

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Tuesday, August 15, 2023

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the Hastings Public Library, 314 N. Denver Avenue, Hastings NE, on August 15, 2023.

1. Call to Order

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, Chuck Rosenberg, Jody Stutzman, Lou Kully, Brian Hoffman, Shawn Rossi, Rakesh Srivastava Absent: Greg Sinner, Michelle Lewis, Jacque Cranson

2. Roll Call

3. Pledge of Allegiance

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

5. Public Notice The Public Notice was read into the record. - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday , August 11, 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 City Library. Also, a current copy of the Nebraska Open Meetings Act is located on the wall of the Conference Room, which is accessible to members of the public. Moved by Lou Kully, Seconded by Shawn Rossi to approve the minutes of July 18, 2023. Voice Vote taken. Ann Hinton, Chuck Rosenberg, Jody Stutzman, Lou Kully, Rakesh Srivastava, Brian Hoffman, Shawn Rossi

Public Notice – Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, August 11, 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 City Library. Also, a current copy of the Nebraska Open Meetings Act is located on the wall of the conference room, which is accessible to members of the public.

6. Approval of Minutes

Pg 1 under number 2 others present State Fire to City Fire Marshall and Page 5 was change to Anthony Marshall from Kitchen to Kitchen fire has been printed and corrected to sign.

a. Approval of the Minutes of July 18th, 2023.

7. Special Order of Business

8. Unfinished Business

a. Continued Applications - None

b. Tabled Applications - **2023-417**

- i. Public hearing to recommend a request for a Conditional Use Permit (CUP) for a Medical Clinic at a property generally located to the southwest of the intersection of North Kansas Avenue and West 22nd Street in the City of Hastings, Adams County, Nebraska.

Motion to recommend concept approval for a CUP resolution for Medical Clinic at a property generally located to the southwest of the intersection of North Kansas Avenue and West 22nd Street in the City of Hastings, Adams County, Nebraska. Motion made to table until August Planning Committee Meeting.

This Application has been withdrawn by the Applicant.

c. Postponed Applications - None

9. Public Hearings.

- a. **2023-476.** Public hearing to consider bringing a tract of land into the corporate limits of the City of Hastings for The Toy Shed, LLC – Arlin Kiel to bring property generally located to the southeast of the intersection of South Showboat Avenue and East South Street (U.S. Highway 6) which is being platted as Showboat Condo Addition.

Approval of bringing a tract of land into the corporate limits of the City of Hastings for The Toy Shed, LLC – Arlin Kiel to bring property generally located to the southeast of the intersection of South Showboat Avenue and East South Street (U.S. Highway 6) which is being platted as Showboat Condo Addition.

(Jacque Cranson joined the meeting at 4:10pm)

Ann Hinton declared the public hearing open, and ready for staff comments.

Chad Bunger thanked the Planning Commission, introduced himself, then presented the applicant and their consultants with Toy Shed LLC. Chad stated Arlin Kiel is here, to answer questions, but will briefly run through a summary of the staff report for the annexation and then will follow up with the preliminary plat. Chad Bunger showed the Planning Commission the map where a portion had already been annexed into the city, leaving about 9.9 acres outside of the city limits. It is currently zoned I2 heavy industrial district and that will remain. The next map was just for reference to covering the preliminary plat discussion. What's proposed is a number of garages that would be associated with the racetrack. There are options according to the application to have temporary residential living quarters above those garages, so, the potential for each garage area to have living quarters above them. As you know, last May, the zoning regulations were amended to allow this kind of use, in the I2 District, associated with the racetrack, so these would be accessory to that racetrack. The property is a commercial category on the future land use map of our current comprehensive plan,

"Imagine Hastings" and it's zoned I2 and would remain that. A fairly straight forward annexation request and the applicant is the one requesting annexation. It is not a unilateral annex by the city, so with that, the stats analysis, I provided to you in the stats report. I won't go through each of those, but it does comply with our growth goals and standards outlined in the comprehensive plan, and thus, the city is recommending approval of the proposed annexation. Opened for questions.

Ann Hinton stated they would address that in a moment. If they have questions, anyone in the public that would like to speak for or against this annexation? Mr. Kiel would you care to talk?

Arlin Kiel stated not at that time.

Ann Hinton closed the public hearing.

Motion to approve **2023-476** and recommend to the City of Hastings that it be approved for bringing this into the City of Hastings. Open for comments or questions for Mr. Bunger or Mr. Kiel?

