

HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission has been scheduled for Tuesday, April 25, 2023 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, April 21, 2023. 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 March 21, 2023
7. Special Order of Business
8. Unfinished Business
 - a. Continued Applications - None
 - b. Tabled Applications - None
 - c. Postponed Applications - None
9. Public Hearings.
 - a. **2023-013.** Public hearing for a change of zoning for property commonly addressed as 133 Park Street, Hastings, Nebraska, from "I-1, Light Industrial" to "R-2, Mixed Density Neighborhood", 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 property commonly addressed as 133 Park Street Hastings, Nebraska from "I-1, Light Industrial" to "R-2, Mixed Density Neighborhood", and to amend the Official Zoning District Map.
 - b. **2023-207.** Public hearing to consider an Ordinance to amend Hastings City Code 34-104(6), Adding the Definition of Racetracks and 34-200, Adding Racetracks as Permitted Principal Use in I-2 Districts in Table 200-1.

Motion to recommend approval of an Ordinance to amend Hastings City Code 34-104(6), Adding the Definition of Racetracks and 34-200, Adding Racetracks as Permitted Principal Use in I-2 Districts in Table 200-1.
 - c. **2023-009.** Public hearing for a change of zoning for property commonly addressed as 947 South Burlington Avenue, Hastings, Nebraska, from "R-1, Urban Single Family Residential" to "C-3, Commercial Business", and to amend the Official Zoning District

Planning Commission Agenda

April 25, 2023

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Map.

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone property commonly addressed as 947 South Burlington Avenue, Hastings, Nebraska, from "R-1, Urban Single Family Residential" to "C-3, Commercial Business", and to amend the Official Zoning District Map.

- d. **2023-014.** Public hearing to consider bringing a tract of land into the corporate limits of the City of Hastings for James Holt to bring property commonly addressed as 219 West J Street Hastings, Nebraska which is being platted as Holt Addition.

Approval of bringing a tract of land into the corporate limits of the City of Hastings for James Holt to bring property commonly addressed as 219 West J Street Hastings, Nebraska which is being platted as Holt Addition.

10. Subdivisions

- a. **2023-014.** Preliminary/Final Plat for Holt Addition of a tract of land located in the Northeast Quarter of Section 24, Township 7 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, March 21, 2023

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 March 21, 2023.

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

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

Moved by Brian Hoffman, seconded by Shawn Rossi, to adopt the current agenda for the Planning Commission meeting. Roll Call: Ayes: Jacque Cranson, Shawn Rossi, Ann Hinton, Chuck Rosenberg, Michelle Lewis, Brian Hoffman. Nays: None. The motion carried.

The Public Notice was read into the record. Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, March 10, 2023. 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.

Moved by Chuck Rosenberg, seconded by Michelle Lewis, to approve the minutes of the February 21, 2023 Planning Commission meeting. Roll Call: Ayes: Jacque Cranson, Shawn Rossi, Ann Hinton, Chuck Rosenberg, Michelle Lewis, Jody Stutzman, Brian Hoffman. Nays: None. The motion carried.

7. Special Order of Business

a. Removal of the Designation of Blighted and Substandard for the area commonly referred to as the Hastings Dog Park

The CRA previously approved to recommend removal of the blighted and substandard area commonly referred to the Hastings Dog Park which is approximately 22 acres. Under state statute up to 35% of the community can be designated as blighted and substandard. We thought it would be appropriate to get that percentage lowered to be able to use that in a project in the future.

Randy Chick, 520 W. 1st St., representing the Community Redevelopment Authority. The area in question is part of Area #5 and was originally declared blighted and substandard in the mid '90's. There is no chance anything is ever going to be built at that site. The Redevelopment Authority is looking for other properties for development opportunities and expanding those acres with another study or two. It is just freeing up those acres. This is the first time we have done an unblighting. He requested the Commission's support.

Moved by Brian Hoffman, seconded by Michelle Lewis, to recommend approval to the Mayor and City Council removing the designation of Blighted and Substandard for the area commonly referred to as the Hastings Dog Park. Roll Call: Ayes: Jacque Cranson, Shawn Rossi, Ann Hinton, Chuck Rosenberg, Michelle Lewis, Jody Stutzman, Brian Hoffman. Nays: None. The motion carried.

9. Public Hearings.

a. 2023-001. Public hearing for a change of zoning for property commonly addressed as 901 South Lincoln Avenue, Hastings, Nebraska, from “R-1, Urban Single Family Residential” to “R-2, Mixed Density Neighborhood”, and to amend the Official Zoning District Map.

Lee Vrooman, City Engineer. The applicant would like to rezone from R-1 to R-2. The applicant would remove the two homes and build two duplexes. The future land use map is Urban Residential R-2 and meets those guidelines. He asked for the Commission approval.

Moved by Chuck Rosenberg, seconded by Jacque Cranson, to recommend approval to the Mayor and City Council an ordinance and the amendment to the Official Zoning District Map to rezone property commonly addressed as 901 South Lincoln Avenue, Hastings, Nebraska, from “R-1, Urban Single Family Residential” to “R-2, Mixed Density Neighborhood”, and to amend the Official Zoning District Map. Roll Call: Ayes: Jacque Cranson, Shawn Rossi, Ann Hinton, Chuck Rosenberg, Michelle Lewis, Jody Stutzman, Brian Hoffman. Nays: None. The motion carried.

10. Subdivisions

a. 2022-074. Final Plat for Brickhouse Subdivision, in the Southeast Quarter of Section 13, Township 7 North, Range 10 West of the 6th P.M., in the City of Hastings, Adams County, Nebraska.

Lee Vrooman, City Engineer. Last month the Preliminary Plat was brought before the Commission. This month is the Final Plat for the Brickhouse Subdivision. They want to make 8 lots into 3 lots for better use and development. We plan to bring a rezone to the Commission in April. He recommended the Commission’s approval.

Moved by Michelle Lewis, seconded by Shawn Rossi, to recommend to the Mayor and City Council approval of the Final Plat for Brickhouse Subdivision. Roll Call: Ayes: Jacque Cranson, Shawn Rossi, Ann Hinton, Chuck Rosenberg, Michelle Lewis, Jody Stutzman, Brian Hoffman. Nays: None. The motion carried.

11. Reports

a. Committee Reports. Ann Hinton stated there have not been any meetings with the Adams County Planning Commission because of the lack of a City Planning Director.

b. Chairman Comments. None.

c. Staff Reports

Kevin Kubo, Chief Building Official, gave an update on building construction projects – Mary Lanning Healthcare, Theatre project, The Lark and Heartwell Renewables.

Lee Vrooman discussed the CDBG downtown sidewalk project. The survey on the Comp Plan closed on Monday ending up with 573 survey respondents for an 86% completion rate. They will be refining the data from those surveys and entering it into the Plan.

Brian Hoffman asked about the Quiet Crossings.

Lee Vrooman, City Engineer. Two are under contract and work should begin in April with completion in 2024.

Brian Hoffman stated it is really important that the City communicate with the public because one crossing being complete does not mean it will be quiet. It is the entire project.

The potential to have a Development Services Director was discussed.

Scott DeWitt's building was also discussed. They are waiting on the insurance company with not much progress.

