alcohol and drug consumption, security concerns, and otherwise. Atop that we have a speculative and poor-quality application that lacks details. Numerous studies that should be done are missing, such as a water retention/detention study. The studies and information that are provided are aligned with the low quality of the letters allegedly documenting the effects on property values.
9. The business prospects for this casino are poor. The Grand Island casino, which news media suggest will bear an investment as much as five times what the applicant states for this development, already have a website and the renderings of it are much nicer than what is seen in this application. The Lincoln casino proposal looks to be the same. This developer already has received planning approval for a horse track and casino in North Platte. The business prospects and market potential of a casino and horse track in Hastings only exist locally, and perhaps extending south to Kansas, where there already are Indian gaming facilities. The prospects for this casino are not good, and if it folds, we would have a single-use abandoned facility sitting at the entrance to our City. This is the wrong location!

There are alternate locations elsewhere in the City. This is not the only location. The Comprehensive Plan sets forth an array of Employment Hubs and many of those areas may suffice to meet the developer requirements. I would appeal to the Commission, City Council, and staff that regardless of location, the quality and scope of any application for these uses must be far better than what was seen here.

On another level, I urge staff to contemplate the development of comprehensive standards in Section 34-404 of the City Code that would specifically address the land use considerations for a casino and horse track. That would allow staff time to adequately study and draft policies in conjunction with other stakeholders such as police and fire, and the community at large.

In closing, I urge the Commission and City Council to hear this proposal now, and to once and for all end speculation of this land area for use as a casino and horse track. It is the entrance to our City and this is not the way we want to welcome people. We do not want to destroy the natural land development pattern that is already underway.

Sincerely,

Timothy O'Keeffe

Enclosure:

1/12/2022

From:

**Dr. Raul Franco and Dr. Allison Kern
3812 Lake Park Ln.
Hastings, NE 68901**

To: The Hastings Planning and Zoning Commission and The Hastings City Council,

I am writing this letter in protest of the rezoning and of the planned development of a horse racing track and casino North of 42nd St, East of Baltimore, West of Burlington, and South of Madden Dr.

I am a small business owner, an Air Force veteran, a husband, and 10 months ago I became a father. Becoming a father is the proudest moment in my entire life. Never before have I understood the importance of a foundation of family values.

Before I moved to Hastings I was slightly nervous because we had made a choice to settle in Hastings for a lifetime. Since then I have never looked back or carried any regrets. This is because I began to realize what living in Hastings is all about. I began to uncover what this community means to the people that live here. Simply put, I realized that Hastings is a home for good, family oriented, hardworking, common-sense people and is treated that way by those that live here.

In a world where aspects of society are becoming completely unrecognizable from better days in the past, Hastings stands strong as a testament to what can be achieved by good people appreciating the simple things in life; the things that matter. In essence, it is a product of cherishing 'the good life'. Hastings is more than just a small town, it represents the last frontier of family, community, respect, tradition, and hard work. It is an unbreakable family beacon that stands dead center in the middle of the country. That is what makes Hastings so special. That is what we all are blessed to call home.

When I was notified that there were plans of a casino in Hastings I immediately thought of my son and all the other families in this community. A casino will have terrible socioeconomic impacts on this community (especially in that location). It is proven time and time again in many cities around the country that allow these budget casinos to be built in the backyard of wonderful communities.

The proposed area is one of the top areas of home growth and development left in this town. The casino would essentially kill that momentum and take some of the best real estate in Hastings. No one would ever want a casino built in their backyard and there are obvious reasons for that. There is noise pollution and light pollution. There is copious amounts of drinking and gambling. Casinos do not foster or reinforce family values and are not safe places for children to live around. Furthermore, there are evidenced based studies that show that casinos reduce neighboring property values in a radius of one mile by up to 10% and it could be more. Absolutely no one wants a casino in their backyard, so please do not put one in ours.

Why would one allow a casino to be built in an area that is completely surrounded by residential homes? I imagine the answer to my question is money. I am certain that these planners/realtors/developers, etc. will tell you that this casino is going to bring in so much tax money for this city that we can build new schools, new roads, and perhaps even a new fire station. The numbers that they use are outlandish. For example, 650,000 visitors annually are suggested would visit the casino. If you do math, that amounts to just under 1800 visitors every single day for 365 days a year. This would be saying that this tiny budget casino in Hastings, NE will attract more visitors in a year than Memorial stadium does in a football season! Moreover, there will be a 110-million-dollar casino approximately 20 miles north of this proposed location that people will choose to go to instead. These are only two obvious reasons why this estimate is wishful thinking at the very least and near impossible at the very best.

I would encourage that our leaders vote against rezoning one of the most valuable residential areas of our community to outsiders for the promise of money. The families of Hastings can find more effective and more family-oriented businesses or recreational ideas to produce revenue and experiences for our city and our community. The new YMCA Capital Campaign is a great example. With only a small number of donors (less than 300) our great community has been able to raise over \$11 million dollars and are on track to reach a goal well above \$13 million dollars. The new YMCA project offers an impactful and beneficial opportunity for this community that will contribute services for health and wellness to families in the area. We have the capacity to build great projects here when we work together and keep our core values centered in our projects. Let this be an example of what we are capable of and let us find better ways to build upon the community development plan.

A casino does not come close to satisfying what this wholesome community thinks is good for the future of our families. In fact, over time casinos become leeches on the communities that they sit in. They are places that attract transient populations, people struggling with addiction, and people who are encountering financial hardship. The casino does not provide positive effects on a community. In fact it does the exact opposite and it takes the largest toll on our most vulnerable populations.

Another reason why one might be considering voting in favor of this project might be jobs. These developers claim they will bring 110 jobs and pay out \$2.5 million in salary money. This amounts to \$22,727 as an annual salary for 110 families. The annual salary in Nebraska that is considered to be the poverty line is \$26,000. This means that this casino will be offering 110 families, salaries that fall below the poverty line. That is in no way good for our community. It is setting up families to be in a position where they can hardly support themselves. Our school systems currently have approximately 60% of students on free and reduced lunch. If you add another 110 families that will be well below the poverty line, it greatly stresses the systems in place to help those most in need. We can find other avenues that promote revenue and build families at the same time, while not breaking them or the systems that support them.

It is easy to get caught up in the blue sky offers that these developers have mastered presenting. However, please keep in mind that the downside is so much worse than the upside. If you put a casino at the front door of our town, Hastings may be known as just another casino town. In 5 years when the paint starts to fade, and the lights start to burn out, and trash starts rolling across the parking lot... We will be left with a dump of a casino right in the entrance of our beautiful town. It will lie in waste right in between what could have been a thriving community of families and opportunity. The face of our entire family-oriented town will become defined by this casino that contradicts everything we stand for.

Hastings is my home. Hastings is our home. Let's work together to keep it a hardworking, family-oriented town. Putting a casino dead center in the heart of our homes, goes against everything we believe in. No amount of money is worth that. Please think of all of our families when you consider your vote; The decency and character of Hastings is dependent on the family values that have kept this town head strong for over 100 years. Do not support the rezoning or the casino development, or this town will be changed for the worse, forever.



January 12, 2022

TO: The City of Hastings, Development Services

RE: Concern of Casino

My husband and I just moved from Omaha to Hastings exactly one year ago. We cannot be more thrilled to be here and we love the slower pace of life and the ease of small-town living. The thing we love the most about our lives here is our home. We found a beautiful home that we are so comfortable in and we LOVE that it backs up to the cornfields. We love the peace and quiet, and we have enjoyed the first year of watching the planting, the crop dusters, watching and feeling the center-pivots go by, and harvest. The serenity of the quiet, open, beautiful countryside offers us such serenity in our lives.

We are extremely disheartened to learn of the possibility of a casino in our backyard. We did not move to Hastings and escape the big city to turn around and have the hustle and bustle of traffic, pollution (trash, noise and light pollution) of a casino in our backyard.

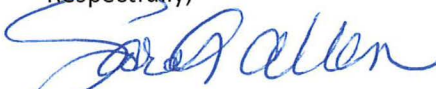
I spent many years as a single mother struggling to get by. I lived in low-rent apartments where I could hear neighbors talking through the walls, people stomping around on the floors above me, doors slamming, partying late at night, I even had an apartment that was on the backside of a local bar/restaurant that dumped glass bottles and trash into the dumpster at 2:00am at closing time. Both my husband and I have worked very hard over the years to get ourselves into a better place which is the home we live in now, and are sick to find we may encounter the very things we work so hard for to be away from.

I believe everyone's home or living space is sacred to them. I am not saying mine is better or more deserving than anyone else's, I just happen to be in this unfortunate location of a proposed casino. My home offers me serenity, peace of mind, and essentially, quality of life. If a casino shows up in my backyard, these things are robbed from me. I hoped this would be my forever home but I will not be able to live with these conditions, and will look to find a new place to live....and again I will be robbed because there is no way I will get out of my house what we have put into it. Why on earth would someone voluntarily pay for a home KNOWING what they are getting as a backdoor neighbor??

I understand the desire to bring a casino to Hastings. I can see the value but I just don't understand why it needs to be in the back of a long-standing, well-established family neighborhood? We are certainly not land-locked here in Hastings, why can't more consideration and thought be put into finding a more mutually-acceptable place for the entire town and everyone who makes this their home?

I truly hope that people's voices are being heard and considered, Hastings is our home too.

Respectfully,



Sarah Allen

5003 Jordan Way



Tuesday, January 11, 2022

From: Charles D. Bauer, DDS

1015 North Share Drive

Hastings, Nebraska, 68901

To: The Hastings Planning and Zoning Commission

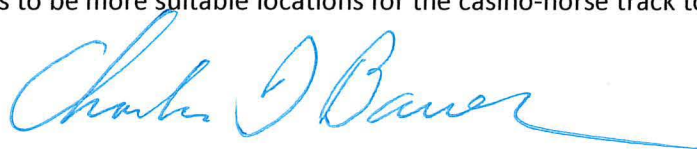
The Hastings City Council

You are about to vote on rezoning a large block of land north of West 42nd Street and west of HW 281. The land as I understand it is zoned light commercial along the highway and residential to the west of the property. The proposed new owner wants the property rezoned so that a casino and race track can occupy the site.

The purpose of this letter is to register my opposition to the proposed rezoning for the casino- race track and keep the current zoning in force. The reasons for my opposition are as follows.

1. The long-range plan for city growth has always been for residential and small business growth to develop to the north. The casino-race track would discourage future residential development along this corridor. I would suggest that most of the residential growth for the past 10 years has been to the north of Hastings. The proposed casino-race track would at the least discourage future residential development and the most stop crush future development to the north of Hastings.
2. The proposed casino and race track is surrounded on three sides (north, east, and south) by residential property. The current property owners built or bought housing in these locations anticipating future residential development. This was known to be in accordance with the long-range plan. This is the plan past city councils and zoning commissions helped develop and work toward. These Hastings citizens did not anticipate a casino, a race track or any industrial commercial building project to occupy the property adjacent to their homes. Why should they?
3. I would like you to consider the future tax base of this area. Would the City of Hastings be better off with a single day per year horse track on this land or would it be better off if this property were developed with housing for future Hastings's citizens? If this land is taken away from residential development, where do you propose the housing development goes?

Please choose and vote wisely. The wrong rezoning vote can change the face of Hastings for years to come. There has to be more suitable locations for the casino-horse track to be located.



Wednesday, January 12, 2022

Planning and Zoning
c/o Development Services Office
City of Hastings
220 N Hastings, 1st Floor
Hastings, NE 68901

We moved to Hastings in 1985 and raised our three children in this community. Despite growing up in other communities, we consider Hastings home, and now that we are retired (with children and grandchildren here too), we plan to live out our days in this town. In short, we love Hastings! This is why we are adamantly opposed to the proposed horse track and casino.

There are many reasons to oppose this project, here are a few:

- This project will stop future growth both at Lochland and Lake Hastings. **Would YOU build a home near a horse race track and casino?**
- This project is destined to be a total failure. With Fonner Park and other casinos in Nebraska communities, there are only so many gambling dollars available. In 10-15 years (if that long), this failed project will have weeds growing up around the horse track and barns at the entrance to our city.
- This project will not bring outside dollars to our community. With gambling casinos all up and down the I-80 corridor, what chance does Hastings stand to attract outside dollars? This project will only suck dollars out of our community and send them to Oklahoma.
- This project will undoubtedly increase the crime rate in our community and increase the poverty level.
- This project will put tremendous pressure on our school system.
- The social cost to our community will far outweigh any revenue generated.
- This project simply does not fit the culture of Hastings. We have 3 very good school systems, 2 outstanding colleges, and many individuals (now and in the past) who have worked diligently to make Hastings a safe and family-oriented place to live. Let's not shoot ourselves in the foot with this project for growth at any cost.

Thank you for your time. If you have questions or would like to speak with us, our phone numbers are [REDACTED]

Respectfully,



Bill & Tanya Lindsteadt
1114 Country Club Drive
Hastings NE 68901

Daniel & Kristi Sheehy

1/12/22

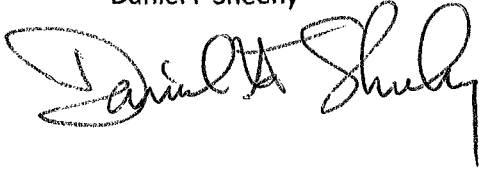
1132 Highland Drive

Hastings, NE 68901

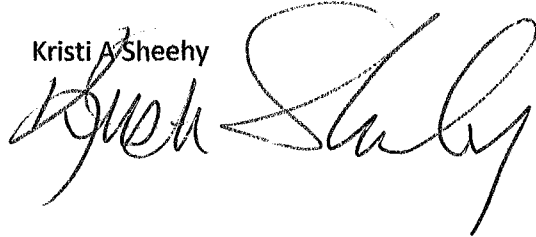
We are writing this letter in opposition to the proposed Casino and Race Track in its proposed location. We feel this is not the best use of this property and does not align with the Comprehensive Plan of the City of Hastings. We are also against the Conditional Use Permit within the new proposed zoning. We feel it will have a negative impact on the valuation of our property.

Thank you for your time,

Daniel F Sheehy

A handwritten signature in black ink, appearing to read "Daniel F. Sheehy", written in a cursive style.

Kristi A Sheehy

A handwritten signature in black ink, appearing to read "Kristi A. Sheehy", written in a cursive style.

Mark and Cathy Phillips
1411 Highland Drive
Hastings, NE 68901

01/12/2022

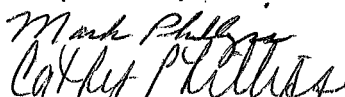
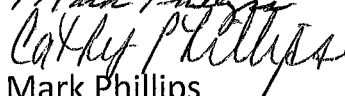
Members of the City Planning Commission,

Our names are Mark and Cathy Phillips. We are lifelong residents of Hastings, Nebraska and we are writing this letter to inform you that we are completely opposed to the proposal to build a casino and horse racing track at the site of 42nd Street and Highway 281. This proposed location is at the "gateway" of our city. This is the wrong location for our town, our community values, and for the future growth and development of this beautiful, family-oriented city.

The proposed site does not conform to the comprehensive city plan for development, nor do we believe that this type of business will be sustainable long term at this location. There has been a horse track in our community in the past. It did not last. Our neighbors 22 miles to the north are planning to build a \$100 million dollar hotel casino resort attached to an already existing and well-recognized horse racing operation. In the research we have done, and specifically, by the National Bureau of Economic Research, four years after this type of project is completed, bankruptcy rates, violent crime, auto thefts, and larceny are up 10% in counties with a casino.

Thank you for your time and attention to this matter. We hope you will do the right thing for our community.

Respectfully,



Mark Phillips
Cathy Phillips

To: Hastings Planning and Zoning, Hastings City Council

January 12, 2022

From: Patrick Kern

Re: Protest to Proposed Rezoning and Conditional Use Permit for Horse Track and Casino

I would like to officially state my objection to the proposed horse track and casino project suggested to be built on the property between Hwy 281 and Madden Road.

I have been a homeowner at Lochland for the past 12 years. When I purchased my home on Loch View Drive in 2008, Madden Road had not been extended and the land behind me was a cornfield. Since that time, I have counted at least 25 new homes built in my neighborhood. It has been one of the fastest growing areas in the city. The same goes for the area known as Cimarron Meadows on the south side of 42nd St. The proposed casino area is located directly between the fastest growing residential areas in Hastings. A casino/racetrack on this property would effectively end the growth in this part of town which is arguably one of the most desirable places to live in Hastings. This would not be a sound planning strategy for our city.

The negative effect on property values in the area is another huge concern. A study done by the National Association of Realtors has concluded that the impact of casinos on local property values is "unambiguously negative". The negative impact on home values in the area can be very significant- "ranging in the neighborhood of 4 to 10 percent" according to the study. Increased traffic congestion, noise, trash, and crime are all of great concern.

Grand Island has already approved a 110-million-dollar project to build a casino/hotel at Fonner Park. This is clearly on a much larger scale than the facility proposed in Hastings. It is a mere 20 minute drive to Fonner Park -why would people come to Hastings to gamble when a Vegas style casino is only 20 miles away? The saturation of casinos in Nebraska will lead to failure of many of them. When the proposed casino goes out of business due to gambling competition from across the State, Hastings will be stuck with a "white elephant" on one of the most desirable pieces of property in the city. Future growth of the city will die with it.

This property is the "front door" to our city. Is a casino and race track the image we want for Hastings? I say no.

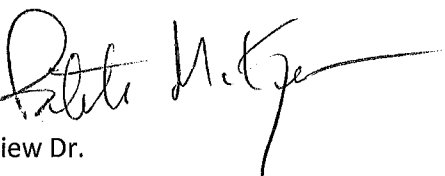
Please vote AGAINST the Proposed Rezoning and Conditional Use Permit for the Horse Track and Casino.

Sincerely,

Patrick Kern

1307 Loch View Dr.

Hastings, NE

A handwritten signature in black ink, appearing to read "Patrick Kern", is written over the printed name and address.

Hastings, Nebraska
January 11, 2022

City of Hastings Planning Commission
220 North Hastings Ave.
Hastings, Nebraska

Dear Members.

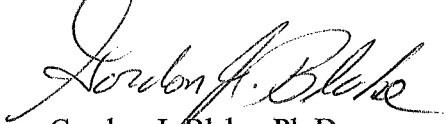
I have recently become aware of efforts to establish a casino and horse race track in the open area between 42nd St. and Madden Rd. Living at 806 Madden Road, I am opposed to a casino and race track in that location. We moved to Hastings about ten years ago. If there had been a casino and race track in that location at that time we would have moved to Kearney instead of Hastings.

I understand that the Adams County Fair Board turned down the request to put the proposed track and casino at the Fair Grounds, because they had worked hard to make the events there family friendly and aligned with community values. In a similar manner there is currently a facility near the proposed casino that is family friendly and aligned with community values. That is the Softball complex. It provides a very wholesome welcoming image of Hastings. That would be offset and diminished by a casino more or less across the street from it.

Beyond initial construction employment, it is unlikely that the casino and race track will create many good jobs. Furthermore, with a much more elaborate casino being developed in Grand Island, it is difficult to see how a casino in Hastings can be financially successful. If it is constructed in the proposed site and then fails, the city of Hastings will be left with an unsightly mess to clean up.

I am not totally opposed to a casino and race track, but I am opposed to the proposed location. If it was located well away from residential areas I would not promote it, but neither would I oppose it. If some folks want to make, what appears to me, to be a highly risky investment that is their business.

Yours truly,



Gordon J. Blake, Ph.D.

806 Madden Rd.
Hastings, NE 68901
January 12, 2022

City of Hastings Planning Commission
220 North Hastings Avenue
Hastings, NE 68901

Dear Members of the Planning Commission,

I am writing to voice my opposition to the proposed location of a horse racing track and casino in my neighborhood (between 42nd Street, Highway 281, and Madden Rd) . This location is next to my residential area. I am also concerned about the unrealistic figures in the development plan.

Our area, on occasion, has the smell of feed lots when the wind is blowing from the southwest, noise from the train tracks that are 1.5-2 miles to the south, and noise from the race car track clear over from the southeast side of town. If 400-600 horses are stabled across the street from my house, the quality of life in the neighborhood will be severely affected by the smells from manure, noise from the operation, and blowing dust. No empty mitigation measures such as a buffer of trees, would improve the situation, nor block the visual eyesore while we wait 15-20 years for the trees to mature. I already have trouble entering and exiting Hwy 281 from/to Madden Road at certain times of day. This establishment would only make it worse.

The proposal estimates 650,000 visitors a year or 1,780 people a day. Where will the patrons come from? Grand Island is building a bigger casino with more gaming tables, entertainment areas, and multiple restaurants. Anybody in the tri-city area is going to find the Grand Island's casino more attractive than the Hastings casino, including many Adams County residents. We are only 24 miles away.

The jobs the casino would create appear to be low paying jobs for clerks, cashiers, cleaners. The developers estimate the income to their employees will be about \$25,000/person which is below the poverty level of \$26,000 a year (based on developers' estimated annual salaries divided by estimated number of employees). Does this benefit Hastings?

In conclusion, I believe most residents in Hastings do not want a casino/race track in their residential area, because of the concerns I have listed. Couldn't the casino/race track be placed on the edge of town, away from residential homes? The estimates in the developers' plan about attendance and income seem wildly unrealistic. Casinos placed close to other casinos do less well financially. What happens if the casino/race track fails? Please do not rely only on the developers estimates when they only want to sell their concept.

Sincerely,



janet Blake

January 11, 2022

To Whom It My Concern:

My husband, Doug, and I moved to Hastings over 35 years ago in what we thought was going to be a three-to-four-year commitment. Now, almost 40 years later, we are still here and consider Hastings our "forever home". What lured us to Hastings, initially, was a job opportunity. What has since kept us here is the quality and standard of living that Hastings has offered through the years. From the two colleges, three high schools, Mary Lanning hospital/medical community, downtown renewal, museum and Duncan Field—to name a few—Hastings is unique and has a great deal of "good" to offer future families. Allowing a casino/race track to be built anywhere in our town is a bad omen. Putting it at the entrance to our community is unconscionable for the family element. Please consider thoughtfully the effect on our community that a casino would bring.

Thank you,



Lorri Oakeson
1205 Country Club Dr.
Hastings, Ne 68901

January 12, 2022

Dear Planning and Zoning,

I have lived in Hastings for 44 years and currently consider this a great place to live. A recent concern of mine and a concern of every neighbor and all my friends is the consideration of a horse track/casino located at the entrance to our community. It does not make sense to me, and to everyone I know, that this would even be a serious consideration by our city zoning commission and council.

After reviewing the application for requested changes, I notice several "facts" stated couldn't be substantiated and seem to me to be "pie-in-the-sky" generalities not related to our community. For instance: How can the stated customer traffic to this installation be even close to the figure in the application - - that this would draw over 650,000 people a year (that would be 1780 people per day for every day of the year) which is an estimate that would be unattainable in Hastings, Nebraska no matter how far away they draw customers. And, with another casino 23 miles away, which is to be larger and more elaborate, the chance of a Hastings casino going belly up is a high probability. Would the big money behind this issue even care if the local casino goes under? I don't think so, since as I understand it, they simply rent all the equipment to area operators, and if it goes under simply moves their equipment to some other location. Another observation is that the proposals for Gering and North Platte are using the same renderings, statistics, etc. as for Hastings.

How much of a "community citizen" are the local people pushing this idea? How many civic organizations, local charities, schools, museum, library, hospital and social assistance organizations do they help support? I don't see their names on donor lists.

I think their requests are self-serving and not in the best interest to the Hastings community. And, even if city council insists they want to take this blind plunge into a casino operation, the current location is completely wrong for a family-oriented community like we have now, and will change the image for Hastings in a negative way. And, my opinion is that any endeavor like this does not belong in a residential area.

Please reconsider both approving a casino operation, and also the location presented in the current applications.

Sincerely,



James (Jim) Lewis
816 Madden Road
Hastings, NE 68901



January 12, 2022

Development Service Office
220 N Hastings Avenue
Hastings, NE 68901

To Whom It May Concern:

I am writing to voice my objections and concerns about the proposed Race Track and Casino being built behind my place of residence at 727 Madden Road. There are many negative aspects to this development and the proposed location.

My first concerns are the financial detriment to surrounding homeowners and loss of quality land for housing. The property value of homes in this area would plummet, as well as, the ability to market and sell homes in the future. Also, this section of land would provide excellent residential growth with the shortage of housing that we are currently experiencing. When we purchased our home over 14 years ago, they even stated that the land behind us was earmarked for residential development.

Setting this track and casino next to our nicest golf course and Country Club used as a venue for many weddings and gatherings would be damaging to their business. Our community would take another hit for our already limited options of venues in Hastings. Especially those that can offer food and drink on site without the need to cater. The smells, noise, and traffic level would lower the standard of living in this region. Yet again, compounding all of the aforementioned issues.

My final concerns are that our welcoming entrance to those visiting our city would be that of gambling and betting. The appeal of our Community with the improvements and new businesses in both the Cimarron Plaza and the downtown shopping area would be wasted. Why not pull visitors further into Hastings or even through the city to the southern side so they could see all that we have to offer?

Sincerely,



Carol Brouillette
727 Madden Road
Hastings, NE 68901

COMMUNITY REACTION

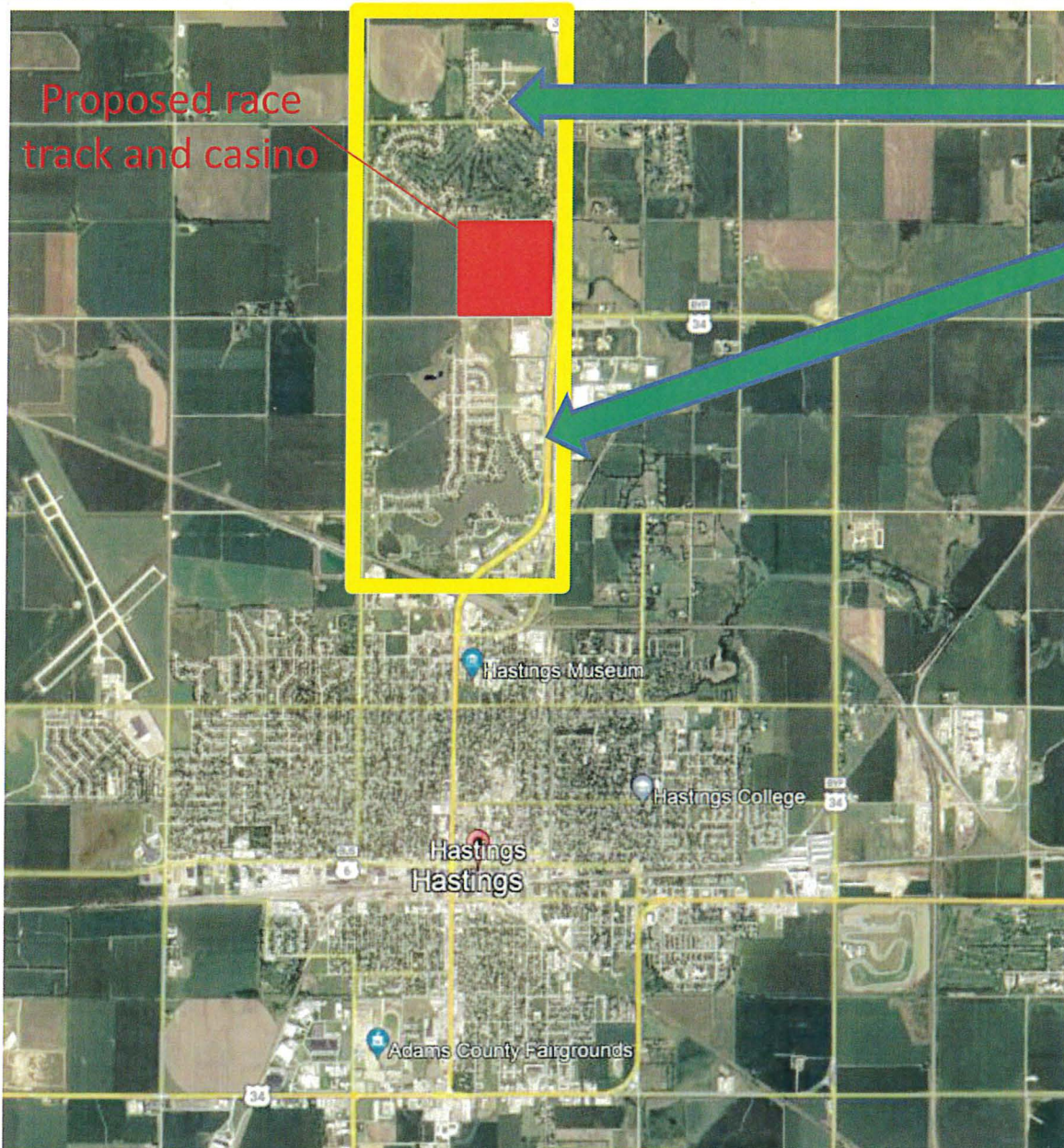
NO CASINO



I ♥ HASTINGS!

HASTINGS' GREEN FIELD

NO CASINO



Proposed race
track and casino

According to preliminary data analysis of single family building permits issued in the past five years from an Official Information Request obtained from the City. In the designated area noted....

Appr. **70%**

of single family new construction building permits were issued of the total of all such permits.... accounting for

Appr. **90%**

of estimated value **I ♥ HASTINGS!**

OFFICIAL PROTEST

NO CASINO

Subject Property

Official Property Owners Protest

Estimated 50% plus signees
versus 20% requirement

I ♥ HASTINGS!

COMPREHENSIVE PLAN

NO CASINO



I ♥ HASTINGS!



- Not being platted and actually zoned to R1, R1A.....
- Likely not developable for residential
 - Requires Madden Road access and paving of streets
 - Requires sewers and utility infrastructure
 - Unlikely the developer can recover development costs and make a profit, nor price lots at marketable rates
 - Lots would either face or back up to horse track, or US 281
 - Fonner Park experiences suggest lots/development would not be salable
- **RESIDENTIAL IN NAME ONLY**



- With the presence of horse barns, a race track, and casino, including a parking lot, lands to the west will not be practically developed to residential, which was the intent of the Comp Plan
- Approval of this application destroys Hastings' most important and lucrative residential development corridor
- Approval of this application is not aligned to the Comp Plan

I ♥ HASTINGS!

LIGHTING

We do not intend to have track lights or pole lights or stadium lights - the traditional kind of lights that would illuminate a racetrack similar to those found at high school sports fields. Because we will run races predominately day races in May-June time frame we will not need to have the lights that could lead to light pollution.

**In a survey of Oklahoma casinos (approximately 140) all but two are open 24 hours per day.
2 casinos had operating hours 9:00 am – 2:00 am**



I ♥ HASTINGS!

