

HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission has been scheduled for Tuesday, November 14, 2023 at 4:00 PM At the Hastings Municipal Airport, 3300 W 12th St, Hastings NE.

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 Wednesday, November 1, 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 Hastings Municipal Airport. Also, a current copy of the Nebraska Open Meetings Act is posted on the wall of the Airport which is accessible to members of the public.
6. Approval of Minutes
 - a. Meeting of October 17, 2023
 - i. Meeting of November 7, 2023
7. Special Order of Business
 - a. Presentation of One and Six Year Street Improvement Plan
8. Unfinished Business
 - a. Continued Applications - None
 - b. Tabled Applications - None
 - c. Postponed Applications - None
9. Public Hearings.
 - a. **2023-584.** Public hearing for a request to amend the approved Conditional Use Permit for Pine Patch Second Subdivision, a neighborhood assumably use in R-1, Urban Single-Family Residential District. The amendment is to modify or eliminate conditions of approval adopted by the City Commission with the passing of Resolution No. 2021-31. The property is commonly addressed as 780 E. 26th Street, City of Hastings, Adams County, Nebraska.

Motion to recommend approval of the request to amend the approved Conditional Use Permit for Pine Patch Second Subdivision, a neighborhood assumably use in R-1, Urban Single-Family Residential District. The amendment is to modify or eliminate conditions of approval adopted by the City Commission with the passing of Resolution No. 2021-31. The property is commonly addressed as 780 E. 26th Street, City of Hastings, Adams County, Nebraska.
 - b. **2023-641.** Public Hearing to consider annexing three areas that are adjacent to the Hastings City Limits. These properties are generally described as:
Area #1, East 26th Street and N. 2nd Avenue

Planning Commission Agenda

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Area #2, Industrial Park North

Area #3, Industrial Park West Area

- c. **2023-674.** Approval of accepting the Cty of Hastings Affordable Housing Plan prepared by Marvin Planning Consultants and Community Planning Insights

10. Subdivisions

- a. **2023-639.** Preliminary/Final Plat of Vandeventer Subdivision

11. Reports

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

Adjourn

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Tuesday, October 17, 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 October 17, 2023.

1. Call to Order

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

2. Roll Call

Greg Sinner, Chuck Rosenberg, Jody Stutzman, Brian Hoffman, Michelle Lewis, Ann Hinton, and Shawn Rossi. Absent: Rakesh Srivastava, Lou Kully and Jacque Cranson. Others Present: Lee Vrooman, Director of Engineering, Chad Bunker, Development Services Director, Kevin Kubo, Chief Building Official, Anthony Murphy, Fire Marshall, Jesse Oswald, City Attorney, and Tony Herrman, Public Information Manager.

3. Pledge of Allegiance

The Chair Greg Sinner led the Commission in recital of the pledge of Allegiance to the United States of America.

4. Motion to adopt the current agenda, Greg Sinner said I will tell you right now, item number nine on the current agenda, has been pulled and a further explanation will be given here shortly. For now, it has been pulled.

Greg would entertain a motion at this time for the approval of the current agenda with that item pulled from the Planning Commission.

Moved by Chuck Rosenberg to approve the current agenda with the item number nine pulled. Seconded by Ann Hinton. Vote taken- Ayes: Ann Hinton, Chuck Rosenberg, Jody Stutzman, Brian Hoffman, Shawn Rossi, Michelle Lewis, and Greg Sinner. 7 Ayes- 0 Nays –Motion passed.

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, September 29, 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 the Minutes

a. Meeting Of September 19, 2023

Greg would entertain a motion at this time for the approval of the Minutes of September 19, 2023.

Moved by Shawn Rossi to approve the Minutes of September 19, 2023. Seconded by Michelle Lewis. Chuck Rosenberg, Jody Stutzman, Brian Hoffman, Shawn Rossi, Michelle Lewis, Brian Hoffman, and Greg Sinner. 6 Ayes- 1 Abstain Ann Hinton –Motion passed.

b. Meeting of October 3, 2023

Greg would entertain a motion at this time for the approval of the Minutes of October 3, 2023

Moved by Ann Hinton to approve the Minutes of October 3, 2023, of the Planning Worksession. Seconded by Chuck Rosenberg. Chuck Rosenberg, Jody Stutzman, Brian Hoffman, Shawn Rossi, Michelle Lewis, Brian Hoffman, and Greg Sinner. 7 Ayes- 0 Nays–Motion passed.

7. Special Order of Business-None

8. Unfinished Business-None

a. Continued Applications-None

b. Tabled Applications - None

c. Postponed Applications - None

9. Public Hearings – POSTPONED

a. 2023-584. Public hearing for a request to amend the approved Conditional Use Permit for Pine Patch Second Subdivision, a neighborhood assumably use in R-1, Urban Single-Family Residential District. The amendment is to modify or eliminate conditions of approval adopted by the City Commission with the passing of Resolution No. 2021-31. The property is commonly addressed as 780 E. 26th Street, City of Hastings, Adams County, Nebraska.

10. Subdivisions

2023-585. Final Plat of Showboat Condos Addition, generally located to the southeast of the intersection of U.S. Highway 6 and Showboat Boulevard, City of Hastings, Adams County, Nebraska.

Chad Bunger stated the Showboat Condos Addition is a straightforward Final Plat. The Planning Commission created three conditions of approval with the Preliminary Plat, and the Outlot is the one that needs to be addressed. The corner of Showboat and Highway 6 was to be an Outlot, there were a lot of complications with that area, with easements and access. They had Lot 1 absorb that area, so Lot 1 is much larger and will accommodate that whole space. We appreciate the owners design team, they worked hard with us to create a Plat that is clean and easier to replicate out in the field and appreciate their diligence working with us. All other conditions will be addressed with the building permit. The plan for the flood plain question, they will be more cautious with their building elevations. The state has given us an approximate level, so they will go about two feet above that, to be free and clear, to be on the safe side. Everything should be good to approve and get them moving forward with their development.