Moved by Jacque Cranson, seconded by Brian Hoffman to adjourn. The vote was unanimous.

First Vice Chair

Department: Development Services
Staff Contact: Lee Vrooman
Planning Commission Meeting Date: 4/25/2023
File No: 2023-013
Prepared By: Brian Hurskainen, City Planner

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing for a change of zoning for property commonly addressed as 133 Park Street, Hastings, Nebraska, from “I-1, Light Industrial” to “R-2, Mixed Density Neighborhood”, 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 property commonly addressed as 133 Park Street Hastings, Nebraska from “I-1, Light Industrial” to “R-2, Mixed Density Neighborhood”, and to amend the Official Zoning District Map.

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 property commonly addressed as 133 Park Street Hastings, Nebraska from “I-1, Light Industrial” to “R-2, Mixed Density Neighborhood”, and to amend the Official Zoning District Map.

Deadlines associated with action:

The rezone will be heard at the City Council Regular meeting on May 8, 2023.

Department head comments:

Surrounding zoning is as follows:

North – Railroad Right-of-way

South – R-2, Mixed Density Neighborhood

East – R-2, Mixed Density Neighborhood

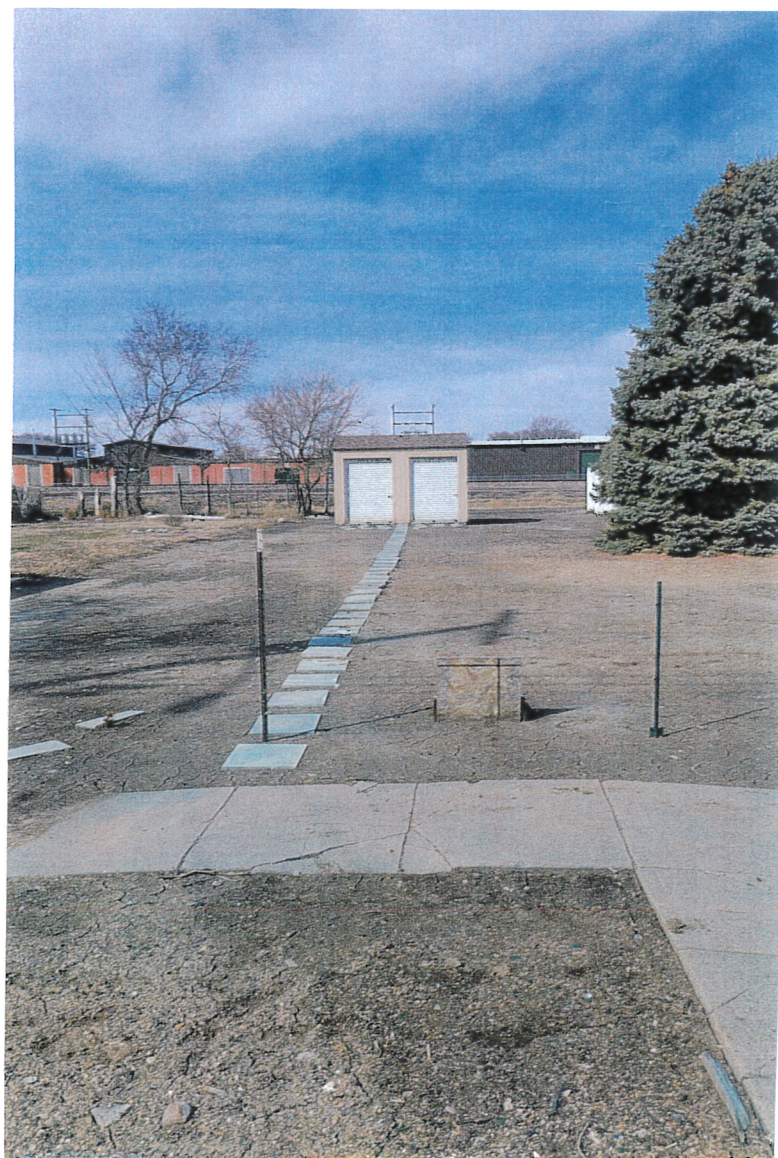
West – I-1, Light Industrial

The reason for the request is to have all of the applicants' properties along Park Street zoned to all be R-2. This will allow them to replat everything into 1 lot.

The Future Land Use Map is supportive of this rezone with the designation of Urban Residential. The R-2 zoning allows it to meet the guidelines of residential uses, which includes a mixture of housing styles and types including single family, duplexes, townhomes and multi-family. This area is dense in nature with smaller lots and this zoning will allow them some more options in any future residential development.

Recommendation:

Staff recommends a motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone property commonly addressed as 133 Park Street Hastings, Nebraska from “I-1, Light Industrial” to “R-2, Mixed Density Neighborhood”, and to amend the Official Zoning District Map.