APPLICATION REVIEW

NO CASINO

Lights related to signage on the Casino itself will be located on the front of the building which is that side facing south toward 42nd Street and will not be visible by the residences to the north in Lochland.



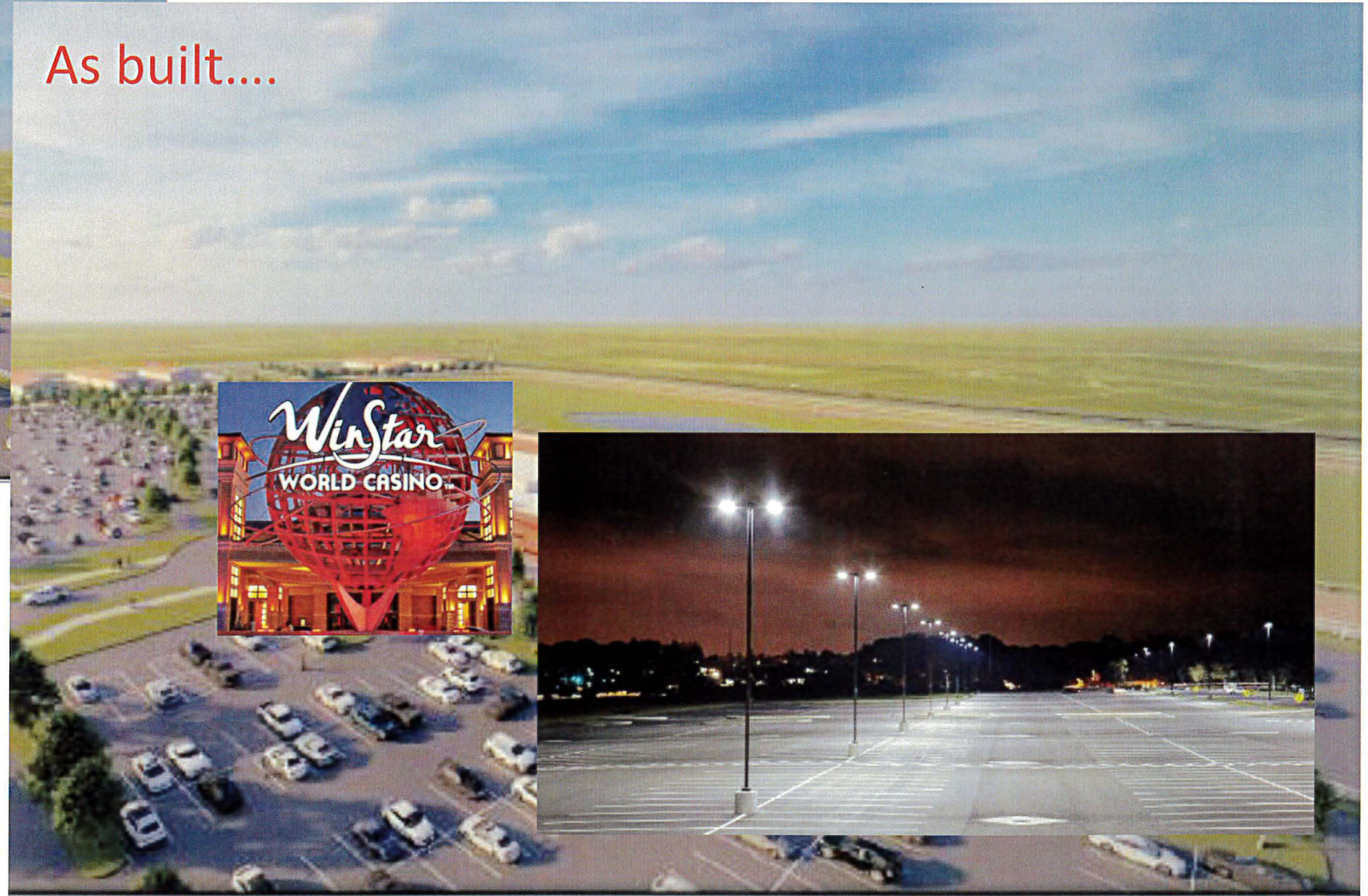
APPLICATION REVIEW

NO CASINO

Conceptual Plan to
get zoning....



As built....



APPLICATION REVIEW

NO CASINO

ATTACHMENT #6 - REALTOR OPINION LETTER #1



December 20, 2021

City of Hastings Planning Commission
Attn: Development Services Department
220 N. Hastings Ave.
Hastings, NE 68901

Re: Proposed Casino and Racetrack - 4555 W. Osborne Drive

Planning Commissioners:

I am a licensed real estate agent and have reviewed the materials presented to the Planning Commission regarding the proposed casino and racetrack. I am familiar with the property both before and after the proposed development.

The majority of the property in question is designated for commercial use given its orientation on the Expressway and the adjacent commercial properties.

Further researching the project and speaking to those in our community who have expressed interest in the project, I have heard positive comments about the millions of dollars in tax revenue that will be generated by the project. From my years of experience, I know that property taxes are one of the factors buyers used to differentiate between properties. This project can only help reduce property taxes in our city and our county, as all residences north of the subject property.

A misconception about this project may be related to the amount of racing and the features of the racetrack which will take approximately four years after completion.

After considering the racetrack completion per year, in they are no grandstands surrounding the property.

In fact, if any developers were to build a racetrack, it would be one of the most carefully analyzed projects today and as it has been in the past.

In other words, the character of the project is facing South town from the existing lot.

Michael Engelhardt
Nebraska Realty

17117 BURR STREET | OMAHA, NE 68118 | 402.491.0100 | NebraskaRealty.com

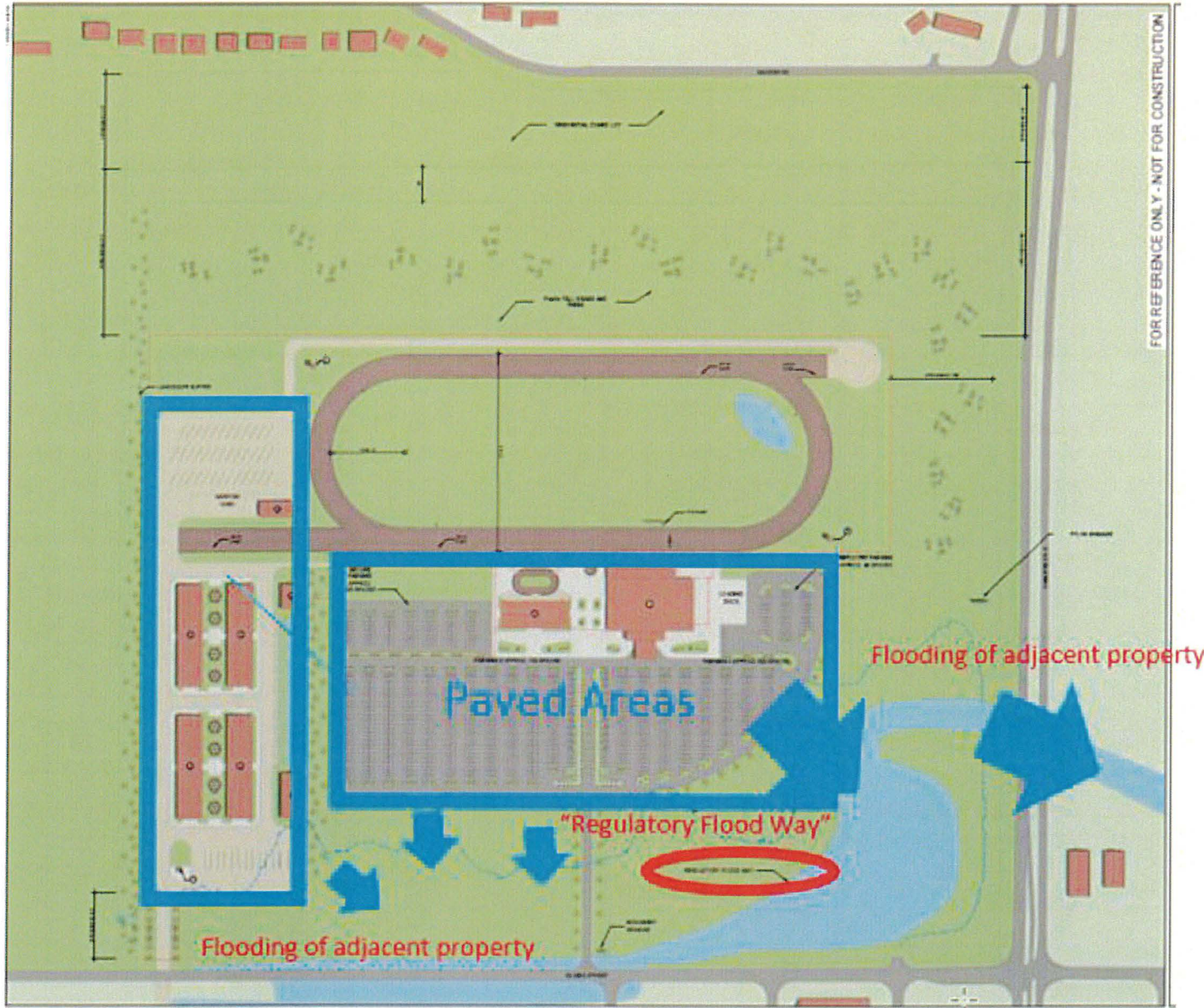
Economic Impact of Casinos on Home Prices Literature Survey and Issue Analysis NAR Research



Casinos are likely to have negative impacts on nearby home values. Commercial properties—such as casinos, shopping centers, and infrastructure projects-- can produce both positive and negative externalities. The positive externalities such as enhanced amenities and benefits need to be evaluated in relation to the negative externalities such as increased congestion, traffic, noise, etc. The overall impacts are site specific, generally negative near the casino.

"Casinos are an attractive nuisance, nuisances on home values," Jed Smith, of the National Association of Realtors, said when citing the "Economic Impact of Casinos on Home Prices Literature Survey and Issue Analyst." "The impacts are negative – the positive benefits are minimal but the negative impacts are substantial."

I ♥ HASTINGS!



- No state laws in force
- No codes in place
- Insufficient detail in application
- Enforcement via Development Agreement, really?

BUSINESS PROSPECTS

NO CASINO

GRAND ISLAND
CASINO RESORT

[Home](#) [Community](#) [About](#)

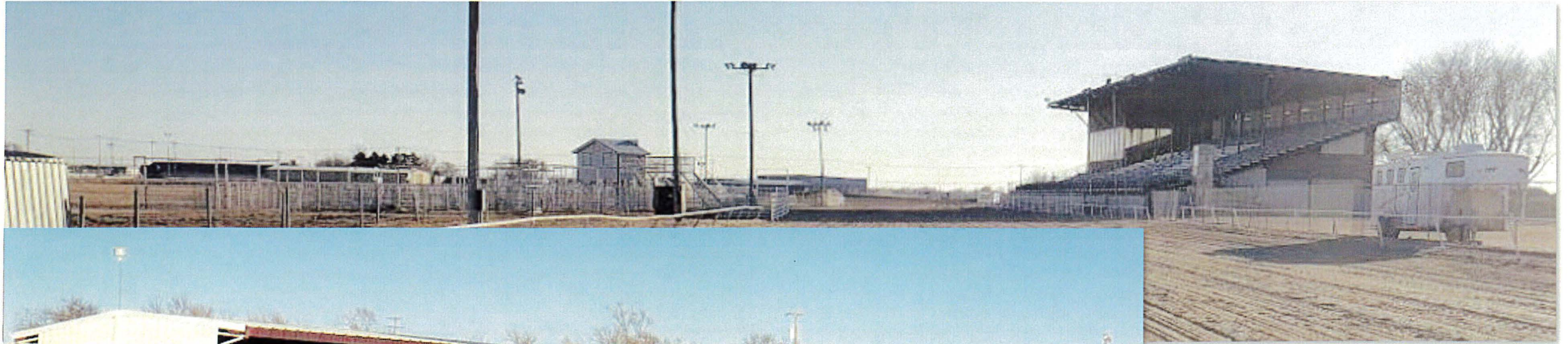


Welcome to the future home of Grand Island Casino Resort™

I ♥ HASTINGS!

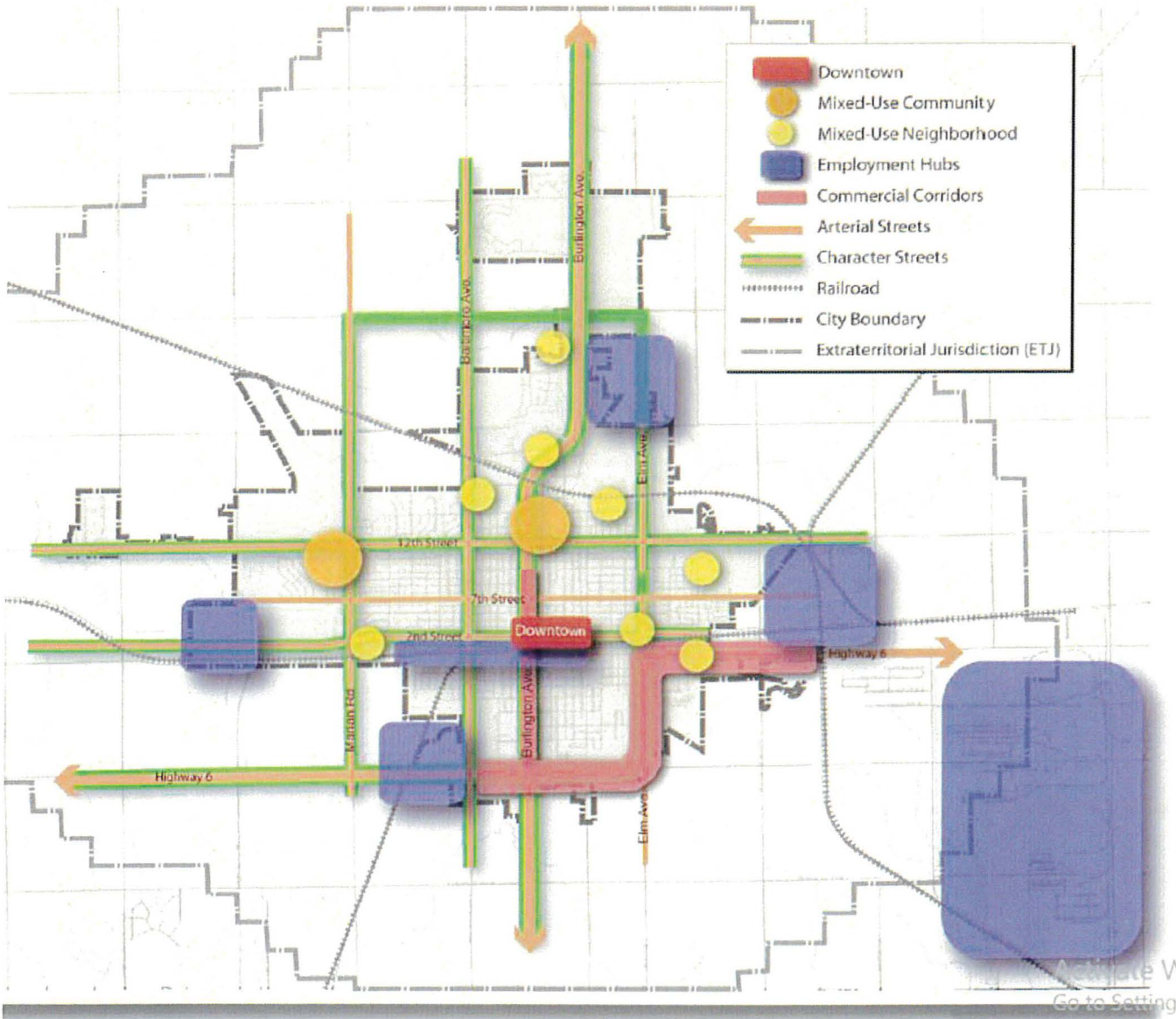
WHAT'S THE ESCAPE HATCH?

NO CASINO



ALTERNATIVE LOCATIONS

NO CASINO



Perhaps the right idea!

but the

WRONG LOCATION

I ♥ HASTINGS!

January 14, 2022

Development Service Office
220 N Hastings Avenue
Hastings, NE 68901

To Whom It May Concern:

Since graduating and moving away from Hastings, I have taken countless friends from all over the state and country back to Hastings to show them my home town. One of the main aspects that I try showing and emphasizing is the elegance we have as a small town but with a home feel to it in every sense. The people are a large aspect of what make this place feel like home and simply the culture of Hastings is just so welcoming to all.

If we were to install this race track and casino, the culture and quality of people who will be coming to Hastings and who it will be attracting will be very different and less value based than the current mentality we have in this community. By nature, gambling can bring on a lot of bad habits that are not very family friendly including gambling addictions, drunkenness, possibility of increase in violence and accidents, and overall, just a lack in morals that are beneficial for the community.

Adding this casino will not add true value to the town of Hastings. It will not add a sense of pride to the members of this town. It will not bring in people who have similar respect and understanding for small town culture and the importance of community.

In the logistics of it, Hastings is not a staycation type of town for tourists. People will not travel from other large states to come to this casino in Hastings. They will go to places with more that culture. We do not need to be that location for other people because that is simply not what we are about. If you want to bring in more genuine people to come, continue to fix what we have and make the improvements that increase the value of living in Hastings. Continue to remodel the downtown, continue to build businesses on Burlington, and continue to make new projects like renovating the old mall to the new amazing plans. Do not bring in these flashy attractions that might attract people on the weekends. We have good things now that don't need tarnished.

Drive around any area close to the field where it might be built. There are countless signs that are very much against the casino because everyone knows how much it can affect them directly through property costs, but also indirectly by the risk of what the casino could be bringing into this town. There are so many families in close proximity to the field who might not feel as safe as they do now.

Sincerely,

Jacob Brouillette Age 19

Jacob Brouillette
727 Madden Road
Hastings, NE 68901

Timothy J. and Carol Q. O'Keeffe

1809 North Elm Street

Hastings, NE 68901



January 14, 2022

Zoning and Planning Commission

City Council

Mayor

City Attorney

Development Services Staff

City of Hastings

Hand-Delivered

To Whom I May Concern:

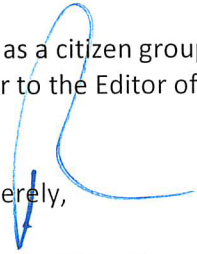
I am writing to object to the apparent yet again tabled application for a Conditional Use Permit and rezone of a land area north of Walmart for a casino and horse track. This matter either needs to be withdrawn entirely by the applicant, or heard and voted on. If this is tabled or held, we can expect yet more invested hours by all—which will be for nothing.

This matter continues to occupy staff and citizen time as the developer works to improve what was a poor-quality, poorly-conceived, and poorly executed application, atop our opinion and perhaps that of staff that thought this was a bad idea in the first place.

I hope you all consider the trust factor here—trust not in ethics, but trust in competence. This is incompetence by the developer and we demand a hearing now.

Thanks for your servitude to our community and we as a citizen group opposed to this location will continue to fight like hell. I am attaching a Letter to the Editor of the Hastings Tribune for your careful consideration.

Sincerely,



Timothy O'Keeffe

Enclosure:

Letter to Hastings Tribune

Timothy J. and Carol Q. O'Keeffe

1809 North Elm Street

Hastings, NE 68901



January 14, 2022

Hastings Daily Tribune
912 West Second Street
Hastings, NE 68901

Dear Editor:

I am writing to publically commend the convictions of the citizens of Hastings in regard to promoting and cultivating our culture and way of life in perhaps the best small town in Nebraska. One only has to drive downtown and see the many historic structures and vibrant redevelopment activity. We love our community.

I believe that part of the "secret sauce" that has yielded such a fine place is calculated restraint. I personally have had the opportunity to observe such restraint recently in my thorough and exhaustive review of the proposed casino and horse track north of Walmart. In addition to reviewing in detail the developer's application and supporting documentation, or perhaps better said, the absence of proper supporting documentation, I along with colleagues with personal interest in such matter have determined that this casino and horse track is a bad idea.

I learned today that as a result of our grass roots efforts to contest the proposal, that the developer has yet again asked to delay consideration. This request came on the heels of the publication of the official information packet for the January 18 Zoning and Planning Commission Meeting. That packet was noted by staff as possessing the highest number of citizen-driven documents in memory.

This is democracy in action. This is not anti-business. I predict that in the coming days the developers will suggest that we were misinformed. I predict that the developers will seek to meet in closed doors with sufficient numbers of City leaders to engage in influencing. That is normal, I suppose, but the problem is that our City leaders likely do not have the resources to research the data that the developer is presenting.

Based on public records and newspaper accounts, this same developer has made outlandish and entirely illogical projections and forecasts to the two other communities in which they have received zoning/conditional use approval for a casino and horse track. To wit:

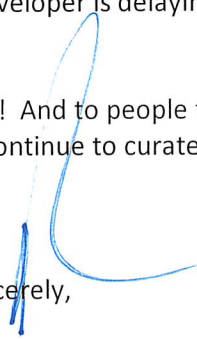
- According to an article published November 15, 2021 by the Gering Courier, Sean Boyd of Global Gaming Nebraska stated at a public meeting at the Gering City Hall on November 9 that based on a "algorithmic gravity model", there were 1.03 million people living within a 125-mile radius of Gering. Fort Collins, Colorado (population 165,000) is 140 miles away; and Cheyenne, Wyoming (population 63,600) is 96 miles. North Platte is 175 miles. There is no way this number is true. Denver only has 700,000 people.

- According to an article published in the York News-Times on December 3, 2021, in North Platte at a public meeting on December 2 at the Prairie Arts Center, this same Sean Boyd noted a marketing study which “showed that the (North Platte) project could draw from a population of 260,000 in a 125-mile radius”. North Platte has a population of 24,000. One could include Kearney (33,400), but why would Kearney citizens go to North Platte (100 miles), when they can go to Grand Island (50 miles)? The Grand Island facility will most likely be much nicer. There is no way that this number is true.

These are bogus numbers. I am concerned that bogus numbers in property tax relief and cash options to the City of Hastings and Adams County as forecasted using voodoo tools such as “algorithmic gravity models” will be used to influence our City leaders behind closed doors. I am concerned that not enough questions will be asked. I am concerned that yet once again, an entire swath of citizen volunteers will have to work diligently, even with day jobs, to educate themselves in the facts and then seek to educate our City leaders.

Restraint is warranted here. That is not anti-business. We need to scrutinize the numbers and these developments with care. The fact that the developer is delaying yet again as opposed to withdrawing speaks to motive.

To the citizens of Hastings, WATCH THIS CAREFULLY! And to people that call us misinformed, that is insulting. We love our small town and let’s continue to curate it accordingly.



Sincerely,

Timothy O’Keeffe

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

Sent: Wednesday, January 26, 2022 11:07 AM
To: David Ptak <dptak@cityofhastings.org>
Subject: City of Hastings, NE - Staff Contact Form

New Staff Contact Form Submitted by Daniel Sheehy

Address: 1132 Highland Drive

City: Hastings

State: NE

Zip: 68901

[REDACTED]

[REDACTED]

Message:

Dear Dave, First thank you for your time that you put in as a representative of our city, I truly appreciate it. I am writing this email in opposition to the proposed Casino and race track on the north end of Hastings. As a property owner in that area I am concerned that it will have a negative impact on my current property value, as well as other negative social

impacts so close to a residential area, (ie. crime, dui's, noise, just to mention a few). I feel there are plenty of other locations that would fulfill this opportunity better, the fairgrounds or east of the softball fields, just not the main entrance to our city impacting the prime real estate area for the Hastings area. Also, why in the world would they need stalls for 400-600 head of horses, imagine the aroma & flies in August, is that what you envision for our community. That's what they are proposing, under the CUP. Thank you for voting down this proposed location, should you like to visit further please don't hesitate to contact me. Sincerely, Daniel Sheehy 1132 Highland Drive Hastings, NE 68901 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

Sent: Wednesday, January 26, 2022 9:37 AM
To: David Ptak <dptak@cityofhastings.org>
Subject: City of Hastings, NE - Staff Contact Form

New Staff Contact Form Submitted by Troy Curtis

Address: 3609 Lake Park Ln

City: Hastings

State: NE

Zip: 68901-2581

[REDACTED]

[REDACTED]

Mesage:

Dave, Hello, I am writing to you today to express my concern on the discussed casino proposal. I am not entirely against a casino in our area, my concern is the considered location. The entrance to our great city is not the proper location for such a venture. Building a horse track, which we already have at our fairgrounds and a casino smack dab in the middle of

two wonderful housing areas is absolutely the wrong place. I appreciate all that you do and I also appreciate your willingness to look to bring tax dollars and revenue and jobs to our city! I simply encourage you and your team to give this a very hard look as doing this the wrong way would cause damage for a great deal of this city's valuable and productive citizens. I have little doubt that you or anyone else that has to make these hard decisions would want to have the wonderful family neighborhood you live in construct a casino next door. I say this with all respect and the knowledge that you understand everything that comes along with this kind of business. I thank you for your time and appreciate your consideration of my thoughts and the thoughts of many in this community. Best regards, Troy Curtis

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

Sent: Wednesday, January 26, 2022 9:34 AM
To: David Ptak <dptak@cityofhastings.org>
Subject: City of Hastings, NE - Staff Contact Form

New Staff Contact Form Submitted by TIMOTHY O'KEEFFE

Address: P.O. BOX 152

City: Hastings

State: NE

Zip: 68902

[REDACTED]

[REDACTED]

Message:

I am writing to urge caution and care in assessment of developer proposals to build a race track and casino in Hastings. As you may be aware, I led a recent action to contest the rezoning and issuance of a conditional use permit at the entrance to our City at the northwest corner of 42nd Street and US 281. In my thorough research leading up to such

matter, I conducted careful review into the same developer's proposals in Gering and North Platte, noting that aside from the site plan, the documentation provided to planners in all three instances were nearly identical photocopies. That is sloppy work. Some other notes:

- According to an article published November 15, 2021 by the Gering Courier, Sean Boyd of Global Gaming Nebraska stated at a public meeting at the Gering City Hall on November 9 that based on a "algorithmic gravity model", there were 1.03 million people living within a 125-mile radius of Gering. Fort Collins, Colorado (population 165,000) is 140 miles away; and Cheyenne, Wyoming (population 63,600) is 96 miles. North Platte is 175 miles. There is no way this number is true. Denver only has 700,000 people.
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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

Sent: Wednesday, January 26, 2022 8:21 AM
To: David Ptak <dptak@cityofhastings.org>
Subject: City of Hastings, NE - Staff Contact Form

New Staff Contact Form Submitted by Alan Robertson

Address: 4901 Osborne Drive West

City: Hastings

State: NE

Zip: 68901

[REDACTED]

[REDACTED]

Message:

Dear Mr. Ptak, I am writing to express my strongest opposition to the proposed re-zoning and subsequent CUP proposal for the land between 42nd street and Madden Road. First of all, that would be a serious blight to the entrance to our city. As people drive south on Highway 281, there are now several beautifully designed professional buildings which give

our city a very upscale, professional first impression. Placing a horse track and casino there would be a severe detriment to prospective citizens and businesses looking to locate here. Secondly, in spite of what a couple of local realtors have said, there would be a serious deterioration in adjacent property values. Families have spent considerable sums of money to build/create very nice residential neighborhoods adjacent to this property. Locating this eyesore in their "backyards" would be a serious insult. As a corollary to the above, locating this horse track/casino here would permanently remove what would eventually become a beautiful residential development. Now, what about the water drainage? What about the horse manure? What about the light pollution? The proposal calls for horse barns to potentially house up to several hundred horses. Think of the stench and the flies that would bring. Lastly, please do not be beguiled by the ridiculous over-the-rainbow financial numbers these people are throwing out; supposedly Fonner Park in Grand Island, which is just a short 20 miles to the north, is planning on spending \$100,000,000 on their facility. To think that this project in Hastings would be able to compete with that facility long term is fantasy. In conclusion, please understand that I am not anti-business nor anti-growth; this is just, quite frankly, not the location for this type of growth. Thank you. Alan L. Robertson, D.D.S.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sent: Wednesday, January 26, 2022 11:17 AM
To: Lisa Parnell-Rowe <LParnell-Rowe@cityofhastings.org>
Subject: City of Hastings, NE - Staff Contact Form

New Staff Contact Form Submitted by Daniel Sheehy

Address: 1132 Highland Drive

City: Hastings

State: NE

Zip: 68901

[REDACTED]

[REDACTED]

Message:

Dear Lisa, First thank you for your time that you put in as a representative of our city, I truly appreciate it. I am writing this email in opposition to the proposed Casino and race track on the north end of Hastings. As a property owner in that

area I am concerned that it will have a negative impact on my current property value, as well as other negative social impacts so close to a residential area, (ie. crime, dui's, noise, just to mention a few). I feel there are plenty of other locations that would fulfill this opportunity better, the fairgrounds or east of the softball fields, just not the main entrance to our city impacting the prime real estate area for the Hastings area. Also, why in the world would they need stalls for 400-600 head of horses, imagine the aroma & flies in August, is that what you envision for our community. That's what they are proposing, under the CUP. Thank you for voting down this proposed location, should you like to visit further please don't hesitate to contact me. Sincerely, Daniel Sheehy 1132 Highland Drive Hastings, NE 68901 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

Sent: Wednesday, January 26, 2022 5:08 PM
To: David Ptak <dptak@cityofhastings.org>
Subject: City of Hastings, NE - Staff Contact Form

New Staff Contact Form Submitted by Raul Franco

Address: 3812 Lake Park Ln.