Brian Hoffman made the comment that he was happy to see it's being developed.

Moved by Brian Hoffman. Seconded by Lou Kully Voice Vote taken- Ayes: Jacque Cranson, Rakesh Srivastava, Shawn Rossi, Chuck Rosenberg, Lou Kully, Ann Hinton, Brian Hoffman, Jody Stutzman Nays: 0 Motion carried 8-0

10. Subdivisions

- a. **2023-472.** Preliminary Plat for Showboat Condos Subdivision, in the Northwest Quarter of Section 16, Township 7 North, Range 9 West of the 6th P.M., in the City of Hastings, Adams County, Nebraska

Chad Bunger-The corresponding Preliminary Plat for Showboat Condos Subdivision, again, the same property we discussed. Six lots are proposed. One outlot at the intersection of Showboat Blvd and Highway 6 and then the five lots that would be developed with those garages. Each lot would have a series of garages and a potential of dwelling units above them, for a total of 60 individual slots. The applicant has mentioned there is a possibility that each of those garage slots and dwellings could be a condo or create a Condominium Association in the development. They did provide us with a covenant regarding that Condominium Association, so we are looking over that draft, but it has not been finalized yet. A little bit about the Plat. It will gain access off of showboat boulevard via an existing driveway and have an interior driveway through it. That is being platted as a 24 ft wide public access easement to get the Fire Department and others that needed access to each of the five lots. Utilities are in the area and will be run along essentially that access easement and the concrete apron. In regards to access, the end there, it notes a gravel cul-de-sac, the Fire Department will have some say in the design. There are probably some different options they can look at. Chad further discussed how the Fire Department will design and approve with the final plat as they have some options, it does need to be paved or at least have a road service that will carry a fire truck. Recap is commercial retail and is zoned I2. Discussed storm water plan and how the whole racetrack is largely master planned for storm water

runoff at the very southeast corner of that property is a retention pond should be able to handle all of the run off from the site. Discussed the design of the run-off. Everything will flow essentially back towards the West where there is an existing ditch that will channel all the runoff, then through the racetrack, back to that retention cell. I did not mention access to the Outlot 1. As it is shown there, it does not have an access point. There are some options to gain access to that Outlot and so they would just need to get that confirmed at the time of that building or that lot is developed so they have legal access. They have the opportunity to either find a way onto Showboat boulevard exclusively, or have an option to have a shared easement down that driveway and gain access as proposed there. So, there are options when that site develops.

The other note that the western portion of the lot is in a 1 % chance flood plain, but it's not a detailed study area, meaning we have an estimate of what the flood elevation would be on that site, but our flood plain regulations and the state would require that an engineer study determine the specific flood elevation before construction can occur. Those are the three conditions of approval we have provided for the preliminary plat.

Ann Hinton asked for a motion to approve the Preliminary Plat for Showboat Condos Subdivision Item- **2023-472**

Kully stated he had a question, visiting developers, just one question in regards to these units in one building. There are six units. Are there any complications or problems if someone comes in and wants to combine 2-3 into one?

Arlin Kiel stated his name and is from Spirit Lake, Iowa, stated he spends quite a bit of time here at the racetrack, is an Elite member there. I have been coming here for 9 years, so I am quite acquainted with the racetrack itself. I had the opportunity to buy the property there this past winter, and talking to a lot of people around the community, they would like to see something happen. Probably the only way 2 or 3 can be joined when people have 2000 sq.foot regulation, otherwise, it would have to be sprinkled. I think a fire door in between the walls could probably be put in, but as far as opening it up as 2-3 units as one, he doesn't think that is really possible, because of the fire code.

Lou Kully questioned because of the fire code?

Arlin Kiel stated" Yes, that is correct. Anthony can probably answer that question better, but that's my thought.

Lou Kully stated he was just asking because he knows of a couple other developments where they had individual garages and people came in and combined two of them for more space, but thought he would ask. You know darn well and good, someone will come in and build an extra-large garage. Why would it have to be sprinkled?

Arlin Kiel replied because of the 2000 sq foot ruling, he believes. In Iowa they do that but they don't have as stringent codes as up here.

Lou Kully stated he was just asking for his protection. He knows someone will come in and ask.

Arlin Kiel stated he is sure they would.