133 E Park
Lot 13



141 E Park
Lot 11 & 12

A letter from Deborah Cuff

141 E. Park St. Hastings, NE

68901

Pertaining to a lot change

I own 11 + 12 Siekmans add
which is currently R-2

I also own 13 Siekmans add
which is currently I-1

they are all next to each other -

So when ~~I~~ ^{or my} ~~sell~~ ^{children} my House I

would like to have them all R-2

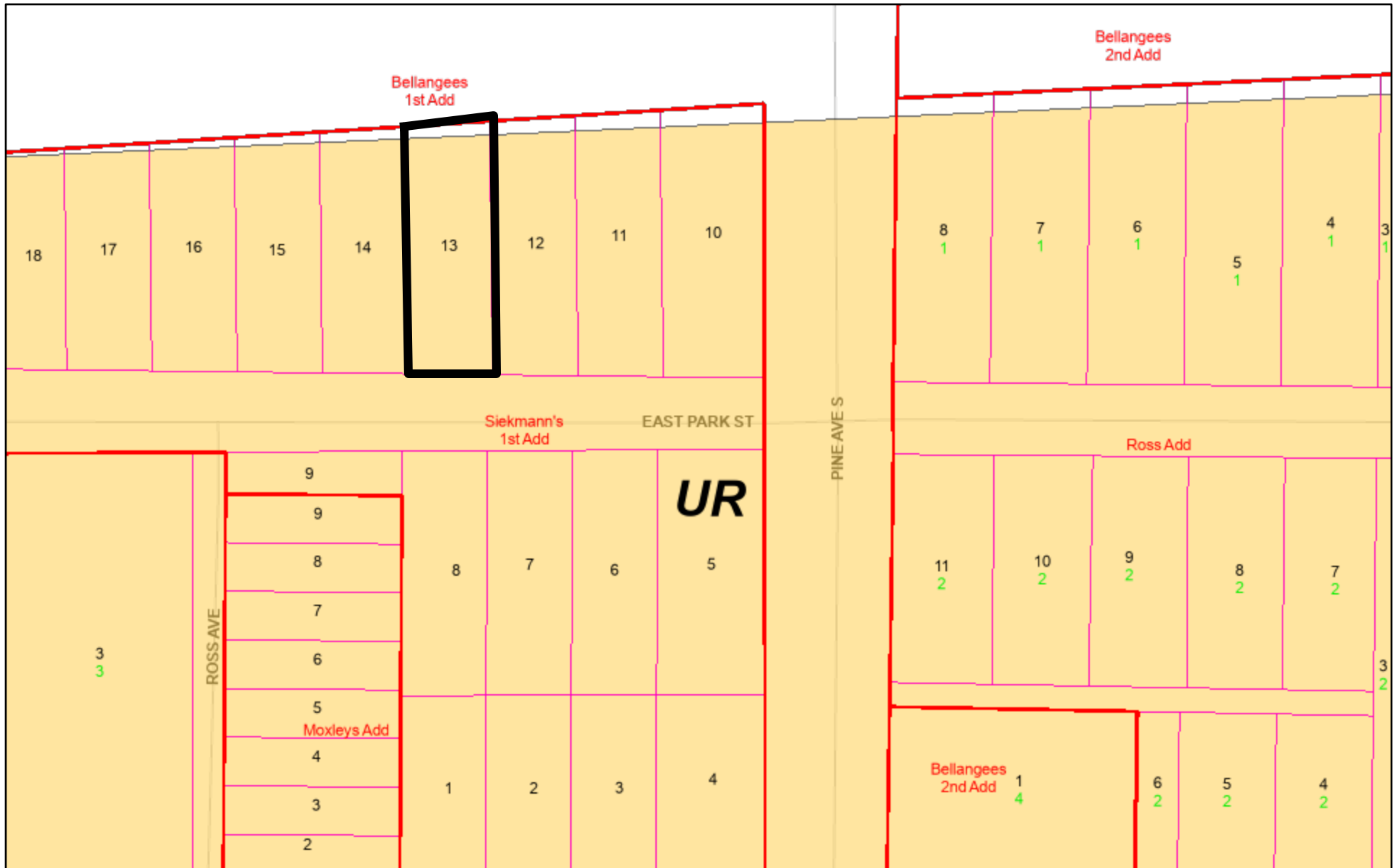
this is why I would like to

change lot 13 Siekmans to R-2

Thank you

Deborah A Cuff

Sub Title



4/10/2023, 8:30:51 PM

Future Land Use

Urban Residential



ETJ boundary



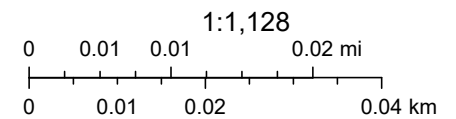
City boundary



LOTS



SUBDIVISIONS

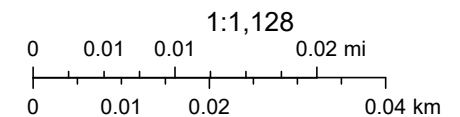
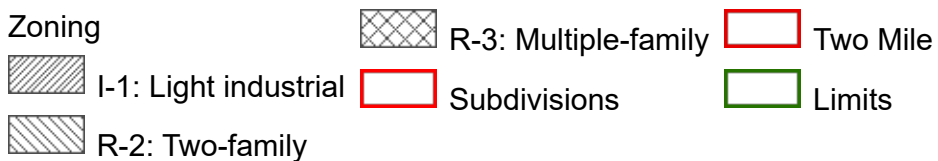


Zoning



4/10/2023, 8:35:51 PM

Zoning



Department: Development Services
Staff Contact: Lee Vrooman
Planning Commission Meeting Date: 4/25/2023
File No: 2023-207
Prepared By: Brian Hurskainen, City Planner

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing to consider an Ordinance to amend Hastings City Code 34-104(6), Adding the Definition of Racetracks and 34-200, Adding Racetracks as Permitted Principal Use in I-2 Districts in Table 200-1.

Motion to recommend approval of an Ordinance to amend Hastings City Code 34-104(6), Adding the Definition of Racetracks and 34-200, Adding Racetracks as Permitted Principal Use in I-2 Districts in Table 200-1.

Names of People/Business affected by this action:

The residents of Hastings, Developers 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 Hastings City Code 34-104(6), Adding the Definition of Racetracks and 34-200, Adding Racetracks as Permitted Principal Use in I-2 Districts in Table 200-1.

Deadlines associated with action:

This code revision case will be presented for approval at the City Council's regular meeting to be held on May 8, 2023.

Department head comments:

This text amendment is to fix an omission from a previous code rewrite. The use was allowed back in 2006 under Ordinance 4109. When the code was rewritten in 2009, the format changed to add a table and it appears as though "Racetracks" was left out of ordinance 4233 in 2009.

It has become a prevalent use to have garages with temporary living accommodations at Motorsport Park Hastings track off of Highway 6 and Showboat Blvd. This was an allowed use per Ordinance 4109 in 2006. There are currently platted lots in the immediate vicinity which have little use without this amendment, since I-2 does not allow for residences. It would give people a temporary shelter for them and their vehicles while they are in town for any race related events.

Recommendation:

Staff recommends a motion to recommend approval for an Ordinance to amend Hastings City Code 34-104(6), Adding the Definition of Racetracks and 34-200, Adding Racetracks as Permitted Principal Use in I-2 Districts in Table 200-1.

ORDINANCE No. 4109

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, AMENDING HASTINGS CITY CODE SECTION 34-214 ADDING RACETRACKS AS PERMITTED PRINCIPAL USES IN I-2 DISTRICTS; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING ANY ORDINANCES OR OTHER PROVISIONS IN CONFLICT HERewith.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

SECTION 1. That Hastings City Code Section 34-214(2)(qq) be added to the existing language, to read as follows:

34-214(2)(qq) Racetracks for motorized vehicles including but not limited to accessory uses and structures such as garages with or without temporary accommodations for racers, race control building, technical inspection building, administration and registration building, site maintenance building, paddock area, paddock toilets and concessions, public viewing area with concessions and toilets .

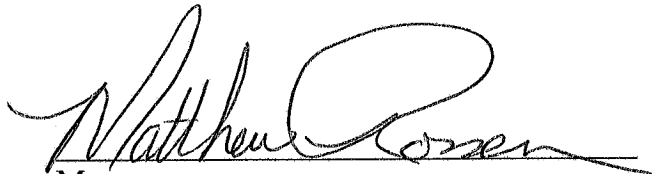
SECTION 2. That all other ordinances or provisions in conflict with this ordinance are hereby repealed.

SECTION 3. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law, in its entirety, or in pamphlet form, as the case may be, said effective date being November 29, 2006, and this ordinance shall thereafter be included in the Hastings City Code Book.

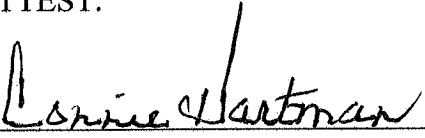
SECTION 4. The provisions of this ordinance are separable and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of this ordinance.

PASSED AND APPROVED this 13th day of November, 2006.



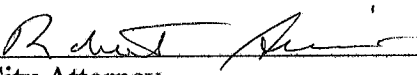

Matthew Rosen
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

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), "sixplex" (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 into 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 ensures 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 center. A facility licensed to provide child care for 13 or more children. In addition to these regulations, child care centers shall meet all requirements of the State of Nebraska.

Family child care home I. A child care operation in the provider's place of residence which serves between four and eight children at any one time. A family child care home I provider may be approved to serve no more than two additional schoolage children during non-school hours. In addition to these regulations, a child care home shall meet requirements of the State of Nebraska.