Anthony Murphy stated they addressed the Fire Apparatus turnaround to our satisfaction, so no concerns from their standpoint.

Greg Sinner stated as Chad said, most of the issues will come on the building permit.

Kevin Kubo stated yes, that has already been discussed with his builder, and if everything works it should be a go.

Greg would entertain a motion of approval. Moved by Chuck Rosenberg to approve The Showboat Condos Addition. Seconded by Ann Hinton. Opened to staff comments by Greg Sinner.

Chuck Rosenberg, Jody Stutzman, Brian Hoffman, Shawn Rossi, Michelle Lewis, Brian Hoffman, and Greg Sinner. 7 Ayes- 0 Nays–Motion passed.

11. Reports

- a. Committee Reports-None
- b. Chairman Comments-

Greg Sinner asked Chad to please talk more about the meeting change for November.

Chad stated the regular scheduled Planning Commission meeting on November 21, 2023, is the Tuesday before Thanksgiving, that is a busy time for people, so proposes meeting November 14, 2023 to see if that is better for everyone's schedules.

Greg Sinner posed the question to the Planning Commission.

Jody Stutzman is the only one that said she would be gone.

Greg Sinner said on a straw vote November 14, 2023, will probably work, although suggested Melissa send out a confirmation e-mail to everyone that they will return to her whether they can attend.

Greg Sinner asked Chad Bunker as for November, December, and January, what are we looking at?

Chad Bunker said Number Nine Conditional Use Permit for Pine Patch Second Subdivision, we had an issue with the advertising deadline so that was the reason it was pulled. We will get it advertised appropriately and that will be at the November meeting. I have spoken to them on the potential rescheduling of that as well. Looking forward to December, January, there is a Final Plat of some agricultural land that will be coming towards you. I just seen that come through. I haven't looked at it to see the conditions or the details of it, so that may also be in November, but right now the agenda is open. From the last meeting, we talked about bringing back informational items and intend to do that in January. Updates on Comprehensive Plan, updates on our Current Comprehensive Plan Review, and some directions of where the department is going. December, everyone seems busy so not anxious to have items on the agenda, if we can move stuff around to get it into November or January, we will certainly try.

Lee Vrooman – Suggested the One- and Six-year Plan be added to the Agenda in November before he takes it to the City Council.

Greg Sinner liked the way Lee presented the One- and Six-Year Plan last year.

c. Staff Reports –

Greg Sinner asked Kevin Kubo to walk us around town and give everyone quick updates.

Kevin Kubo said the Justice Center is turning it over to the county in the next two to three weeks. Some hurdles they need to overcome, but doing the finishing touches, and all the communications in there. Looking at gas later this week, concluding here shortly. YMCA, working diligently to get the pool open maybe next week. They are looking at all the access points of the pool to make sure it's safe. We've discussed the fire lane in the North part of the building to provide that and some adequate parking as well as across the street. Hospital done except for creating a better slope. Stopped at the Catholic School and have a lot of sheetrock up and have been catching up. Dinsdale's is coming to a close, the only area left is their old bay areas, plumbing and getting their lifts in there. Final is coming up, and they want to move back this November. Everything is done on the outside of the building.

Greg Sinner asked about Heartwell Renewable Fuels?

Kevin said he was out there Monday and Tuesday, did a tank inspection of 6206, pouring concrete for that and their pipe fitters should be here in less than a month. About 75 people welding pipe together. Piperack is getting close to completion, that is where it's going to take their offloading of their materials into tanks and pipe it over to the processing areas. That

pipe racking is an extensive piping network, with tremendous foundations under it. All the tank foundations are done, they're erecting the tanks now, putting them all together. The admin building has started, and they are about halfway done with that, some issues with that, but Sam on site is working them out, so hopefully we won't have those issues next time we go out. They have over 200 employees hired already working there now.

Ann Hinton asked what was happening with the gas station to the South of Wendy's. It looks like they are taking out all the gas tanks.

Anthony Murphy replied basically what they are doing is removing every gas tank and replacing it with what looks like two tanks, but it's split, so two new tanks. Over the years, some of those tanks have been in the ground since the 50's and 60's. They are being very proactive, making sure they don't have continual problems. When they remove those, all the soil gets tested underneath, to determine if there are any issues or contaminations in the soil. I do know when they pulled the old tanks out, at some point they had some problems, as they lined the inside of them, so we looked at that. Those are gone now, the new tanks are set in the ground, and right now they are working on the piping, under dispensing containment. It will be a good thing for the longevity of that gas station.

Jody Stutzman asked Kevin, maybe you can answer this, you said 75 pipe fitters will be coming in to work the next month, just thinking about housing within the city, does anyone have an idea where they find housing? Are they working with the Chamber?

Kevin Kubo said he thinks they are looking at all options. He doesn't know who their contact person is. Most are getting either RV spots in Grand Island or along the interstate, or finding apartments in Grand Island, as they have a better supply of apartments there. A few of the upper management levels do have apartments here in Hastings. Seems every time an apartment comes open, it fills up with a college student or a worker coming in. They will find housing no matter what because the jobs are high paying jobs.

Jody Stutzman asked, "Do you know how many employees they are hiring at the corner police station project or is that a small crew?"

Kevin asked is that the one the EPA is working?

Jody Stutzman replied Yes.

Kevin Kubo replied he didn't have an answer for her. Probably a small crew.