Anthony Murphy said he could feel everyone looking at him as he is flipping through the code book. Stated he doesn't have the answer right now. He thinks potentially the code he is referencing may be out of the State Life Safety Code. Typically, that is the code that is more restrictive on the size of a residential and above on residential.

Lou Kully stated, but if they don't put them in the residence above and it is part of the working unit down below, then they can combine.

Anthony agreed there is potential for that. There are so many ways of configuring that, it's hard to give that general blanket answer. If someone wants to look at that, Kevin Kubo said he would be more than happy to spend the time working on that.

Lou Kully said he was just looking ahead to that. Thought he would bring it to Anthony's attention. What he is trying to help them do is help them, because they are going to get some pretty good-sized people in because of the track itself. It will attract a lot of people. They are going to need more square footage.

Anthony stated, yes, if that should happen, we would be more than happy to work with them and guide them through the code requirements.

Jody Stutzman stated she couldn't comprehend what this looked like. Could you explain who will be renting these places, how long of a time they would typically be in Hastings, is it just for the weekend, when there are events?

Arlin Kiel stated they tried to design this drive, so the driveway comes off Showboat Boulevard there. There are four units that will have living quarters in them, four buildings to the south will have living quarters in them, overlooking the track. The ones on the north side of the drive we are not planning on putting in living quarters. We plan on using storage for local people and people that come to the track. So, the ones on the north side will not have living quarters, unless they want one, then they have to go back to the city to get a permit for that. We are going to have the water and sewer all in it already for them. So, the question is how long they would be here? Some people, a few people, asked if they would like to be in it for 8-9 months, and live here, and in the wintertime go somewhere else. A couple of those have come forward already. We've had several come forward that work on the track or come to the track, and they want to stay for weekends, and then, as an elite member, you can come there during the weekend and race there all week. It will draw those people to come in here, versus living at a condo or a motel room where they don't have garage space. I know there is an outfit from Texas that wants to come for a whole month there and spend time here and work on his cars, and drive them, and it will be set up for that. He is putting lifts, car lifts in some of them, so they can work on their cars quite easily. So, it's hard to tell how many there are going to be here but I think some of them will be here quite often.

Jody Stutzman thanked him from someone that knows nothing about cars.

Chuck Rosenberg asked Chad Bunker on Lot 1, how will that be affected by the Showboat intersection on Highway 6 when the state goes to do that? Is there plenty of room in there for any adjustments?

Lee Vrooman answered that question, by saying that is probably yet to be seen, since we don't yet have the final plan for that intersection. I know that intersection does get a little bit larger. I don't know that it is significantly larger, so until we have those final plans I can't definitively say one way or another. I doubt it has much bearing there. There are a couple of easements there that probably have more bearing on that lot than what the highway project does.

Brian Hoffman said he does have a question about the easements or the driveways in to the racetrack. When it happened to him this morning going in to work, and a train went across, by AGP, that northbound traffic really kind of binds up so, is there a plan to put a gate to stop traffic, because if you open up, there's a regular road? There are going to be people that will think that to be a regular road to get to Highway 6. If they travel

through there and they don't see it, because of the distance and size of the buildings, they might think that it is an outlet, or if the city would put a No Outlet sign in that position, because some people might think that is a drive through and you don't want that type of a mess?

Arlin Kiel said that has been addressed already. When you go to the racetrack now, there is one gate that goes to the track and one that goes to the condos. That particular one that goes to the condos is open all day long from 7am to 7pm.

Brian Hoffman said he went farther south, so when he goes farther South, he knows he can't go into a racetrack. The farther north you get, the more people think they can cross there. Some people now cross through AGP's gravel road to get onto the highway, so by just putting that out there, you might have some congestion issues or some amount of traffic.

Arlin Kiel stated they have looked into moving the fence further to the East so they can pull a semi in there and they can park and get the gate open. The people that own the units will be able to get on their phone app and press the button and the gate will open, so they will be closed all the time. They are gated.

Chad Bunger said just as a point of clarification, so beyond the gate and driveway, that access easement is to make sure the lots all have legal access, so that if it was just a driveway, and we left it at that, it would create issues by blocking a driveway or whatever and cause issues for the Fire Department or others. We are creating that legal traveling, so everyone has legal access all the way back to lot 5.

Ann Hinton said her comment would be that she would like to see it before the final plat is done. She would like to see there be access to Outlot 1 in your conditions before they get a building permit there, but thinks it should be on the final plat, so that anyone wanting to buy Outlot 1 at some future point, if they are ready to sell or whatever, would know they have access. She thinks that would be a wise move before the final plat is submitted.