Family child care home II. A child care operation either in the provider's place of residence or a site other than the residence, serving 12 or fewer children at any one time. In addition to these regulations, a child care home shall meet requirements of the State of Nebraska.

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.

Lodging, motel. A building containing one or more sleeping rooms to be rented on a daily basis, primarily to the motoring public, together with recreation space, 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

inpatient 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-premises 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.

- (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 ½ mile radius for most of its on-premises 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-premises 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-premises sales.

Large-scale retail (20k—100k). A commercial use primarily engaged in the 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-premises 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-premises 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 (> 45,000k). 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 maybe dedicated to the on-premises 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 or spectators are offered as a business. Examples racetracks, 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 farther 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.

Racetracks. For motorized vehicles including but not limited to accessory uses and structures such as garages with or without temporary accommodations for racers, race control building, technical inspection building, administration and registration building, site maintenance building, paddock area, paddock toilets and concessions, public viewing area with concessions and toilets.

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/meatpacking. 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 home plants, and associated facilities necessary for the use.

Feed lot.

-
- (i) Any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail.
 - (ii) 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; Ord. No. 4698 , § 1, 3-14-2022; Ord. No. 4719 , § 1, 10-24-2022)

Sec. 34-200. Uses and districts table.

TABLE 200-1: USES AND DISTRICTS														
	A	R-1	R-1A	R-1S	R-2	R-3	R-4	C-O	C-1	C-2	C-3	CMP	I-1	I-2
Residential Uses														
Detached dwelling	P	P	P	P	P	P	P	P	P		P			
Semi-attached dwelling					P	P	P	P	P		P			
Attached dwelling						P	P	P	P		P			
Multi-dwelling building						P	P	P	P		P			
Live/Work units							P	P	P	P				
Mixed-use dwelling							C			P		P		
Group housing		C	C	C	C	C	C				C			
Type A & B manufactured housing	P	P	P	P	P	P	P	P	P		P			
Mobile home court	C												C	C
Mobile home, accessory	C													
Detached dwelling, accessory	C													
Civic Uses														
Assembly, neighborhood	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Assembly, community								C	C	C	C	C	C	C
Eleemosynary or philanthropic institution.						C		C	C	P	P	P		
Golf course/Clubhouse (non-business)	P	P	P	P		C						P		
Public park/Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public museum or library	P	P	P	P	P	P	P	P	P	P	P	P	P	P
School, elementary	P	P	P	P	P	P	P	P	P			P		
School, secondary	R	R	R	R	R	R	R	R	R			P		
School, college or university	P					P						P		
Recreational vehicle park	C										C		C	C
Recreational vehicle, temporary use	R										R		R	R
Temporary structure, temporary use	P	R	R	R	R	R	R			P	P	P	P	P
Service Uses														
Adult care, home	C	C	C	C	C	C	C	C	C	C	C	P		
Adult care facility								P	P	P	P	P		
Automobile service station, limited								C	P	P	P	P	P	P
Automobile service station, general											P	P	P	P

Automobile service station, large-scale											P	P	P	P
Automobile repair, limited								C	C	C	P	P	P	P
Automobile repair, general										C	P		P	P
Bank								P	P	P	P	P	P	P
Child care, home	R	R	R	R	R	R	R	R	R	R	R	P		
Child care facility					R	R		P	P	P	P	P	P	P
Halfway house, quasi-institutional use													C	C
Kennel, commercial	C										C		C	C
Lodging, bed and breakfast	C	C	C	C	C	C	C	C	C	C				
Lodging, rooming house						C				P	P	P	P	
Lodging, hotel										P	P	P	P	P
Lodging, motel											P	P	P	P
Medical office	C							P	P	P	P	P		
Medical clinic	C							P	P		P	P	C	C
Medical hospital	C							P	P			P	C	C
Nursing home/Assisted living	C	C	C	C	C	C	C	P	P	C	P	P		
Professional services office								P	P	P	P	P	P	P
Self storage, storage areas								C		R	C		C	C
Veterinary office	P							P	P	P	P		P	P
Veterinary hospital	P										C		C	C
Employment Uses														
Home occupation	R	R	R	R	R	R	R	R	R	R	R			
Office, limited						C	C	P	P	P	P	P	P	P
Office, small							C	P	P	P	P	P	P	P
Office, general									C	P	P	P	P	P
Office complex/campus										C	P	P	P	P
Commercial and Retail Uses														
Convenience retail, automobile (< 5K s.f.)								C			P	P	P	P
Convenience retail, corner store (< 2K s.f.)							C	P	P	P	P	P	P	P
Neighborhood retail (< 5K s.f.)									P	P	P	P	P	P
General retail (5Ks.f.—20Ks.f.)										P	P	C	P	P
Large-scale retail (20Ks.f.—100K s.f.)										C	P	C	P	P
Warehouse retail (> 100K s.f.)											P		P	P
Neighborhood grocery (< 45K s.f.)									P	P		P		
Supermarket (> 45K s.f.)											P	C	P	P
Indoor entertainment & Rec. business										P	P	C	P	P

Outdoor entertainment & Rec. business	C										C	C	C	C
Entertainment venue	C									C	C	C	C	C
Outdoor sales, limited									C	P	P	P	P	P
Outdoor sales, seasonal									C	C	C	C	C	C
Outdoor sales, yard											P		P	P
Mobile vendor, temporary use										R	R	R	R	R
Outdoor market (Farmers market)										P				
Restaurant									P	P	P	P	P	P
Industrial Uses														
Grain storage elevator	P												P	P
Manufacturing, limited								C	C	C	P	P	P	P
Manufacturing, light										C	C	C	P	P
Manufacturing, general													P	P
Manufacturing, heavy														P
Impound yard													C	C
Racetracks														P
Recycling collection and processing													C	P
Salvage yard/Junkyard													C	C
Slaughterhouse/Meat packing	C													C
Storage or sale of liquid petroleum	C													P
Warehouse storage/Bulk storage	C												P	P
Wholesale													P	P
Agriculture and Natural Resource Uses														
Agriculture, limited	R		R											
Agriculture, general	P													
Aquaculture	C													
Feed lot	C													
Natural resource extraction	C													
Nursery	P	C	C								P		P	
Stable, public	P										P		P	
Public Service Users														
Airfield	C	C	C	C										C
Heli-stop	C	C	C	C				C	C				C	C
Public parking lot						C	C	C	C	C	C	C	C	C
Public recreation grounds	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Public utility plant	C												C	C
Public utility sub-station	C	C	C	C	C	C	C	C	C	C	C		C	C
Cemetery	C									C	C		C	

Small wind energy systems	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Large scale wind generator (Wind farms)	C												C	C
Telecommunication facilities and support structures	C							C	C	C	C	C	R	R

Key:

P = Permitted, allowed subject to general district standards

R = Restricted, allowed subject to specific use standards

C = Conditional, allowed subject to discretionary review

* Permitted use within the A District outside the City Limits, conditional use within A District within the City Limits.