City: Hastings

State: NE

Zip: 68901

Message:

I am writing you to object to the planned racetrack and casino. I've summarized my discontent in a letter my wife (Allison Kern) and I have written to the council. My family along with many others will oppose this development as long and as hard as necessary to protect our community and our way of life in Hastings, NE. Please consider our objections and please help keep the racetrack and casino out of our backyards. There are better locations and the proposed location is unacceptable. Thank you for your time and consideration. "I am writing this letter in protest of the rezoning and of the planned development of a horse racing track and casino North of 42nd St, East of Baltimore, West of Burlington, and South of Madden Dr. I am a small business owner, an Air Force veteran, a husband, and 11 months ago I became a father. Becoming a father is the proudest moment in my entire life. Never before have I had such a wholesome understanding of the importance of a foundation of family values. Before I moved to Hastings, I was slightly nervous because we had made a choice to settle in Hastings for a lifetime. Since then, I have never looked back or carried any regrets. This is because I began to realize what living in Hastings is all about. I began to uncover what this community means to the people that live here. I realized that Hastings is a home for good, family oriented, hardworking, common-sense people and is treated that way by those that live here. In a world where aspects of society are becoming completely unrecognizable from better days in the past, Hastings stands strong as a testament to what can be achieved by good people appreciating the simple things in life; the things that matter. In essence, it is a product of cherishing 'the good life'. Hastings is more than just a small town, it represents the last frontier of family, community, respect, tradition, and hard work. It is an unbreakable family beacon that stands dead center in the middle of the country. That is what makes Hastings so special. That is what we all are blessed to call home. When I was notified that there were plans of a casino in Hastings I immediately thought of my son and all the other families in this community. A casino will have terrible socioeconomic impacts on this community (especially in that location). It is proven time and time again in many cities around the country that allow these budget casinos to be built in the backyard of wonderful communities. The proposed area is one of the top areas of home growth and development left in this town. The casino would essentially kill that momentum and take some of the best real estate in Hastings. No one would ever want a casino built in their backyard and there are obvious reasons for that. There is noise pollution and light pollution. There is copious amounts of drinking and gambling. Casinos do not foster or reinforce family values and are not safe places for children to live around. Furthermore, there are evidenced based studies that show that casinos reduce neighboring property values in a radius of one mile by up to 10% and it could be more. Absolutely no one wants a casino in their backyard, so please do not put one in ours. Why would one allow a casino to be built in an area that is completely surrounded by residential homes? I imagine the answer to my question is money. I am certain that these planners/realtors/developers, etc. will tell you that this casino is going to bring in so much tax money for this city that we can build new schools, new roads, and perhaps even a new fire station. The numbers that they use are outlandish. For example, 650,000 visitors annually are suggested would visit the casino. If you do math, that amounts to just under 1800 visitors every single day for 365 days a year. This would be saying that this tiny budget casino in Hastings, NE will attract more visitors in a year than Memorial stadium does in a football season! Moreover, there will be a 110-million-dollar casino approximately 20 miles north of this proposed location that people will choose to go to instead. These are only two obvious reasons why this estimate is wishful thinking at the very least and near impossible at the very best. I would encourage that our leaders vote against rezoning one of the most valuable residential areas of our community to outsiders for the promise of money. The families of Hastings can find more effective and more family-oriented businesses or recreational ideas to produce revenue and experiences for our city and our community. The new YMCA Capital Campaign is a great example. With only a small number of donors (less than 300) our great community has been able to raise over \$11 million dollars and are on track to reach a goal well above \$13 million dollars. The new YMCA project offers an impactful and beneficial opportunity for this community that will contribute services for health and wellness to families in the area. We have the capacity to build great projects here when we work together and keep our core values centered in our projects. Let this

be an example of what we are capable of and let us find better ways to build upon the community development plan. A casino does not come close to satisfying what this wholesome community thinks is good for the future of our families. In fact, over time casinos become leeches on the communities that they sit in. They are places that attract transient populations, people struggling with addiction, and people who are encountering financial hardship. The casino does not provide positive effects on a community. In fact it does the exact opposite and it takes the largest toll on our most vulnerable populations. Another reason why one might be considering voting in favor of this project might be jobs. These developers claim they will bring 110 jobs and pay out \$2.5 million in salary money. This amounts to \$22,727 as an annual salary for 110 families. The annual salary in Nebraska that is considered to be the poverty line is approximately \$26,000. This means that this casino will be offering 110 families, salaries that fall below the poverty line. That is in no way good for our community. It is setting up families to be in a position where they can hardly support themselves. Our school systems currently have approximately 60% of students qualifying for free and reduced lunch. If you add another 110 families that will be well below the poverty line, it greatly stresses the systems in place to help those most in need. We can find other avenues that promote revenue and build families at the same time, while not breaking them or the systems that support them. It is easy to get caught up in the blue sky offers that these developers have mastered presenting. However, please keep in mind that the downside is so much worse than the upside. If you put a casino at the front door of our town, Hastings may be known as just another casino town. In 5 years when the paint starts to fade, and the lights start to burn out, and trash starts rolling across the parking lot... We will be left with a dump of a casino right in the entrance of our beautiful town. It will lie in waste right in between what could have been a thriving community of families and opportunity. The face of our entire family-oriented town will become defined by this casino that contradicts everything we stand for. Hastings is my home. Hastings is our home. Let's work together to keep it a hardworking, family-oriented town. Putting a casino dead center in the heart of our homes, goes against everything we believe in. No amount of money is worth that. Please think of all of our families when you consider your vote; The decency and character of Hastings is dependent on the family values that have kept this town head strong for over 100 years. Do not support the rezoning or the casino development, or this town will be changed for the worse, forever."

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

Sent: Wednesday, January 26, 2022 2:40 PM
To: David Ptak <dptak@cityofhastings.org>
Subject: City of Hastings, NE - Staff Contact Form

New Staff Contact Form Submitted by Mike Butler

Address: 1505Highland Dr

City: Hastings

State: NE

Zip: 68901

[REDACTED]

Message:

I am opposed to the proposal for a Casino and Racetrack at the entrance to our beautiful city.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

Sent: Thursday, January 27, 2022 10:29 PM
To: David Ptak <dptak@cityofhastings.org>
Subject: City of Hastings, NE - Staff Contact Form

New Staff Contact Form Submitted by Mark and Cathy Phillips

Address: 1411 Highland Drive

City: Hastings

State: NE

Zip: 68901

[REDACTED]

[REDACTED]

Message:

Mark and Cathy Phillips 1411 Highland Drive Hastings, NE 68901 01/27/22 Mr. Ptak, We are lifelong residents of Hastings, and are writing to inform you that we are completely opposed to the proposal to build a casino and horse racing track at the site of 42nd Street and Highway 281. This proposed location is at the “gateway” of our city. This is the wrong location for our town, our community values, and for the future growth and development of this beautiful, family-oriented city. The proposed site does not conform to the comprehensive city plan for development, nor do we believe that this type of business will be sustainable long term at this location. There has been a horse track in our community in the past. It did not last. Our neighbors 22 miles to the north are planning to build a \$100 million dollar hotel casino resort attached to an already existing and well-recognized horse racing operation. In the research we have done, and specifically, by the National Bureau of Economic Research, four years after this type of project is completed, bankruptcy rates, violent crime, auto thefts, and larceny are up 10% in counties with a casino. We are pro-business and pro-development for Hastings. This project appears to be a wolf in sheep’s clothing. Thank you for your time and detailed attention to this matter. We hope you will do the right thing for our community. Respectfully, Mark Phillips
Cathy Phillips

Timothy J. and Carol Q. O’Keeffe

1809 North Elm Street

Hastings, NE 68901



February 8, 2022

Zoning and Planning Commission
City of Hastings, Nebraska

Dear Commissioners:

Please find attached a slide deck and supporting documentation in regard to a brief presentation that I intend to make at the meeting on February 15 in regard to the proposed rezone to commercial and granting of a Conditional Use Permit (“CUP”) for a casino and horse track at northwest corner of US 281 and 42nd Street. My presentation will specifically address land use considerations and applicant practices that significantly support that notion that this is a bad idea for this parcel; it is a bad application; and the application should be denied.

The attachments consist of the following:

1. **Sections from Chapter 34 of City Code-Zoning Ordinances** that outline the Standards for Conditional Uses. Please note that Section 34-402 (1)(d) and (e) specifically call for rejection of CUP’s for *“maintenance of logical and efficient development patterns and land use mixtures”*; and *“maintenance of property values in accordance with established and permitted land uses”*.
2. **Real Estate Appraisal Letters** from the Listing Agents for the subject property that were included in the packet. The letters outrageously note that this development could increase surrounding property values.
3. **Official Documents in the record** obtained from the City of Gering and the City of North Platte, along with a snippet from an **article in the Gering Courier** dated November 15, 2021. Also included is a Wikipedia entry noting the population of Denver, Colorado.
4. **Slide Deck** that I will use to support the thesis that this is a proposal that destroys the already existing land development pattern in the community; violates the Comprehensive Plan; and will tender surrounding parcels as wastelands. Featured in the slide deck are Google Earth views taken on February 7, 2022 of all six Nebraska horse tracks and their surrounding developments.

Please note that this is the third month in a row that this developer has come to this threshold, and in the past two instances, has paused the application in an effort to modify the proposal. In each instance, staff and the community must invest a great deal of time, modify schedules, and prepare statements. If there ever was evidence of a person trying to jam a square peg in a round hole, this is it.

I have been reassured by staff that all of the many letters in opposition to this proposal that were filed last month will be presented to you. The neighbors in the vicinity on all four sides of this proposed development have mobilized because of fear that our property values will be destroyed and our quality of life will forever be altered in this area. There are other locations in our community and they are set forth in the Comprehensive Plan (see last slide).

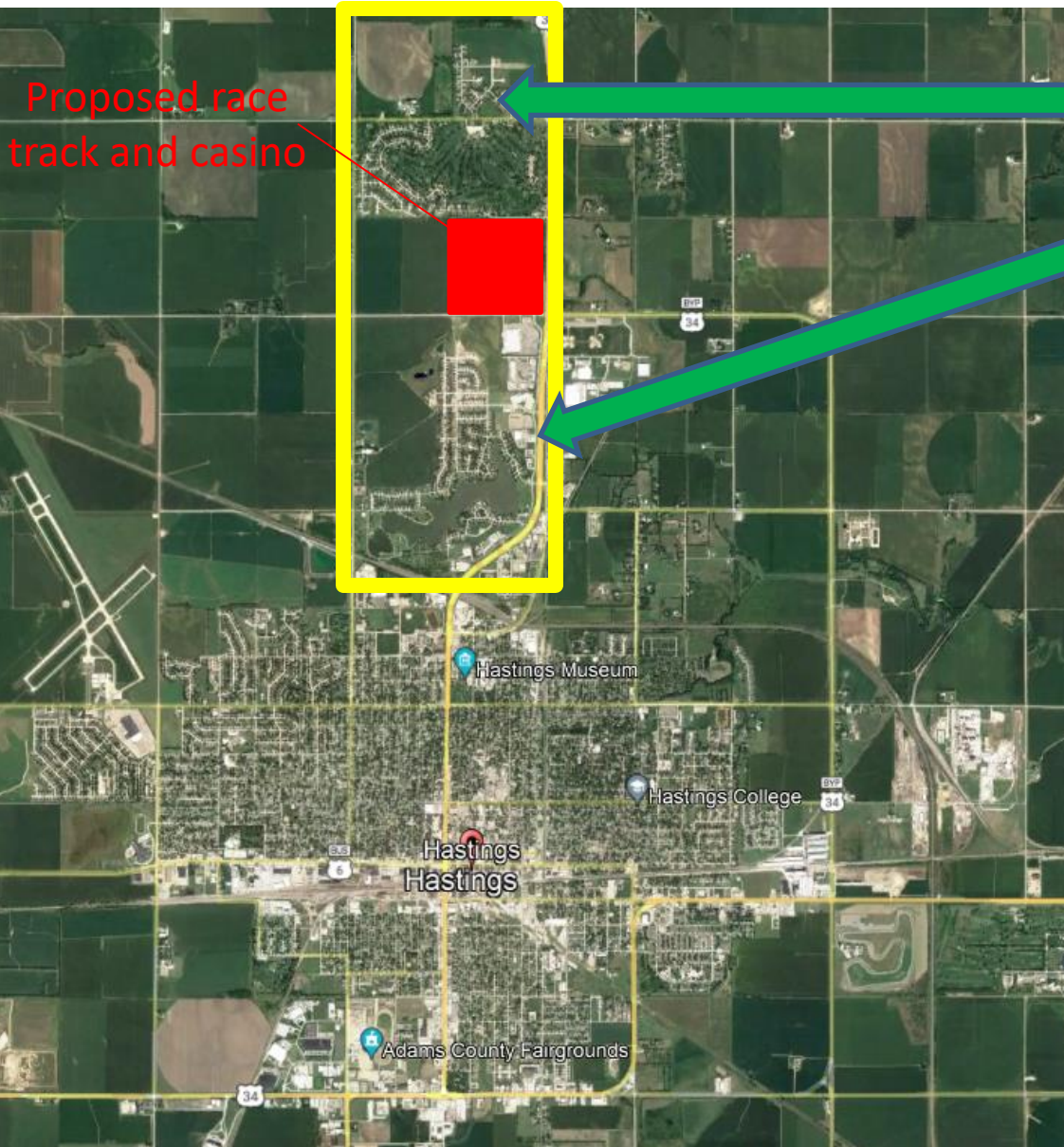
I look forward to reviewing this matter efficiently on Tuesday so the general public can hear and understand just how bad of an idea this is. I urge you to vote “no” and thank you for your volunteering investment of time in this matter.

Sincerely,

Tim O’Keeffe

HASTINGS' GREEN FIELD

NO CASINO



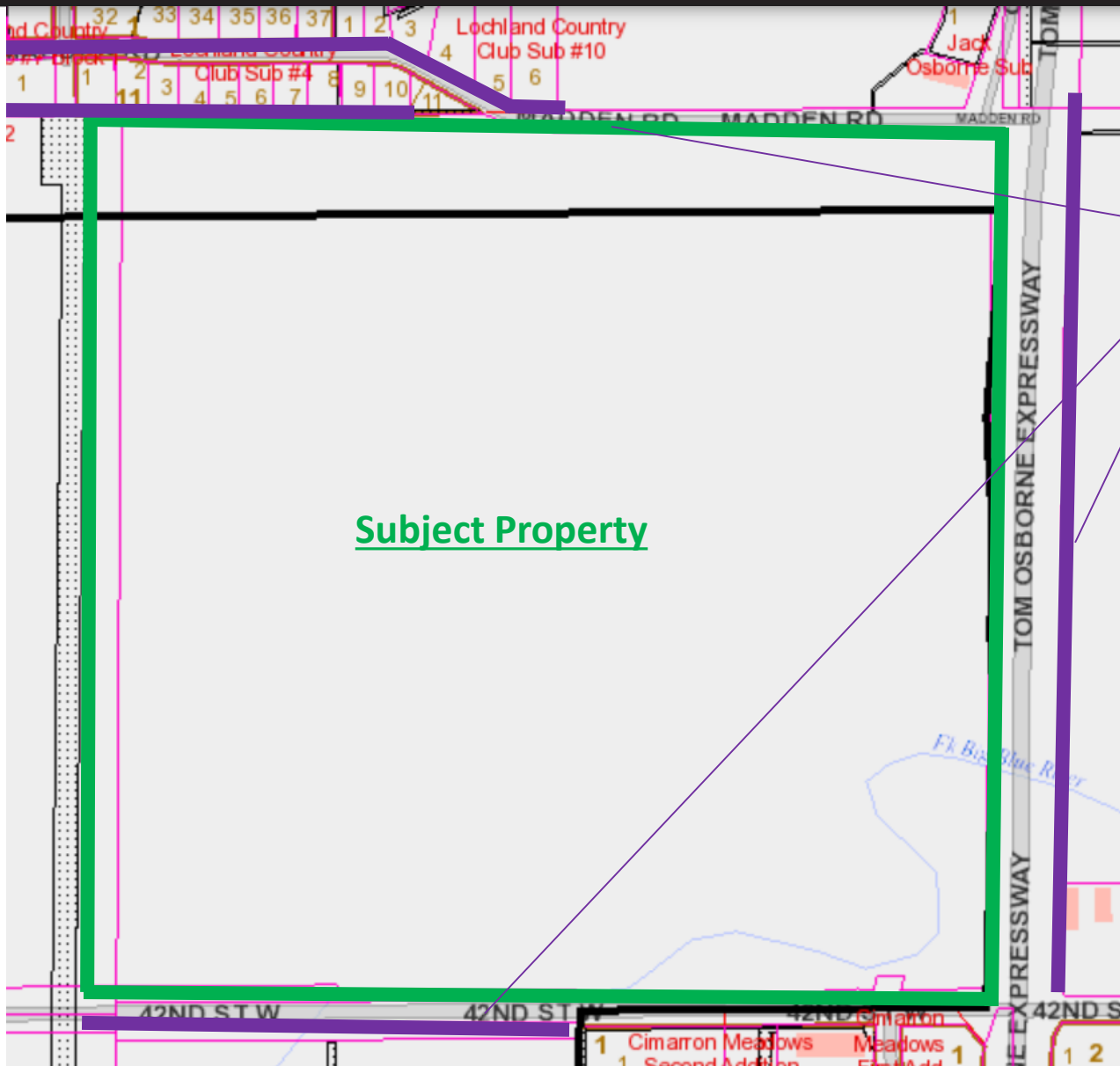
According to preliminary data analysis of single family building permits issued in the past five years from an Official Information Request obtained from the City. In the designated area noted....

Appr. **70%**

of single family new construction building permits were issued of the total of all such permits.... accounting for

Appr. **90%**

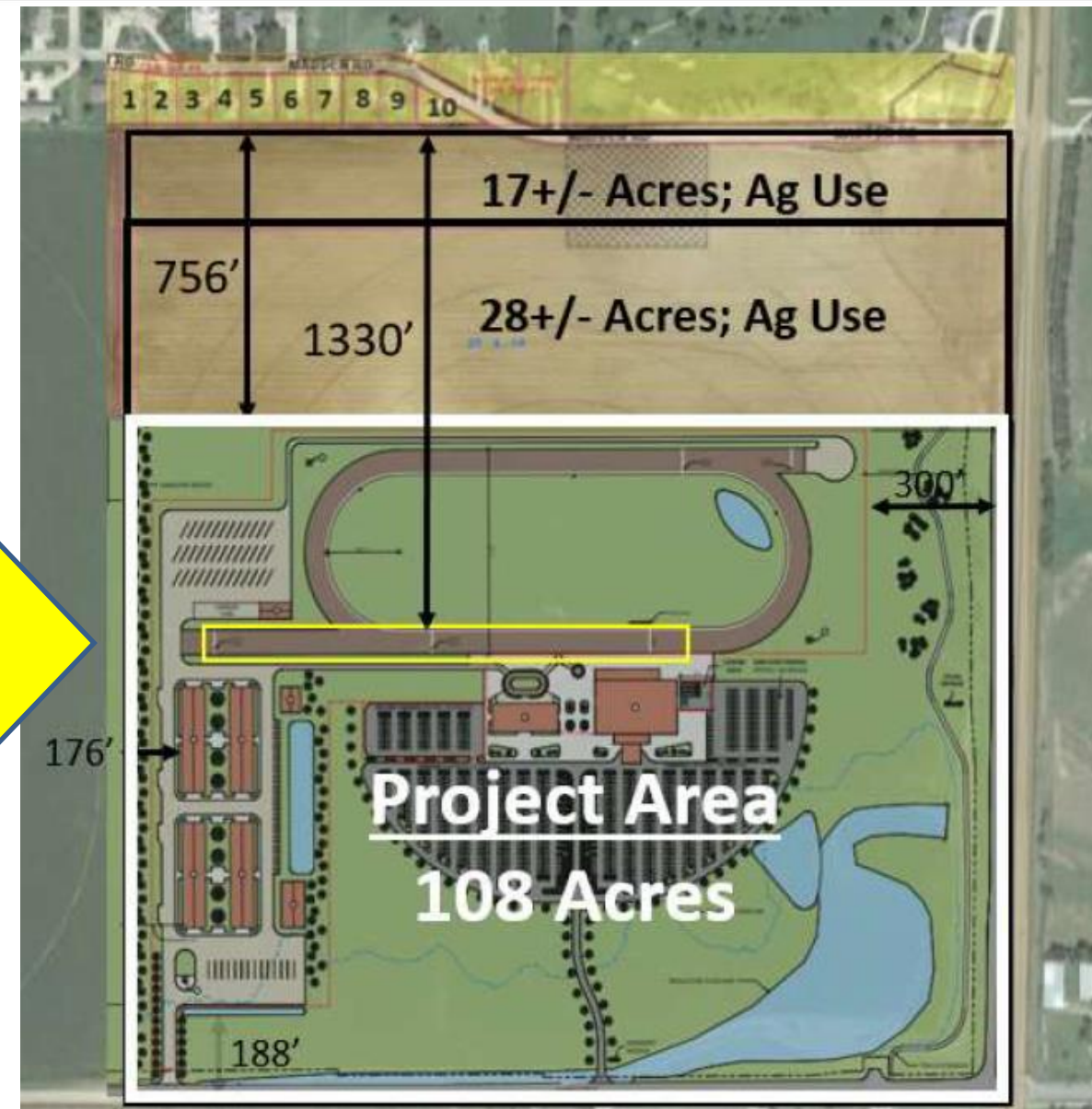
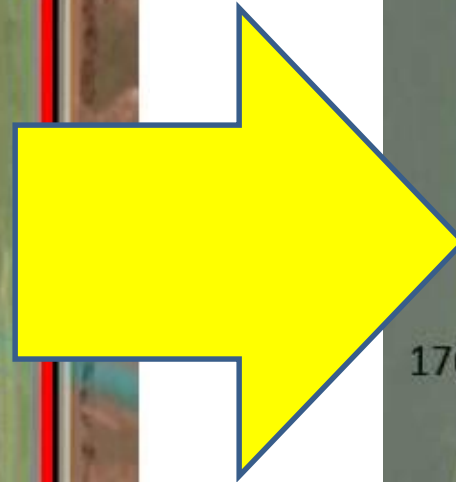
of estimated value **I ♥ HASTINGS!**

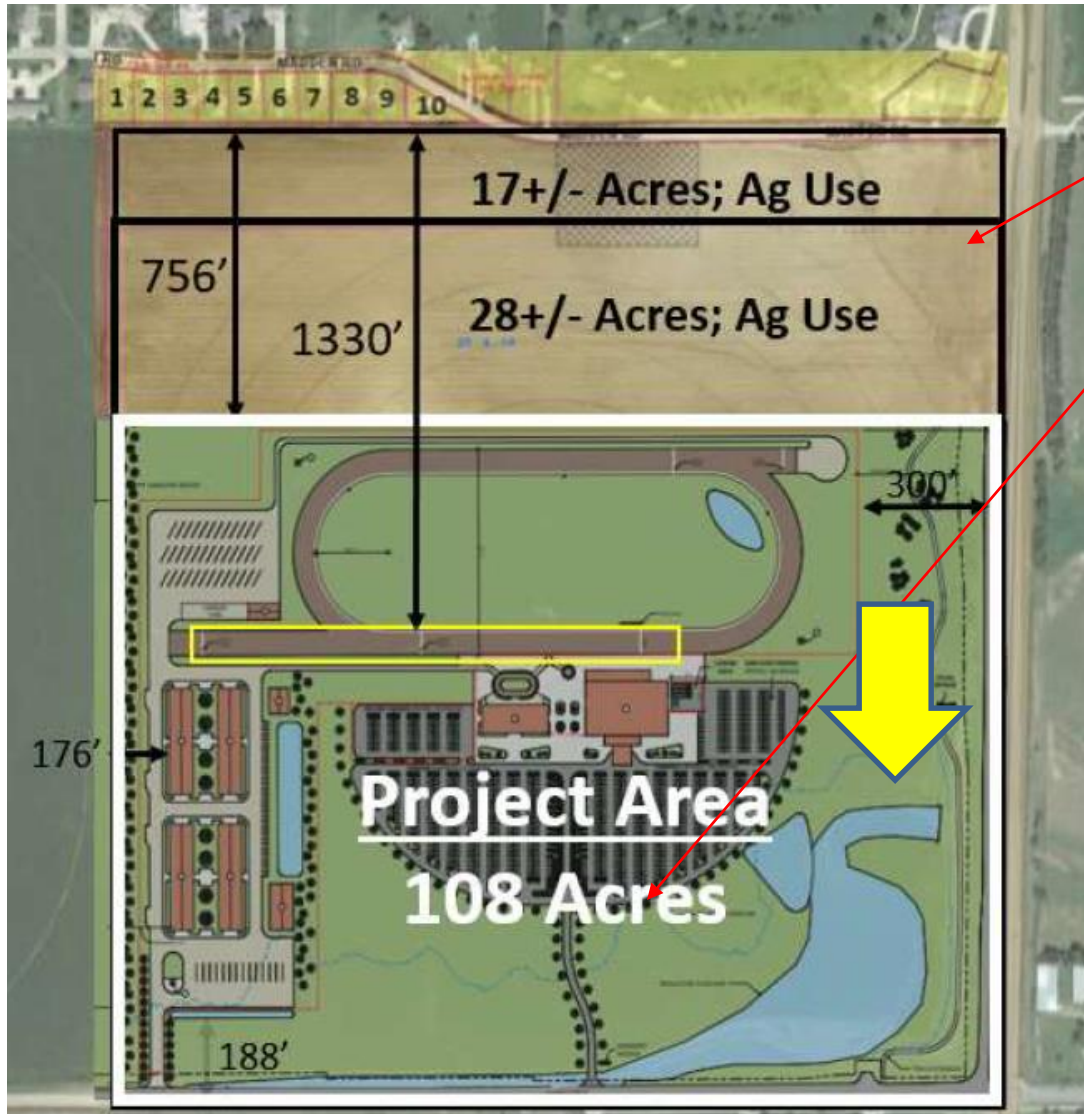


Official Property Owners Protest

Estimated 50% plus signees
versus 20% requirement
(Linear foot basis)

Numerically, about
a 90% protest rate





- Kills land future land development potential
 - Ag use versus Comprehensive Plan for residential
 - Slides entire project south, further devaluing residential development potential in Cimarron and on south side of 42nd Street



Lights related to signage on the Casino itself will be located on the front of the building which is that side facing south toward 42nd Street and will not be visible by the residences to the north in Lochland.



Conceptual Plan to
get zoning....



As built....



AERIAL VIEW WEST TOWARD TRACK & CASINO FROM HWY 281



VIEW SOUTHWEST TOWARD TRACK & CASINO WHEN DRIVING INTO HASTINGS ON HWY 281





ATTACHMENT #6 - REALTOR OPINION LETTER #1



December 20, 2021

City of Hastings Planning Commission
Attn: Development Services Department
220 N. Hastings Ave.
Hastings, NE 68901

Re: Proposed Casino and Racetrack - 4555 W. Osborne Drive

Planning Commissioners:

I am a licensed seller of all kinds of an opinion related to presented materials also seen building as proposed.

I am familiar with the property both before and after the proposed project.

After considering the proposed \$30 million horse racetrack and surrounding property.

In fact, if any developers render their true not only for the benefit of the community but also for the careful analysis of the project today and as it has been.

In other words, the character of the project is not facing South town from the existing location.

The majority of the property in question is designated for commercial use given its orientation on the Expressway and the adjacent commercial area.

Further researching the project and speaking to those in our community who have positive comments about the millions of dollars in tax revenue that will be generated to go directly to property tax relief. From my years of experience, taxes are one of the factors buyers used to differentiate between properties. This project can only help reduce property taxes in our city and our county, as all residences north of the subject property.

A misconception about this project may be related to the amount of racing and the features of the racetrack, which will take approximately four years after completion.

the racetrack completion per year. In the meantime, they are not generating any revenue.

It is being a professional and a real estate commission experience.

Michael Engelhardt
Nebraska Realty

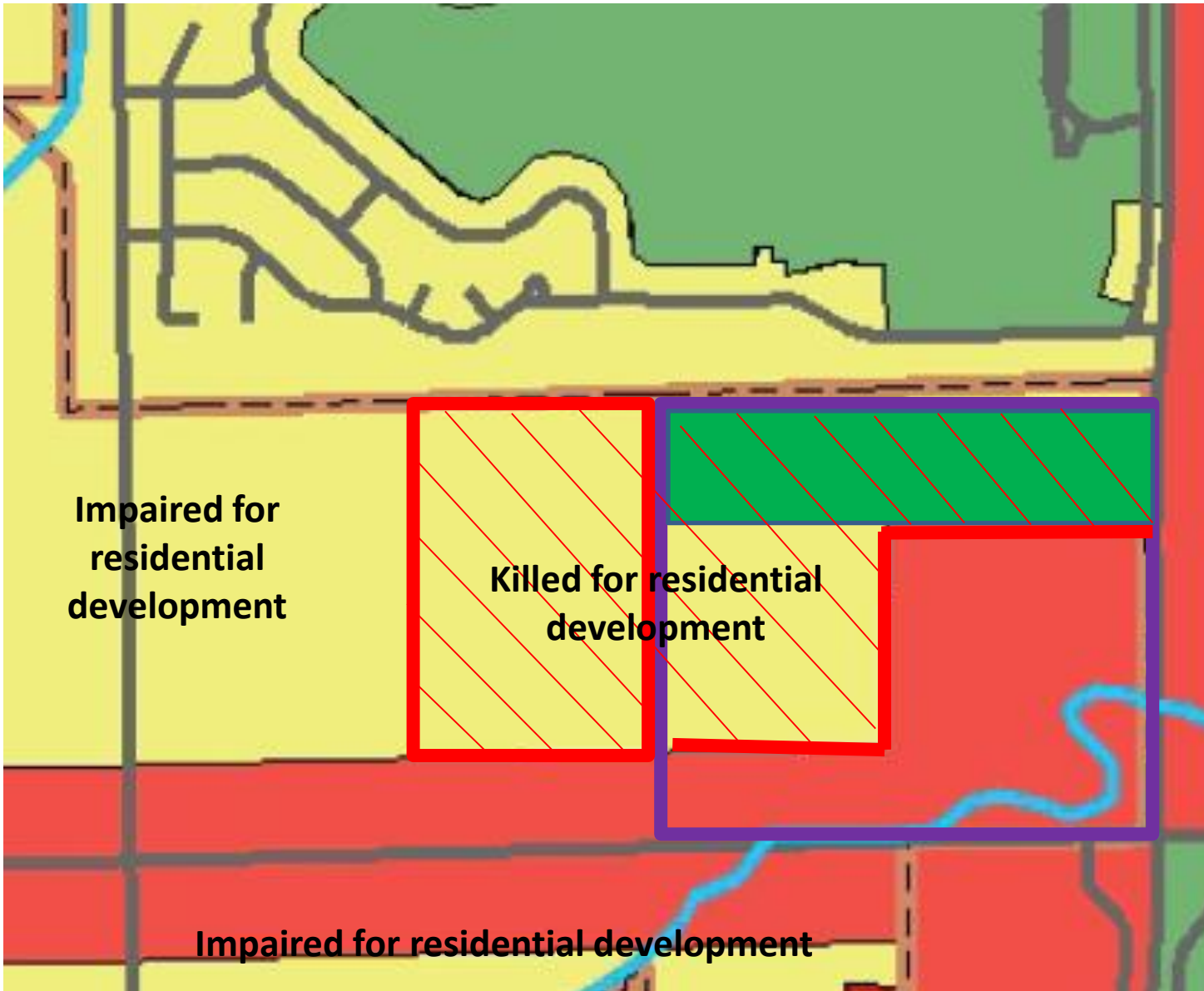
17117 BURT STREET | OMAHA, NE 68118 | 402.491.0100 | NebraskaRealty.com

Economic Impact of Casinos on Home Prices Literature Survey and Issue Analysis NAR Research

Casinos are likely to have negative impacts on nearby home values. Commercial properties—such as casinos, shopping centers, and infrastructure projects-- can produce both positive and negative externalities. The positive externalities such as enhanced amenities and benefits need to be evaluated in relation to the negative externalities such as increased congestion, traffic, noise, etc. The overall impacts are site specific, generally negative near the casino.

