

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Tuesday, August 16, 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, Hastings, Nebraska on August 16, 2022.

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

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

Chair Sinner stated as to the agenda, he would like to move the Plan Modification as the first public hearing, and move the Home Occupation as the second public hearing.

Moved by Hoffman, seconded by Stutzman, to adopt the current agenda as amended for the Planning Commission meeting. Roll Call: Ayes: Rakesh Srivastava, Shawn Rossi, Ann Hinton, Greg Sinner, Michelle Lewis, Jody Stutzman, Brian Hoffman, LaDaun Schoenhals, Jacque Cranson. Nays: None. Absent: Lou Kully. The motion carried.

Chair Sinner stated that each Commissioner had received an amended version of the Minutes prior to the meeting.

Moved by LaDaun Schoenhals, seconded by Ann Hinton, to approve the minutes as amended of the July 19, 2022 Planning Commission meeting. Roll Call: Ayes: Rakesh Srivastava, Shawn Rossi, Ann Hinton, Greg Sinner, Michelle Lewis, Jody Stutzman, Brian Hoffman, LaDaun Schoenhals, Jacque Cranson. Nays: None. Absent: Lou Kully. The motion carried.

9. Public Hearings

b. 2022-052. Public hearing to recommend a request for Randy Chick regarding Plan Modification No. 2022-2 to Redevelopment Area Number #1, Corner Building Project, for the following collective property, to wit: Lot 1-3, Block 27, Original Town, Hastings, Adams County Nebraska

Lisa Parnell-Rowe explained the item agenda.

Corner Building LLC wants to amend the Redevelopment Plan for Area #1. The developer intends to redevelop the existing buildings at 701-709 W 1st Street into main level retail space and second level office/commercial space.

Corner Building LLC will utilize Tax Increment Financing to aid in site acquisition, site preparation, interior demolition, rehabilitation of the structure, façade enhancements, architectural, engineering and planning costs, capitalized interest, and legal fees, public parking and any other eligible public improvements essential for public uses in accordance with the Redevelopment Plan. Total anticipated project costs are approximately \$1,000,000 for construction and installation of the project. Cost of TIF eligible public improvements is estimated to be \$212,000. The redevelopment project area currently has an estimated valuation of \$178,423. The proposed redevelopment will create an additional valuation of \$770,886.

Future Land Use for this area is Mixed Use – Downtown. The *Imagine Hastings* Comprehensive Plan stated a desire for a land use pattern that is supportive of similar uses. This area is currently zoned C-2 and will not require rezone to accommodate this use.

Randy Chick, Community Redevelopment Authority. He spoke about the Tax Increment Financing for the redevelopment areas. The project must fit the Comprehensive Plan. We come before the Planning Commission for your approval to see if it fits. Every time a project is being developed, a site-specific Plan Modification is brought before you. State Statute requires a cost benefit analysis, timeframe and

justification be provided for your review. Projected is 15 years of tax increment financing. He asked for the Commission's support on this application.

Moved by LaDaun Schoenhals, seconded by Rakesh Srivastava, to recommend approval to the Mayor and City Council Plan Modification No. 2022-2 to Redevelopment Area Number #1, Corner Building Project, for the following collective property, to wit: Lot 1-3, Block 27, Original Town, Hastings, Adams County Nebraska. Roll Call: Ayes: Rakesh Srivastava, Shawn Rossi, Ann Hinton, Greg Sinner, Michelle Lewis, Jody Stutzman, Brian Hoffman, LaDaun Schoenhals, Jacque Cranson. Nays: None. Absent: Lou Kully. The motion carried.

Chair Sinner asked Randy Chick to put together a presentation explaining the TIF program.

Randy Chick stated annually we are required to do a TIF report for the State completed by the end of April. It identifies current projects and total amount of TIF area. He would present it at a future meeting.

2022-031. Public hearing to consider an Ordinance to amend Hastings City Code sections 34-302 to amend language for Home Occupations and 34-104 regarding definitions of child care and drop shipping.

This code change was originally presented last month on 7/19; we have made changes based on feedback from the commissioners.