(Ord. No. 4342 -3/2013; Ord. No. 4674 , § 2, 11-8-2021)

Department: Development Services
Staff Contact: Lee Vrooman
Planning Commission Meeting Date: 4/25/2023
File No: 2023-009
Prepared By: Brian Hurskainen, City Planner

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing for a change of zoning for property commonly addressed as 947 South Burlington Avenue, Hastings, Nebraska, from “R-1, Urban Single Family Residential” to “C-3, Commercial Business”, 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 property commonly addressed as 947 South Burlington Avenue, Hastings, Nebraska, from “R-1, Urban Single Family Residential” to “C-3, Commercial Business”, and to amend the Official Zoning District Map.

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 property commonly addressed as 947 South Burlington Avenue, Hastings, Nebraska, from “R-1, Urban Single Family Residential” to “C-3, Commercial Business”, and to amend the Official Zoning District Map.

Deadlines associated with action:

The rezone will be heard at the City Council Regular meeting on May 8, 2023.

Department head comments:

Surrounding zoning is as follows:

North –C-3, Commercial Business

South – C-3, Commercial Business

East – R-1,Urban Single Family

West – C-3, Commercial Business

The reason for the request is to have all of the applicants' properties along Burlington share the same zoning. It allows them to develop the area harmoniously without having to worry about incompatible land uses.

The Future Land Use Map is supportive of this rezone with the designation of Commercial/Retail. The C-3 zoning allows it to meet the guidelines of commercial uses, which includes a mixture of uses intending to serve the greater community. This area is along a primary arterial, making it suitable for the allowed uses within C-3

Recommendation:

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone property commonly addressed as 947 South Burlington Avenue, Hastings, Nebraska, from “R-1, Urban Single Family Residential” to “C-3, Commercial Business”, and to amend the Official Zoning District Map.



3/24/23

To; City of Hastings
Development Services

From; Douglas P Ruhter
Tamra J Ruhter

Attn; **Planning & Zoning**
Reference; Proposed Brickhouse Subdivision

Dear Sir, and those handling this request. This is my written narrative describing the reason for the zoning change.

We have owned the property in question for about 9 years. At the time of purchase, there were 8 parcels, including 937 S Burlington, 947 S Burlington and 6 additional lots to the east. Those 6 lots were platted nearly a hundred years ago. With no development in the area, they were laid out north and south. Besides being too long and narrow, this created 2 of the lots to the north to be interior lots to be land locked. That was one problem. Also the north 3 lots have a large concrete drainage culvert running underground, across them which renders them almost useless to do anything on them, except drive on them. You cannot build on that area because of the designated write of way for that underground culvert. Never the less, I have had to pay taxes on these lots regardless. In order to get the "best use" out of these lots, it makes sense to combine them in some way to be able to use them.

There are a couple other reasons to reconfigure the lots. 1) The lot at 937 S Burlington (known as The Brickhouse Lounge does not have exclusive parking other than four spaces immediately behind it. 2) The lot at 947 S Burlington would be best served if it had a greater area for parking behind it. And, 3) If you combine the east 4 lots into 1 lot, you have a much greater area that could actually be used for business. As it is currently platted, the 4 lots individually are too small to be used for anything. And again, the north 3 alone can't be used much at all. This was the first step in re-platting the 8 lots into 3 so all 3 properties can be used effectively. You can refer to the new plat, as surveyed by Tom Kreiger Land Surveying and filed with the City and The Register of Deeds.

This brings us to my request for re-zoning of 5 of the east lots. First of all, the properties addressed off of Burlington are 937 and 947. They are already zoned commercially. Most of the area lots to the east were zoned at some level of Residential. It is in the best interest for the remaining lots to be zoned Commercial.

- 1) 947 S Burlington will now be increased in size to include the lot know as TL91 that lot needs to be Commercial to match that of the existing corner.
- 2) 937 S Burlington (known as the Brickhouse Lounge) will now use the northwest interior lot for it's exclusive parking. Remember, I can't build on it because of the underground culvert. All of this new lot needs to be zoned the same as 937 (The Brickhouse Lounge).
- 3) The remaining 4 lots will unlikely ever be used for any kind of residential structures because of the Commercial use immediately to the west. Also be cause of the culvert limitations to the north. Also look immediately to the north where you have all the property used for storage units. By combining these four lots into one larger lot, I can now use the property for something of the same. The area is big enough to use for small commercial business or perhaps, I may also like to get a use permit for Storage units.

I would like to make best use of this property and have the ability to get something out of it. I think the City also agrees that it makes sense and offer the potential of future taxable sales. Thankyou for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas P. Ruhter". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Douglas P Ruhter
Owner