"Casinos are an attractive nuisance, nuisances on home values," Jed Smith, of the National Association of Realtors, said when citing the "Economic Impact of Casinos on Home Prices Literature Survey and Issue Analysis." "The impacts are negative – the positive benefits are minimal but the negative impacts are substantial."

I ♥ HASTINGS!



- With the presence of horse barns, a race track, and casino, including a parking lot, lands to the west will not be practically developed to residential, which was the intent of the Comp Plan
- Approval of this application destroys Hastings' most important and lucrative residential development corridor
- Approval of this application is not aligned to the Comp Plan

I ♥ HASTINGS!

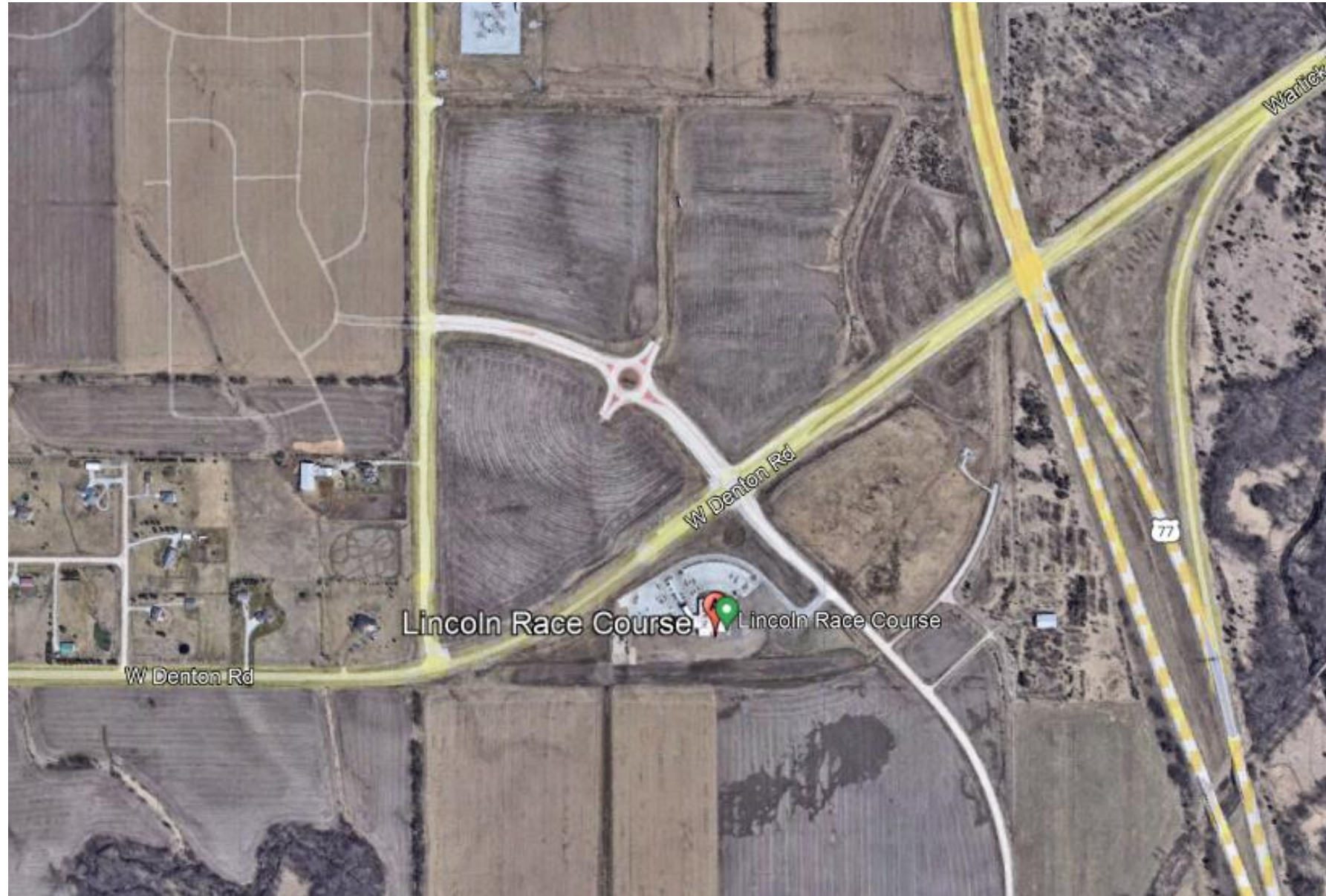
RACE TRACKS KILL DEVELOPMENT **NO CASINO**

Omaha



RACE TRACKS KILL DEVELOPMENT **NO CASINO**

Lincoln



RACE TRACKS KILL DEVELOPMENT **NO CASINO**

South Sioux City



RACE TRACKS KILL DEVELOPMENT **NO CASINO**

Columbus



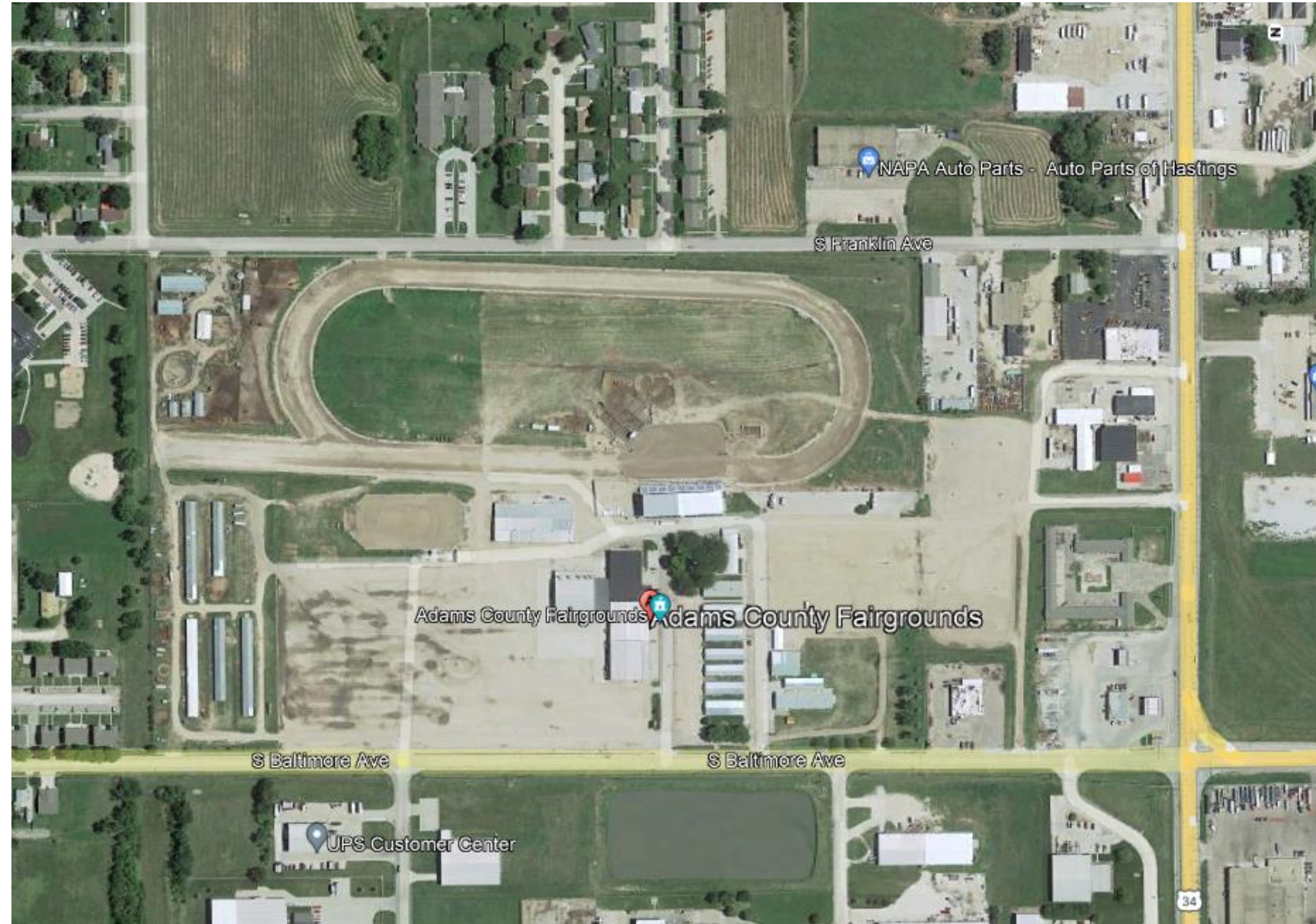
RACE TRACKS KILL DEVELOPMENT **NO CASINO**

Grand Island



RACE TRACKS KILL DEVELOPMENT **NO CASINO**

Hastings



BUSINESS PROSPECTS

NO CASINO

GRAND ISLAND
CASINO RESORT

[Home](#) [Community](#) [About](#)

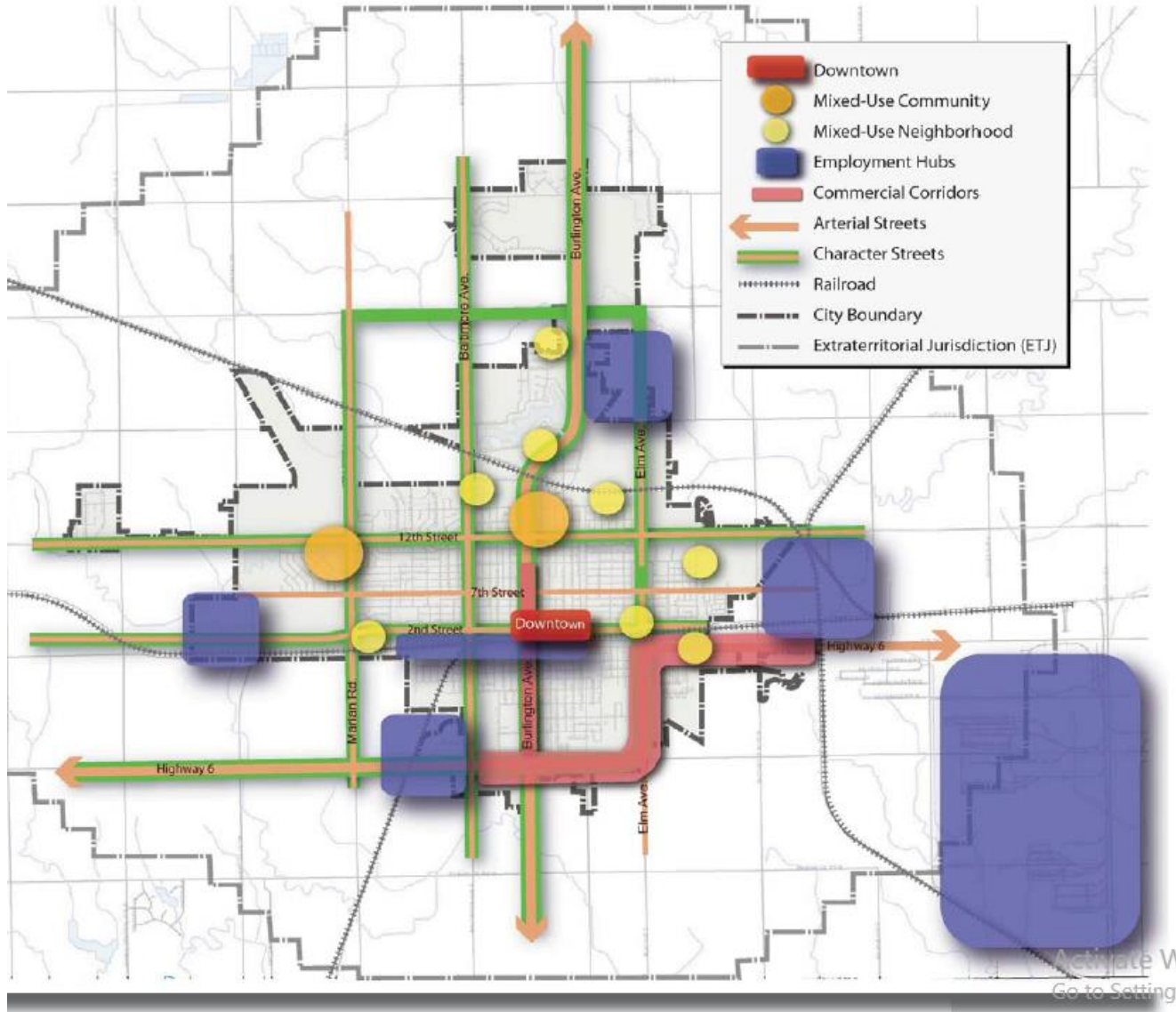


Welcome to the future home of Grand Island Casino Resort™

I ♥ HASTINGS!

WHAT'S THE ESCAPE HATCH? **NO CASINO**





Perhaps the right idea!

but the

WRONG LOCATION

ARTICLE IV. STANDARDS FOR CONDITIONAL USES

Sec. 34-401. Scope of article.

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

(Ord. No. 4233-11/2009)

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

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

time, be amended. Following said hearing, the Planning Commission may recommend to leave the conditional use permit unaltered, revoke the permit, or alter the permit by adding, deleting or modifying the conditions and restrictions contained in the permit. Any recommendation by the Planning Commission following a hearing shall be forwarded to the Hastings City Council, which shall have final authority following a public hearing to leave the conditional use permit unaltered, revoke the permit, or alter the permit by adding, deleting or modifying the conditions and restrictions contained in the permit.

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

Sec. 34-403. Application requirements.

- (1) Applications for a conditional use permit shall be submitted to the Development Services Department at least three weeks prior to the Planning Commission's scheduled monthly meeting date. The application shall be signed by the property owner as indicated on the Adams County Register of Deeds Office records at the time of application. **The application shall be submitted on forms provided by the Development Services Department and shall be accompanied by the following, unless waived by the Department:**
 - (a) **A site plan drawn to scale indicating the property location, scale, north point, adjacent property for a distance of 300 feet, location of all buildings and uses within the site, access points and traffic circulation.**
 - (b) **Existing and proposed topographic contours.**
 - (c) **Detailed site development plans.**
 - (d) **Detailed building plans, including elevations.**
 - (e) **Site profiles and drainage plans.**
 - (f) **Detailed parking and landscaping plans.**
 - (g) **Detailed underground utility plans.**
 - (h) **Other graphic materials necessary to fully depict the proposed development.**
- (2) A detailed narrative statement shall be submitted with the application for the conditional use permit. Such narrative shall explain the intent of the project, the factors which make the project desirable to the general public and to the surrounding areas, the features and details of the project development, schedule and timing of the development program, and any material or information which the applicant believes to be relative to the case. **Where it deems necessary, the Commission or the City Council may require, in addition to the narrative statement:**
 - (a) **Marketability or economic feasibility studies.**
 - (b) **Geologic or soil boring and test.**
 - (c) **Traffic counts in the area.**
 - (d) **Other detailed technical material as necessary to fully explain the proposed development.**
- (3) Upon approval of the conditional use permit by the Hastings City Council, development shall be completely in accordance with the approving plan. Minor revisions to the plan may be approved by the Planning Commission following the public hearing.
 - (a) Major revisions to the plan are subject to the same public hearing requirements by the Planning Commission and the Hastings City Council as required for the original conditional use permit.

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

(Ord. No. 4233-11/2009)

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

- (1) *Hospitals, sanitariums, convalescent centers, nursing or rest homes, rehabilitation centers, correctional institutions, psychiatric institutions and similar institutions.*
 - (a) The site shall have direct access from a street or avenue of City arterial street or greater designation on the City's major thoroughfares plan depicted in the Comprehensive Plan. This standard may be waived by the Hastings City Council if the Council finds such waiver is in the best interest of the total development plan, will not adversely affect adjacent property and existing uses thereon, and does not compromise the public health, safety and general welfare of the community.
 - (b) A site plan, drawn to scale, shall be provided with the application for the conditional use permit. Such site plan shall show the location of all buildings and structures on the site, ingress and egress points, circulation patterns, parking areas, including the total number of parking spaces provided, and a general description of the building uses.
 - (c) Minimum lot size:
1—10 beds ½ acre (21,780 sq. ft.)
11—20 beds 1 acre (43,560 sq. ft.)
For each add'l ½ acre (or greater if ten beds required by the City Council)
 - (d) Minimum yard requirements—The City Council may specify such yard requirements as in its judgment will adequately protect the integrity of surrounding areas and uses.
 - (e) Maximum lot coverage by all buildings—20 percent.
 - (f) Maximum height of structures—Same as required for permitted uses in the zoning district where the site is located.
 - (g) Off-street parking—Adequate off-street parking shall be provided in connection with any permitted use. The minimum for each use to be as provided in Section 34-308(2) and Table 308-1 Required Automobile Parking.
 - (h) Landscaping—All areas of the site not devoted to buildings, structures, parking areas, walkways or driveways shall be covered with one or more of the following: asphaltic compound or concrete, lawn grass, natural or ornamental shrubbery, trees, or other approved landscaping material.
 - (i) Walls and screening—Where it deems necessary, the City Council may require that the site be fully enclosed by a wall or fence to prevent casual access to and from the site, or that the periphery of the site be suitably screened by evergreen planting or by other natural planting of sufficient height and density to provide and maintain a year-round visual screen. If the conditional use permit is granted, the wall or screening which is approved shall be fully constructed, inspected and approved by the Development Services Director prior to occupancy.
- (2) *Churches and other places of religious worship.*
 - (a) The site shall have direct access from a street or avenue of City arterial street or greater designation on the City's major thoroughfares plan depicted in the Comprehensive Plan.
 - (b) A site plan, drawn to scale, shall be provided with the application for the conditional use permit. Such site plan shall show the location of all buildings and structures on the site, ingress and egress points, circulation patterns and the total number of parking spaces provided.
 - (c) The minimum lot size for a church in any district where they are permitted as a conditional use shall be 14,000 square feet, minimum lot width shall be 100 feet.

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- (d) Minimum yard requirements—The City Council may specify such yards as in its judgment will adequately protect the integrity of surrounding areas and uses, provided that no yard shall be less than required for the district in which the property is located.
 - (e) Maximum lot coverage—Same as is required for permitted uses in the zoning district where the site is to be located.
 - (f) Maximum height of structures—Same as is required for permitted uses in the zoning district where the site is located.
 - (g) Off-street parking—At least one parking space shall be provided for each three occupants based upon maximum seating capacity of the nave, or for each three occupants based upon the maximum seating capacity of all meeting areas in the structure exclusive of the nave (whichever is greater) as calculated under the latest edition of the International Building Code which has been adopted by the City. Parking spaces shall be at least eight and one-half feet by 20 feet in size, and all driveways, maneuvering areas and parking areas shall be covered with asphaltic or concrete pavement.
 - (h) Landscaping—All areas of the site not devoted to buildings, structures, parking areas, walkways or driveways shall be covered with one or more of the following: lawn grass, natural or ornamental shrubbery or trees or other approved landscaping materials.
 - (i) Accessory uses such as day nurseries and kindergartens must be approved in the original application or by subsequent amendment to the conditional use permit.
 - (j) Signs. Signage for churches shall be as permitted for a civic or commercial use in the district in which they are located. Any increase beyond that which is allowed within the district in which the church is located shall require specific approval through a conditional use permit application or amendment.
- (3) *Natural resource extraction.*
- (a) A site plan, drawn to scale, shall be submitted with any application for a conditional use permit. Such site plan shall show the following information:
 - (i) Graphic (and legal) description of the petition area.
 - (ii) Existing topographic contours (not less than ten foot contour intervals).
 - (iii) Finished topographic contours when extraction is completed (not less than ten foot contour intervals).
 - (iv) Existing and proposed buildings and structures on the site.
 - (v) Principal access points which will be used by trucks, and equipment including ingress and egress points and internal circulation.
 - (vi) Indication of the existing landscape features.
 - (vii) Location and nature of other operations, if any, which are proposed to take place on the site.
 - (b) A narrative statement shall also be submitted with the application for a conditional use. Such narrative shall set forth in detail the following definitive information.
 - (i) Method of drainage.
 - (ii) Method of fencing or barricading the petition area to prevent casual access.
 - (iii) Estimated amount of material to be removed from the site.
 - (iv) Estimated length of time necessary to complete the operation.

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- (v) Description of operations or processing which will take place on the site during and after the time the material is extracted.
 - (vi) Plan or program of regrading and shaping the land for future use.
 - (vii) Proposed hours of operation.
 - (viii) Other pertinent information that may pertain to the particular site.
- (c) General requirements.
- (i) Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in a manner so as to make them dust free; further, where access roads intersect arterial streets, suitable traffic controls shall be established.
 - (ii) A strip of land at the existing topographic level, and not less than 15 feet in width, shall be retained at the periphery of the site wherever the site abuts a public right-of-way. That periphery strip shall not be altered except for access points.
 - (iii) All banks shall be left with a slope ratio of no greater than 4:1 (25 percent slope) unless it can be shown to the Planning Commission's satisfaction that a greater slope is not detrimental to the beneficial future use of the subject property.
 - (iv) Sufficient attention should be paid to drainage of the site, both during the extraction period and after the site has been regraded. Where a finished grading plan indicates that surface water will be conducted from the site onto adjacent lands, the plan will be subject to the approval of the Public Works Department.
 - (v) During periods of inactivity, the owner of the pit shall take whatever precautions as are necessary to prevent the site from becoming an attractive nuisance.
- (4) *Junk yards.*
- (a) The term "junk yard" shall include, for the purposes of this section, the terms auto-wrecking yard and salvage or scrap yard.
 - (b) All junk yards, in addition to the conditions implied herein, shall comply with the provisions of Chapter 18 of the Hastings City Code.
 - (c) General requirements:
 - (i) The proposed site shall not be located within 500 feet of any school, hospital, public building, residential subdivision, or place of public assembly.
 - (ii) A site plan, drawn to scale, shall be provided with the application. Such site plan shall state the legal description of the property, the location of all buildings and structures on the site, access points, off-street parking areas, vehicular circulation and prominent topographical features, if any, of the site or adjacent lands within 300 feet of the site.
 - (iii) The minimum lot size for junk yard in any district where they are permitted as a conditional use shall be two acres. The minimum lot width shall be 150 feet.
 - (iv) The junk yard shall be completely enclosed and obscured from the public view by a solid fence or wall eight feet in height, by topography, and evergreen planting of sufficient height and density to provide and maintain a year-round visual screen. The specific type of screening shall be specified in the application. If the permit is granted, the screening which is approved shall be fully constructed, inspected and approved by the Development Services Director prior to the yard being utilized.

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- (v) Failure to maintain the screen as specified shall be cause for the permit to be rescinded and the junk yard shall be removed at the cost of the owner of the land upon which it is located.
 - (vi) Provisions shall be made to prevent any contamination of the domestic water supply or excessive surface run-off from the property onto adjoining lands or streams. Where it deems necessary, the City Council may require the submission of a site drainage plan. A drainage plan which carries water off of the site shall be subject to the approval of the City Engineer.
 - (vii) Failure to prevent such contamination of the domestic water supply or to prevent excessive surface run-off from the site onto adjoining lands or streams shall be cause for the permit to be rescinded and the junk yard to be removed at the cost of the owner of the land upon which it is located.
- (5) *Storage of vehicles in impound yard.*
- (a) No dismantling, processing or salvaging of vehicles or repair work to vehicles may be performed in an impound yard.
 - (b) The minimum size of an impound yard shall be one acre.
 - (c) There shall not be stored in an impound yard at any time more than one vehicle for each (10 × 35) 350 square feet of available storage space in the impound yard.
 - (d) A fence, sufficient to control access to the impound yard, shall be constructed around the impound yard. The fence shall be not less than size six feet in height.
 - (e) The surface of the impound yard shall at all times be covered with concrete, asphalt or crushed rock.
 - (f) Weeds, grass and other bushes shall not be permitted to grow more than six inches above the ground at any time in an impound yard.
 - (g) Vehicles may not be stacked in an impound yard, but must at all times be stored directly upon the surface of the impound yard.
 - (h) Any lights on an impound yard must be cut off lighting, so as to not allow light to escape outside of the boundary of the impound yard.
 - (i) The impound yard may not be located closer than 250 feet from property which is zoned to allow residential use nor within 100 feet of a residence, except when such residence is located on a property zoned for industrial use and is being used as an accessory use to a proper industrial use on said property.
 - (j) Vehicles stored in an impound yard must be removed from the yard within nine months of the time when they are first placed therein; provided however, an impounded vehicle may, upon request of a prosecuting attorney, be kept in an impound yard for so long as such prosecuting attorney requests. To assist in the enforcement of this requirement, the operator of the impound yard shall at all-time do the following:
 - (i) The operator shall keep a book, listing all vehicles which arrive at the impound yard in the order in which they arrive; and the date of arrival, and include therein the name and address of the person from whom each vehicle is received, the name and address of the party controlling the disposition of the vehicle, the name of the manufacturer of the vehicle, the model and type number of the vehicle, and motor number and license number thereof. Said information shall be placed on the record book within 48 hours after a vehicle is placed in the impound yard.
 - (ii) Any person who shall make any false entry or statement concerning matters required to be set out in the record book shall be deemed guilty of a misdemeanor, and may be fined in the amount

of \$100.00 per violation. Each separate vehicle for which a false entry or not entry is made shall constitute a separate violation.

- (k) The provisions of subparagraph (i) shall not prohibit the use of property for residential purposes, when said use arises after the establishment of an impound yard in compliance with the provisions of this section. However, said residential use shall not affect the validity of the use of the impound yard, for so long as said impound yard shall remain in existence on the continuous basis.
- (6) *Off-street parking spaces and structures.*
- (a) A site plan, drawn to scale, shall be provided with the application. Such site plan shall show the location of the principal building or structure, the location of the proposed parking lot or structure, the dimensions of the lot, access points, circulation patterns, total number of parking spaces provided, and the details of the parking structure, if such is contemplated.
 - (b) The minimum lot size for any off-street parking structure in any district where they are permitted as a conditional Use shall be 10,000 square feet, minimum lot width shall be 80 feet.
 - (c) Minimum yard requirements—The City Council may specify such yards as in its judgment will adequately protect the integrity of surrounding areas and uses, and the safe and orderly flow of pedestrian and vehicle traffic.
 - (d) Maximum lot coverage—None.
 - (e) Maximum height of structures—Same as is required for a permitted use in the zoning district where the site is located.
 - (f) Landscaping—All areas not devoted to buildings, structures, drives, walks, parking areas or other authorized installations shall be covered with one or more of the following: lawn grass, natural or ornamental shrubbery or trees. Further, where any side yard abuts residential property, it shall be planted with mature evergreen shrubs of at least five feet in height or screened with privacy fencing at least five feet in height.
 - (g) Paving, drainage and parking stall size:
 - (i) The off-street parking area, including all ingress and egress points, shall be covered with asphaltic or concrete pavement.
 - (ii) Parking spaces shall be at least eight and one-half feet by 20 feet in size and shall be marked.
 - (iii) If the site plan indicates that surface drainage will be carried off the site, the plan will be subject to the approval of the City Engineer.
- (7) *Townhouses, row houses, and office buildings built to a common wall(s).*
- (a) A site plan, drawn to scale, shall be provided with the application. Such site plan shall show the location of all buildings and structures on the site, courts and open space areas, circulation patterns, ingress and egress points, parking areas (including the total number of parking spaces provided), and a general floor plan of the principal buildings.
 - (b) Minimum lot requirements.
 - Lot area—2,000 sq. ft.
 - Lot width—20 ft.
 - (c) Minimum yard requirements: Front yard—20 ft.
 - Side yard—at the common wall(s)—none.
 - Other—Ten ft. rear yard—Ten ft.

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- (d) Maximum lot coverage—Same as is required for permitted uses in the zoning district where the site is located.
 - (e) Maximum height of structure—Same as is required for permitted uses in the zoning district where the site is located.
 - (f) Off-street parking:
 - (i) Town houses, row houses—At least two parking spaces shall be provided for each dwelling unit.
 - (ii) Office buildings—Per use, the minimum to be as provided in Section 34-308(2) and Table 308-1 Required Automobile Parking. All parking spaces shall be at least eight and one-half feet by 20 feet in size, and all driveways, maneuvering areas and parking areas shall be covered with asphaltic or concrete pavement.
 - (g) Ground cover—All areas of the site not devoted to buildings, structures, parking areas, courts, walkways or drive-ways shall be covered with one or more of the following: lawn grass, shrubbery, trees or other approved landscaping materials.
 - (h) Building standards and agreements:
 - (i) The applicant or his agent shall provide with his application a property line wall(s) agreement for the land, building and development in question.
 - (ii) The City Council requires that the design and construction of the property line walls be reviewed by the Development Services Director and the Fire Department to insure compliance with pertinent Building and Fire Codes.
- (8) *Standards for mobile home parks.*
- (a) The minimum size of a proposed mobile home park shall be two acres, except as otherwise required for the pertinent use district.
 - (b) Proposed sites of five acres or less shall have adequate access to dedicated streets having a minimum right-of-way of 60 feet. All other sites shall have direct access to a collector street.
 - (c) Density for proposed mobile home parks shall not exceed eight units per gross acre.
 - (d) All areas not devoted to mobile home spaces, buildings, structures, drives, walks, off-street parking facilities, or other authorized installations, shall be covered with one or more of the following: lawn grass, shrubbery, trees, or other suitable ground cover materials. Where it deems necessary, the Planning Commission may require the site to be suitably screened from adjacent lands by evergreen planting or by other materials of sufficient height and density to provide and maintain a year-round visual screen.
 - (e) All mobile home parks shall meet the standards set forth in article V of this chapter.
- (9) *Standards for self-service storage facilities.*
- (a) Site plan:
 - (i) The plan shall be drawn at a scale of one inch equals 20 feet. Said plan shall include all building locations, drives, parking, fencing and signage. A landscape plan shall also be incorporated as part of the submittal and must be included as part of the site plan or submitted on a separate sheet. Building elevation shall also be included on the plan along with specification of the colors of buildings and materials to be used.
 - (ii) Site drainage shall be incorporated in the plan so that storm water run-off from the site will not increase as a result of the proposed development. The facility shall be designed to control the

storm water run-off from at least 25-year return frequency storm as certified by the City Engineer.

