

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Monday, March 20, 2017

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the City Building, 220 North Hastings Avenue, City Council Chambers, Hastings, Nebraska, on March 20, 2017.

The meeting was called to order at 4:00 p.m. in Regular Session by Chair Napier with the following members present: Keith Napier, Jodi Graves, Chuck Rosenberg, Marshall Gaines, Gavin Raitt, Rakesh Srivastava. Absent: Dale Hamburger, Dave Johnson, and Lou Kully.

Chair Napier led the group in recital of the Pledge of Allegiance.

Moved by Marshall Gaines, seconded by Jodi Graves, to adopt the current agenda for the Planning Commission Meeting. Roll Call: Ayes: Keith Napier, Jodi Graves, Chuck Rosenberg, Marshall Gaines, Gavin Raitt, Rakesh Srivastava. Nays: None. The motion carries.

The Chair read the Public Notice – Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, March 17, 2017. Pursuant to the 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.

Moved by Chuck Rosenberg, seconded by Rakesh Srivastava, to approve the Minutes of the February 20, 2017, meeting. Gavin Raitt commented he was absent for that meeting. The correction will be made. Roll Call: Ayes: Keith Napier, Jodi Graves, Chuck Rosenberg, Marshall Gaines, Gavin Raitt, Rakesh Srivastava. Nays: None. The motion carries.

9.a. Public Hearings.

2017-005. Request of Good Samaritan Society-Hastings Village to vacate a portion of B Street, between 2nd Avenue and 5th Avenue.

The legal was read into the record.

The Chair asked for Staff comments.

Mark Evans stated this request is for vacation of the B Street right-of-way on the north side of the Good Samaritan campus. Currently serves the north part of the campus. The paving section wanders off the right-of-way further south and gets 5-6 feet away from the garages that are being built. Because of the power lines and drainage to north, Good Samaritan is requesting the vacation of B Street and pave a private access to the garages as well as locating a gate at the east end to limit access to the site. Currently there is cut-through traffic that occurs that needs to be eliminated due to proximity to the garages and new tri-plexes. Staff is recommending vacation of B Street right-of-way with the City retaining drainage and utility easement, as well as ownership, and selling that property at a later date.

The Chair declared the public hearing open.

Dave Ptak concurred the information fine. No need to retain easements if the City is going to retain the property. At the time the property would be sold, easements would be established.

Bob Dubas, Good Samaritan Society, Hastings Village. Mr. Dubas was sworn in. He is representing administration at Good Samaritan. He questioned the vacation of two other sections of B Street that was not spoke to in the application. Staff commented that would have to be handled in another application.

The Chair declared the public hearing closed.

Moved by Jodi Graves, seconded by Gavin Raitt, to approve application 2017-005. Roll Call: Ayes: Keith Napier, Jodi Graves, Chuck Rosenberg, Marshall Gaines, Gavin Raitt, Rakesh Srivastava. Nays: None. The motion carries.

9.b.

2017-006. Request of Joan Shaw for a conditional use permit for a bed and breakfast at 751 N. Lincoln Avenue.

The legal was read into the record.

The Chair declared the public hearing open.

Mark Evans was sworn in. Joan Shaw has requested a Conditional Use Permit for a bed and breakfast at 751 N. Lincoln Ave. It is a narrow lot. It was initially indicated that the driveway was shared. The driveway is located on the property to the north, John and Charlotte Hamburger. The Hamburgers did not object to approval or denial, just wanted to make sure their driveway was useable. If that is going to happen, something needs to be in writing. Because of the drive being on the abutting property owner's property and not at all on this property, I do not see there are four parking spaces provided. Staff has recommended denial, unless they can find more room to park. The standards require 4 off-street parking spaces i.e. one for each guest room and two for the residents. At maximum capacity, it is conceivable there would be four vehicles at one time. On street parking credits do not apply because this is a conditional use permit. As present, staff recommends denial of this application. If staff was going to recommend approval, the conditions are listed in the packet. Due to the lack of parking available and discovery of this issue on Friday, staff recommends denial of this application.

Dave Ptak, City Attorney. Mr. Ptak was sworn in. He stated there is a prescriptive easement notwithstanding the fact that the driveway is on the north property. They would have the right of ingress and egress, but not to park. It is for access only. That would not solve any of the required parking spaces.

Joan Shaw, Roseland, NE. Joan Shaw was sworn in. She stated it is only a two-bedroom bed and breakfast. There would only be 2 vehicles that would require parking. There is a two-car garage that would house her vehicle. There would only be a need for parking on the street for 2 vehicles.