4/19/2023, 4:15:41 PM

Zoning

 C-3: Commercial business

 R-1: Single family

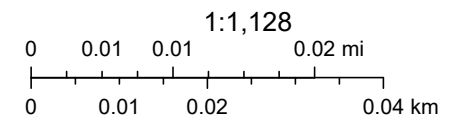
 R-2: Two-family

 R-3: Multiple-family

Subdivisions

 Two Mile

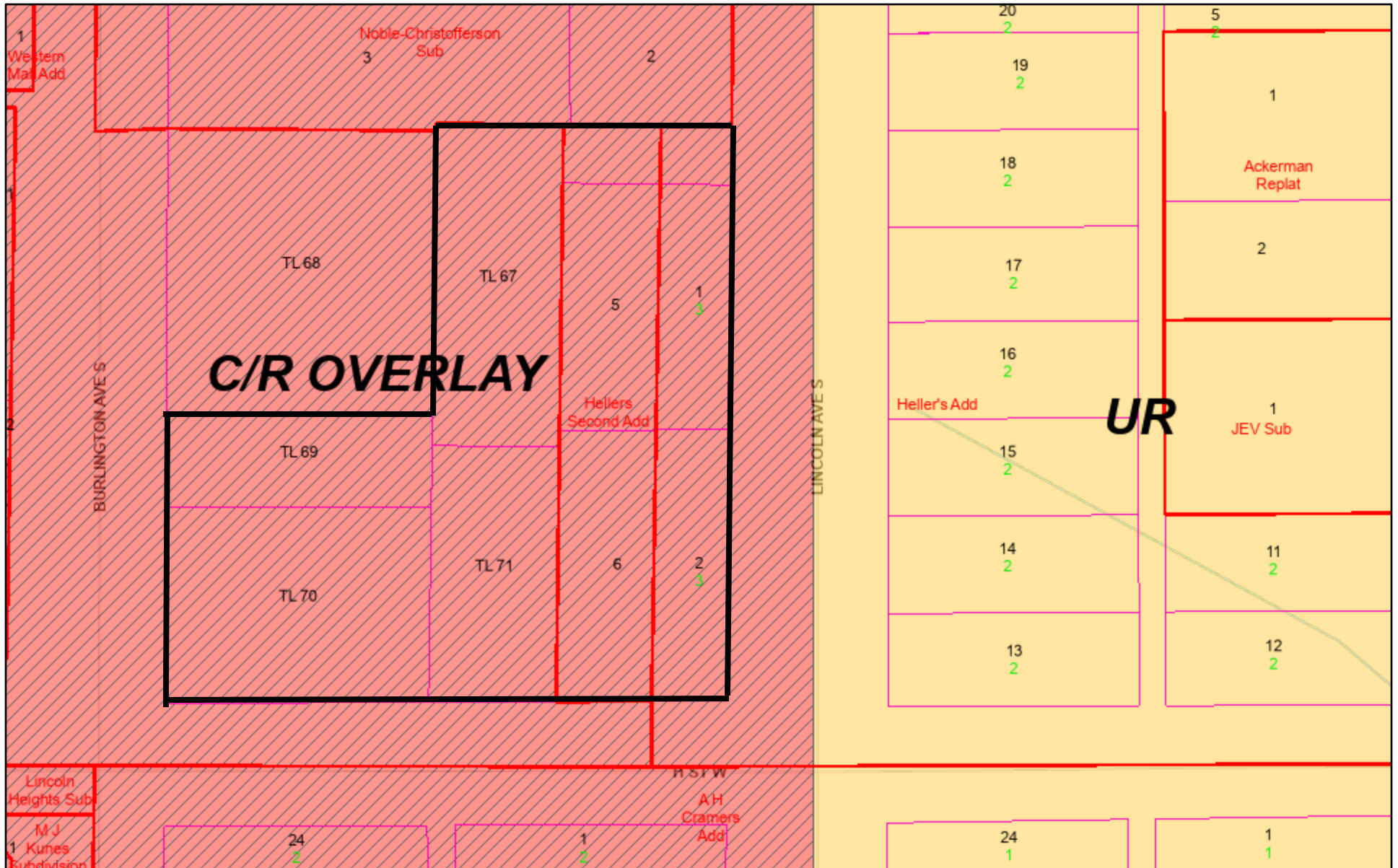
Limits



Zoning, City of Hastings

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

Sub Title



4/19/2023, 4:20:26 PM

Future Land Use

Urban Residential

South Burlington Overlay

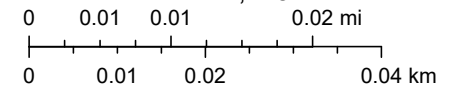
ETJ boundary

City boundary

LOTS

SUBDIVISIONS

1:1,128



Department: Engineering
Staff Contact: Lee Vrooman
Planning Commission Meeting Date: 4/25/2023
File No: 2023-014
Prepared By: Renae Griess, Administrative Assistant

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing to consider bringing a tract of land into the corporate limits of the City of Hastings for James Holt to bring property commonly addressed as 219 West J Street Hastings, Nebraska which is being platted as Holt Addition.

Approval of bringing a tract of land into the corporate limits of the City of Hastings for James Holt to bring property commonly addressed as 219 West J Street Hastings, Nebraska which is being platted as Holt Addition.

Names of People/Business affected by this action:

The applicant, the City of Hastings and Adams County.

Why Planning Commission action is required:

All additions laid out contiguous or adjacent to the corporate limits of a city of the first class, city of the second class, or village may be included within the corporate limits and become a part of such municipality for all purposes whatsoever if approved by the city council or village board of trustees under this subsection. The addition may become part of the municipality at such time as the addition is approved by the city council or village board of trustees if (a) after giving notice of the time and place of the hearing as provided in section 19-904, the planning commission and the city council or village board of trustees both hold public hearings on the inclusion of the addition within the corporate limits and (b) the city council or village board of trustees votes to approve the inclusion of the addition within the corporate boundaries of the municipality in a separate vote from the vote approving the addition. Such hearings shall be separate from the public hearings held regarding approval of the addition. (N.R.S. 19-916).

Type of action requested:

Motion

Suggested motion:

Approval of bringing a tract of land into the corporate limits of the City of Hastings for James Holt to bring property commonly addressed as 219 West J Street Hastings, Nebraska which is being platted as Holt Addition.

Deadlines associated with action:

The addition by plat will be heard at the City Council Regular meeting on May 8, 2023.

Department head comments:

As part of the preliminary/ final plat for Holt Addition a tract of land is being considered for incorporation into the City limits. These tracts are both part of the Northeast Quarter of Section 24, Township 7 North, Range 10 West of the 6th P.M., Adams County, Nebraska.

Both the plat and this addition to the City were reviewed by the development review team (including county zoning) and the applicant has made all requested revisions to meet the requirements of Hastings City Code Section 38-203.

Recommendation:

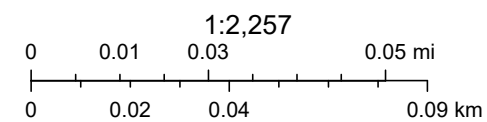
Staff recommends a motion to recommend approval for bringing a tract of land being part of Holt Addition