Chad Bunger asked if that motion was to include Ann Hinton's amendment?

Ann Hinton said she didn't make it as a recommendation to approve this. She stated before the Final Plat they put access there.

Chad Bunger said to make it up and up, and if that is truly what the expectation is on the Final Plat, he thinks it best to go ahead and amend the motion to include that change in the conditions. If the rest of the Board or Mr. Kully doesn't feel that's important, then cool, but since you made that suggestion, if the Board wants that expectation with the Final Plat, then it should be a condition.

Lou Kully said he doesn't have a problem with it at all. If somewhere down the road that Interchange is changed by the State and the City, which it probably will be, because of the traffic involved, just as long as the developer has a chance to amend the final Plat.

Ann Hinton asked if that isn't the purpose of a preliminary Plat? It is only preliminary, correct? Changes can be made prior to the final plat, as long as the commission approve those changes? Personally, she would like to see access there before approving that or making it contingent on access.

Lou Kully asked Arlin Kiel, Sir, do you have any objection to that or a problem with it? All we are trying to do is protect you because we don't know what will happen with that interchange?

Discussion continued on the best places access could work on Outlot1.

Lee Vrooman agreed with Chad Bunger, if you want to add the Access Road to Outlot 1, now is the time to do it.

Rakesh Srivastava stated that in the future he thinks it would be better for all of us.

Lee Vrooman also asked if they ever sold it and the new purchaser wanted something different, they can always do something different.

Moved by Lou Kully with amended access added. Seconded by Rakesh Srivastava
Voice Vote taken- Ayes: Jacque Cranson, Shawn Rossi, Chuck Rosenberg, Ann Hinton, Brian Hoffman, Jody Stutzman Nays: 0 Motion carried 8-0

11. Reports

a. Committee Reports

No Reports

b. Chairman Comments

None

c. Staff Reports

Chad Bunger stated we sent out letters last week and will start our series of neighborhood meetings for the annexation plan, so the next two weeks starting next Tuesday, we'll meet with four different groups of neighbors that have been identified as candidates to be annexed based on their proximity to the current city limits and or getting utilities. We recognize they're not going to be super fun meetings, but we are going to have those neighborhood meetings to make sure everyone is well informed, and understands the process, why we are doing it, and what they can expect. Then, starting September 5th, we are going to schedule work sessions with you all, to have those same groups one by one, so four series of meetings with you to just discuss it we're going to be well informed by the end of this, and be good acquaintances.

Kevin Kubos said most projects are moving along. There was a walkthrough of the Justice Center and they were starting to put all the finishes on, so they are getting closer. Dinsdale, their sales floor is the last part of the remodel, so they are getting close to doing that. We went there, they are finally fine tuning their operation to get that up and going. Houses are moving right along. Doing inspections almost every day, keeping up with those. Went through a walk through with St. Cecilia, they seemed to be very close there. They are pushing really hard to get the students in next week. Heartwell, the tanks are going up really well, so I think they are finally fine tuning their operation to get that up and going. They have a lot of workers out there working. Houses moving along, inspections daily. YMCA has some hurdles, but we got them over them the other day. Had some points that were sticking for them so, we gave them some options chose those options to move forward. Hopefully, that will help them out. What Chad Bunger is talking about, is we want to educate the public, where we got a lot of people not pulling building permits, and plumbing permits, siding permits, roofing permits. We want to start educating the public on the reasons why you have to pull a

permit. We don't like being angry at people, but we need to educate them on the reasons why, especially roofs. If you hire someone to do a roof, and they don't pull a permit and they do the roof wrong, you call me and say they did my roof wrong, and I say, did you pull a permit and call for an inspection? They're going to go uh, I didn't know I had to. My only recourse is ok, tear your roof off and let's see it. That's not what we want to do. We want to educate beforehand, get the inspections done in mid-roof, so we can catch if there are things done incorrectly. We just want to emphasize the importance of pulling the building permits, and calling for inspections. Any questions from other projects? Some big ones coming down the chute for some of us in the room. Some of us are very, very excited about that.

Brian Hoffman asked what the plan or strategy is on educating on the building permits?

Kevin Kubo stated an ad campaign, working with Tony doing some Facebook, newspaper articles, just trying to be as nice as we can about why people should pull permits.