Jeanette DeWalt, 747 N. Lincoln, Hastings, NE. Jeanette DeWalt was sworn in. She stated she lives south of this residence. Parking is an issue. There is only parking on one side of the street on the Avenue. If this is approved, would it be for just this owner.

Mr. Ptak stated it goes with the property with transfer of ownership. The Planning Commission and Council would have to remove the Conditional Use Permit.

Jeannie Rewerts, Hastings, NE. Jeannie Rewerts was sworn in. She stated she is the realtor. She said she would like the Commission to remain open minded, and think about the

possibilities if this property does not work, we will find her another. Ms. Rewerts wants her to feel welcome in Hastings with a bed and breakfast. Hastings does not have that.

The Chair declared the public hearing closed and asked for a motion to deny approve of this Conditional Use Permit.

Moved by Chuck Rosenberg, seconded by Marshall Gaines, to deny this application.

Mr. Rosenberg questioned the parking.

Mark Evans stated there is room west of the garage if the applicant could demonstrate they could pave that space. Staff would be open to that. The Commission could table the application, deny it and send it on to City Council.

Marshall Gaines asked about the conditions. Mark Evans stated the conditions in the packet are City Code conditions. The requirement for a cross access easement with the Hamburgers would need to be of record so it is reduced to writing.

Jodi Graves questioned the two issues that need to be addressed are off street parking.

Mark Evans replied there is just one issue.

Marshall Gaines stated maybe table this to alleviate the parking. Would that be an amendment or at this time, denial to Council?

The Chair questioned City Attorney. We could deny the application, she could prepare how she will resolve the parking issue. Council can take that into consideration and approve it, or we can table it and have her come back to Planning and then go to Council. Mr. Ptak concurred.

Rakesh Srivastava asked the minimal number of parking spaces for two rooms?

Mark Evans replied the minimum requirement for parking is one parking space for each guestroom plus two for the people who live in the house. Code says four spaces.

Dave Ptak added if the paving of the backyard to create the additional spaces would be agreeable to the applicant. If not, it may be better to look for a different location in Hastings. It appears there is a way to solve the parking issue by creating some spots in the rear yard. The Commission could table the application and try to make this amenable situation.

The Chair stated the Commission would like to help the applicant work through the parking issue.

Joan Shaw stated it is only two parking spaces. Paving the back area would be very costly and have plans for that area for an outdoor area with firepit and to relax.

The Chair asked the applicant if the Commission should deny the application and work on a resolution to present to Council. They do not have to follow the Commission's recommendation. They are the deciding body and the Commission is a recommending body. Or table and work with staff on a resolution.

The applicant stated the only option is to find a new place or pave the back yard. Joan Shaw stated she would like to go to the Council.

The Chair reiterated the motion and a second was to deny. A yes vote will deny this application.

Roll Call: Ayes: Keith Napier, Jodi Graves, Chuck Rosenberg, Marshall Gaines, Gavin Raitt, Nays: Rakesh Srivastava. The motion to deny passes.

9.c.

2017-007. Request of John Volkmer to re-zone the property at 1265 S. Marian Road from I-1 Light Industrial to C-3 Commercial Business.

The legal was read into the record.

The Chair declared the public hearing open,

Mark Evans stated this is a request based on a building permit application. The property recently changed hands. The new buyers would like to add to the attached garage. They requested the rezone to C-3, which is the general commercial district, and allows residential uses. That would clear the way for this permit for the addition to the principal structure, as well as a residential detached garage they would like to build. The comprehensive land use plan in this area calls for Urban Residential, so you are looking at a low density residential designation, so the Industrial designation is not in conformance with the comp plan, but the C-3 district, moves it in that direction. Staff recommends approval.

The Chair declared the public hearing closed.

Moved by Chuck Rosenberg, seconded by Gavin Raitt, to approve application 2017-007. Roll Call: Ayes: Keith Napier, Jodi Graves, Chuck Rosenberg, Marshall Gaines, Gavin Raitt, Rakesh Srivastava. Nays: None. The motion carries.

11.b.

Chairman Comments

The Chair asked the City Administrator, Joe Patterson, if staff has made any progress on a planner.

Mr. Patterson stated an interview was conducted today, March 20, 2017, with one candidate. One more candidate the committee felt was worthy of an interview and bringing into Hastings. This will probably happen next week.

Gavin Raitt comments he learned a lot in a short amount of time. He also commented on the two speaks with the City of Hastings.

Adjourned at 4:36 p.m.

Chairman