City Staff is trying to be proactive with the City Zoning Code; one necessary amendment would be to the home occupation section. Remote work and small businesses within a home have increased over the last few years with changes to the labor market. The recent event of COVID showed us that many businesses are choosing to close their storefront and continue business from home in a home-based business fashion. City wants to be sensitive to this change and adapt this code to better fit these situations. This will also lend value to our code enforcement processes and procedures. By better vetting each home occupation here forward in a more formal permit fashion and approving with appropriate conditions that meet our code here forward, there is less burden on code enforcement to decide what can be done after it has already occurred. This code change will ultimately make those that have occurred to this point in time legal nonconforming home-based businesses and allow code enforcement to focus on those that are new or expand and grow.

One of the significant changes is introducing language to have an actual permitting process that people can apply for administratively. Currently there is no permitting process or tracking of any kind. This means that when we are approached about a home-based business, we give them the code requirements and leave it to them to comply; we do not assess a site plan or inspect the use to ensure it meets the codes. This has led to difficulties to enforcing uses that do not comply when there are code complaints.

Another one of the major changes is allowing certain types of retail to be allowed as a home occupation. The intent is to open it to people selling things online that are drop-shipped or things that they are able to made within their home and still meet home occupation square footage limitations; some examples of this might be crafts or jewelry.

Another change is to provide more clarity to the code. Currently, one of the provisions states that "Permitted home occupations shall be for the following uses or substantial uses similar in impact and extent as determined by the Development Services Director." Unfortunately, there are no uses listed in the current code. In the proposed code, we have listed several uses that will work as well as some uses that are prohibited. There is a provision to allow the Development Services Director to determine "uses similar in impact and extent".

Overall, the intent of the code change is to relax the restrictions to allow for things we feel meet the intent of the home occupation section, as well as provide some much needed clarity for people trying to set one of these businesses up in their home.

After our discussion with Planning Commission last month on July 19, 2022, staff have made additional changes as shown in the attached home occupations. Proposed 8.10.22 document. We have also

included some proposed definitions based on this feedback, that will be necessary to better clarify some of the uses that we have amended and added to be permitted. A summary of these changes follows:

1. Parameters to add for employees were added. This was benchmarked from the Kearney Home Occupation codes.
2. Removed language limiting premises to one home occupation.
3. Altered the language to include accessory structures and opened up the signage requirements to not be limited to principal building.
4. Clarified Item #7, making the type of retail that is permitted by administrative permit more specific and added a definition for this type of retail.
5. Removed times allowable for businesses
6. Clarified Item #16f and 16h with language changes regarding child care and retail types, and ensured that it would comply to State directives.
7. Clarified nonconformity language Item #18 and ensured that it would comply to State directives.

No one from the public spoke for or against.

Moved by LaDaun Schoenhals, seconded by Shawn Rossi, to approve a Motion to recommend to the Mayor and City Council approval for an ordinance to amend the Hastings City Code sections 34-302 to amend language for Home Occupations and 34-104 regarding definitions of child care and drop shipping.

Chair Sinner explained this is expanding the code from few guidelines to a lot. He felt a work session in early September may be necessary for further discussion among the Commission members.

Brian Hoffman. The hours were discussed at length. He is unsure of a fee schedule and is not in favor of charging for knitting wash clothes and selling them at a craft fair and charge them \$40.00. No one is going to pay that fee. Business models change all the time. He is against charging a fee for something the city is not going to provide a service for.

Jackie Cranson. It's good to be proactive but wants specific examples from residents in Hastings of issues with home occupations before she is willing to pass this ordinance. She is not willing to support the changes.

Jodi Stutzman. She does not see a problem with the \$40.00 fee. She said the Commission needs to look forward because of what could have happened with the proposed Legislative bill and the department being more fee supported.

LaDaun Schoenhals. She does not have a problem with the \$40.00 fee. What happens if someone does not have a permit?

Lisa Parnell-Rowe. Staff would work through the home occupation process with the applicant from a code enforcement standpoint, we could do a fine/ticket, however, that is not a good approach. We are not saying we do not want home occupations, we just want to have more control over signage, how much parking is being used.

Chair Sinner: Discussed a potential work session.

Brian Hoffman. What you explained, Lisa, I do not understand with the fee how the City is going to have a softer approach to these home businesses.

Lisa Parnell-Rowe. The fee is related to staff time. We have never worked with the public on home occupations.