- (b) Minimum site areas: None.
- (c) Building setbacks shall be the same as in the C-3 District.
- (d) The site shall abut and have direct access to a city street.
- (e) Other requirements:
 - (i) The storage facility shall be enclosed by a six foot high, sight-proof fence whenever the site abuts residentially zoned or developed property. Said fence, when abutting any residential district, shall be solid or semi-solid and constructed to prevent the passage of debris or light, and constructed of either brick, stone, masonry units, wood or similar materials. Chain-link fence may be used so long as it has slats installed to prevent the passage of light through the unit. The side and rear of a building located upon the site may serve as fencing.
 - (ii) Landscaping shall be provided in the areas outside the fences between the fence and the property line.
 - (iii) Two parking spaces shall be provided, plus one additional space for each employee. Internal drives and parking shall comply with Section 34-308 of this chapter for paving requirements.
 - (iv) Building heights shall be limited to one story (not to exceed 14 feet at the eaves), unless waived for an existing building by the Planning Commission and the City Council.
 - (v) Buildings shall be separated a minimum of 30 feet from one another within self-service storage facilities. Storage bays within a single building shall not be interconnected by interior doors or other interior means providing access from one storage bay to another. The dimensions of any storage bay shall not exceed 22 feet in the narrowest dimension or 36 feet in the widest dimension.
 - (vi) A sign shall be limited to one ground pole sign at the entrance to the premises. Not more than 32 square feet in area shall be permitted with a maximum height of ten feet.
 - (vii) All exterior lighting shall be of cut-off type to prevent off-site glare. Each tenant storage space shall be provided with separate interior lighting.
 - (viii) All storage shall be kept within an enclosed building.
 - (ix) Loading docks shall be prohibited and loading areas to storage bays shall be at the same elevation as the means of vehicular access thereto.
- (f) Commercial activity: It shall be unlawful for any owner, operator or lessee of any self-service storage facility or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever, other than leasing of the storage units, or to permit same to occur upon any area designated as a self-service storage facility. Violation of this section shall be subject to the provisions of Section 34-804 of the Hastings City Code. Any violation may be cause for revocation of the conditional use permit by the City Council.
- (g) Repair, reconditioning and fabrication prohibited:
 - (i) Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline storage tank is prohibited within or outside any structure on a tract of land designated as a self-service storage facility.

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- (ii) This provision shall be posted and be included in the tenant lease agreement.
- (h) An approved plan shall be valid for a period of 24 months following the date of approval by the Council. If construction has not been started within said 24 month period, the plan shall be null and void unless the time for start of construction has been extended by the Council.
- (10) *Standards for detached dwelling, accessory.*
- (a) Accessory detached dwellings shall be limited in use to housing immediate family members who live in the principal detached dwelling located on the lot. Immediate family members shall mean either the parent(s) or child(ren) of the owner of the principal dwelling.
 - (b) Accessory detached dwellings shall be located only on lots having an area of five acres or greater.
 - (c) Accessory detached dwellings shall not be in a mobile home. Manufactured homes utilized for accessory detached dwellings shall meet the minimum requirements set forth in Hastings City Code 34-312.
 - (d) Accessory detached dwellings shall have a minimum habitable area of 850 sq. ft.
 - (e) Accessory detached dwellings shall have utility services shared with the principal detached dwelling located on the lot.
 - (f) Accessory detached dwellings shall not be larger than the principal dwelling on the lot.
 - (g) When an accessory detached dwellings is no longer utilized by an immediate family member as defined in this section, the conditional use permit shall become null and void. The conditional use permit holder shall notify the development services department in writing that the accessory detached dwellings is no longer being used within 30 days of cessation of use.
- (11) *Standards for construction and demolition waste landfill sites.*
- (a) The granting of a conditional use permit for a construction and demolition waste landfill shall constitute the City's approval of the construction and demolition waste landfill site as provided for in Neb. Rev. Stat. § 13-1701 et seq.
 - (b) The site for a construction and demolition waste landfill shall be located outside of the corporate limits of the City.
 - (c) The minimum site area for a construction and demolition waste landfill shall be 20 acres, unless, due to unusual circumstances, such area requirement is reduced by the City Council.
 - (d) No solid waste other than construction and demolition waste may be put in a construction and demolition waste landfill.
 - (e) A fence, sufficient to control access and prevent airborne debris from leaving the site, shall be constructed around each portion of the construction and demolition waste landfill site being used for construction and demolition waste activities.
 - (f) No construction and demolition waste landfill operations shall be conducted so that fill will be placed in streambeds or other areas where water courses would be obstructed or where erosion by the stream would remove cover material.
 - (g) Routes used by trucks to and from the construction and demolition waste landfill shall be approved by the Director of the Public Works Division, or his designee.
 - (h) When mud, dirt or spilled debris accumulates on streets from trucks or from construction and demolition waste landfill equipment, it shall be removed by the person holding the conditional use permit.

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- (i) The conditional use permit shall provide a date by which the construction and demolition waste landfill shall be terminated or the conditional use permit renewed.
 - (j) The conditional use permit shall require that when the construction and demolition waste landfill has been brought up to within 18 inches of the desired grade, it shall be covered and maintained with at least 18 inches of compacted dirt and seeded in such a manner so as to prevent erosion.
 - (k) Within 90 days following the granting of a conditional use permit, the applicant shall record with the Register of Deeds a permanent instrument notifying the public of the existence of a construction and demolition waste landfill at the site, the type, depth and location of the waste which is to be placed upon the property, as well as the existence of any monitoring systems thereon, and any restrictions on the use of the property which may be provided to protect the integrity of the final cover, liner, monitoring systems or any other components of the containment system.
 - (l) No site shall be approved except on a determination by the City Council that it complies with the provisions of Nebraska law, including the notice and public hearing requirements set forth in Neb. Rev. Stat. § 13-1701 et seq.
- (12) *Standards for recreational vehicle parks.*
- (a) The minimum size of a recreational vehicle park shall be two acres, except as otherwise required for the pertinent use district.
 - (b) Density for recreational vehicle parks shall not exceed 24 recreational vehicles per gross acre.
 - (c) All areas not devoted to recreational vehicle spaces, buildings, structures, drives, walks, off-street parking facilities, or other authorized installations, shall be covered with lawn grass, shrubbery, trees, or other suitable ground cover materials.
 - (d) The council may require suitable screening around all or any part of the site boundary.
 - (e) A recreational vehicle park operation shall have adequate solid waste collection facilities, which will be constructed and maintained in accordance with all municipal health regulations, and shall be designed to bar animals from access to the solid waste. Solid waste shall be removed from the park at least once a week.
 - (f) The recreational vehicle park shall be served by an on-site service building containing a public water supply and public toilet facilities, and by a storm shelter which, for the purposes of this section, shall mean a structure designed to withstand a 200 mile-per-hour wind, and which has a designed occupant load of no less than 20 square feet per recreational vehicle space.
 - (g) Recreational vehicle parks may have accessory uses and buildings including, but not limited to, restroom and shower facilities, convenience facilities, dump stations, playgrounds, and areas for tenting.
 - (h) Convenience facilities of a commercial nature may include, but not be limited to, stores and laundry facilities, and shall be subject to the following:
 - (i) The facilities and related parking shall not occupy more than ten percent of the recreational vehicle park.
 - (ii) The facilities shall be located, designed, and operated for the primary purpose of serving the trade or service needs of park patrons.
 - (iii) In agricultural and residential mobile home districts, the facilities and any signage shall present no visible evidence of their commercial character in a manner which is apparent from any public street.

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- (i) Recreational vehicle parks located in agricultural (A) may have signs subject to the requirements of Hastings City Code Section 34-309(5), and recreational vehicle parks located in Commercial Business Districts (C-3) and Light Industrial Districts (I-1) may have signs subject to the limitations of Hastings City Code Section 34-309(6).

(13) *Standards for kennels.*

- (a) All points on the perimeter of any kennel facility, dog run or exercise area shall be at least 100 feet from any property line.
- (b) Outdoor exercise areas, runs, or yards when provided for training or exercising, shall be restricted to use during daylight hours.
- (c) A site plan, drawn to scale shall be provided with the application showing all existing and proposed buildings and structures, fencing and landscaping.
- (d) A narrative statement shall be provided with the application describing:
 - (i) The maximum total number of animals to be kept on the premises at any time.
 - (ii) The expected male/female mix of animals at any time.
 - (iii) The type of kennel enclosure including the size of the enclosures.
 - (iv) The type and height of fencing.
 - (v) The type and size of year-round shelters.
 - (vi) The source and location of water supply.
 - (vii) The sanitary maintenance plan, including provision for collection and disposal of excrement and other waste solution or material.
 - (viii) Lighting.
 - (ix) Landscaping and other visual and noise barriers.
 - (x) Surface drainage.
 - (xi) Expected weekly traffic related to the keeping of animals.
 - (xii) Hours of operation.
- (e) The total number of animals on the premises at any one time will be established as part of the conditional use permit process.
- (f) The applicant must demonstrate that:
 - (i) The location and operation of the kennel is appropriate for housing multiple animals and will be consistent with the health and safety of the animals and of the neighbors.
 - (ii) The location of the kennel on the property will have no significant adverse effect on the peace and quiet or sanitary conditions of the neighborhood.
 - (iii) The kennel will be operated in a manner that it will cause no nuisance to the public.
 - (iv) The kennel will be operated in a safe, sanitary, and humane condition.

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

- (a) *General requirements.*

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- (i) Each bed and breakfast shall be established, maintained and operated so as to preserve and compliment the residential character and integrity of the surrounding area when the facility is established in a residential zoning district.
 - (ii) The bed and breakfast shall be occupied and operated by the owner as their principal residence.
 - (iii) The single family dwelling used as a bed and breakfast shall have a minimum of 2,000 sq. ft. in living area.
 - (iv) The home shall not be used by the public or paying guests for the hosting of receptions, private parties or the like.
 - (v) Any meals provided and any amenities connected with the guest rooms, such as a swimming pool or tennis court shall be solely for the use of the owner, the owner's family and the owner's registered guest.
 - (vi) There shall be no separate or additional kitchen facility for the guests.
 - (vii) A person who does not reside at the home shall not be employed to assist in the conduct of a bed and breakfast except as usual for a single family residence (e.g., maid, housekeeper).
 - (viii) A bed and breakfast must comply with all other provisions of the zoning district in which it is located and must comply with all other ordinances of the City.
- (b) *Guest rooms.*
- (i) Rooms utilized for guest rooms shall be part of the single family dwelling unless specifically approved by the conditional use permit.
 - (ii) A guest room shall not be located in a basement.
 - (iii) No more than three occupants per guest room shall be allowed.
 - (iv) Each guest room shall be equipped with a properly installed and functioning smoke detector. Further, a smoke detector shall be properly installed and functioning on or near the ceiling in the room or hallway from which each guest room exits.
 - (v) A fire escape plan shall be developed and graphically displayed in each guest room.
- (c) *Parking.*
- (i) The bed and breakfast will provide two off-street parking spaces for the residence and one additional space per guest room.
 - (ii) Off street parking shall be developed in such a manner that the residential character of the property is preserved.
- (d) *Register.* Every person operating a bed and breakfast residence shall keep at all times a book, to be known as the register, in which it shall be required that every person to whom a room is let shall have his, her or their name or names and address registered there in ink, along with the date on which the room was let, the date it was vacated, the correct number or other designation of the room let, and the number of the occupants assigned to the room. No page of the register may be disposed of until two years after the date of the most-recent entry recorded on it. The register shall be available to Development Services on request.
- (e) *Signs.* Signage shall be limited to one non-illuminated wall-mounted sign not to exceed six square feet in area.
- (f) *Application.*
- (i) The application shall contain:

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- (1) The name, address and telephone number of the owner(s) and address of proposed bed and breakfast.
 - (2) A plan, drawn to scale showing the floor plan of the dwelling, together with any proposed changes, renovations and additions to the dwelling.
 - (3) A site plan drawn to scale and including the following information:
 - Title of the drawing
 - North arrow, scale and date
 - Boundaries of the project site
 - Location of all existing or proposed site improvements, including buildings, additions, expansions, driveways, parking area, streets, retaining walls, fences and hedges
 - Location of all existing and proposed access and egress drives
 - Location, design and size of all proposed signs and outdoor lighting facilities
 - Location of existing and proposed buffer and screen areas, structures and vegetation
 - (ii) Development Services may require such additional or supportive information as it deems necessary for a complete assessment of the proposed bed and breakfast.
- (g) *Permit.*
- (i) The owner shall not make any change, deviation, modification or variation from the application and site plan once the same is approved by the City Council.
 - (ii) Any amendments to an approved conditional use permit shall be reviewed by the Planning Commission and approved by the City Council if found to be consistent with these standards. Minor amendments to the permit may be approved by the Development Services Director. Such administrative approval shall be limited to parking lot and landscaping improvements, exterior facade changes and signs. An appeal of the Development Services Director's denial of a requested minor change may be taken to the Planning Commission. The procedure for such appeals shall be the same as provided for amendments under Section 34-801(2).
 - (iii) The use is subject to review at any time and may be revoked after a hearing by the City Council and a finding by the Council that the use has become detrimental to the neighborhood.
 - (iv) Upon the issuance of a permit for bed and breakfast establishment, an annual inspection and certificate of compliance for the bed and breakfast shall be issued by Development Services for continued operation.
 - (v) An application for a certificate of compliance shall be filed with Development Services with the inspection fee as set by the current fee schedule.
- (h) *Review considerations.* The City's review of the application and site plan shall include but not be limited to the following considerations:
- Adequacy and arrangement of vehicle traffic access and circulation
 - Location, arrangement, appearance and sufficiency of off street parking
 - Location, arrangement, size and design of lighting and signs
 - Relationship and compatibility of proposed use to uses of adjacent parcels together with their scale
 - Adequacy, type and arrangement of trees shrubs, fences and other landscaping or improvement constituting a visual or noise-deterring buffer between the site and adjacent or adjoining uses
 - Any other matter which may affect the health, welfare and safety of the community as a whole and the parcels in the immediate vicinity of the site.

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

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

- (a) The following setbacks and design standards are the minimum sanitation and odor practices for the City of Hastings. In addition, the Hastings City Council, when considering the health, safety, and general welfare of the public, may impose more restrictive requirements. These requirements should consider such things as:
- odor
 - dust,
 - lighting,
 - waste disposal and
 - dead livestock.
- (b) A conditional use permit may be approved after public notice has been given and public hearing is conducted as required by law.
- (c) Agricultural operations of 300 animal units (A.U., equaling one cow or cow-calf pair) and under are considered a farm as defined in these regulations and do not require a conditional use permit.
- (d) All existing livestock feeding operations (LFO's) that have been granted a conditional use permit may expand within their designated level; except for the 20,000 and above which requires a new conditional use permit for each expansion beyond 20,000 A.U.'s, as outlined in Table 404-1, without applying for another conditional use permit. All new livestock feeding operations and those expanding to the next level shall require a conditional use permit and shall be located no less than at a distance from non-farm residences or other residences not on an owner's property in any affected zoning district as hereafter described:

- (i) Livestock feeding operations will be categorized either as environmentally controlled housing operations or open lot operations. Livestock feeding operations having more than one type of feeding operation at one location shall be categorized according to the operation which constitutes the majority of the total operation, measured in A.U.'s. Each operation type shall be classified in one of four levels according to total number of animal units (A.U.) in the operation at any one time. Levels will include:

Class I facility = 301—1,000 animal units;

Class II facility = 1,001—5,000 animal units;

Class III facility = 5,001—20,000 animal units; and

Class IV facility = 20,001 or more animal units.

Livestock feeding operations having more than one type feeding operation at one location shall be categorized according to the total number of animal units.

TABLE 404-1: LFO SPACING AND DISTANCE (Distances given in feet)		
Size of Proposed LFO in Animal Units.		Non-farm or Other Residence and Other LFOs (feet)
Class I 301—1000	ECH	1,320
	OPEN	1,320
Class II 1001—5000	ECH	5,280
	OPEN	2,640
Class III 5001—20,000	ECH	5,280
	OPEN	2,640
Class IV 20,001 or more	ECH	7,920
	OPEN	3,960

ECH = Environmentally Controlled Housing OPEN = Open Lot Operations

- (ii) Livestock feeding operations having more than a 1,000 animal units shall also locate at a distance as specified under the environmentally controlled housing or open lots, in Table 1 from a platted residential area, public park, recreational area, church, cemetery, religious area, school, historical site, and residential district.
- (iii) All livestock feeding operations over 20,000 animal units shall be required to obtain a new conditional use permit prior to any expansion, unless it meets the standards of the exceptions in the exceptions section.
- (iv) The producer shall have a pre-submission meeting with the City of Hastings Development Services Director and City of Hastings Building Inspector to discuss tentative plans and layouts prior to formal submission of the conditional use permit for livestock feeding operations.
1. The applicant shall submit a proposed site plan and conditions or requirements of this regulation pending approval of application for a proposed operation and waste disposal plan from the Nebraska Department of Environment and Energy (NDEE) or any other applicable state agency.
 2. The applicant shall submit all pertinent materials and designs, as per the conditional use permit application for livestock feeding operations.

-
3. The applicant shall file a copy of the proposed operation and maintenance plan and proposed manure management plan. The approved plans shall be submitted after NDEE approval if different from the proposed. Said plans shall be filed with the City of Hastings Development Services Director.
 4. The applicant shall also file a copy of all approved NDEE plans and permits with the City of Hastings Development Services Director within 30 days after they are issued by the NDEE.
 5. An annual manure management plan shall be submitted to the City of Hastings Development Services Director which shall follow "best possible management practices" as specified by NDEE in order to protect the environment, as well as the health, safety and general welfare of the public and their property values.
 6. If stockpiling of animal waste and/or composting of dead carcasses, as per state statutes, are part of the manure management plan, the waste shall be maintained in an area as outlined in Table 1 of this section. Said area shall also have located on the proposed site plan indicated in [Subsection] (a) above.
 7. All ground surfaces within outside livestock pens shall be maintained to insure proper drainage of animal waste and storm or surface runoff in such a manner as to minimize manure from being carried into any roadway ditch, drainage area or onto a neighbor's property.
 8. In no event shall any manure storage unit or system be constructed where the bottom of the unit or system is either in contact with or below the existing water table where the unit or system is to be constructed. Application of manure in flooded areas of standing water shall be prohibited.
 9. All runoff or waste generated by a livestock feeding operation facility shall be contained within the associated farming operation, or, on the premises upon which the confined feeding facility or feedlot is located. The applicant must verify that all runoff control ponds, lagoons, methods of manure disposal and dust control measures are designed to minimize odor and air pollution, and avoid surface or groundwater contamination as regulated by the State of Nebraska.
 10. The setbacks from a livestock feed operation to any non-farm dwelling, other residence or other livestock feeding operation are outlined in Table 404-1.

(e) Exceptions:

- (i) Any Class I Livestock Feeding Operation use in existence as of the effective date of this provision, and which is located within the minimum spacing distance in Table 1 to any church, school, public use, other livestock feeding operation or single-family dwelling within the current class or to the next class, may expand in animal units and/or land area under a conditional use permit, provided the proposed expansion complies with all of the following limitations:
 1. Such expansion will not decrease the distance from the livestock feeding operation use to any church, school, public use, other livestock feeding operation or single-family dwelling not of the same ownership and not on the same premises with said livestock feeding operation which is less than the minimum prescribed spacing distance.
 2. Any physical expansion of the existing livestock feeding operation shall be immediately contiguous with the facilities of the existing livestock feeding operation.
 3. Such expansion may occur in phases over time, but in no event shall such expansion(s) result in a livestock feeding operation that is more than 50 percent larger in animal units than the one-time capacity of the use which existed as of the effective date of this

provision. Any expansion beyond this limitation is prohibited unless a conditional use permit for expansion that meets all requirements is heard by the Planning Commission and authorized by the City Council.

4. If such expansion results in such livestock feeding operation being required to obtain a new construction permit from NDEE, introduction of additional animals shall be prohibited until said permit is issued by NDEE or other applicable or successor agency has been issued and such livestock feeding operation shall be operated at all times in a manner consistent with the requirements of said permit and applicable regulations of this provision.

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

Secs. 34-405—34-500. Reserved.

ATTACHMENT #6 - REALTOR OPINION LETTER #1



December 20, 2021

City of Hastings Planning Commission
Attn: Development Services Department
220 N. Hastings Ave.
Hastings, NE 68901

Re: Proposed Casino and Racetrack - 4555 W. Osborne Drive

Planning Commissioners:

I am a licensed realtor in good standing here in Hastings and have been representing buyers and sellers of all kinds of properties in Hastings and Adams County for over 20 years. I have been asked for an opinion related to a proposed development site located at 4555 W Osborne drive. I have been presented materials by the developers including site plan describing the project the project area and I've also seen building and property renderings showing the type of investment and equality construction proposed.

I am familiar with the surrounding properties including the residence is north of the subject property both bordering the Expressway and those bordering the northwest corner of the subject property.

After considering all the facts familiar to me my experience background and insight derive from speaking with thousands of property owners over the course of my career it is my opinion that the proposed \$30 million plus construction of a commercial structure and parking lot along with a 5/8-mile horse racetrack and associated buildings is not likely to have a negative impact on the values of these surrounding properties.

In fact, if anything it is my opinion that developing property in question consistent with the developers renderings and plans will more likely than not increase surrounding property values. This is true not only for the Lochland residences but also for the farmland located 2 miles West. This project will be one of the most significant development projects but Hastings has seen in years. The developers have carefully analyzed the subject property and will be leaving proximately 45 acres agricultural land as it is today and as it has been since before any of the surrounding residences existed.

In other words, the surrounding existing residences will not have any change in the nature character of the property that currently borders their properties. Based on the site plan the casino will be facing South towards a commercial area including a large Walmart which is currently the view south from the existing Lochland residences.

The majority of the property in question is designated for commercial use which makes perfect sense given its orientation on the Expressway and the adjacent commercial properties.

Further researching the project and speaking to those in our community I have heard significant positive comments about the millions of dollars in tax revenue that will be generated including several million to go directly to property tax relief. From my years of experience I found that lower property taxes are one of the factors buyers used to differentiate between potential homes. One could argue that this project can only help reduce property taxes in our city and our county which would be a positive for all residences not only those north of the subject property.

A misconception about this project may be related to the amount of racing and the features of the racetrack. At the height of the racetrack activities which will take approximately four years after completion of construction to get to there will be approximately a maximum of 12 race days out of 365 per year. In speaking with the developer I've learned that there they do not plan to do night racing and they are not constructing any pole lighting or stadium lighting. Additionally, there will not be a grandstand of any kind.

It is my opinion that a project of this kind with all of the tax and financial benefits as well as the being a project will draw tourists and new dollars into our community to support our existing hotels motels restaurants and retail is a very positive opportunity that should be embraced by the Planning Commission, the City Council and the community. All my opinions are based on my education, experience, background, and review of information directly related to this project.



Michael Engelhardt
Nebraska Realty

ATTACHMENT #7 - REALTOR OPINION LETTER #2



December 20, 2021

City of Hastings Planning Commission
Attn: Development Services Department
220 N. Hastings Ave.
Hastings, NE 68901

Re: Proposed Casino and Racetrack - 4555 W. Osborne Drive

Planning Commissioners:

I am a licensed realtor in good standing here in Hastings and have been representing buyers and sellers of all kinds of properties in Hastings and Adams County for over 20 years. I have been asked for an opinion related to a proposed development site located at 4555 W Osborne drive. I have been presented materials by the developers including site plan describing the project the project area and I've also seen building and property renderings showing the type of investment and equality construction proposed.

I am familiar with the surrounding properties including the residence is north of the subject property both bordering the Expressway and those bordering the northwest corner of the subject property.

After considering all the facts familiar to me my experience background and insight derive from speaking with thousands of property owners over the course of my career it is my opinion that the proposed \$30 million plus construction of a commercial structure and parking lot along with a 5/8-mile horse racetrack and associated buildings is not likely to have a negative impact on the values of these surrounding properties.

In fact, if anything it is my opinion that developing property in question consistent with the developers renderings and plans will more likely than not increase surrounding property values. This is true not only for the Lochland residences but also for the farmland located 12 miles West. This project will be one of the most significant development projects but Hastings has seen in years. The developers have carefully analyzed the subject property and will be leaving proximately 45 acres agricultural land as it is today and as it has been since before any of the surrounding residences existed.

In other words, the surrounding existing residences will not have any change in the nature character of the property that currently borders their properties. Based on the site plan the casino will be facing South towards a commercial area including a large Walmart which is currently the view south from the existing Lochland residences.

The majority of the property in question is designated for commercial use which makes perfect sense given its orientation on the Expressway and the adjacent commercial properties.

Further researching the project and speaking to those in our community I have heard significant positive comments about the millions of dollars in tax revenue that will be generated including several million to go directly to property tax relief. From my years of experience I found that lower property taxes are one of the factors buyers used to differentiate between potential homes. One could argue that this project can only help reduce property taxes in our city and our county which would be a positive for all residences not only those north of the subject property.

A misconception about this project may be related to the amount of racing and the features of the racetrack. At the height of the racetrack activities which will take approximately four years after completion of construction to get to there will be approximately a maximum of 12 race days out of 365 per year. In speaking with the developer I've learned that there they do not plan to do night racing and they are not constructing any pole lighting or stadium lighting. Additionally, there will not be a grandstand of any kind.

It is my opinion that a project of this kind with all of the tax and financial benefits as well as the being a project will draw tourists and new dollars into our community to support our existing hotels motels restaurants and retail is a very positive opportunity that should be embraced by the Planning Commission, the City Council and the community. All my opinions are based on my education, experience, background, and review of information directly related to this project.

Brent Parker



Nebraska Realty



HASTINGS EXPOSITION & RACING
AERIAL VIEW LOOKING NORTHWEST

POPULOUS



NORTH PLATTE POSITION & RACING
NORTH PLATTE, NEBRASKA

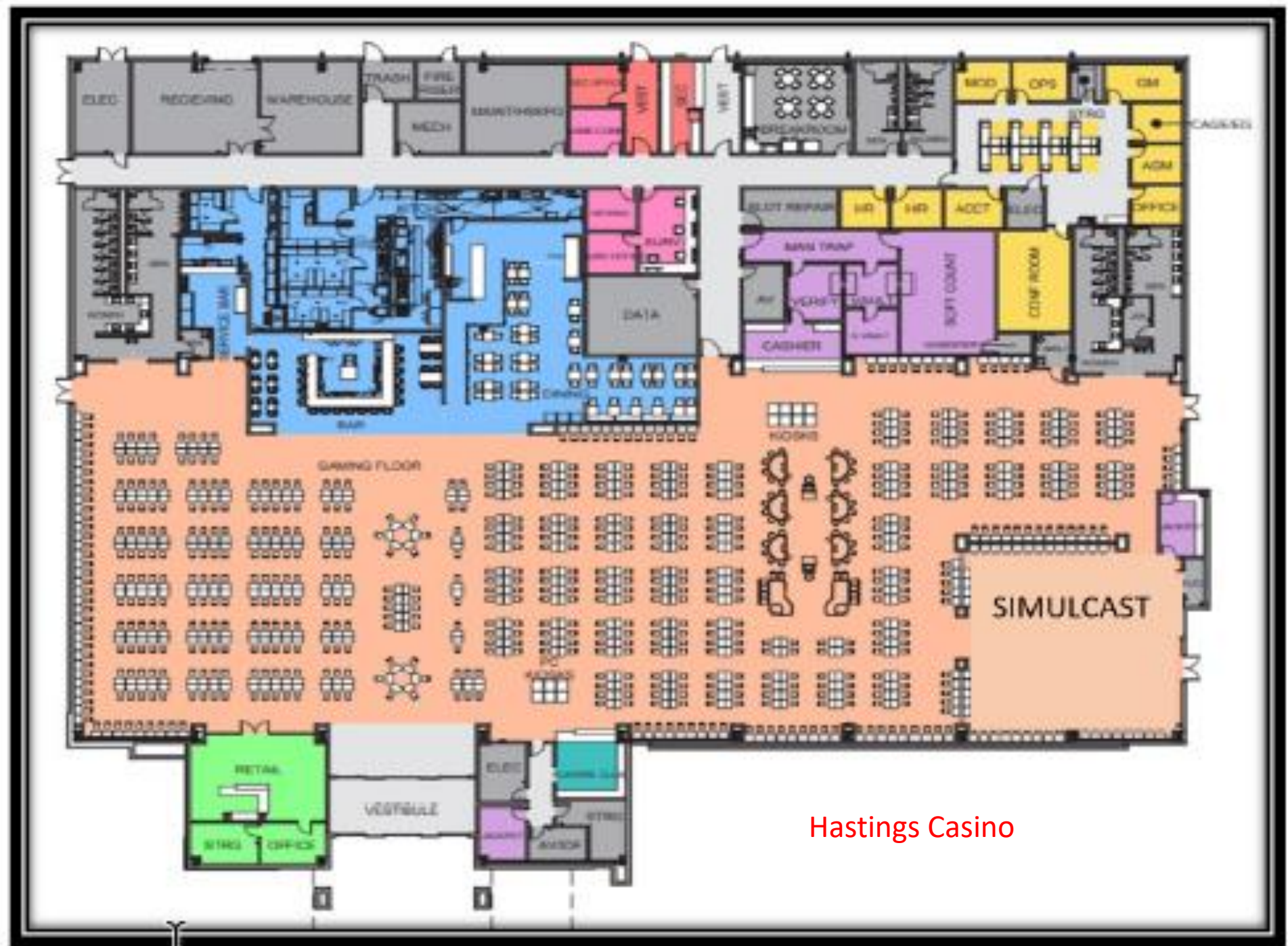
POPULOUS

HASTINGS PARK

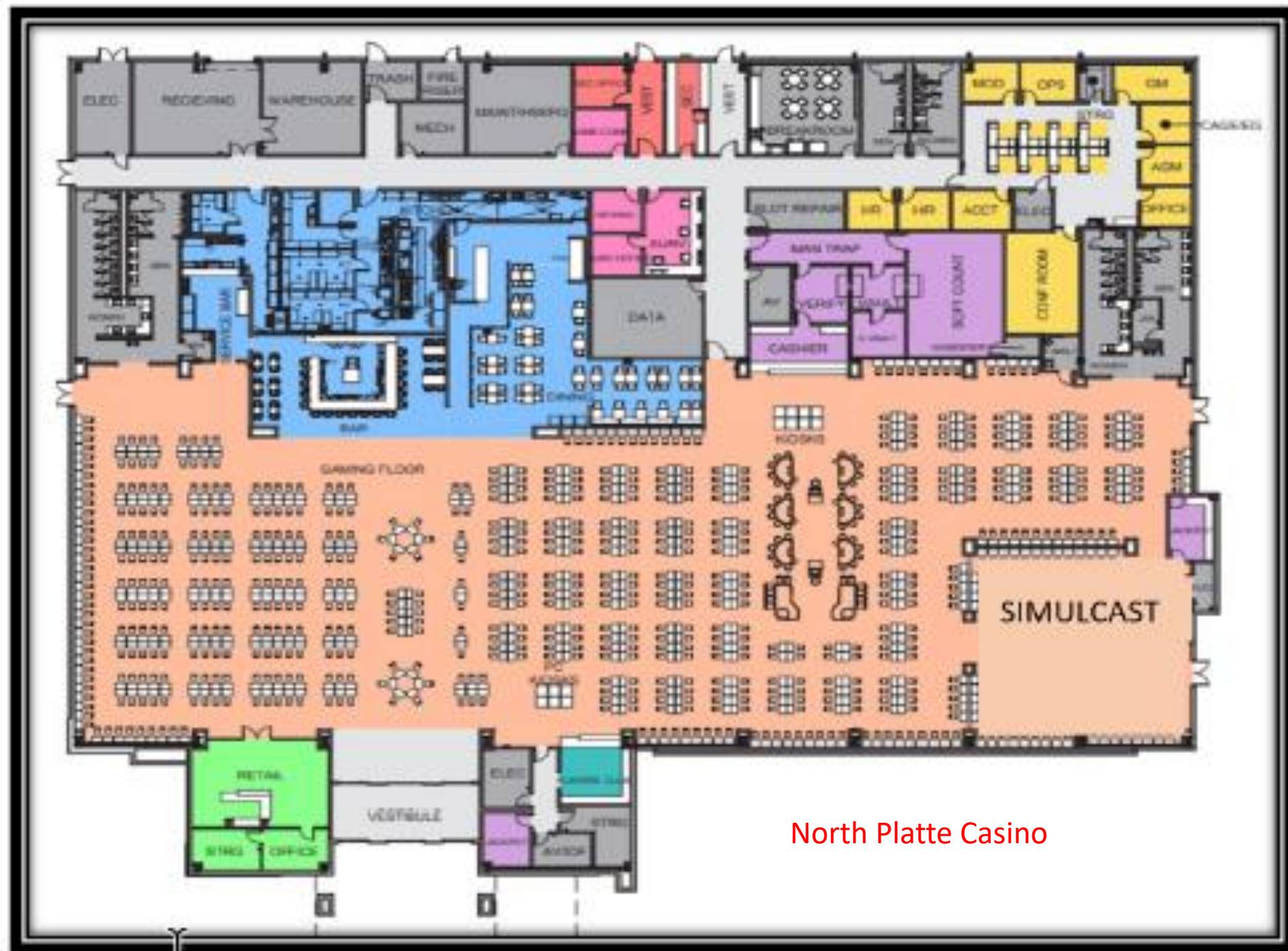


GERING PARK





Hastings Casino





Gering Casino

Developers: Casino could bring millions to Gering, county economy

Christopher Borro Nov 15, 2021 0

“We think transparency is critical to a project like this,” he said.