Greg Sinner asked Anthony if he had anything else he wanted to add?

Anthony Murphy replied to the only other project on his list the public sees is Delight Donuts. They are continuing, they have all their permits, and right now waiting on some electricians and getting their equipment installed and targeting early November to open. Same with the Colonial Funeral Chapel, the former Valentino's, the sign says funeral and cremation, there will not be cremation at that site, it's primarily just the chapels and just waiting on them.

Some fantastic news on our part, after hiring our Fire Inspector two months ago, we had roughly 19 overdue inspections that he had not been able to get back to due to the volume of new construction work. Those were an average of 236 days past due, so it's one of those embarrassing things to admit, however, very exciting fact that he has already gotten through sixteen of those. Leaps and bounds of getting us ahead of where we were. Other news that is very good, we have been awarded a grant that has a two year period of performance for almost \$70,000.00 and part of what that is going to do is going to help us internally on the risk reduction side of tracking deficiencies that cost the city money last year with costly freezes, might be an investment up front, but save so much in damages from those freezes, going to help us be more proactive, and hopefully recovering the cost. One of the eases of Fire Prevention is Economic Incentive is huge towards that. Another piece that you will see coming out here soon is, I think there is some apprehension out in the community about what a Fire Inspection may look like. We have those few cases that were extreme cases, that becomes the talk of the town, there is a fear if somebody comes in to look at their building are they going to get shut down, what does that look like? One of the things this grant is a Risk Assessment. We will be working with the BID, and a lot of the local groups to get this ramped up to allow these businesses to see that checklist of what we will be looking for and gives them an opportunity to go through themselves before we step through the door. To get good communication started on both sides of that. It was a Federal Grant, very competitive, so we are very fortunate, and will be sharing that soon. Greg Sinner said at the Worksession he talked to Jacque Cranson about possibly getting a walking Worksession put together to go through her building in the next 30 days or so while she is still under demo. We can all see the progress of decisions that we make and what happens in these buildings downtown. I would like to go ahead with that, with the Commissions permission, and work out a couple days with her, and I would also like to invite Kevin Kubo, Anthony Murphy, Tony Herrman, Public Information Officer, and maybe even the Tribune might want to cover that. I want to show the community we are a pro-active group. We are wanting to get out there, and face these things head on and help people with their projects to help the city grow in a positive way. If you could all give me a shake of the head to move ahead, I will work with Chad Bunger, so the e-mails will probably be coming from him and we will coordinate.

Kevin Kubo added we want you to ask questions. Why does Code make us do this? We want you to ask Code questions because a lot of the stuff you see in these downtown buildings is the reason why we do everything. Some of it is their choice, some of it is because Code required it. Why do you have to have a requirement system? Ask those questions of Anthony and me? We'll give you the answers why, it's not that we are making you, it's Code requires you for the safety of the structure and for the occupants.

Greg Sinner said another reason for having this.

Kevin Kubo said so we want everybody to ask questions.

Greg Sinner said I'd like to do the downtown, but I'm afraid if I go into Jackie's building and we start off on some sidebar conversations, it'll probably eat up most of our time for that day. I think

we will find it beneficial.

Ann Hinton said she just had a comment, that ties in with Greg's, we have been having a Worksession every month along with our meeting, by moving our November meeting up a week, that will reduce our time for a Worksession, but if you are going to set this with Jaque Cranson, will that take the place of the Worksession?

Greg Sinner said in his opinion that would be yes. I know the time will be crunched, but we need to take into consideration she's under demo, things are going and keep moving. If we want to see certain things in a certain way, it's going to need to be timely.

12. Adjourn

Greg would entertain a motion at this time to Adjourn. Moved by Chuck Rosenberg to Adjourn. Seconded by Brian Hoffman.

CHAIRMAN

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Tuesday, November 7, 2023

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted Hastings Municipal Airport 3300 W 12th Street, Hastings NE 68901, on November 7, 2023.

1. Call to Order

The meeting was called to order at 4:06 p.m. in worksession by Chair Sinner with the following members present: Rossi, Hinton, Sinner, Kully, Lewis, Stutzman. and Rosenberg
Absent: Hoffman, Srivastava, Cranson

2. Roll Call

Stutzman, Lewis, Kully, Hinton, Sinner, Rosenberg, Rossi, Others Present: Lee Vrooman, Director of Engineering, Chad Bunger, Development Services Official, Jesse Oswald, City Attorney, Tony Herrman, Public Information Manager

3. Pledge of Allegiance

Chair Sinner led the group in recital of the Pledge of Allegiance to the United States of America.

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

Chair Sinner entertained a motion at this time for the approval of the current agenda.

Moved by Kully.

Seconded by Hinton

Ayes: Rosenberg, Stutzman, Lewis, Kully, Sinner, Hinton, Rossi

Nays: None

Motion passed.

5. Public Notice - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday , October 27, 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 available to the public. Also, a current copy of the Nebraska Open Meetings Act is accessible to members of the public.

The Public Notice was read into the record. - Official Notice of the Regular Meeting was published in the Hastings Tribune on Saturday, October 26, 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 available. Also, a current copy of the Nebraska Open Meetings Act is available to members of the public.

6. Special Order of Business

Chair Sinner opened discussion to review the draft City of Hastings Affordable Housing Plan dated October 27, 2023 Created by Marvin Planning Consultants and Community Planning Insights.

- a. Review the draft City of Hastings Affordable Housing Plan, dated October 27, 2023, created by Marvin Planning Consultants and Community Planning Insights.

Sinner- Informed the commission he spoke to Chad previously, and Chad is ok with the Commission raising their hands and asking questions during his presentation. Please come through the chair and be recognized so Chad will answer questions at that time.