ArcGIS Web AppBuilder



4/18/2023, 9:11:25 PM

Addresses  Easements  TwoMile
 LOTS  Parcels  Limits



PRELIMINARY/FINAL PLAT

FLOOD PLAIN STATEMENT

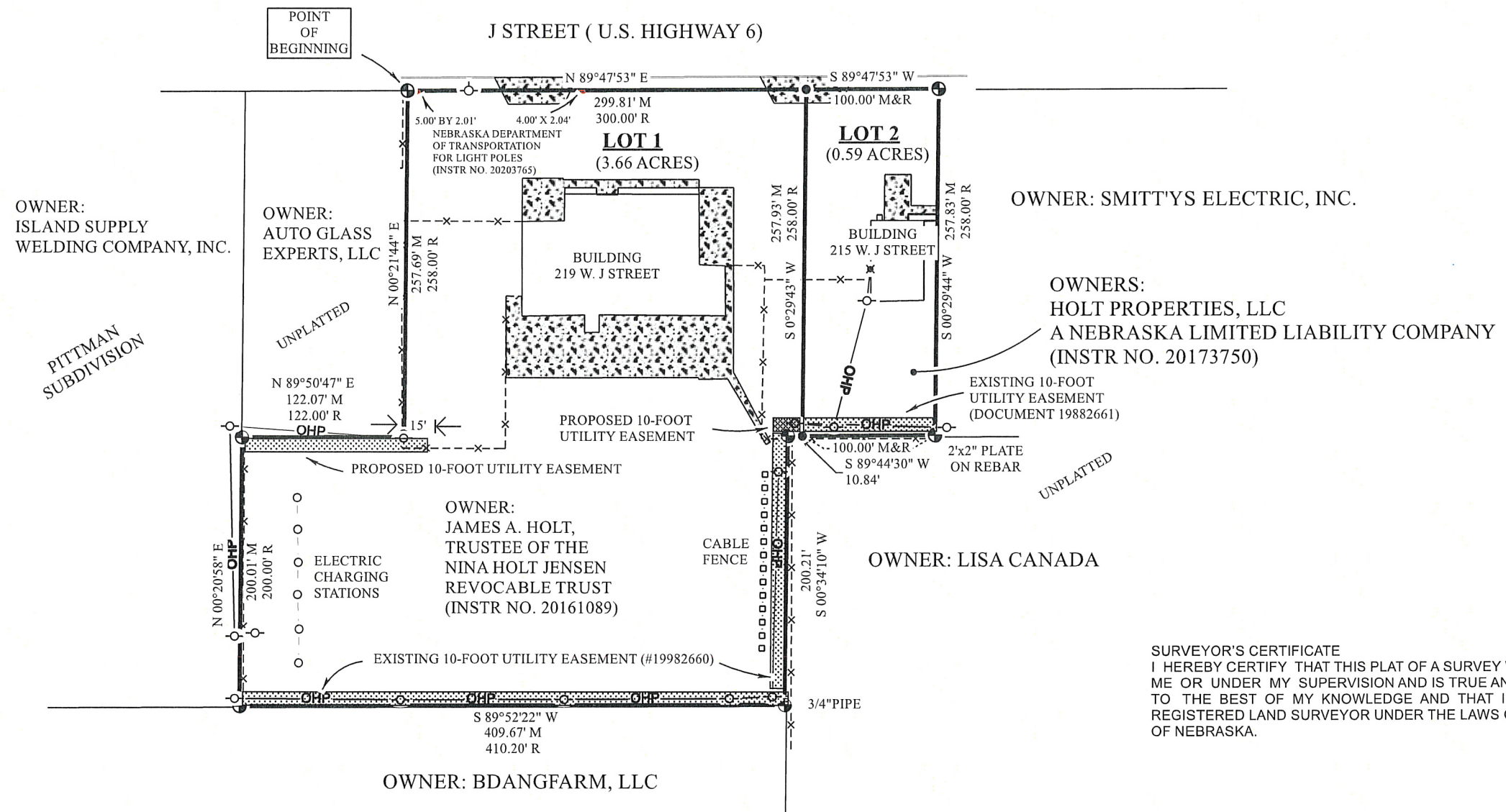
R10W

N21

24

NOTE: ALL BEARINGS ARE ASSUMED

KRUEGER LAND SURVEYING
2837 WEST U.S. HIGHWAY 6 #204
HASTINGS, NE 68901
402-984-2176



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 DULY
REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE
OF NEBRASKA.

THOMAS L. KRUEGER | LS-448

FINAL PLAT

FILE NAME HOLT ADDITION, CITY OF HASTINGS SEC 24-T7N-R10W		
SCALE 100 Ft/In	DATE 3-22-2023	DRAWN BY T. KRUEGER
JOB KLS-23017	FIELD WORK TK	SHEET 1 OF 2

HOLT ADDITION
PRELIMINARY/FINAL PLAT
AN ADDITION TO THE CITY OF HASTINGS
LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24
TOWNSHIP 7 NORTH, RANGE 10 WEST OF THE 6TH P.M.,
ADAMS COUNTY, NEBRASKA

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENT, THAT JAMES A. HOLT, TRUSTEE OF THE NINA HOLT JENSEN REVOCABLE TRUST AND JAMES A. HOLT, MEMBER OF HOLT PROPERTIES, LLC A NEBRASKA LIMITED LIABILITY COMPANY OWNER(S) OF RECORD OF THE LAND SHOWN ON THE PLAT AND DESCRIBED IN THE LEGAL DESCRIPTION HEREON, HAS CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED, PLATTED, AND DESIGNATED AS HOLT ADDITION, AN ADDITION TO THE CITY OF HASTINGS, 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 OWNER(S). BE IT FURTHER KNOWN, THAT SAID OWNERS(S) DOES HEREBY DEDICATE ALL STREETS AND EASEMENTS SHOWN ON THIS PLAT TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

SIGNED THIS _____ DAY OF _____, 20_____

JAMES A. HOLT, TRUSTEE OF THE
NINA HOLT JENSEN REVOCABLE TRUST

JAMES A HOLT, MEMBER OF HOLT PROPERTIES, LLC
A NEBRASKA LIMITED LIABILITY COMPANY

ACKNOWLEDGEMENT
STATE OF NEBRASKA)

) SS
COUNTY OF ADAMS)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 20_____ BY JAMES A. HOLT, TRUSTEE OF THE NINA HILT JENSEN REVOCABLE TRUST AND JAMES A. HOLT, MEMBER OF HOLT PROPERTIES, LLC A NEBRASKA LIMITED LIABILITY COMPANY

MY COMMISSION EXPIRES THE _____ DAY OF _____, 20_____

NOTARY

CITY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO SPECIAL ASSESSMENTS ARE DELINQUENT OR DUE UPON THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION ON THIS PLAT AS OF

THIS _____ DAY OF _____, 20_____.

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 DESCRIBED IN THE LEGAL DESCRIPTION ON THIS PLAT AS OF

THIS _____ DAY OF _____, 20_____.

ADAMS COUNTY TREASURER

REGISTER OF DEEDS CERTIFICATE

STATE OF NEBRASKA)
) SS
COUNTY OF ADAMS)

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

WAIVER FOR STREET GRADES

APPLICANT(S) HEREBY WAIVE(S) 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 _____, 20_____.

JAMES A. HOLT, TRUSTEE OF THE
NINA HOLT JENSEN REVOCABLE TRUST

JAMES A HOLT, MEMBER OF HOLT PROPERTIES, LLC
A NEBRASKA LIMITED LIABILITY COMPANY

CITY ENGINEER'S APPROVAL

THIS PLAT OF HOLT ADDITION, AN ADDITION TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA HAS BEEN RECEIVED AND REVIEWED BY ME AND IS IN COMPLIANCE WITH THE PROVISIONS OF CHAPTER 38 OF THE CITY CODE FOR THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, PROVIDING FOR THE APPROVAL OF SUBDIVISIONS AND PLATS BY THE CITY ENGINEER UNDER CERTAIN CIRCUMSTANCES.

APPROVED THIS _____ DAY OF _____, 20_____.

CITY ENGINEER

CITY PLANNING COMMISSION RECOMMENDATION

THIS PLAT OF HOLT ADDITION, AN ADDITION TO THE 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 APPROVED THIS _____ DAY OF _____, 20_____.

CHAIRMAN

DIRECTOR

MAYOR AND CITY COUNCIL ACTION

THIS PLAT OF HOLT ADDITION, AN ADDITION TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA IS HEREBY APPROVED THIS

_____ DAY OF _____, 20_____.

MAYOR

CLERK

KRUEGER LAND SURVEYING
2837 WEST U.S. HIGHWAY 6 #204
HASTINGS, NE 68901
402-984-2176

FILE NAME HOLT ADDITION SEC 24-7N-R10W		
SCALE 100 Ft/In	DATE 03-22-2023	DRAWN BY T. KRUEGER
JOB KLS-23017	FIELD WORK TK	SHEET 2 OF 2

Department: Development Services
Staff Contact: Lee Vrooman
Planning Commission Meeting Date: 4/25/2023
File No: 2023-014
Prepared By: Brian Hurskainen, City Planner

AGENDA ITEM SUMMARY SHEET

Description of Item:

Preliminary/Final Plat for Holt Addition of a tract of land located in the Northeast Quarter of Section 24, 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 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:

Approval of Preliminary/Final Plat for Holt Addition of a tract of land located in the Northeast Quarter of Section 24, Township 7 North, Range 10 West of the 6th P.M. City of Hastings, Adams County, Nebraska.

Deadlines associated with action:

The addition by plat will be heard at the City Council Regular meeting on May 8, 2023.

Department head comments:

The Development Services 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.

Recommendation:

Staff recommends a motion to recommend approval of the Preliminary/Final Plat for Holt Addition.