According to the presentation, the entertainment venue would create more than 150 jobs with a payroll of more than \$4.25 million. Boyd said it would rake in \$12.5 million in sales taxes for Gering. It would also bring in \$70 million for the Nebraska Property Tax Credit Cash Fund.



Developers: Casino could bring millions to Gering, county economy

Christopher Borro Nov 15, 2021 0

The group's algorithmic "gravity model" showed a market size of 1.03 million people living within a 125-mile radius of Gering.



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Denver

From Wikipedia, the free encyclopedia

This article is about the city and county in Colorado. For other uses, see [Denver \(disambiguation\)](#).

"Mile High City" redirects here. For the capital of Lesotho, see [Maseru](#). For other uses of "Mile High", see [Mile H](#).

Denver (/ˈdɛnvər/) is a consolidated city and county, the capital, and most populous city of the U.S. state of Colorado. Its population was 715,522 at the 2020 United States census, a 19.22% increase since the 2010 United States census.^[a] It is the 15th most populous city in the United States and the fifth most populous state capital. It is the principal city of the Denver–Aurora–Lakewood, CO Metropolitan Statistical Area and the first city of the Front Range Urban Corridor.



PROTEST AND OBJECTION

January 13, 2022

Hastings City Planning Commission
Development Services Department
220 N. Hastings Ave.
Hastings, NE 68901

Hastings City Council
220 N. Hastings Ave.
Hastings, NE 68901

RE: Protest of Permit #2021-071 / Rezoning and Conditional Use Permit
Request for the Property located at or near 4555 Osborne Drive West,
Hastings, Nebraska, 68901 (SE1/4 of Section 25, Township 8N, Range 10)

Dear Hastings City Planning Commission and Hastings City Council:

We, the undersigned property owners, hereby present this Protest and Objection in accordance with NEB. REV. STAT. § 19-905 and Hastings Municipal Code § 34-801. We submit and present this Protest and Objection to the Hastings City Planning Commission, the Hastings Development Services Department, and the Hastings City Council.

We, the undersigned property owners, are the owners of certain real property that is immediately adjacent to that certain real property located at or near the Southeast Quarter of Section 25, Township 8 North, Range 10 West of the 6th P.M., Adams County, Nebraska, commonly described as 4555 Osborne Drive West, Hastings, Nebraska, 68901, Parcel Nos. 010000579 and 010000679 (hereafter, "Subject Property"). Together, our real property consists of more than 20% of the lots and real property that are immediately adjacent to the Subject Property. We have attached hereto as Exhibit 1 a description of our real property. We have also attached hereto as Exhibit 2 a true and correct copy of an aerial map that shows our real property in relation to the Subject Property.

We, the undersigned property owners, hereby object to and protest the application and request of West Fork, Inc., Gremco, Inc., and Prairie Thunder Hastings, LLC (collectively, "Applicants") to rezone, and obtain a conditional use permit for, the Subject Property. We, the undersigned property owners, hereby object to and protest the Applicants' application and request to rezone any part of the Subject Property, including, but not limited to, the Applicants' application and request to rezone the Subject Property from Agricultural District (A) to Commercial District (C-3). We, the undersigned

property owners, also hereby object to and protest the Applicants' application and request to obtain a conditional use permit on any part of the Subject Property, including, but not limited to, the Applicants' application and request to obtain a conditional use permit to operate a horse racetrack on the Subject Property.

We, the undersigned property owners, object to and protest any amendment, revision, or change to the zoning map or comprehensive plan for any part of the Subject Property. We, therefore, request that the Hastings City Planning Commission, the Hastings Development Services Department, and the Hastings City Council deny the Applicants' request to rezone, and obtain a conditional use permit on, any part of the Subject Property.

Sincerely Yours,

The undersigned property owners

EXHIBIT 1

PROPERTY OWNERS **JOINING PROTEST** **AND DESCRIPTION OF** **THEIR REAL PROPERTY**

PARCEL #010015724
Timothy Russell and Ann Russell

We, Timothy Russell and Ann Russell, are the titled and legal owners of that certain real property having the following approximate legal description: Lot 6, Lochland Country Club Subdivision No. 10, City of Hastings, Adams County, Nebraska, commonly described as 500 Madden Road, Hastings, Nebraska, 68901 (Parcel #010015724) (hereafter, "My Property"). My Property is directly north of, and immediately adjacent to, the Subject Property.

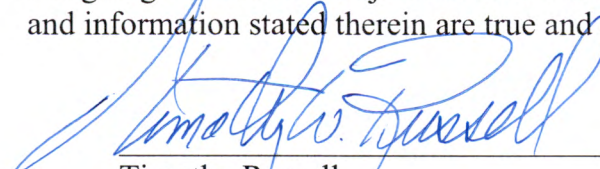
We, Timothy Russell and Ann Russell, have read and hereby join the aforementioned Protest and Objection to the Applicants' application and request to rezone any part of the Subject Property, including, but not limited to, the Applicants' application and request to rezone the Subject Property from Agricultural District (A) to Commercial District (C-3). We, Timothy Russell and Ann Russell, also hereby object to and protest the Applicants' application and request to obtain a conditional use permit on any part of the Subject Property, including, but not limited to, the Applicants' application and request to obtain a conditional use permit to operate a horse racetrack on the Subject Property.

Among other things, we, Timothy Russell and Ann Russell, believe the Applicants' application and request to rezone and obtain a conditional use permit on the Subject Property (including, but not limited to, the Applicants' plan to build a horse racetrack and a casino on the Subject Property) will negatively affect and decrease My Property's value, as well as the value of the properties adjacent to and surrounding the Subject Property; does not promote the health and general welfare of the public; does not align with the anticipated long-range future growth and development patterns of Hastings; is not a logical or efficient use of the Subject Property or of land use mixtures; will create unwanted noise, fumes, dust, and/or other environmental pollution; and will create unwanted dangers and nuisances.

We, Timothy Russell and Ann Russell, object to and protest any amendment, revision, or change to the zoning map or comprehensive plan for any part of the Subject Property. We, therefore, request that the Hastings City Planning Commission, the Hastings Development Services Department, and the Hastings City Council deny the Applicants' request to rezone, and obtain a conditional use permit on, any part of the Subject Property.

AFFIRMATION AND ACKNOWLEDGMENT

I, Timothy Russell, being first duly sworn upon oath, state that I have read the foregoing Protest and Objection herein and know the contents thereof and that the facts and information stated therein are true and correct to the best of my knowledge.



Timothy Russell

1-12-2022

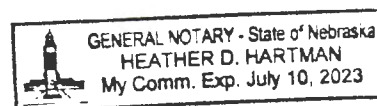
Date

STATE OF NEBRASKA)
) ss:
COUNTY OF ADAMS)

I, Heather D. Hartman, the undersigned notary public, hereby certify that on the 12th day of January, 2022, Timothy Russell appeared before me and acknowledged before me that he executed the foregoing Protest and Objection and that I had satisfactory evidence that Timothy Russell was the person described in and who executed the foregoing Protest and Objection. The foregoing Protest and Objection was subscribed, acknowledged, and sworn to and signed before me by Timothy Russell on the date identified above.



Notary Public
My Commission expires: July 10, 2023



AFFIRMATION AND ACKNOWLEDGMENT

I, Ann Russell, being first duly sworn upon oath, state that I have read the foregoing instrument/document herein and know the contents thereof and that the facts and information stated therein are true and correct to the best of my knowledge.

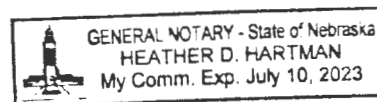
Ann Russell
Ann Russell

1-12-22
Date

STATE OF NEBRASKA)
) ss:
COUNTY OF ADAMS)

I, Heather D. Hartman, the undersigned notary public, hereby certify that on the 12th day of January, 2022, Ann Russell appeared before me and acknowledged before me that she executed the foregoing Protest and Objection and that I had satisfactory evidence that Ann Russell was the person described in and who executed the foregoing Protest and Objection. The foregoing Protest and Objection was subscribed, acknowledged, and sworn to and signed before me by Ann Russell on the date identified above.

Heather D Hartman
Notary Public
My Commission expires: July 10, 2023



PARCEL #010000746
Duane R. Niemeyer and Linda M. Niemeyer

We, Duane R. Niemeyer and Linda M. Niemeyer, are the titled and legal owners of that certain real property having the following approximate legal description: Lot 4, Lochland Country Club Subdivision No. 10, City of Hastings, Adams County, Nebraska, commonly described as 524 Madden Road, Hastings, Nebraska, 68901 (Parcel #010000746) (hereafter, "My Property"). My Property is directly north of, and immediately adjacent to, the Subject Property.

We, Duane R. Niemeyer and Linda M. Niemeyer, have read and hereby join the aforementioned Protest and Objection to the Applicants' application and request to rezone any part of the Subject Property, including, but not limited to, the Applicants' application and request to rezone the Subject Property from Agricultural District (A) to Commercial District (C-3). We, Duane R. Niemeyer and Linda M. Niemeyer, also hereby object to and protest the Applicants' application and request to obtain a conditional use permit on any part of the Subject Property, including, but not limited to, the Applicants' application and request to obtain a conditional use permit to operate a horse racetrack on the Subject Property.

Among other things, we, Duane R. Niemeyer and Linda M. Niemeyer, believe the Applicants' application and request to rezone and obtain a conditional use permit on the Subject Property (including, but not limited to, the Applicants' plan to build a horse racetrack and a casino on the Subject Property) will negatively affect and decrease My Property's value, as well as the value of the properties adjacent to and surrounding the Subject Property; does not promote the health and general welfare of the public; does not align with the anticipated long-range future growth and development patterns of Hastings; is not a logical or efficient use of the Subject Property or of land use mixtures; will create unwanted noise, fumes, dust, and/or other environmental pollution; and will create unwanted dangers and nuisances.

We, Duane R. Niemeyer and Linda M. Niemeyer, object to and protest any amendment, revision, or change to the zoning map or comprehensive plan for any part of the Subject Property. We, therefore, request that the Hastings City Planning Commission, the Hastings Development Services Department, and the Hastings City Council deny the Applicants' request to rezone, and obtain a conditional use permit on, any part of the Subject Property.

AFFIRMATION AND ACKNOWLEDGMENT

I, Duane R. Niemeyer, being first duly sworn upon oath, state that I have read the foregoing Protest and Objection herein and know the contents thereof and that the facts and information stated therein are true and correct to the best of my knowledge.

Duane R. Niemeyer
Duane R. Niemeyer

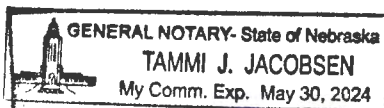
Jan. 13, 2022
Date

STATE OF NEBRASKA)

) ss:

COUNTY OF ADAMS)

I, Tammi J. Jacobsen, the undersigned notary public, hereby certify that on the 13th day of January, 2022, Duane R. Niemeyer appeared before me and acknowledged before me that he executed the foregoing Protest and Objection and that I had satisfactory evidence that Duane R. Niemeyer was the person described in and who executed the foregoing Protest and Objection. The foregoing Protest and Objection was subscribed, acknowledged, and sworn to and signed before me by Duane R. Niemeyer on the date identified above.



Tammi J. Jacobsen
Notary Public
My Commission expires:

I, Linda M. Niemeyer, being first duly sworn upon oath, state that I have read the foregoing instrument/document herein and know the contents thereof and that the facts and information stated therein are true and correct to the best of my knowledge.

1/13/22
Date

[illegible]

 GENERAL NOTARY- State of Nebraska
TAMMI J. JACOBSEN
My Comm. Exp. May 30, 2024

Jammi J. Jacobsen
Notary Public
My Commission expires:

PARCEL #010000782
The Kathryn Ann Adams Revocable Trust

The Kathryn Ann Adams Revocable Trust is the titled and legal owner of that certain real property having the following approximate legal description: Parts of Lots 10 and 11, Block Eleven, Lochland Country Club Subdivision No. 4, City of Hastings, Adams County, Nebraska, commonly described as 531 Madden Road, Hastings, Nebraska, 68901 (Parcel #010000782) (hereafter, "My Property"). My Property is directly north of, and immediately adjacent to, the Subject Property.

The Kathryn Ann Adams Revocable Trust has read and hereby joins the aforementioned Protest and Objection to the Applicants' application and request to rezone any part of the Subject Property, including, but not limited to, the Applicants' application and request to rezone the Subject Property from Agricultural District (A) to Commercial District (C-3). The Kathryn Ann Adams Revocable Trust also hereby objects to and protests the Applications' application and request to obtain a conditional use permit on any part of the Subject Property, including, but not limited to, the Applicants' application and request to obtain a conditional use permit to operate a horse racetrack on the Subject Property.

Among other things, The Kathryn Ann Adams Revocable Trust believes the Applicants' application and request to rezone and obtain a conditional use permit on the Subject Property (including, but not limited to, the Applicants' plan to build a horse racetrack and a casino on the Subject Property) will negatively affect and decrease My Property's value, as well as the value of the properties adjacent to and surrounding the Subject Property; does not promote the health and general welfare of the public; does not align with the anticipated long-range future growth and development patterns of Hastings; is not a logical or efficient use of the Subject Property or of land use mixtures; will create unwanted noise, fumes, dust, and/or other environmental pollution; and will create unwanted dangers and nuisances.

The Kathryn Ann Adams Revocable Trust objects to and protests any amendment, revision, or change to the zoning map or comprehensive plan for any part of the Subject Property. The Kathryn Ann Adams Revocable Trust, therefore, requests that the Hastings City Planning Commission, the Hastings Development Services Department, and the Hastings City Council deny the Applicants' request to rezone, and obtain a conditional use permit on, any part of the Subject Property.

AFFIRMATION AND ACKNOWLEDGMENT

I, Roxanne K. Janeke, being first duly sworn upon oath, state that I am the Successor Trustee of The Kathryn Ann Adams Revocable Trust; that I am duly authorized to act on behalf of The Kathryn Ann Adams Revocable Trust; and that I have read the foregoing Protest and Objection herein and know the contents thereof and that the facts and information stated therein are true and correct to the best of my knowledge.

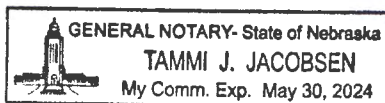
The Kathryn Ann Adams Revocable Trust

Roxanne K. Janeke, Successor Trustee
Roxanne K. Janeke, Successor Trustee

1-13-2022
Date

STATE OF NEBRASKA)
) ss:
COUNTY OF ADAMS)

I, Tammi J. Jacobsen, the undersigned notary public, hereby certify that on the 13th day of January, 2022, Roxanne K. Janeke, Successor Trustee of The Kathryn Ann Adams Revocable Trust, appeared before me and acknowledged before me that she executed the foregoing Protest and Objection on behalf of the said Trust and that I had satisfactory evidence that Roxanne K. Janeke was the person described in and who executed the foregoing Protest and Objection. The foregoing Protest and Objection was subscribed, acknowledged, and sworn to and signed before me by Roxanne K. Janeke, Successor Trustee of The Kathryn Ann Adams Revocable Trust, on the date identified above.



Tammi J. Jacobsen
Notary Public
My Commission expires: May 30, 2024

PARCEL #010000781
Christopher M. Uridil and Amy S. Uridil

We, Christopher M. Uridil and Amy S. Uridil, are the titled and legal owners of that certain real property having the following approximate legal description: Lot 9, Block 11, Lochland Country Club Subdivision No. 4, City of Hastings, Adams County, Nebraska, commonly described as 603 Madden Road, Hastings, Nebraska, 68901 (Parcel #010000781) (hereafter, "My Property"). My Property is directly north of, and immediately adjacent to, the Subject Property.

We, Christopher M. Uridil and Amy S. Uridil, have read and hereby join the aforementioned Protest and Objection to the Applicants' application and request to rezone any part of the Subject Property, including, but not limited to, the Applicants' application and request to rezone the Subject Property from Agricultural District (A) to Commercial District (C-3). We, Christopher M. Uridil and Amy S. Uridil, also hereby object to and protest the Applicants' application and request to obtain a conditional use permit on any part of the Subject Property, including, but not limited to, the Applicants' application and request to obtain a conditional use permit to operate a horse racetrack on the Subject Property.

Among other things, we, Christopher M. Uridil and Amy S. Uridil, believe the Applicants' application and request to rezone and obtain a conditional use permit on the Subject Property (including, but not limited to, the Applicants' plan to build a horse racetrack and a casino on the Subject Property) will negatively affect and decrease My Property's value, as well as the value of the properties adjacent to and surrounding the Subject Property; does not promote the health and general welfare of the public; does not align with the anticipated long-range future growth and development patterns of Hastings; is not a logical or efficient use of the Subject Property or of land use mixtures; will create unwanted noise, fumes, dust, and/or other environmental pollution; and will create unwanted dangers and nuisances.

We, Christopher M. Uridil and Amy S. Uridil, object to and protest any amendment, revision, or change to the zoning map or comprehensive plan for any part of the Subject Property. We, therefore, request that the Hastings City Planning Commission, the Hastings Development Services Department, and the Hastings City Council deny the Applicants' request to rezone, and obtain a conditional use permit on, any part of the Subject Property.

AFFIRMATION AND ACKNOWLEDGMENT

I, Christopher M. Uridil, being first duly sworn upon oath, state that I have read the foregoing Protest and Objection herein and know the contents thereof and that the facts and information stated therein are true and correct to the best of my knowledge.



Christopher M. Uridil

1-13-22

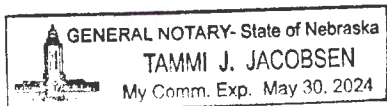
Date

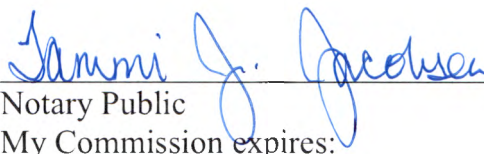
STATE OF NEBRASKA)

) ss:

COUNTY OF ADAMS)

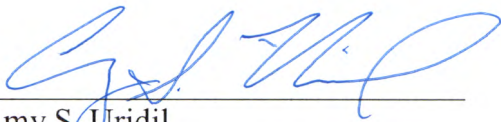
I, Tammi J. Jacobsen, the undersigned notary public, hereby certify that on the 13th day of January, 2022, Christopher M. Uridil appeared before me and acknowledged before me that he executed the foregoing Protest and Objection and that I had satisfactory evidence that Christopher M. Uridil was the person described in and who executed the foregoing Protest and Objection. The foregoing Protest and Objection was subscribed, acknowledged, and sworn to and signed before me by Christopher M. Uridil on the date identified above.




Notary Public
My Commission expires:

AFFIRMATION AND ACKNOWLEDGMENT

I, Amy S. Uridil, being first duly sworn upon oath, state that I have read the foregoing instrument/document herein and know the contents thereof and that the facts and information stated therein are true and correct to the best of my knowledge.



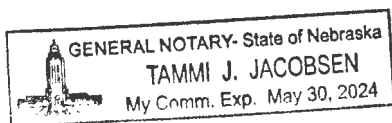
Amy S. Uridil

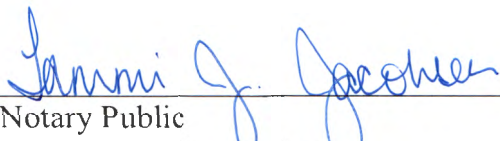
1/13/22

Date

STATE OF NEBRASKA)
) ss:
COUNTY OF ADAMS)

I, Tammi J. Jacobsen, the undersigned notary public, hereby certify that on the 13th day of January, 2022, Amy S. Uridil appeared before me and acknowledged before me that she executed the foregoing Protest and Objection and that I had satisfactory evidence that Amy S. Uridil was the person described in and who executed the foregoing Protest and Objection. The foregoing Protest and Objection was subscribed, acknowledged, and sworn to and signed before me by Amy S. Uridil on the date identified above.





Notary Public
My Commission expires.

PARCEL #010000779
Jordan A. Kohtz and Alexa J. Kohtz

We, Jordan A. Kohtz and Alexa J. Kohtz, are the titled and legal owners of that certain real property having the following approximate legal description: Lot 7, Block 11, Lochland Country Club Subdivision No. 4, City of Hastings, Adams County, Nebraska, commonly described as 627 Madden Road, Hastings, Nebraska, 68901 (Parcel #010000779) (hereafter, "My Property"). My Property is directly north of, and immediately adjacent to, the Subject Property.

We, Jordan A. Kohtz and Alexa J. Kohtz, have read and hereby join the aforementioned Protest and Objection to the Applicants' application and request to rezone any part of the Subject Property, including, but not limited to, the Applicants' application and request to rezone the Subject Property from Agricultural District (A) to Commercial District (C-3). We, Jordan A. Kohtz and Alexa J. Kohtz, also hereby object to and protest the Applicants' application and request to obtain a conditional use permit on any part of the Subject Property, including, but not limited to, the Applicants' application and request to obtain a conditional use permit to operate a horse racetrack on the Subject Property.

Among other things, we, Jordan A. Kohtz and Alexa J. Kohtz, believe the Applicants' application and request to rezone and obtain a conditional use permit on the Subject Property (including, but not limited to, the Applicants' plan to build a horse racetrack and a casino on the Subject Property) will negatively affect and decrease My Property's value, as well as the value of the properties adjacent to and surrounding the Subject Property; does not promote the health and general welfare of the public; does not align with the anticipated long-range future growth and development patterns of Hastings; is not a logical or efficient use of the Subject Property or of land use mixtures; will create unwanted noise, fumes, dust, and/or other environmental pollution; and will create unwanted dangers and nuisances.

We, Jordan A. Kohtz and Alexa J. Kohtz, object to and protest any amendment, revision, or change to the zoning map or comprehensive plan for any part of the Subject Property. We, therefore, request that the Hastings City Planning Commission, the Hastings Development Services Department, and the Hastings City Council deny the Applicants' request to rezone, and obtain a conditional use permit on, any part of the Subject Property.

AFFIRMATION AND ACKNOWLEDGMENT

I, Jordan A. Kohtz, being first duly sworn upon oath, state that I have read the foregoing Protest and Objection herein and know the contents thereof and that the facts and information stated therein are true and correct to the best of my knowledge.

Jordan A. Kohtz
Jordan A. Kohtz

1/12/2022
Date

STATE OF NEBRASKA)

) ss:

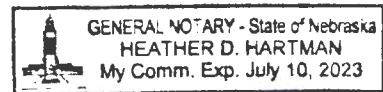
COUNTY OF ADAMS)

I, Heather D. Hartman, the undersigned notary public, hereby certify that on the 12th day of January, 2022, Jordan A. Kohtz appeared before me and acknowledged before me that he executed the foregoing Protest and Objection and that I had satisfactory evidence that Jordan A. Kohtz was the person described in and who executed the foregoing Protest and Objection. The foregoing Protest and Objection was subscribed, acknowledged, and sworn to and signed before me by Jordan A. Kohtz on the date identified above.

Heather D. Hartman

Notary Public

My Commission expires: July 10, 2023



AFFIRMATION AND ACKNOWLEDGMENT

I, Alexa J. Kohtz, being first duly sworn upon oath, state that I have read the foregoing instrument/document herein and know the contents thereof and that the facts and information stated therein are true and correct to the best of my knowledge.

Alexa Kohtz

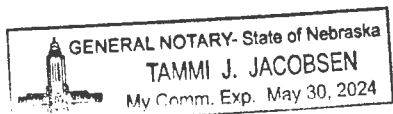
Alexa J. Kohtz

1-13-22

Date

STATE OF NEBRASKA)
) ss:
COUNTY OF ADAMS)

I, Tammi J. Jacobsen, the undersigned notary public, hereby certify that on the 13th day of January, 2022, Alexa J. Kohtz appeared before me and acknowledged before me that she executed the foregoing Protest and Objection and that I had satisfactory evidence that Alexa J. Kohtz was the person described in and who executed the foregoing Protest and Objection. The foregoing Protest and Objection was subscribed, acknowledged, and sworn to and signed before me by Alexa J. Kohtz on the date identified above.



Tammi J. Jacobsen

Notary Public
My Commission expires:

PARCEL #010000777

Anthony L. Nicassio a/k/a Tony Nicassio and Colleen Velasquez-Nicassio

We, Anthony L. Nicassio a/k/a Tony Nicassio and Colleen Velasquez-Nicassio, are the titled and legal owners of that certain real property having the following approximate legal description: The East 88 feet of Lot 5, Block 11, Lochland Country Club Subdivision No. 4, City of Hastings, Adams County, Nebraska, commonly described as 703 Madden Road, Hastings, Nebraska, 68901 (Parcel #010000777) (hereafter, "My Property"). My Property is directly north of, and immediately adjacent to, the Subject Property.

We, Anthony L. Nicassio a/k/a Tony Nicassio and Colleen Velasquez-Nicassio, have read and hereby join the aforementioned Protest and Objection to the Applicants' application and request to rezone any part of the Subject Property, including, but not limited to, the Applicants' application and request to rezone the Subject Property from Agricultural District (A) to Commercial District (C-3). We, Anthony L. Nicassio a/k/a Tony Nicassio and Colleen Velasquez-Nicassio, also hereby object to and protest the Applicants' application and request to obtain a conditional use permit on any part of the Subject Property, including, but not limited to, the Applicants' application and request to obtain a conditional use permit to operate a horse racetrack on the Subject Property.

Among other things, we, Anthony L. Nicassio a/k/a Tony Nicassio and Colleen Velasquez-Nicassio, believe the Applicants' application and request to rezone and obtain a conditional use permit on the Subject Property (including, but not limited to, the Applicants' plan to build a horse racetrack and a casino on the Subject Property) will negatively affect and decrease My Property's value, as well as the value of the properties adjacent to and surrounding the Subject Property; does not promote the health and general welfare of the public; does not align with the anticipated long-range future growth and development patterns of Hastings; is not a logical or efficient use of the Subject Property or of land use mixtures; will create unwanted noise, fumes, dust, and/or other environmental pollution; and will create unwanted dangers and nuisances.

We, Anthony L. Nicassio a/k/a Tony Nicassio and Colleen Velasquez-Nicassio, object to and protest any amendment, revision, or change to the zoning map or comprehensive plan for any part of the Subject Property. We, therefore, request that the Hastings City Planning Commission, the Hastings Development Services Department, and the Hastings City Council deny the Applicants' request to rezone, and obtain a conditional use permit on, any part of the Subject Property.

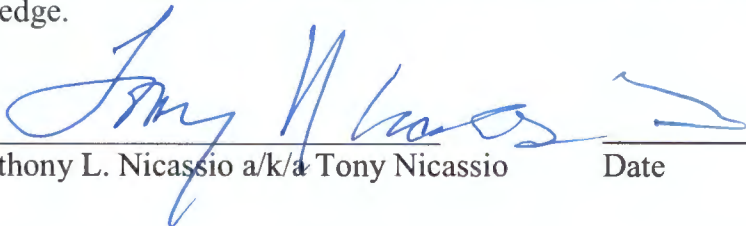
I, Colleen Velasquez-Nicassio, being first duly sworn upon oath, state that I have read the foregoing instrument/document herein and know the contents thereof and that the facts and information stated therein are true and correct to the best of my knowledge.

[illegible]

Lammi J. Jacobsen
Notary Public
My Commission expires:

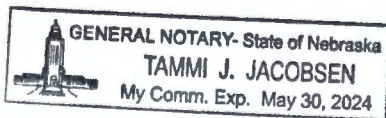
AFFIRMATION AND ACKNOWLEDGMENT

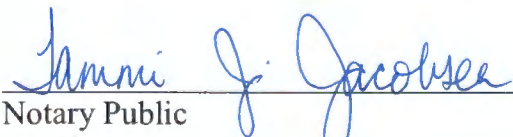
I, Anthony L. Nicassio a/k/a Tony Nicassio, being first duly sworn upon oath, state that I have read the foregoing Protest and Objection herein and know the contents thereof and that the facts and information stated therein are true and correct to the best of my knowledge.