Brian Hoffman. I do not see how the fee is related with what you are proposing. You can go up to a house and tell them you need a permit and you need to conform to certain things.

Lisa Parnell-Rowe. It is not about the money. It is to pay for staff time. Taylor Smith, Code Enforcement Officer, could explain some of the issues he sees in the City.

Chair Sinner. Does not like the fee, but does like the process.

LaDaun Schoenhals. When I moved to town I wanted to be a dog groomer. The first thing was to come to City Hall and ask what are the regulations.

Brian Hoffman. What we are talking about here is the ability to go inside someone's home and tell them the issues they might have. Going into a property and saying you are not up to Code. We need to get this up to Code. If you could go to the library and find out how you could start a business in your home, that's proactive.

Rakesh Srivastava. The permit or fee is the topic. As far as the permit goes, we probably need to postpone and have a work session. Being a small business, there is a difference between a hobby and a marketing or business plan. Post Covid, a lot of homes have started businesses.

Ann Hinton. I see the benefit of a permit. I agree with Brian. If we assess a fee, people are not going to apply for a permit. This leads to issues with the Fire Marshal and parking. I see several hinderances to doing the fee at all, but do agree with the permit and we would get a better response.

Jodi Stutzman. The growth of a home occupation is what is affecting neighborhoods.

Anthony Murphy, Fire Marshal: With the way I read the proposed code changes, that would not trigger me from going into someone's home.

Lisa Parnell-Rowe. It does depend on the use.

Chair Sinner: I would ask for a Motion to table and with the understanding that I would work with Staff and put together a work session. Hearing from the inspectors might clear up some of the questions we have had.

Moved by Rakesh Srivastava, seconded by Jackie Cranson, to table the matter until the Commission can meet for a work session. Roll Call: Ayes: Rakesh Srivastava, Shawn Rossi, Ann Hinton, Greg Sinner, Michelle Lewis, Jody Stutzman, Brian Hoffman, LaDaun Schoenhals, Jacque Cranson. Nays: None. Absent: Lou Kully. The motion carried.

11. Reports

a. Committee Reports

None

b. Chairman Comments

Chair Sinner stated he was pleased with the attendance on the bus trip. A lot of good discussion. He thanked Lisa for putting the tour together. How many would be in favor of lunch and learns?

c. Staff Reports

Clint Schukei stated there is some funding in the budget that goes to the Hastings Chamber of Commerce and to Hastings Economic Development Corporation. State statute allows for money to be given to enhance growth in the community. The contract provides for an annual report before the budget. Both the Chamber and HEDC reported on some of the things they are doing.

Chair Sinner asked about the trail system and what updates are coming?

Lisa Parnell Rowe. This is really a Park and Recreation area. Jeff Hassenstab has a plan of action. The Parking and Transportation Plan does discuss the trail needs to be completed on the south side of town.

Chair Sinner asked about the car wash on North Burlington.

Lisa Parnell-Rowe. Last time I called the owner, one of the conditions was the platting and he said they were working on the plat. That will go through Planning Commission and Council.

Chair Sinner asked about Berts.

Kevin Kubo, Chief Building Official. Scott DeWitt is waiting for bids to repair the façade. The insurance company has the right to accept or refuse the bids.

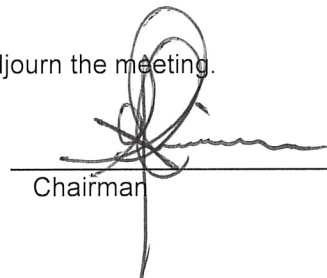
Chair Sinner thanked Tony Hermann for joining the Commission on the bus trip and for the continued good articles on the Comp Plan.

c. Staff Comments

Lisa Parnell-Rowe. We do have the official Comprehensive Plan link on the web site. The public can take part in that tool. An executive summary of the Parking and Transportation Plan will be handed out at Kool-Aid Days. The Nebraska Planning & Zoning Conference is coming up in September. Any commissioners that want to attend can do so. Brian mentioned having a young ambassador on City Planning. The article is about a community that has done this. Someone that would come to the meeting and/or work sessions and learn.

Lisa also stated that she was a finalist for the town of Buena Vista, Colorado. She has accepted the offer and will be the new Town Administrator.

Moved by Brian Hoffman, seconded by Ann Hinton to adjourn the meeting.


Chairman