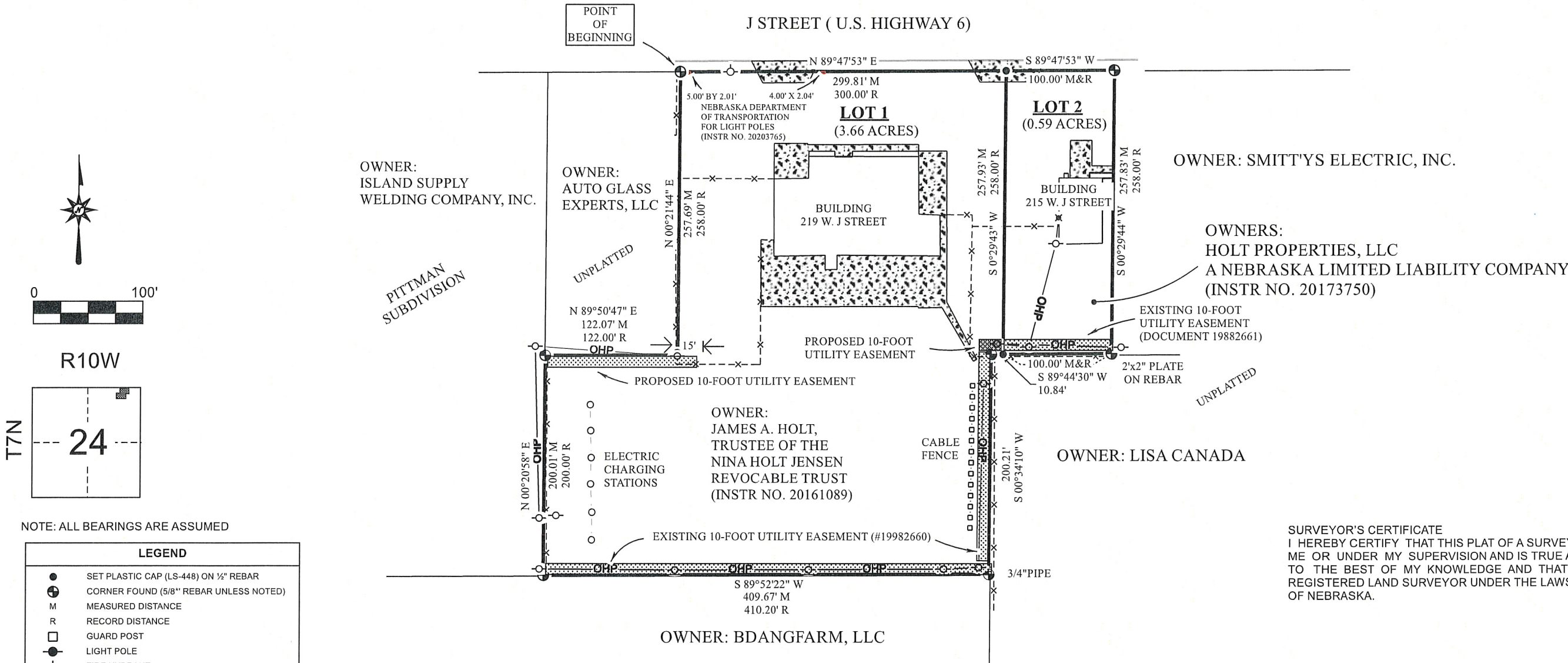
HOLT ADDITION

PRELIMINARY/FINAL PLAT

AN ADDITION TO THE CITY OF HASTINGS,
LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24
TOWNSHIP 7 NORTH, RANGE 10 WEST OF THE 6TH P.M.,
ADAMS COUNTY, NEBRASKA

FLOOD PLAIN STATEMENT

THE PROPERTY AS LEGALLY DESCRIBED ON THIS PLAT IS IN ZONE X, AREA OF MINIMAL FLOOD HAZARD, AND NOT WITHIN THE SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AS INDICATED ON THE FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 31001C0160C EFFECTIVE 7/05/2018.



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 DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

THOMAS L. KRUEGER | LS-448

FINAL PLAT

FILE NAME HOLT ADDITION, CITY OF HASTINGS SEC 24-T7N-R10W		
SCALE 100 Ft/In	DATE 3-22-2023	DRAWN BY T. KRUEGER
JOB KLS-23017	FIELD WORK TK	SHEET 1 OF 2

LEGAL DESCRIPTION

AN ADDITION TO THE CITY OF HASTINGS, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE ¼ NE ¼) OF SECTION 24, TOWNSHIP 7 NORTH, RANGE 10 WEST OF THE 6TH P.M., IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA BEING DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT 383.36 FEET EAST AND 42.00 FEET SOUTH OF THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER ON THE SOUTH LINE OF US HIGHWAY 6 AS RECORDED IN INSTRUMENT NO. 870276, AND INSTRUMENT NO. 864164 THIS BEING THE POINT OF BEGINNING; THENCE N89°47'53"E, ON THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 6, A DISTANCE OF 399.81 FEET; THENCE S00°29'44"W, A DISTANCE OF 257.83 FEET; THENCE S89°44' 30"W, A DISTANCE OF 110.84 FEET; THENCE S00°34'10"W, A DISTANCE OF 200.21 FEET; THENCE S89°52'22"W, A DISTANCE OF 409.67 FEET; THENCE N00°20'58"E, A DISTANCE OF 200.01 FEET; THENCE N89°50'47"E, A DISTANCE OF 122.07 FEET; THENCE N00°21'44"E, A DISTANCE OF 257.69 FEET TO THE POINT OF BEGINNING, CONTAINING 4.25 ACRES, MORE OR LESS, EXCEPT TRACTS DEEDED TO THE NEBRASKA DEPARTMENT OF TRANSPORTATION AS RECORDED IN INSTRUMENT NO. 20203765.

KRUEGER LAND SURVEYING
2837 WEST U.S. HIGHWAY 6 #204
HASTINGS, NE 68901
402-984-2176

HOLT ADDITION
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AN ADDITION TO THE CITY OF HASTINGS
LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24
TOWNSHIP 7 NORTH, RANGE 10 WEST OF THE 6TH P.M.,
ADAMS COUNTY, NEBRASKA

OWNER'S CERTIFICATE

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SIGNED THIS _____ DAY OF _____, 20____

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A NEBRASKA LIMITED LIABILITY COMPANY

ACKNOWLEDGEMENT
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) SS
COUNTY OF ADAMS)

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MY COMMISSION EXPIRES THE _____ DAY OF _____, 20____

NOTARY

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ADAMS COUNTY TREASURER

REGISTER OF DEEDS CERTIFICATE

STATE OF NEBRASKA)
) SS
COUNTY OF ADAMS)

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DATE: _____ TIME: _____ INSTRUMENT NO: _____

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CITY ENGINEER

CITY PLANNING COMMISSION RECOMMENDATION

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CHAIRMAN

DIRECTOR

MAYOR AND CITY COUNCIL ACTION

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_____ DAY OF _____, 20____.

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CLERK

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FILE NAME HOLT ADDITION SEC 24-7N-R10W		
SCALE 100 Ft/In	DATE 03-22-2023	DRAWN BY T. KRUEGER
JOB KLS-23017	FIELD WORK TK	SHEET 2 OF 2

ArcGIS Web AppBuilder



4/18/2023, 9:11:25 PM

Addresses  Easements  TwoMile
 LOTS  Parcels  Limits

1:2,257
 0 0.01 0.03 0.05 mi
 0 0.02 0.04 0.09 km