 1-13-2022
Anthony L. Nicassio a/k/a Tony Nicassio Date

STATE OF NEBRASKA)
) ss:
COUNTY OF ADAMS)

I, Tammi J. Jacobsen, the undersigned notary public, hereby certify that on the 13th day of January, 2022, Anthony L. Nicassio a/k/a Tony Nicassio appeared before me and acknowledged before me that he executed the foregoing Protest and Objection and that I had satisfactory evidence that Anthony L. Nicassio a/k/a Tony Nicassio was the person described in and who executed the foregoing Protest and Objection. The foregoing Protest and Objection was subscribed, acknowledged, and sworn to and signed before me by Anthony L. Nicassio a/k/a Tony Nicassio on the date identified above.




Notary Public
My Commission expires:

PARCEL #010000776
Micah McCaffery and Katie L. Crowe

We, Micah McCaffery and Katie L. Crowe, are the titled and legal owners of that certain real property having the following approximate legal description: Lot 4 and the West Two Feet of Lot 5, Block 11, Lochland Country Club Subdivision No. 4, City of Hastings, Adams County, Nebraska, commonly described as 719 Madden Road, Hastings, Nebraska, 68901 (Parcel #010000776) (hereafter, "My Property"). My Property is directly north of, and immediately adjacent to, the Subject Property.

We, Micah McCaffery and Katie L. Crowe, have read and hereby join the aforementioned Protest and Objection to the Applicants' application and request to rezone any part of the Subject Property, including, but not limited to, the Applicants' application and request to rezone the Subject Property from Agricultural District (A) to Commercial District (C-3). We, Micah McCaffery and Katie L. Crowe, also hereby object to and protest the Applications' application and request to obtain a conditional use permit on any part of the Subject Property, including, but not limited to, the Applicants' application and request to obtain a conditional use permit to operate a horse racetrack on the Subject Property.

Among other things, we, Micah McCaffery and Katie L. Crowe, believe the Applicants' application and request to rezone and obtain a conditional use permit on the Subject Property (including, but not limited to, the Applicants' plan to build a horse racetrack and a casino on the Subject Property) will negatively affect and decrease My Property's value, as well as the value of the properties adjacent to and surrounding the Subject Property; does not promote the health and general welfare of the public; does not align with the anticipated long-range future growth and development patterns of Hastings; is not a logical or efficient use of the Subject Property or of land use mixtures; will create unwanted noise, fumes, dust, and/or other environmental pollution; and will create unwanted dangers and nuisances.

We, Micah McCaffery and Katie L. Crowe, object to and protest any amendment, revision, or change to the zoning map or comprehensive plan for any part of the Subject Property. We, therefore, request that the Hastings City Planning Commission, the Hastings Development Services Department, and the Hastings City Council deny the Applicants' request to rezone, and obtain a conditional use permit on, any part of the Subject Property.

AFFIRMATION AND ACKNOWLEDGMENT

I, Micah McCaffery, being first duly sworn upon oath, state that I have read the foregoing Protest and Objection herein and know the contents thereof and that the facts and information stated therein are true and correct to the best of my knowledge.



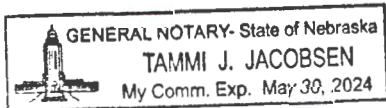
Micah McCaffery

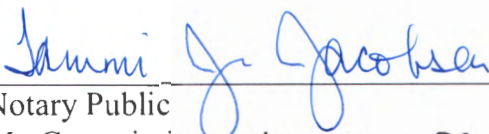
13 JAN 2022

Date

STATE OF NEBRASKA)
) ss:
COUNTY OF ADAMS)

I, Tammi J. Jacobsen, the undersigned notary public, hereby certify that on the 13th day of January, 2022, Micah McCaffery appeared before me and acknowledged before me that he executed the foregoing Protest and Objection and that I had satisfactory evidence that Micah McCaffery was the person described in and who executed the foregoing Protest and Objection. The foregoing Protest and Objection was subscribed, acknowledged, and sworn to and signed before me by Micah McCaffery on the date identified above.





Notary Public
My Commission expires: May 30, 2024

AFFIRMATION AND ACKNOWLEDGMENT

I, Katie L. Crowe, being first duly sworn upon oath, state that I have read the foregoing instrument/document herein and know the contents thereof and that the facts and information stated therein are true and correct to the best of my knowledge.

Katie L. Crowe
Katie L. Crowe

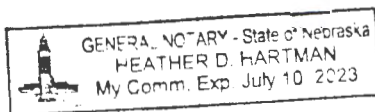
1-12-2022
Date

STATE OF NEBRASKA)

) ss:

COUNTY OF ADAMS)

I, Heather D. Hartman, the undersigned notary public, hereby certify that on the 12th day of January, 2022, Katie L. Crowe appeared before me and acknowledged before me that she executed the foregoing Protest and Objection and that I had satisfactory evidence that Katie L. Crowe was the person described in and who executed the foregoing Protest and Objection. The foregoing Protest and Objection was subscribed, acknowledged, and sworn to and signed before me by Katie L. Crowe on the date identified above.



Heather D. Hartman
Notary Public
My Commission expires: July 10, 2023

PARCEL #010000775
Carol A. Brouillette

I, Carol A. Brouillette, am the titled and legal owner of that certain real property having the following approximate legal description: Lot 3, Block 11, Lochland Country Club Subdivision No. 4, City of Hastings, Adams County, Nebraska, commonly described as 727 Madden Road, Hastings, Nebraska, 68901 (Parcel #010000775) (hereafter, "My Property"). My Property is directly north of, and immediately adjacent to, the Subject Property.

I, Carol A. Brouillette, have read and hereby join the aforementioned Protest and Objection to the Applicants' application and request to rezone any part of the Subject Property, including, but not limited to, the Applicants' application and request to rezone the Subject Property from Agricultural District (A) to Commercial District (C-3). I, Carol A. Brouillette, also hereby object to and protest the Applications' application and request to obtain a conditional use permit on any part of the Subject Property, including, but not limited to, the Applicants' application and request to obtain a conditional use permit to operate a horse racetrack on the Subject Property.

Among other things, I, Carol A. Brouillette, believe the Applicants' application and request to rezone and obtain a conditional use permit on the Subject Property (including, but not limited to, the Applicants' plan to build a horse racetrack and a casino on the Subject Property) will negatively affect and decrease My Property's value, as well as the value of the properties adjacent to and surrounding the Subject Property; does not promote the health and general welfare of the public; does not align with the anticipated long-range future growth and development patterns of Hastings; is not a logical or efficient use of the Subject Property or of land use mixtures; will create unwanted noise, fumes, dust, and/or other environmental pollution; and will create unwanted dangers and nuisances.

I, Carol A. Brouillette, object to and protest any amendment, revision, or change to the zoning map or comprehensive plan for any part of the Subject Property. We, therefore, request that the Hastings City Planning Commission, the Hastings Development Services Department, and the Hastings City Council deny the Applicants' request to rezone, and obtain a conditional use permit on, any part of the Subject Property.

AFFIRMATION AND ACKNOWLEDGMENT

I, Carol A. Brouillette, being first duly sworn upon oath, state that I have read the foregoing instrument/document herein and know the contents thereof and that the facts and information stated therein are true and correct to the best of my knowledge.

Carol A. Brouillette
Carol A. Brouillette

1-12-22
Date

STATE OF NEBRASKA)
) ss:
COUNTY OF ADAMS)

I, Heather D. Hartman, the undersigned notary public, hereby certify that on the 12th day of January, 2022, Carol A. Brouillette appeared before me and acknowledged before me that she executed the foregoing Protest and Objection and that I had satisfactory evidence that Carol A. Brouillette was the person described in and who executed the foregoing Protest and Objection. The foregoing Protest and Objection was subscribed, acknowledged, and sworn to and signed before me by Carol A. Brouillette on the date identified above.

Heather D Hartman
Notary Public
My Commission expires: July 10, 2023

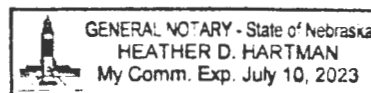
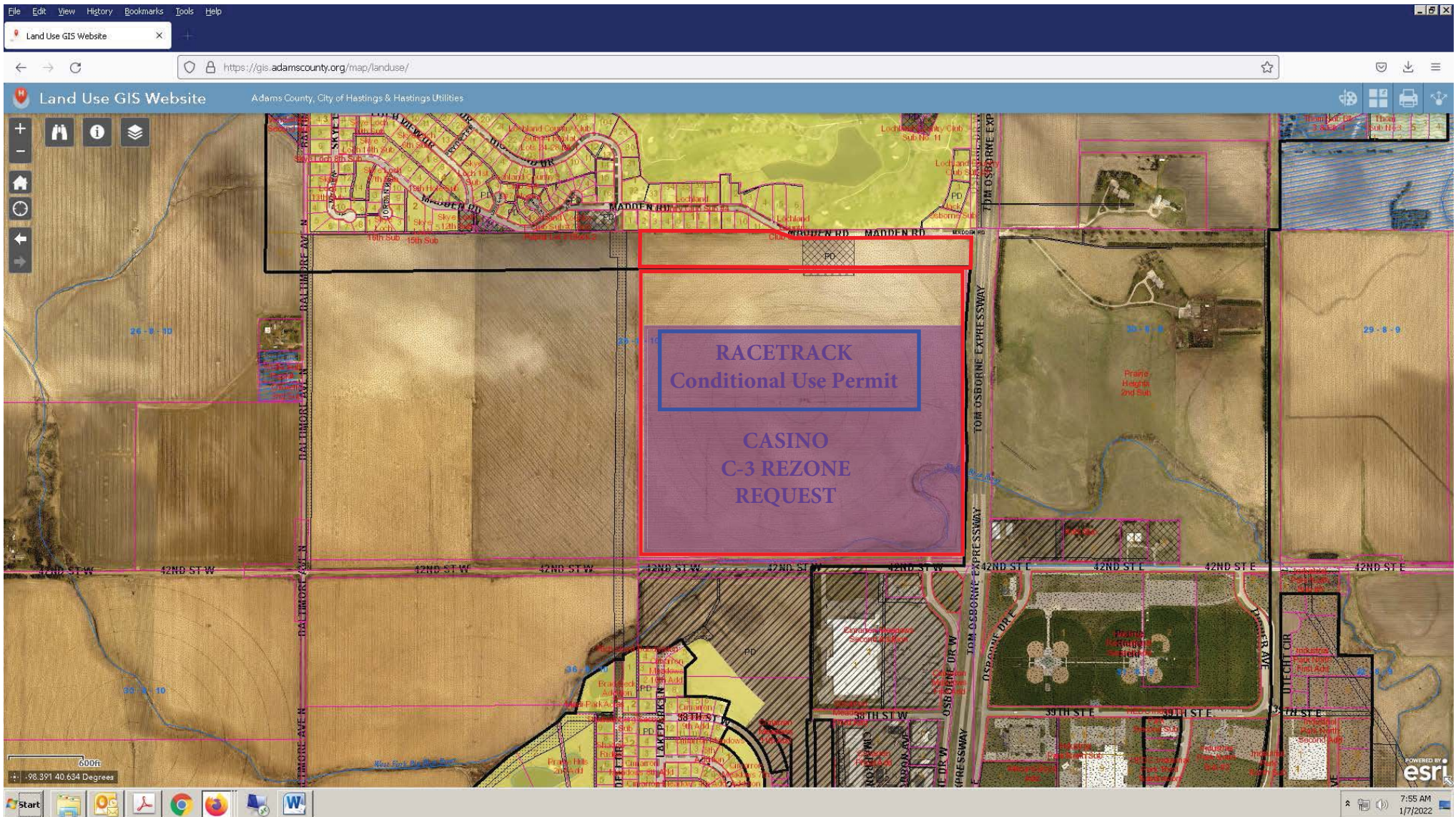


EXHIBIT 2

AERIAL MAP **SHOWING PROPERTY** **OWNERS' PARCELS**



Department: Development Services
Staff Contact: Lisa Parnell-Rowe
Planning Commission Meeting Date: 2/15/2022
File No: 2021-072
Prepared By: Clara McCully, Administrative Assistant

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing for a Conditional Use Permit (CUP) request for a horse racetrack as a Commercial and Retail Outdoor Entertainment & Recreation Business use commonly located to the north of Walmart and 42nd Street W and to the west of Tom Osborne Expressway in the extra-territorial jurisdiction of Adams County and City of Hastings Nebraska.

Motion to recommend disapproval of a request for a CUP for a horse racetrack as a Commercial and Retail Outdoor Entertainment & Recreation Business commonly located to the north of Walmart and 42nd Street W and to the west of Tom Osborne Expressway in the extra-territorial jurisdiction of Adams County and City of Hastings, Nebraska.

Names of People/Business affected by this action:

The applicant and City of Hastings, Adams County and the public.

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 disapproval of a request for a CUP for a horse racetrack as a Commercial and Retail Outdoor Entertainment & Recreation Business commonly located to the north of Walmart and 42nd Street W and to the west of Tom Osborne Expressway in the extra-territorial jurisdiction of Adams County and City of Hastings, Nebraska.

Deadlines associated with action:

There is a concurrent item on our agenda to change the zoning for a Casino from "A, Agriculture" to "C-3, Commercial Business", and to amend the Official Zoning District Map. A potential annexation will also be an additional action necessary if the CUP is approved with staff

recommended conditions.

Department head comments:

Our applicant is Mr. Brian Jorde of Domina Law Group in Omaha. Mr. Jorde represents the combined entities of Prairie Thunder Hastings, LLC; Hastings Exposition and Racing, Inc.; West Fork, Inc.; and Gremco Inc. to bring a horse racetrack and casino to the City of Hastings. What is unique about this proposal is the way in which Nebraska State Initiative 429 was designed to only allow a casino with a racetrack—a concept that has now been tagged “Racino”. A racetrack is allowed without a casino only with Conditional Use Permit (CUP) approval from City Council in 5 zoning districts (i.e., A, C-3, CMP, I-1 & I-2) as a slated use of Outdoor Entertainment & Recreation Business. In fact, our definition of Outdoor Entertainment & Recreation Business includes a racetrack as an example. Our applicant’s clients have purchased this property directly to the north of the existing Walmart store for the placement of this racetrack and casino.

Section 34-402 of the Hastings City Code spells out the four general standards that should be successfully addressed in the applicant’s submission documents and CUP application. In fact, this guidance goes on to state that, “No conditional use design may be approved which will have a permanent negative impact on the items listed in this section that is substantially greater than that anticipated from development permitted without a conditional use”. Below are the four standards with an assessment by staff for this development at this particular location; remembering always that a CUP stays with the land and does not move with ownership from location to location.

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: A, Agriculture, RP-3, Multiple Family Planned Residential & R-1, Urban Single-Family Residential districts. Though the initial approximate 756-feet north is agriculturally-zoned with a small patch of area designated for RP-3, the area to the north of this is also home to Lochland Country Club and a large residential population with mostly single family homes.

South: C-3, Commercial Business District. Directly south of 42nd Street right-of-way (ROW) is Walmart, and many other retail-type businesses taking up space in plazas on the outskirts, such as nail salons, restaurants, etc. Again, further southwest, there are extensive residential neighborhoods integrated into the mixed-use community FLU located there.

East: A, Agriculture; C-3, Commercial Business; and R-3, Multiple-Family Residential districts. The vast majority of this area is zoned and used for agricultural business. The 3 lots that are zoned C-3 are a part of a farm operation. To the south of 42nd Street ROW is the home of the City Parks and Recreation Bill Smith Softball complex.

West: A, Agriculture District. All of this area is used for agricultural purposes and owned by GRO THEN Harvest LLC.

This location is currently zoned A, *Agriculture*. Since the completion of 42nd Street ROW, this area has seen an uptick in the level of interest expressed by many developers. The area is located outside the city limits of the City of Hastings but is in the area where the City of Hastings exercises

extraterritorial jurisdiction. When this area becomes fully developed and is pulled into the city limits, this piece of land will fill a missing link that will further tie the residential community of Lochland to the City of Hastings. Though Lochland has already been pulled into the city limits, the area in between has remained agricultural for many years, creating a seemingly independent community charm among the residents in that area. This area has all the benefits of utilities and services that the City provides, but has had a physical separation that has lent value-added to a quiet and up-scale residential atmosphere for those that live there. The question is whether or not the proposed use will integrate compatibility with this existing land use. Though the applicant's original proposal was to also rezone this entire area and potentially develop it with some additional residential uses, they have since stated that the northern approximate 300' of this area and their separately owned parcel to the north (adding to 756') will continue to be farmed and remain agricultural in zoning. The 756' is more than sufficient buffer between the uses and more than meets the buffer requirements found in Section 34-305 (4) & Table 305-8. This section only requires a 30' buffer to be incorporated. However, Staff questions after receiving more phone calls, inquiries and letters in opposition than ever seen in any past casework, whether the required 30' buffer is appropriate for a use such as this "Racino". There are many unique factors that must be mitigated and explained for the use of a "Racino", in order to determine whether or not this 30' buffer is sufficient. Staff has requested several supplemental plans be provided from the applicant in order to answer this question. Supplemental documentation such as a site-specific tailored Manure Mitigation Plan; a site-specific tailored Noise Mitigation Plan and a more extensive Drainage Plan and Traffic Study will be required as conditions of permits.

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.

Though the applicant's most recently submitted site plan does show a few internal and external sidewalks and a trail connection they have added to both the site plan and narrative, there are still no dimensions noted on the sidewalks. We cannot confirm that the sidewalks will meet the code requirements found in City Code Section 38-303. Staff does appreciate the willingness to provide a trail connection to allow Lochland residents safe passage from their subdivision down to the recently finished Pioneer Spirit Trail portion to the south of 42nd Street. This will fulfill a connection that is currently missing and will also count towards the applicant's greenspace open space requirements.

The applicants have also provided some basic data assessing traffic. Though this data is limited, City Engineer, Lee Vrooman, and Nebraska Department of Transportation (NDOT) Representative, Wes Wahlgren, have stated that what they have provided is sufficient for CUP, but that a more extensive traffic study should still be provided as condition of this permit.

Staff has requested number of seats to assess this assembly use to our off street parking requirements, but this is challenging due to the fact that the racetrack assembly use does not have an actual grand stand with seats. It incorporates an outdoor viewing area instead. Due to this more modern assembly use strategy, consideration will need to take place as to whether or not the

parking will be accurately addressed as a business in a calculation based on gross square feet of the building area. Greater detail is still needed for staff to analyze parking and a separate parking plan must be provided to ensure we are not over or under parking as a condition of this permit. We will also need parking space dimensions noted on the parking plan to demonstrate that parking will meet our code requirements for parking spaces as defined in Section 34-103.

Reasonable and economic extension of public utilities and facilities.
Utilities can be extended into this property, as needed.

Civil Engineer & Floodplain Manager, Tara Ogren, and Adams County Highway Superintendent, Dawn Miller, both recommend a Drainage Study be done for the area that shows the necessary hydrologic and hydraulic calculations. Despite approximately 25% of this area being within a floodplain, a very limited drainage memorandum and data was provided. In fact, around 5% of this area is within the floodway and will require a no-rise procedure to occur as one of the driveways going into the site crosses through this floodway. The no-rise procedure will provide proof that neighbors both upstream and downstream are not affected by this development's drainage. A COE permit to construct a new concrete box culvert in the West Fork of Big Blue River may be required, as well as wetlands delineation, and a floodplain development permit for the Upper Big Blue NRD. Staff recommends that if this permit is approved, we place a condition on the permit to not only provide a full blown Drainage Study, but to also require the applicants to provide copies of any necessary state and federal approvals related to floodplain documentation and permitting. Permanent Best Management Practices (BMPs) for stormwater will be required as part of State SWPPP, and there will need to be a maintenance agreement put into place with the developers when this occurs. This will also be a condition of this permit.

Noise, fumes, dust or other environmental pollution. A horse racetrack will come with additional smells and waste management, noise, light glare and visual concerns. These potential concerns have been communicated to the applicant in a formal review of their application. Below is detail to explain each of these potential concerns and what we would recommend to mitigate these concerns.

Noise: There will be noise from the animals and public during large events held outdoors, as well as from the commentators over any sound system. As previously mentioned, Staff feels the applicants have more than met the buffer requirement due to the over 700 feet shown on the applicant's site plan from the racetrack to the nearest residential neighbors to the north. However, Staff still questions whether or not the buffer requirement in our City Code fully considers noise of this particular use and whether or not a landscape buffer will be effective in reducing noise from such a development. City Code only addresses noise in the Excessive Noise ordinance found in Section 18-113.01. This section speaks to excessive noise in public spaces for individuals but not for assembly use. It addresses radio, tape player, compact disc player, stereophonic sound system, or similar devices which reproduce or amplify radio broadcasts, or musical recordings, but it basically excludes an activity that is open to the public, such as an athletic event. The one thing we do know from this code is that 75 feet is a more appropriate distance for these smaller types of noise nuisances. City Code does not address distances required for noise from private assemblies held outdoors. The applicants did briefly address noise in their narrative as requested by staff. It does address the more modern approach of an outdoor patio as opposed to a grand stand that is elevated, which could carry noise further. However, this discussion does not provide evidence as to

the time of day when events would be held or what sound equipment, if any, would be utilized by commentators or for background music. There is still no evidence of the actual noise level that would be discharged from this type of use. It would be a recommendation of staff that there would be a requirement for the applicant to provide a Noise Mitigation Plan. This plan should provide evidence to Staff of the anticipated level of noise and should demonstrate how this plan would reduce or prevent additional noise from interfering with residential neighbors to the north. This plan should also address the specific hours that races will be limited to, the level of noise that any sound equipment would be capable of making and/or what this equipment would be set at during races in order to reduce noise pollution. The plan should propose additional mitigation measures through solid fences or screening, in addition to the landscaping that is being proposed if it is found in this plan that the noise from this use could be heard by the northern residential properties. Though landscaping is shown on the plan, Staff feels this will mostly assist with screening the property visually and may not fully block the noise.

Smell and Waste Management: A Waste Management & Disposal Plan tailored to this site will be required by NDED. The applicants have provided an overview of an equestrian manure management plan for which they will use as a guideline. As these are State mandated requirements staff feels a sufficient amount of information has been provided for CUP, but will place a condition that once this plan has been tailored to this site that plan and any State approvals should be provided as a condition of this permit. Additionally, we would ask that such a plan addresses the number of horses to be stalled and length of time they will stay, and how each area will be managed from stall bedding, exercise areas, track, paddock and any others where this would be relevant. This plan should also include the control of run-off from these areas during wet conditions and explain how this will be maintained. Applicants have added the proposed detention area to their site plan, but additional explanation as to how this will function should be added to this plan.

Light Glare: Lighting does not appear to be an issue and staff believes this has been appropriately addressed in their narrative. Applicants have stated that they will not have track or pole lights or stadium lights. We feel that in a parking lot of this size that there would be a need for pole lighting; however, parking lot pole height and standards for full cutoff will be addressed with a building permit. Applicants have stated there will be no such needs associated with the racetrack use. If such lighting is necessary in future, then this would require applicants to provide a CUP amendment so that it can be reassessed.

Visual Aesthetics: The landscaping should be submitted as a separate plan and greater details as to the type and size of trees and bushes that would be added. There is no information regarding the type of species, and no evidence provided that the American Standards of Nursery Stock have been considered/provided. There should be separate symbols used for the different types of landscaping, a table of the species to be used, and there should be a legend included to interpret when reviewing according to our Open Space Landscape Materials and Street Trees requirements found in Tables 305-4 & 305-5 of Chapter 34. Street trees have not been addressed in their landscaping and will need to be reviewed by the Parks and Recreation Director.

The maintenance of logical and efficient development patterns and land use mixtures.
The apparent mix of both residential uses to the north in Lochland subdivision and commercial

uses found to the south of 42nd Street W demonstrates a need for a transitional zone that is sensitive to both uses. Staff feels the most appropriate district zone for this area is C-O, Commercial Office Non-Retail District. This is because the intent of that particular zone district is to “include urban and suburban residential and professional office uses that are appropriate in areas undergoing a transition” and specifically states, “the regulations and restrictions are intended to protect, preserve and enhance the residential uses while permitting uses characterized principally by consultative services or executive, administrative or clerical activities”. Staff believes if this area was to be zoned to truly consider logical and efficient development, that C-O, Commercial Non-Retail is the most appropriate district for which we should rezone. The C-O zoning district would also best fit to the mix of both residential and commercial FLU types projected for this area.

Though we do have Walmart and many commercial businesses to the south of this area, it is important to remember those were permitted outright by the C-3, Commercial Business District. The impact on the surrounding area with these existing businesses was not expected to be potentially negative to the surrounding area, which did not directly impact Lochland. Walmart, and the other retail businesses and restaurants did not need to consider and prepare plans for mitigating potential hazards and nuisances like horse manure, intense light glare, dust and smell as these were permitted use.

Though this development would clearly provide some much-needed economic growth for the City of Hastings, Staff would not feel this is the appropriate place for this particular use. Staff has provided other options to the applicants that would seem to offer the applicant similar visibility from nearby principal street right-of-way, while fitting better into the existing and future land uses. Staff questions the economic need for this in our community when the City of Grand Island has Fonner Park and future plans for a casino. Grand Island and Fonner Park are well-known with the added visibility for all during State Fair events. Additionally, since the onset of Nebraska State Initiative 429, many other “Racinos” have been planned and/or approved for communities like Gering, North Platte, Bellevue and more. Many of these were placed in areas that did not entail the need to rezone the land, but were already zoned for the use of a casino. Careful consideration should be taken on our part to ensure if this is approved that we have not been provided with market research evidence, that this use would be successful and not a failed use of infrastructure left adjacent to our city's gateway due to an obvious oversaturation. The applicants have not provided us with any such assurance. If a C-3, Commercial Business zoning is approved, then if this particular use fails, this means other future uses such as outdoor sales of any type (like a car lot), some light manufacturing uses, other indoor and outdoor entertainment and recreational businesses or uses, and much more, may follow. If this area was to be rezoned to a C-O zoning district, many of these uses are retail and would not be permitted in this area. This is why this area at most should only be considered for a C-O Zoning District rezone. However, that is not what our applicant has proposed—it is not what they proposed because only the C-3, Commercial Business Zone District will permit them to have the Casino and also allow them to request a Conditional Use Permit for their racetrack.

Additionally, we must not forget this area is the primary gateway to our city. Though it is not unusual for Casinos to desire a gateway location, that type of use may fit for larger cities like Omaha and Lincoln; it simply is not what Staff feels this community would want to express as the

identity and first impression of Hastings. Staff knows this because when we held key stakeholder and public focus group meetings to discuss our Transportation and Parking Plan, one of the primary strengths that was identified as part of this plan was our city's unique character, often described as "Small Town Charm" and appeal. This is what is said to be the most important thing to our residents. The difference between Grand Island, Kearney and Hastings is when you drive into town and down Burlington Avenue, you still see many older, charming residential properties along this corridor. Though this particular area doesn't exude that "Small Town Charm", it is not currently in complete contrast to that vision. This "Small Town Charm" definitely has been a strength for Hastings that these other communities do not have, and the more we stray from that vision the more we gravitate away from that strength. This is not to say Hastings can never grow, but it is to say architecturally and visually, we want to ensure developments in that gateway area are not visually disparate to the look and feel of the "Small Town Charm". Staff contends a "Racino" at our gateway does not consider this long-standing strength and is a complete disregard to this known community engagement feedback.

Though the applicant has now provided some basic drainage and traffic data, it is felt that this is not as extensive as it can be for the development being proposed in this particular area. Staff does not feel that this criterion has been addressed to the degree which we can be assured that there will be no permanent negative impact that is substantially greater than one that would occur with a permitted use.

3. The conditions imposed are necessary to ensure the maintenance of property values and the safety, health, comfort, and repose of the residents. Adjacent property notice letters were sent out to all properties within 300 feet of this location and, as of the drafting of this report, there were 34 responses received that were against this development and zero responses that are in support of this use. We have included copies of any written responses we have received in this packet and any responses received after packet dispersment will be added into record at the public hearing. I would encourage the Planning Commission to take the time to read all of these letters. In all my years of city planning I have never seen such an overwhelming response from local property owners as I have with this proposed use. However, the applicant has provided two letters from realtors that do provide opinion that this use will not have a negative impact to the Lochland community property values.

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

When you consider the entire area that was once proposed and is currently undeveloped, the area more adaptable to development due to the floodplain in the southeast corner is predominantly FLU-slanted for Suburban Residential. This means you can utilize more of this total area for buildout as slated for a residential use than you could as it was slated for a Commercial/Retail use.

There was obviously some intentional consideration on the part of those who created the FLU to cease Commercial/Retail as they moved north towards Lochland. We know this because when we review the FLU and compare the western side of the Tom Osborne Expressway to the eastern side, only the eastern side continues to incorporate Commercial/Retail as it moves north, whereas the

western side ceases Commercial/Retail future zoning as it approaches Lochland. The question Planning Commission and City Council will need to determine is to what point this cessation in future Commercial/Retail use should be cut off or transitioned as you move closer to Lochland.

Recommendation:

Motion to recommend disapproval of a request for a CUP for a horse racetrack as a Commercial and Retail Outdoor Entertainment & Recreation Business commonly located to the north of Walmart and 42nd Street W and to the west of Tom Osborne Expressway in the extra-territorial jurisdiction of Adams County and City of Hastings Nebraska. However, should Planning Commission vote to recommend approval for this CUP then staff would recommend doing so with the following minimum conditions stipulated:

1. There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply.
2. The City Clerk shall forward to the register of deeds for recording an affidavit or such other instrument as may be deemed appropriate so as to provide notice to any person examining the real estate records of the existence of this conditional use permit. The recording costs incurred to comply with this section shall be paid by the applicant for the conditional use permit.
3. An annexation to pull the area inclusive of both the Casino and Race track into the City will also be required.
4. A site-tailored Noise Mitigation Plan will be required and should provide evidence to Staff of the anticipated level of noise and should demonstrate how this plan would reduce or screen additional noise from interfering with residential neighbors to the north.
5. A separate Landscape Plan the shows species and evidence of meeting City Code Section 34-305 will be required for building permit approval.
6. A site-tailored Waste Management & Disposal Plan and copies of any necessary State approvals of such will be required for building permit approval.
7. A full and extensive Drainage Study will be required as well as copies of any necessary State and federal entities approvals of related floodplain documentation. Additionally, a maintenance agreement will be required for Permanent Post Construction Best Management Practices (BMPs) of stormwater.
8. A more extensive Traffic Study and copies of any related necessary State and County permits will be required for building permit approval.
9. A copy of the group's approved horse-racing and casino licenses from the Racing and Gaming Commission must be provided prior to approval of a building permit and any construction of this development.
10. A separate parking plan the demonstrates acceptable parking practices for the unique assembly use that doesn't particularly provide seats as shown in the city codes off street parking requirements will be required as a condition of this permit and must be provided for building permit approval.