Chad-With us tonight is Mason Herrman from Marvin Planning Consultants and Aaron Sorrell, also on the line via teams from Community Planning Insights. Aaron was the craftsman behind the Affordable Housing Plan. In 2020, the State Legislature passed the Missing Middle and Affordable Housing Act, which required a couple of things for a city of Hastings size to do. The first one was done in 2021, creating a Housing Report, which detailed specifics on the amount of property we have zoned as residential, our building permit numbers, and general discussion on affordability. The other piece requires a city of our size, basically a city of 50,000 people or lower to develop a Housing Action Plan to specify how our community will address the affordable housing issue that is fairly prevalent across the state. That is the intent of this meeting. With a January 1, 2024 deadline to get this plan adopted to meet state requirements, we're pushing this forward. One last thing about that state requirement and what it means to get this adopted. If we don't adopt it, by the first of the year, the State Statute overrides a number of provisions in our zoning regulations and means we have to allow for certain types of multi-family or more dense dwelling residential development than we normally would allow in our zoning. To address our housing issues, we as a community need to figure that out, other than legislation defining that for us. We are striving to run this plan quickly and get it adopted by mid December. We will take this plan, run it to a number of our community members in the housing field and expand on it so that it can be appropriately incorporated into our comprehensive plan. This is a good element to be in our Comprehensive Plan update. We should see this in the first of the year. Aaron is joining us virtually, and is the one who implemented this Matrix onscreen and can answer questions.

Sinner-Aaron, could you do a brief overview of what you saw going through this?

Aaron-Hastings is situated like a lot of Nebraska communities that have a significant housing need. What is laid out in the plan is the first cut of the plan, and we will go into more detail as the Comprehensive Plan, but it's really a comparison as far as missing Middle Class Housing as Hastings compares to the rest of the state. As far as highlights, one is that there is a significant need for affordable rental housing, which there is probably a lot of strides that can be made on the Tri Plexes and Quads. My experience in Nebraska, is that there is a strong demand for doubles, both for sale and for rent, which Hastings is well poised to continue heading down that path. Spoke on the number of vacant rental units that continue to go up. Essentially, the demand for housing in Hastings is pretty strong. Largely, as a matter of capturing those who are commuting to Hastings to work, their calculations show a potential ownership demand of between 230-240 new housing units, largely that is based on people from commuting who are paying significantly less for housing than they could afford. So there are probably some step-up demands that are there and, on the rental side, between 550 -700 units, again largely driven by one, commuter capture, two, the cost to renters, those who are paying more than 30 percent of their income. That is where you get the affordable housing component, or the housing demand, which is the point of the missing middle act. One of the key recommendations is to increase the area that's zoned to either permitted by right or conditionally permitted, or this Missing Middle including adding increasing it to the R1

district, which would then open up more of your residential area. Utilities are already there, lots are not that much larger than your other districts.

Sinner jumped in with a quick question, asking if Aaron had a timeline on the 160-240 on housing and 500 on rentals.

Aaron responded no, they only projected out for the next five years. Hastings is not going to be able to satisfy that kind of demand in the next five years, based on historical building permits, but they just went with a five-year projection. They think every couple of years that it should be updated based on job creation or other factors that influence housing demand.

Sinner-On the Affordable Housing side, people come up and say affordable housing in Hastings is not affordable housing. What are some figures associated with that and will that show up on the comp plan in detail?

Aaron replied it will. He also explained Affordable Housing on page 11 and the table and discussed the Comprehensive Plan in more detail and how to read it, as it is kind of complicated. Getting to your specific point, we do have demand broken out by AMI. They can further break that out in a manner that is helpful to the planning commission as part of the comprehensive plan. We would just need to know what would be helpful for you? If you tell us what you are looking to see or what questions you need to answer, we can certainly do that.

Bunger- stated Table 7 on Page 10, outlines the cost burden for households, this is a fairly good indicator of homes not making enough, and their total housing costs are burdensome to them. Of the Owner Occupied homes, we have roughly 1,000 homes. Owners, that if your household costs are equal or less than 30%, then you are doing pretty well in terms of housing costs to your income. Anything more than that, especially into 50%, that is burdensome. So right now, we have 1000 homeowners paying more in their total household bills for mortgage, utilities etc. and upwards of 1500 renters in town are burdened by their housing costs. That paints the baseline picture of residents or households, and what they are experiencing when it comes to their housing costs. A couple of different things we have to address about our housing for our existing residence, and its costs, and/or income, and also bringing in the right mix of households for new residents, as Aaron was saying, those commuters living outside of Hastings city limits, or extraterritorial jurisdiction area, living further away and driving for their jobs, which is and of itself is not a good deal.

Sinner asked Stutzman, who deals with underprivileged people, and people who are financially challenged, as well as when they go out into the housing market, whether it's ownership or renting, do you have anything to get them prepared for that?

Stutzman replied that what she sees a lot of, is the skills gap in jobs in the community. So, she doesn't know if the comprehensive plan addresses partners, whether it's work force agencies, or others that can assist with that skills gap, so they can have the income to afford housing?

Bunger- Stated they had a conversation about that with Marvin Planning Consultants, limited audience, goal partner with HADC workforce training, but not sure that carries a lot of weight as a planner, or with a comprehensive plan. We will look for different

avenues to improve that, but not through the Comprehensive Plan.

Stutzman employed her staff and none of her staff lived in Hastings. They all live outside of Hastings, and she was not for sure they would move to Hastings. How, when you look at the numbers, how do you account for those that will never potentially move to Hastings?