Brian Hoffman stated that he had his roof done and he was under the impression the contractor pulled the permits. That is something they need to address. He assumed paying the \$45.00 Contractor Fee was to make that work.

Kevin Kubo stated that is where we are going to educate you to be a good homeowner and when they show up at the job, ask your roofer can I see your permit? They should pull out their phone, we e-mail it directly to them, show it to you, if they can't do that, then you say no thank you. You pull it online, it takes 5 minutes to pull it online, and it takes 10 minutes to do an inspection.

Chad stated Tony has created a Press Release that went out yesterday. The local TV station interviewed Chad Bunker the other day, so the Development office is trying to get some information out there. It's about once a week we hear something has been done without a permit.

Brian Hoffman recommended they use the Utility bill, which is usually informative, and place the need for people to pull permits in it.

Jody Stutzman said something else to consider, especially after the last storm, we are all working with our insurance companies and I trust my insurance company to tell me a checklist of who to use, so they can reach out to more people.

Chuck Rosenberg asked Kevin Kubo what types of permits do we need? Siding, what if I put up new downspouts? Gutters? If I have someone fix a broken fence? Sounds like you need a permit for any type of repair, right?

Kevin Kubo said well, a downspout and gutters do not require a permit under the Building Code and the IRC. Roofing and siding require a permit because they deal with the envelope of the structure. Just being weather proofed and other codes that apply to that Windows and doors replaced that are the same do not need permits. However, if they are changed in size, then you are dealing with headers, and that deals with the structure. That requires an inspection. Tell us how big the header is and what you are doing. Then we can match it up to what is required under code.

Chad Bunker said the biggest take away is if you have any questions, if you are going to do any sort of project, a quick phone call to our office. We are happy to help, we are always there to let you know what needs to be done.

Rakesh Srivastava said not to change the subject but asked if they had decided what

they are going to do with the KMART building.

Kevin Kubo stated yes, they are working on a set of plans right now. They have a tenant for that space. They are going to take up 14,450 sq. feet of that it's in the review process right now. They are going to create a couple more tenant spaces on the North East Corner of the back half. Not sure what they are doing with that yet, but they have an assigned tenant in there. Once the parking lot is going, there are issues with the electrical we are working on. Once those get to us, we can issue the permit and move forward.

Anthony said Kevin Kubo has mentioned many of the projects we have been working on. Hopefully you picked up on the theme. We are really trying hard to focus on our customer service, the experiences of somebody that has come in and wants to do some development

do repairs, do remodeling, and things of that nature. So, we are constantly reviewing our internal systems and processes and trying to find where those points of friction or those bottlenecks are I think we have briefly discussed in these meetings previously has been work load and trying to make sure we can be responsive in a timely manner. As part of that we have been fortunate enough to be approved for a full-time Fire Inspector for the city. So, at this time, would like to introduce you to Mr. Travis Nolan, our new Fire Inspector. He just started, this is day number two. If you want to give a quick brief run down on your fire experience and things of that nature. Step up to the mike and introduce yourself.

Travis Nolan started by saying he resides in Grand Island. He saw the opportunity and applied. He has been in the fire service for nine years, He has Fire 1, Hazmat Operations, Hazmat awareness-assistance. He has always wanted to be in the fire service and this gave him a backdoor way into a fire service, since he couldn't do the fire service anymore.

Welcomed by all.

Anthony is very, very, happy to have him and have somebody with his fire background, so they know a building reacts in a fire and different ways to prevent it. Between the project updates and introducing Inspector Nolan here those were the primary things I wanted to convey. Unless there are other questions on other projects?

Lee Vrooman said the only thing I have to add is Kool-Aid days we'll have Marvin Consultants out there at the fairgrounds in a booth, so if anyone is interested in talking about planning go out there and talk with them That starts at 11am. With that, there will also be a storm water booth with some information. A little more education on that is always good.

Chad Bunger said to expand on that, the Kool-Aid days, Keith Marvin and his crew have drafted a future land use map and drafted what our future developments could look like. We can present that to the public and get some input. So, it's going to be the full 2-mile area will all be included in that future land use plan 2-excited to see what the community thinks of that. That will really be just one of several steps to getting some comments and thoughts on it.

Jody Stutzman said she really wanted to say thank you to all of you as it's evident your efforts to get community feedback and also educating the community on various things is very much noticed, thank you.

Ann Hinton seconded that and thanked the board also. Any other comments or

questions?

Adjourn

Chairman