**ALL ATTACHMENTS ARE
INCLUDED UNDER AGENDA
ITEM 9E, REZONE**

Department: Development Services
Staff Contact: Brian Hurskainen
Planning Commission Meeting Date: 2/15/2022
File No: 2021-063
Prepared By: Brian Hurskainen, City Planner

AGENDA ITEM SUMMARY SHEET

Description of Item:

Final Plat for Lakeview 10th Addition of a tract of land located in the Southwest Quarter of Section 36, Township 8 North, Range 10 West of the 6th P.M. City of Hastings, Adams County, Nebraska.

Names of People/Business affected by this action:

The applicant, the City of Hastings and Adams County.

Why Planning Commission action is required:

Neb. Rev. Stat. 19-929 states that city council shall not take final action on subdivision development matters without the recommendation of the Planning Commission.

Type of action requested:

Motion

Suggested motion:

Not Applicable

Deadlines associated with action:

This Final Plat case will be presented for approval at the City Council Regular Meeting to be held on March 14, 2022.

Department head comments:

The Development Department and Plat Track review teams (to include County officials) have reviewed this subdivision plat and the applicant has incorporated all recommendations found to be relevant with subdivision design standards and regulations in City Code Section 38-203. All related utility easement locations have been reviewed and approved by the Utilities Coordinator as part of this plat process.

In addition, the applicant has agreed to plant a filter strip to help protect Lake Hastings from the increased run off and sediments from this development. The strip will be in between lots 6 and 7 of Feuerhelm Subdivision adjacent to Lake Hastings.

Recommendation:

Staff recommends a motion to recommend approval of the Final Plat for Lakeview 10th Addition.



February 4, 2022

Mr. Alan Anderson
[REDACTED]

Dear Mr. Anderson,

Thank you for meeting with Brian Hurskainen and myself this past Wednesday to discuss your Lakeview 10th Addition. During the meeting we discussed the following items related to stormwater drainage requirements for not only the 10th Addition but also the preliminary platted area west of the 10th Addition.

- In lieu of any permanent BMP's for the 10th Addition, you agreed to have Alex Quinn over seed an area this spring where the drainage from the 10th Addition flows into the lake. The City seeded this area last fall with native grasses so the work will just be on areas that do not have a good stand of grass. Expected cost for this is not to exceed \$2,500. Areas to be seeded and seed mix used, to be coordinated with Tara Ogren. See attached drawing of area.
- The 10th Addition is over an acre so will require a State SWPPP through NDEE with a copy submitted to the City. This area would fall under the common plan of development.
- To limit the drainage onto 2705 Lakeview you had Alex Quinn seed the ditch area to the west. You have also asked your farmer to plant the crop rows running east/west instead of north/south to act as a system of terraces to slow down runoff. You mentioned that you will evaluate the stand of grass in the ditch in the spring to determine if reseeding is necessary. We discussed the size of this ditch and that it may need to be larger to ensure the surrounding properties are protected from excess runoff. We recommend you look into the appropriate size of this ditch with your Engineer.
- As you develop the area that is now preliminarily platted, post construction permanent BMP's will be required to be shown on the plat for this area. If the BMP is not in the next area to be developed, it will need to be shown on a preliminary plat of the entire area to demonstrate that the stormwater requirements are being met.

We will continue to work with you as your development grows to the west, meeting the needs of your development while providing compliance with our State MS4 stormwater permit. Please sign below and return a copy of this letter to me.

If you have any questions please give me a call, 402-462-3657.

Sincerely,



Lee Vrooman
Director of Engineering
City of Hastings

Your signature below indicates an agreement between the City of Hastings and Alan Anderson as per the above stated items.

Alan Anderson



Signature



Print or Type Signature



Date

Cc: Brian Hurskainen
Tara Ogren

LAKEVIEW 10TH ADDITION

AN ADDITION TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.
LOCATED IN THE SW 1/4, OF SECTION 36-T8N-R10W, OF THE 6TH, P.M.,
ADAMS COUNTY, NEBRASKA.

OWNERS CERTIFICATE AND DEDICATION:

KNOW ALL MEN BY THESE PRESENTS, THAT WESTBROOK VILLAGE, LLC, A "NEBRASKA" LIMITED LIABILITY COMPANY, BEING THE OWNER OF RECORD OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED IN THE LEGAL DESCRIPTION HEREON, HAVE CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS "LAKEVIEW 10TH ADDITION", AN ADDITION TO THE CITY OF HASTINGS, LOCATED IN THE SW 1/4 OF SECTION 36, TOWNSHIP 8 NORTH, RANGE 10 WEST OF THE 6TH, P.M., ADAMS COUNTY, NEBRASKA, AND THAT SAID SURVEYING, SUBDIVIDING, PLATTING AND DESIGNATION WAS DONE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AND WISHES OF THE UNDERSIGNED OWNERS. BE IT FURTHER KNOWN, THAT SAID OWNERS DO HEREBY DEDICATE ALL STREETS AND EASEMENTS SHOWN ON THE PLAT TO THE CITY OF HASTINGS.

SIGNED THIS _____ DAY OF _____, 2021.

WESTBROOK VILLAGE, LLC

ALAN M. ANDERSON, MANAGING MEMBER

ACKNOWLEDGEMENT

STATE OF NEBRASKA }
COUNTY OF ADAMS } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY
OF _____, 2021, BY ALAN M. ANDERSON (MANAGING MEMBER), MY COMMISSION

EXPIRES THE _____ DAY OF _____, _____.

(SEAL)

NOTARY

WAIVER:

APPLICANTS HEREBY WAIVES ANY AND ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES OR THE ALTERATION OF THE SURFACE OF ANY PORTION OF THE STREETS AND ALLEYS TO CONFORM TO SAID GRADES AS ESTABLISHED.

SIGNED THIS _____ DAY OF _____, 2021.

WESTBROOK VILLAGE, L.L.C.

ALAN M. ANDERSON, MANAGING MEMBER

CITY PLANNING COMMISSION RECOMMENDATION

THIS PLAT OF LAKEVIEW 10TH ADDITION, AN ADDITION TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, HAS BEEN SUBMITTED TO AND REVIEWED BY THE CITY PLANNING COMMISSION FOR APPROVAL AND IS HEREBY TRANSMITTED TO THE GOVERNING BODY OF THE CITY OF HASTINGS, ADAMS

COUNTY, NEBRASKA, WITH THE RECOMMENDATION THAT SAID PLAT BE _____ AS PROPOSED

DATED THIS _____ DAY OF _____, _____.

CHAIRMAN

DIRECTOR

CITY ENGINEER'S APPROVAL

I, THE UNDERSIGNED, DO HEREBY _____ THIS PLAT OF LAKEVIEW 10TH ADDITION, AN ADDITION TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

CITY ENGINEER

CITY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO SPECIAL ASSESSMENTS ARE DELINQUENT UPON THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION ON THIS PLAT.

CITY OF HASTINGS TREASURER

COUNTY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO TAXES ARE DUE OR DELINQUENT UPON THE PROPERTY IN THE LEGAL DESCRIPTION ON THIS PLAT AS OF

THIS _____ DAY OF _____, _____.

ADAMS COUNTY TREASURER

MAYOR AND CITY COUNCIL ACTION

THIS PLAT OF LAKEVIEW 10TH ADDITION, AN ADDITION TO THE CITY OF HASTINGS, ADAMS

COUNTY NEBRASKA, IS HEREBY _____ DATED THIS _____ DAY OF _____, _____.

MAYOR

CITY CLERK

REGISTER OF DEEDS CERTIFICATE

STATE OF NEBRASKA }
COUNTY OF ADAMS } SS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD
IN THE REGISTER OF DEEDS OFFICE OF ADAMS COUNTY, NEBRASKA

DATE: _____ TIME: _____

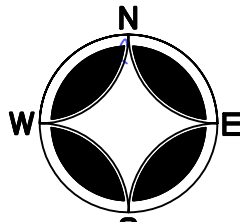
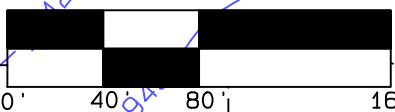
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REGISTER OF DEEDS

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 8 NORTH, RANGE 10 WEST OF THE 6TH P.M., IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF LOT 15 SHADOW RIDGE 7TH ADDITION, THENCE N89°41'41"E ASSUME BEARING ON THE SOUTH LINE OF SAID SHADOW RIDGE 7TH ADDITION A DISTANCE OF 89.55 FEET TO THE POINT OF BEGINNING, THENCE N89°41'41"E CONTINUING ON SAID SOUTH LINE A DISTANCE OF 470.00 FEET TO THE WEST LINE OF BILT-RITE SECOND SUBDIVISION, THENCE S00°16'47"W ON SAID WEST LINE A DISTANCE OF 219.00 FEET TO THE NORTH LINE OF KONEN SUBDIVISION, THENCE S89°41'41"W ON SAID NORTH LINE A DISTANCE OF 30.00 FEET TO THE WEST LINE OF SAID KONEN SUBDIVISION, THENCE S00°16'47"W ON SAID WEST LINE AND ALSO BEING THE WEST LINE OF D & A MARS SUBDIVISION A DISTANCE OF 146.00 FEET TO THE SOUTH LINE OF SAID D & A MARS SUBDIVISION, THENCE N89°41'41"E ON SAID SOUTH LINE A DISTANCE OF 30.00 FEET TO THE WEST LINE OF SAID BILT-RITE SECOND SUBDIVISION, THENCE S00°16'47"W ON SAID WEST LINE A DISTANCE OF 73.00 FEET TO THE NORTH LINE OF RAHRS-DOUGLAS MERTENS SUBDIVISION, THENCE S89°41'41"W ON SAID NORTH LINE A DISTANCE OF 60.00 FEET TO THE WEST LINE OF SAID RAHRS-DOUGLAS MERTENS SUBDIVISION, THENCE S00°16'47"W ON SAID WEST LINE A DISTANCE OF 235.00 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID 31ST STREET, THENCE N89°41'41"E ON SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 60.00 FEET, THENCE S00°16'47"W A DISTANCE OF 60.00 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID 31ST STREET AND BEING THE NORTH LINE OF BLANKENBAKER SUBDIVISION, THENCE S89°41'41"W ON SAID NORTH LINES A DISTANCE OF 60.00 FEET TO THE WEST LINE OF SAID BLANKENBAKER SUBDIVISION, THENCE S00°16'47"W ON SAID WEST LINE AND ALSO BEING THE WEST LINE OF W & S SUBDIVISION A DISTANCE OF 161.50 FEET TO THE SOUTH LINE OF SAID W & S SUBDIVISION, THENCE N89°41'41"E ON SAID SOUTH LINE A DISTANCE OF 60.00 FEET TO THE WEST LINE OF BILT-RITE SUBDIVISION, THENCE S00°16'47"W ON SAID WEST LINE A DISTANCE OF 175.30 FEET TO THE NORTH LINE OF BLOCK 4 LAKEVIEW 6TH ADDITION, THENCE S89°48'21"W ON SAID NORTH LINE A DISTANCE OF 218.70 FEET TO THE EAST LINE OF LOT 1 OF SAID BLOCK 4 LAKEVIEW 6TH ADDITION, THENCE N00°12'06"E ON SAID EAST LINE AND BEING THE EAST RIGHT OF WAY LINE OF LAKEVIEW AVENUE A DISTANCE OF 43.54 FEET TO THE NORTH LINE OF SAID LOT 1, THENCE N89°47'55"W ON SAID NORTH LINE A DISTANCE OF 95.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, THENCE N87°08'21"W A DISTANCE OF 120.47 FEET, THENCE N00°18'19"W A DISTANCE OF 829.30, THENCE N23°19'21"W A DISTANCE OF 65.19 FEET, THENCE N00°18'19"W A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING, CONTAINING 10.01 ACRES MORE OR LESS.

ASSUMED BEARINGS
GROUND DISTANCES
SCALE: 1"=80'



33RD STREET

SHADOW RIDGE
7TH ADD.

SHADOW RIDGE
8TH ADD.

LOT 2
BLK-5

LOT 1

LOT 10

LOT 24

LOT 23

LOT 22

LOT 21

LOT 20

LOT 19

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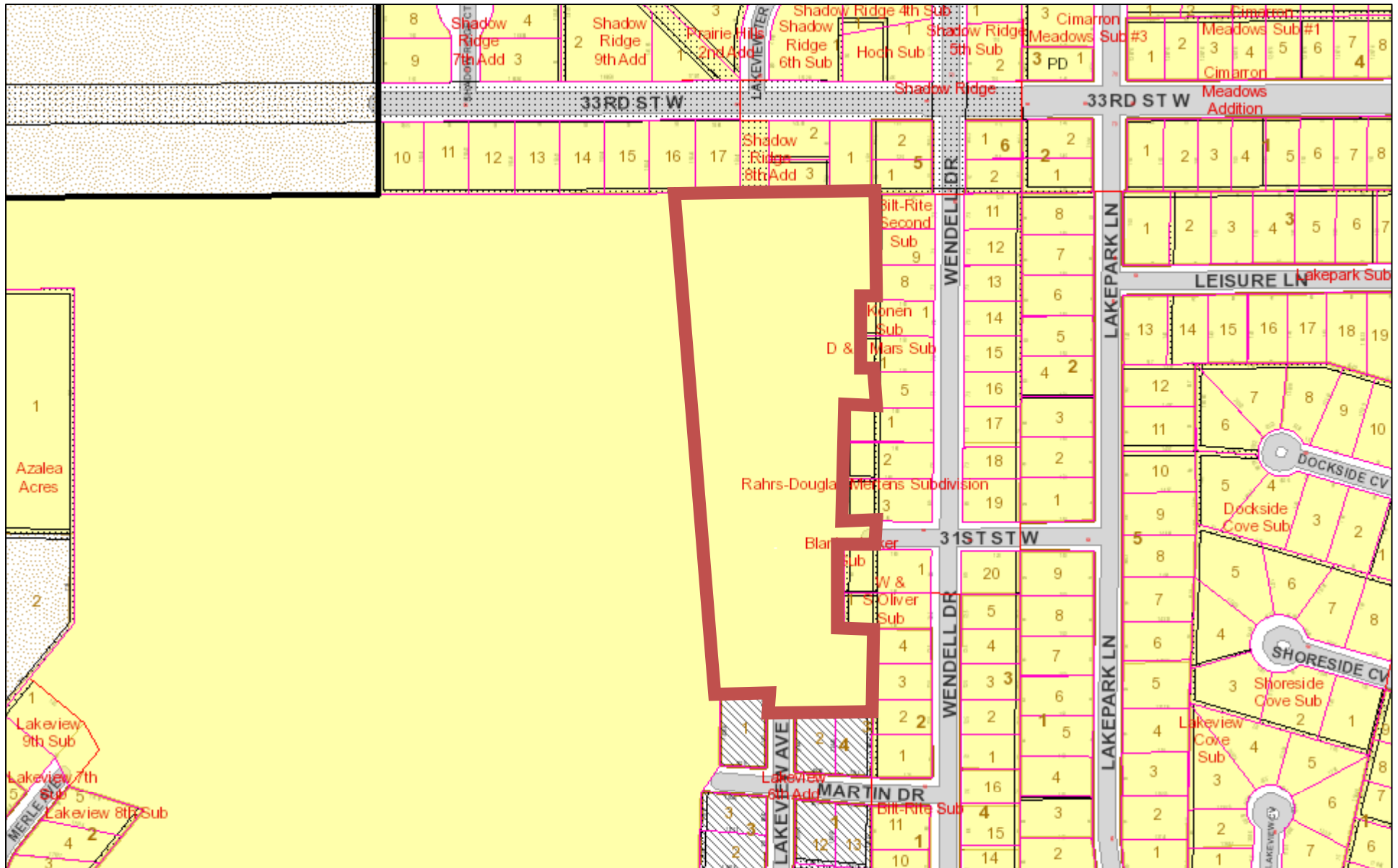
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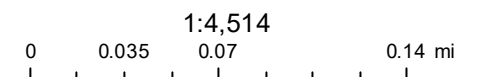
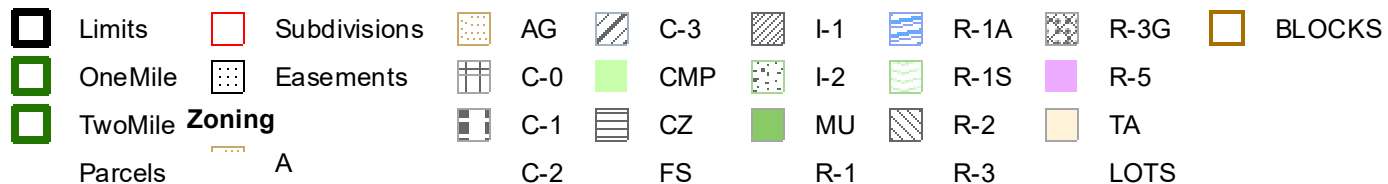
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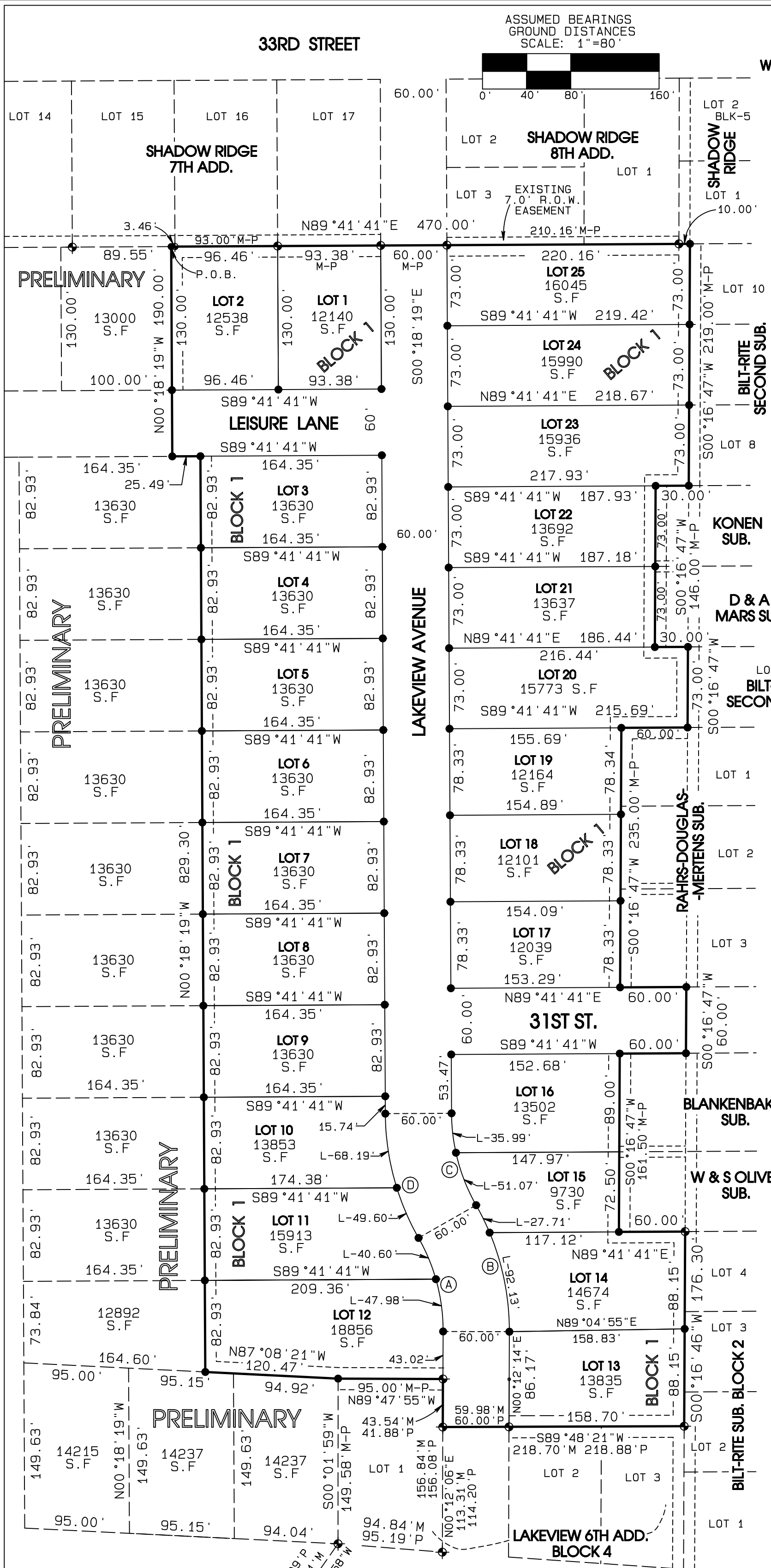
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ArcGIS Web Map



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GPS PROJECT # 088-2021 SHEET 1 OF 1

SURVEYOR'S CERTIFICATE:

I, HEREBY CERTIFY THAT THIS PLAT OF A SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE, AND THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA, COMPLETED ON FEBRUARY 8TH, 2022.

JOSHUA E. GRUMMERT | LS-783

GRUMMERT PROFESSIONAL SERVICES, LLC
2837 WEST HIGHWAY 6, SUITE 206, HASTINGS, NE 68901
PHONE 402-879-5701 EMAIL jmgrammert@yahoo.com
WEBSITE www.grummertsurveying.com

SEAL

VICINITY SKETCH
ADAMS COUNTY

LEGEND :

- M-MEASURED DISTANCE
- R-RECORD DISTANCE
- G-GOVERNMENT DISTANCE
- P-PLATTED DISTANCE
- D-DEED DISTANCE
- 10' UTILITY EASEMENT UNLESS NOTED
- ⦿ FOUND CORNER
- CALCULATED POINT
- SET 1/2" X 24" REBAR WITH BLUE LS-783 CAP UNLESS NOTED OTHERWISE

FLOOD PLAIN NOTE:

NO PORTION OF THE PROPERTY SHOWN ON THIS FINAL PLAT IS LOCATED WITHIN THE 100 YEAR FLOOD HAZARD ZONE "A" ACCORDING TO THE FLOOD HAZARD BOUNDARY MAPS AS PROVIDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL INSURANCE ADMINISTRATION, COMMUNITY PANEL NO. 31001C0157C EFFECTIVE ON 07/05/2018.

CURVE DATA	
Ⓐ	CHB=N14°43'21"W CHD=87.58' L=88.58' R=170.00'
Ⓑ	CHB=N14°43'21"W CHD=118.49' L=119.84' R=230.00'
Ⓒ	CHB=N14°58'38"W CHD=86.12' L=87.06' R=170.00'
Ⓓ	CHB=N14°58'38"W CHD=116.51' L=117.79' R=230.00'

LAKEVIEW 10TH ADDITION

'FINAL PLAT'

A SUBDIVISION IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.
LOCATED IN THE SW 1/4, OF SECTION 36-T8N-R10W, OF THE 6TH, P.M.,
ADAMS COUNTY, NEBRASKA.

OWNERS CERTIFICATE AND DEDICATION:

KNOW ALL MEN BY THESE PRESENTS, THAT WESTBROOK VILLAGE, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, BEING THE OWNER OF RECORD OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED IN THE LEGAL DESCRIPTION HEREON, HAVE CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS "LAKEVIEW 10TH ADDITION", A SUBDIVISION IN THE CITY OF HASTINGS, LOCATED IN THE SW 1/4 OF SECTION 36, TOWNSHIP 8 NORTH, RANGE 10 WEST OF THE 6TH, P.M., ADAMS COUNTY, NEBRASKA, AND THAT SAID SURVEYING, SUBDIVIDING, PLATTING AND DESIGNATION WAS DONE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AND WISHES OF THE UNDERSIGNED OWNERS, BE IT FURTHER KNOWN, THAT SAID OWNERS DO HEREBY DEDICATE ALL STREETS AND EASEMENTS SHOWN ON THE PLAT TO THE CITY OF HASTINGS.

SIGNED THIS _____ DAY OF _____, 2022.

WESTBROOK VILLAGE, LLC

ALAN M. ANDERSON, MANAGING MEMBER

ACKNOWLEDGEMENT

STATE OF NEBRASKA }
COUNTY OF ADAMS } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY
OF _____, 2022, BY ALAN M. ANDERSON (MANAGING MEMBER), MY COMMISSION

EXPIRES THE _____ DAY OF _____.

(SEAL) _____ NOTARY

WAIVER:

APPLICANTS HEREBY WAIVES ANY AND ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES OR THE ALTERATION OF THE SURFACE OF ANY PORTION OF THE STREETS AND ALLEYS TO CONFORM TO SAID GRADES AS ESTABLISHED.

SIGNED THIS _____ DAY OF _____, 2022.

WESTBROOK VILLAGE, L.L.C.

ALAN M. ANDERSON, MANAGING MEMBER

CITY PLANNING COMMISSION RECOMMENDATION

THIS PLAT OF LAKEVIEW 10TH ADDITION, A SUBDIVISION IN THE CITY OF HASTINGS, ADAMS COUNTY NEBRASKA, HAS BEEN SUBMITTED TO AND REVIEWED BY THE CITY PLANNING COMMISSION FOR APPROVAL AND IS HEREBY TRANSMITTED TO THE GOVERNING BODY OF THE CITY OF HASTINGS, ADAMS

COUNTY, NEBRASKA, WITH THE RECOMMENDATION THAT SAID PLAT BE _____ AS PROPOSED

DATED THIS _____ DAY OF _____.

CHAIRMAN _____ DIRECTOR _____

CITY ENGINEER'S APPROVAL

I, THE UNDERSIGNED, DO HEREBY _____ THIS PLAT OF LAKEVIEW 10TH ADDITION, A SUBDIVISION IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

CITY ENGINEER _____

CITY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO SPECIAL ASSESSMENTS ARE DELINQUENT UPON THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION ON THIS PLAT.

CITY OF HASTINGS TREASURER _____

COUNTY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO TAXES ARE DUE OR DELINQUENT UPON THE PROPERTY IN THE LEGAL DESCRIPTION ON THIS PLAT AS OF

THIS _____ DAY OF _____.

ADAMS COUNTY TREASURER _____

MAYOR AND CITY COUNCIL ACTION

THIS PLAT OF LAKEVIEW 10TH ADDITION, A SUBDIVISION IN THE CITY OF HASTINGS, ADAMS

COUNTY NEBRASKA, IS HEREBY _____, DATED THIS _____ DAY OF _____.

MAYOR _____ CITY CLERK _____

REGISTER OF DEEDS CERTIFICATE

STATE OF NEBRASKA }
COUNTY OF ADAMS } SS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE OF ADAMS COUNTY, NEBRASKA

DATE: _____ TIME: _____

INSTRUMENT NO.: _____

REGISTER OF DEEDS _____

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 8 NORTH, RANGE 10 WEST OF THE 6TH P.M., IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 15 SHADOW RIDGE 7TH ADDITION, THENCE N89°41'41"E ASSUME BEARING ON THE SOUTH LINE OF SAID SHADOW RIDGE 7TH ADDITION A DISTANCE OF 89.55 FEET TO THE POINT OF BEGINNING, THENCE N89°41'41"E CONTINUING ON SAID SOUTH LINE A DISTANCE OF 470.00 FEET TO THE WEST LINE OF BILT-RITE SECOND SUBDIVISION, THENCE S00°16'47"W ON SAID WEST LINE A DISTANCE OF 219.00 FEET TO THE NORTH LINE OF KONEN SUBDIVISION, THENCE S89°41'41"W ON SAID NORTH LINE A DISTANCE OF 30.00 FEET TO THE WEST LINE OF SAID KONEN SUBDIVISION, THENCE S00°16'47"W ON SAID WEST LINE AND ALSO BEING THE WEST LINE OF D & A MARS SUBDIVISION A DISTANCE OF 146.00 FEET TO THE SOUTH LINE OF SAID D & A MARS SUBDIVISION, THENCE N89°41'41"E ON SAID SOUTH LINE A DISTANCE OF 30.00 FEET TO THE WEST LINE OF SAID BILT-RITE SECOND SUBDIVISION, THENCE S00°16'47"W ON SAID WEST LINE A DISTANCE OF 73.00 FEET TO THE NORTH LINE OF RAHRS-DOUGLAS-MERTENS SUBDIVISION, THENCE S89°41'41"W ON SAID NORTH LINE A DISTANCE OF 60.00 FEET TO THE WEST LINE OF SAID RAHRS-DOUGLAS-MERTENS SUBDIVISION, THENCE S00°16'47"W ON SAID WEST LINE A DISTANCE OF 235.00 FEET TO THE NORTH RIGHT OF WAY LINE OF 31ST STREET, THENCE N89°41'41"E ON SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 60.00 FEET, THENCE S00°16'47"W A DISTANCE OF 60.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID 31ST STREET AND BEING THE NORTH LINE OF BLANKENBAKER SUBDIVISION, THENCE S89°41'41"W ON SAID NORTH LINE A DISTANCE OF 60.00 FEET TO THE WEST LINE OF SAID BLANKENBAKER SUBDIVISION, THENCE S00°16'47"W ON SAID WEST LINE AND ALSO BEING THE WEST LINE OF W & S OLIVER SUBDIVISION A DISTANCE OF 161.50 FEET TO THE SOUTH LINE OF SAID W & S OLIVER SUBDIVISION, THENCE N89°41'41"E ON SAID SOUTH LINE A DISTANCE OF 60.00 FEET TO THE WEST LINE OF BILT-RITE SUBDIVISION, THENCE S00°16'46"W ON SAID WEST LINE A DISTANCE OF 176.30 FEET TO THE NORTH LINE OF BLOCK 4 LAKEVIEW 6TH ADDITION, THENCE S89°48'21"W ON SAID NORTH LINE A DISTANCE OF 218.70 FEET TO THE EAST LINE OF LOT 1 OF SAID BLOCK 4 LAKEVIEW 6TH ADDITION, THENCE N00°12'06"E ON SAID WEST LINE AND BEING THE WEST RIGHT OF WAY LINE OF LAKEVIEW AVENUE A DISTANCE OF 43.54 FEET TO THE NORTH LINE OF SAID LOT 1, THENCE N89°47'55"W ON SAID NORTH LINE A DISTANCE OF 95.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, THENCE N87°08'21"W A DISTANCE OF 420.47 FEET, THENCE N00°18'19"W A DISTANCE OF 829.30, THENCE S89°41'41"W A DISTANCE OF 25.49' FEET, THENCE N00°18'19"W A DISTANCE OF 190.00 FEET TO THE POINT OF BEGINNING, CONTAINING 10.03 ACRES MORE OR LESS.