Aaron replied. The demand or potential demand is based on a rule of thumb: rental housing, potentially about 10 percent are living or renting outside of Hastings, if the right product was there to move in. Ownership side: Tied to a mortgage-cut down to 3- 5 percent, is a realistic number. Further out, in fact, these numbers do not capture all commuters. At some point in time, if over 40 miles outside of the community, probably because you have another tie, where you have zero interest in moving, family, partner, children. These numbers only capture a fraction of those commuters working inside Hastings.

Sinner -Chad today, we are reviewing this. No action is taken, and we will push this up to the City Council, and when will that be?

Bunger - The 14th we will hold a formal public hearing with the Commission to give a formal recommendation to the city council, and then they will take up a resolution to accept the plan on December 11th, 2023. So we will meet that deadline. From there, we will make an effort to get it out to the community.

Sinner-Next year can we have several hearings so the occupants of the city and people that transverse into the city will be able to come to the podium to speak ?

Bunger-We certainly can. We will definitely have some meetings. We are working with United Way, and a couple of other housing partners in the city to hold an affordable housing summit early next year. We are looking at making more community engagement efforts around the housing topic, workforce housing, and we will definitely keep you involved.

Sinner said that was his point.

Bunger said, Yes, then figure out what that looks like, including it in an action plan and a comprehensive plan. To do this right, the community has to be involved, engaged and we need to bring that information back to you for your understanding of it, approval and charge us to move ahead, doing the things to make an impact.

Sinner apologizes, saying he knows he caught Chad off guard, he just came on, and he's doing a great job catching up, he keeps throwing a lot of things at him. There is a reason for that. There are people that watch this at home, then the Commissioners get questions out in public and we can continue to build a dialogue with our community as we go through the comp plan.

Bunger-Agreed, that's needed..

Rosenberg-Served at some informal gatherings with builders a few years ago and there was concern about the hoops builders went through to build in the city and a lot of them were disgusted with what was happening in Hastings trying to get permits, and all the flood plain. He said it was quite a dialogue, and involved a majority of the

builders. He has seen them reducing the number of houses they are building and they claim they can't really build anything that's affordable because of the cost. He was hoping the city would work with these people. We didn't seem very flexible, back then, and that's why a couple of members of the council and him got together with those builders, but there is really a lack of housing in Hastings. Probably the main reason Hastings is not growing. He recently tried to help a family member find a rental, and they are building some beautiful apartments out here and great apartments north of town, but the cost is more than what these people can make. It's going to be a real challenge to improve what we need to do to get the houses we need in Hastings.

Bunger- His philosophy when it comes to affordable housing and workforce housing is the full spectrum, not one silver bullet to get us out of this problem, and one where he has some influence is our building permit process, and all the things folks go through. Some of those are there for good reasons, to keep people safe and sound in their homes and people building them safe and sound, but he wants them to be as practical and as effective and as efficient as possible. We're taking a hard look at those right now, and would say we'll roll out something in the next three months or so. The big ones won't take effect until next year, as it will affect fee schedules and ordinances, but we're going to make some changes to make things more effective. We work hard with our builders, our subcontractors to find solutions to make life easier, to build in Hastings. It's still going to be safe, still going to be attractive, not going to cut corners, or lower our standards in that regard. That doesn't get us anywhere, but we are going to be effective in how we work with our partners and builders.

Sinner -he would think too about these dialogues we are creating. The HUD offices should be involved. Being in the rental business here in the city, he is exposed to this in his daily life, and there are a lot of issues, and probably one of the biggest is the financial issue. That office can talk to that, they have some numbers that Sinner has checked into that are astounding for our community,

Bunger-The other piece is how do you fund some projects, find some incentives or financial tools to close that housing gap? We all know what it costs nowadays to buy things and build things, we know what we have to get in terms of what people can afford for rent and homeownership, so what can we do with some financial tools to close that gap between the expense of what people can afford? It's the full gamut: regulations, ownership tools, financial tools, the whole nine yards, and we intend to work on it.

Bunger closed by saying he appreciated the dialogue today, will bring this back next week for a formal adoption, continue to read the plan, and will answer more questions next week.

Sinner-As indicated by you, Chad, next week will be a rather large agenda, with several public hearings so we can all come mentally prepared for the meeting on Tuesday.

Adjourn

Chair Sinner would entertain a motion at this time to Adjourn.

Moved by Kully

Seconded by Rosenberg

Ayes: Rosenberg, Stutzman, Lewis, Kully, Sinner, Hinton, Rossi

Chair Sinner adjourned at 4:42pm

Chairman

Department: Development Services

Staff Contact:

Planning Commission Meeting Date: 11/14/2023

File No: 2023-640

Prepared By: Melissa Woodard, Administrative Assistant I

AGENDA ITEM SUMMARY SHEET

Description of Item:

Names of People/Business affected by this action:

Why Planning Commission action is required:

Type of action requested:

Suggested motion:

Deadlines associated with action:

Department head comments:

Recommendation:

Department: Development Services
Staff Contact: Chad Bunger
Planning Commission Meeting Date: 11/14/2023
File No: 2023-584
Prepared By: Chad Bunger, Director of Development Services

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing for a request to amend the approved Conditional Use Permit for Pine Patch Second Subdivision, a neighborhood assembly use in R-1, Urban Single-Family Residential District. The amendment is to modify or eliminate conditions of approval adopted by the City Commission with the passing of Resolution No. 2021-31. The property is commonly addressed as 780 E. 26th Street, City of Hastings, Adams County, Nebraska.

Motion to recommend approval of the request to amend the approved Conditional Use Permit for Pine Patch Second Subdivision, a neighborhood assembly use in R-1, Urban Single-Family Residential District. The amendment is to modify or eliminate conditions of approval adopted by the City Commission with the passing of Resolution No. 2021-31. The property is commonly addressed as 780 E. 26th Street, City of Hastings, Adams County, Nebraska.

Names of People/Business affected by this action:

The applicant, the surrounding neighborhood, the people of Hastings, and the City

Why Planning Commission action is required:

Neb. Rev. Stat. 19-929 requires a conditional use permit to be approved by the City Council unless the City Council has, through a zoning ordinance or special ordinance, generally authorized the Planning Commission to exercise such power and has approved the standards and procedures adopted by the Planning Commission for equitably and judiciously granting such conditional uses or special exceptions. City Code 34-401 requires a recommendation from the Planning Commission before City Council can approve a CUP.

Type of action requested:

Motion

Suggested motion:

Staff recommends the Planning Commission APPROVE the Amendment to the Approved Conditional Use Permit to ALLOW THE NEIGHBORHOOD ASSEMBLY TO OPERATE FROM 8:00 A.M. TO 10:00 P.M. for the use at 780 E. 26th Street, in the R-1, Urban Single-Family Residential District, as presented.

Staff recommends the Planning Commission DENY the Amendment to Approved Conditional Use Permit to ALLOW THE CONSUMPTION OF ALCOHOL AT THE NEIGHBORHOOD ASSEMBLY for the use at 780 E. 26th Street, in the R-1, Urban Single-Family Residential District, as presented.

Deadlines associated with action:

This item is scheduled to be heard at the next regular City Council Meeting to be held on December 11, 2023.

Department head comments:

Development Service staff has reviewed the application to amend the approved Conditional Use Permit for the Pine Patch Neighborhood Assembly Use. The complete details of the staff's review and recommending findings are in the attached staff report.

Recommendation:

Staff recommends the Planning Commission APPROVE the Amendment to the Approved Conditional Use Permit to ALLOW THE NEIGHBORHOOD ASSEMBLY TO OPERATE FROM 8:00 A.M. TO 10:00 P.M. for the use at 780 E. 26th Street, in the R-1, Urban Single-Family Residential District, as presented.

Staff recommends the Planning Commission DENY the Amendment to Approved Conditional Use Permit to ALLOW THE CONSUMPTION OF ALCOHOL AT THE NEIGHBORHOOD ASSEMBLY for the use at 780 E. 26th Street, in the R-1, Urban Single-Family Residential District, as presented.



City of Hastings Planning Commission

STAFF REPORT

Conditional Use Permit: To amend the approved Conditional Use Permit for the Pine Patch Second Subdivision, a neighborhood assembly in the R-1, Urban Single-Family Residential District

File No. 2023-584

Applicant Joseph and Nikayla Kindig

Property Location: 780 E. 26th Street

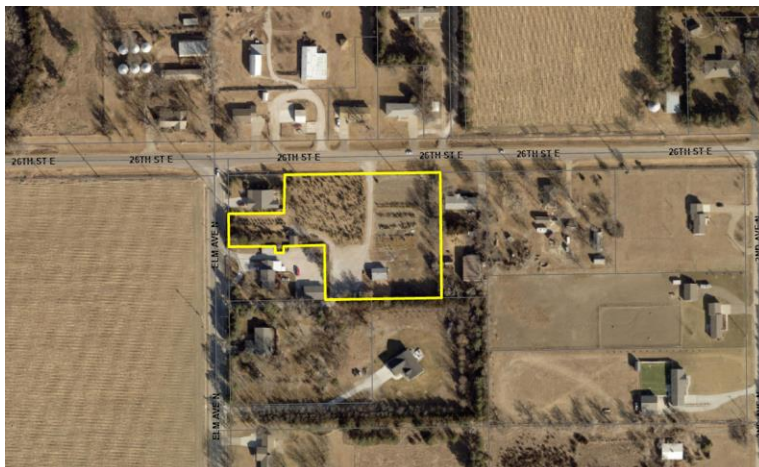
Lot Size: 2.63 acres

Date of Public Hearing: November 14, 2023

Zoning R-1, Urban Single-Family Residential District

Adjacent Zoning:

- North: County A, Agricultural District, City R-1A, Single-Family Large Lot Residential District
- East: City R-1A, City R-1, Single-Family Residential District, County A District
- South: City R-1A and R-1
- West: City R-1A



SECTION AND REQUIREMENT OF HASTINGS CODE OF ORDINANCE ALLOWING FOR CONDITIONAL USE:

- **Sec. 34-200. Uses and District Table: Civic Uses** – Assembly, Neighborhood

DESCRIPTON OF CONDITIONAL USE REQUESTED: The applicants, Joseph and Nikayla Kindig, and the owners of the Pine Patch Tree Farm (780 E. 26th Street) have requested an amendment to the approved Conditional Use Permit for their neighborhood assembly use.

The property was first approved as a tree nursery on September 12, 2005. The Conditional Use Permit had one condition of approval, which was:

1. The applicant shall operate the facility as described in the application. Any changes in the described specifications will require approval of the Development Services Director. Changes in uses or structures not anticipated in this application will require an amendment to the Conditional Use Permit.

In 2021, the current owners applied for an amendment to the approved Conditional Use Permit to allow for the construction of a new barn for use with the existing tree nursery and to add the use of a neighborhood assembly “for other special events throughout the year...”

This amendment request was approved by the City Council on August 9, 2021, with the following conditions:

1. Conditions of the CUP approved on September 12, 2005.
2. The existing private easement granted by John M. and Michele L. Northrup must be updated, tied to the land and the Kindigs, and indicate its authorized usage only for the Christmas tree portion of the Kindig business. The easement shall provide that except for the Christmas business season this access is to be gated and locked with a sign on the fence clearly indicating that the use of the egress is only for the Christmas Tree business season. This easement shall be filed with the register of deeds and a copy provided to the Development Services office to be filed with this CUP Amendment.
3. Pedestrians may be walking across the driveways as they are viewing and selecting trees. Applicant must place signage in the necessary areas of incoming and outgoing traffic cautioning drivers that pedestrians may be in the area walking.
4. Alcohol is prohibited for the neighborhood assembly uses. A CUP amendment shall be required if alcohol is added, or if music is added (to events other than the Christmas Tree business events) or there is an expansion in the hours or dates of operation.
5. The driveway providing access to 26th Street shall be widened from 13 feet to 23 feet in the fall of 2021, as required by Hasting City Code.

6. Appropriate turn-around, as required by the International Fire Code Appendix D and as depicted in the site plans on file in the Department Services office must be incorporated into the site.
7. Parking must be incorporated per the parking plan and appropriate curb stops and signage of required ADA parking must be installed on this site.
8. Owners must add additional crushed rock in areas where it is needed on a yearly basis on both ingress and egress driveways, and the turnaround and parking areas on this site.
9. The barn must meet principal structure setback requirements as it will not initially be considered an accessory structure.
10. If the owners purchase residential property adjacent to the property that is covered by this CUP then the owners shall comply with all requirements found in City Code Section 34-311. The owners shall also be required to replay the property which is the subject of this CUP with the residential property to meet the City Code requirement that an accessory structure must have a primary or principal structure on the same lot.
11. The hours of operation shall be from 8:00 a.m. to 6:30 p.m.
12. The date of the Christmas tree sales operation shall be from November 1 through December 24, using easement as egress only. All other activities can be conducted year-round, but shall only enter and exit the property off of 26th Street.
13. There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply.
14. This resolution shall be filed with the registrar of deeds so as to provide notice to any person examining the real estate records of the existence of this CUP. The recording costs incurred to comply with this section shall be paid by the applicant for the CUP.

Applicant's Request

The applicants have provided a detailed description of their current operations and the proposed amendment to the CUP. To summarize the applicant's request for the CUP Amendment:

Extend Business Hours: The applicants would like to extend their business hours for the tree nursery, Christmas season business, and neighborhood assembly use to 8:00 a.m. to 10:00 p.m. The current CUP restricts the business hours from 8:00 a.m. to 6:30 p.m. The request is due primarily to the nature of their facility rental for small gatherings. According to the application materials:

High school graduation parties are more frequently being held on Friday evenings, and due to work schedules these parties typically do not begin until 6:00pm. We would like to be able to accommodate the families and allow them a reasonable timeframe for Friday events, as most parties plan to end around 9:30pm and then need time to clean up their decorations. Another instance where extended hours could benefit our venue capabilities is through our partnership with Livingston

Butler Volland Funeral Home. We are grateful to Livingston Butler Volland and their willingness to partner with us in providing families a space to host loved ones for funeral luncheons or celebration of life luncheons, and on occasion these gatherings are in the late afternoon. We would like to allow them to not have to rush out of our facility without having time to eat and socialize.”

The applicants go on to explain their proposed business operation and hours of operation in a clarifying email, dated November 6, 2023.

“Our Rental Agreement would state that our hours of operation are 8:00am-10:00pm. Based on how our current structure is set, all cleanup on the Renter’s end needs to be complete and gone by 10:00pm, meaning gatherings and events end one hour prior so that all is complete by 10:00pm. If Renter booked an event until 10:00pm, their event would end at 9:00pm and guests would leave, and Renter has until 10:00pm to remove their items and cleanup so our doors are closed at 10:00pm. We charge extra fees for any amount of time past our hours of operation to encourage Renter’s to follow Rental Agreement terms. This structure has worked seamlessly for us this past year, with all guests off the Pine Patch premises by 6:30pm, and I am confident it will continue to work as this is what other venues in town, that I have observed, also enforce.”

Allow for Consumption of Alcohol: The applicants are requesting that when the facility is being rented for small parties or gatherings, their customers would be allowed to bring their alcohol to be consumed in the building, but not in the parking lot or any premises outside of the barn facility. The applicants state they “always have a venue attendant present during all rentals within our barn and we are very selective as to what events we allow, or do not allow in our barn. They are suggesting the following statement in their Rental Agreement regarding the alcohol.

“Alcohol may be brought into and consumed inside the facility but is not permitted in the parking lot or any premises outside of the barn facility. A venue attendant will be onsite at all times during rental time agreed upon and Renter MUST notify Pine Patch Tree Farm at time of signing Rental Agreement if there are plans to bring alcohol. No alcohol will be consumed on Pine Patch Tree Farm property by any person under the legal age. Valid identification may be requested of any person(s) who appear to be under age at any time during the event. All guests must have a valid ID if they plan to consume alcoholic beverages.”

The applicants state in their November 6, 2023 email that they “have a venue attendant on site at all times, managing the Renter’s arrival, setup, event, and departure. We meet our Renter’s before their event to walk through our venue and what their event will look like, including decorations, activities, table and chair setup depending on number of guests, food and drink service, and more. This ensures we have an agreed upon plan for the day of the event and all rules within our Rental Agreement are being followed. This will be the same if alcohol should be allowed within our barn. Discussion of event details, timeline, type of alcohol served and in what manner will be established at time of booking to determine a clear understanding of the event and what is being served. Our venue attendants presence is known throughout the event by monitoring guests, changing garbage liners, communicating with the Renter, etc to ensure the event is staying within rules and regulations of the Pine Patch.

No changes are proposed to the site, including no additional buildings or enlarging existing buildings.

Property Description:

As previously approved, the site is a neighborhood assembly, with a mixture of uses. The site is primarily used as a tree nursery throughout the year and specializes in Christmas Trees during that holiday season. A barn was constructed in 2022. This barn is used for storage, business office, and retail sales for the nursery and Christmas tree sales. The barn is also used for small gatherings of up to 99 people, per the building’s occupancy.

A gravel parking lot large enough to accommodate 34 vehicles is located to the west of the barn. This parking lot gains access from E. 26th Street. As approved with the 2021 CUP Amendment, a gravel driveway extends south and west towards N. Elm Street, on the adjacent property owner’s and to provide a secondary means of access from the site during the Christmas tree season.

As described, no changes are proposed to the site layout. The Amendment is focused on allowing changes to the neighborhood assembly business operation.

STANDARDS FOR CONDITONAL USE PERMITS:

The provisions of [Article IV](#) are applicable to all uses that are designated as “conditional” as set out in [Sec. 34-200](#). The designation of a conditional use means that it is only allowed in a proposed location if all of the conditions applicable to the use, as set out in [Sec. 34-404](#), as may be amended, and if all of the other applicable requirements of this Chapter or conditions of the Hastings City Council and Planning Commission are met.

Pursuant to Sec. [34-402](#) of the City Code of Ordinance, the City Council, by recommendation from the City Planning Commission, will base its decision on the following:

(a) Pedestrian and vehicular traffic circulation and safety.

The business use and site layout were approved in 2021 with attention to pedestrian safety and appropriate vehicular access to and from the site. The proposed Amendment will not alter the site layout or occupancy of the barn, which in turn should not alter the amount or characteristics of traffic to and from the site.

The Amendment requests two changes to the operation of the business, extending the business hours to 10:00 p.m. and allowing their barn rental customers to bring alcohol and consume it during the event rental.

These changes to the CUP should not directly impact pedestrian and vehicular traffic circulation and safety. East 26th Street is a moderately traveled collector roadway with adequate sight lines for vehicles. The intersection at N. Elm Avenue and E. 26th Street is illuminated with a streetlight. Extending the business hours for 2.5 hours should not inherently impact traffic safety in the area.

The applicant is proposing to allow their customers to bring alcohol, such as “a bottle of champagne or wine” onto the premises to celebrate special occasions. They have also stated that they will have staff present at all events at the facility. As described, the consumption of alcohol would have a limited impact on traffic safety.

However, if over-consuming alcohol or the lack of appropriate management of guests who consume alcohol is a concern, conditions of approval to address this issue could be created. As a suggestion, a condition of approval could be that the serving of alcohol must be done by a licensed caterer. This condition of approval is intended to ensure that appropriate liability due to lack of management is placed on the server of alcohol.

(b) Reasonable and economic extension of public utilities and facilities. This standard does not apply to the proposed CUP Amendment. No changes to the approved site plan are requested. Extension of public utilities and facilities has already been completed to serve the site. No new services are being requested.

(c) Noise, fumes, dust or other environmental pollution.

The impact of noise from the site would be seen as the primary cause of concern regarding the standard. Other issues, such as fumes or dust appear to be a negligible issue.

The surrounding area can be classified as a large lot single-family residential neighborhood. Although not completely rural or agricultural, the large residential lots are the predominant characteristic of the area.

Loud or unruly events at the assembly space would be disruptive to the surrounding area. Conversely, if well managed, having guests at the property until 9:00 or 10:00 p.m. should not be an issue to the area because of the dense growth of trees on the property and also the neighboring properties. The large lots could also help mitigate the noise issue due to the distance between the homes on adjacent properties and the assembly space on the site.

The applicants have stated in their application materials and follow-up email that they meet with their Renters before the event to discuss the event and go over facility rules. They also state that each event has a venue attendee to monitor the guests and “communicating with the Renter, etc. to ensure the event is staying within the rules and regulations of the Pine Patch.”

Conditions of approval could be created to help ensure proper management of the events to minimize adverse impacts of noise from the property. These conditions could be:

- Require the applicants to develop certain management and operation standards to reduce the possibility of loud or unruly events.
- Require the serving of alcohol to be done by a licensed caterer.
- Limit the occupancy of the events that would offer alcohol to an amount that satisfies the concern over noise from an event.

(d) The maintenance of logical and efficient development patterns and land use mixtures.

As previously stated, the proposed Amendment is to allow changes in the business practices and not the site layout. This standard was previously addressed with the past Conditional Use Permit approval. The standard would generally not apply to the proposed Amendment.

(e) The maintenance of property values in accordance with established and permitted land use.

The presence of the Pine Patch, with its neighborhood assembly space, has not appeared to directly impact property values on the surrounding properties. Each of the properties in the general area has seen an assessed value increase year over year that is comparable to the time before the neighborhood assembly space was permitted.

Allowing the requested extended hours or the serving of alcohol should not directly and negatively impact the property values of the surrounding area. However, the perception of the impacts on the surrounding properties is appropriate and related to the management of the events and if those events become out of control. As stated, conditions of approval could be crafted to minimize these perceived issues. The conditions recommended above would be appropriate to address concerns of this standard.

STAFF COMMENTS: Staff recommends the Planning Commission **APPROVE** the Amendment to the Approved Conditional Use Permit to **ALLOW THE NEIGHBORHOOD ASSEMBLY TO OPERATE FROM 8:00 A.M. TO 10:00 P.M.** for the use at 780 E. 26th Street, in the R-1, Urban Single-Family Residential District, as presented.

Staff recommends the Planning Commission **DENY** the Amendment to Approved Conditional Use Permit to **ALLOW THE CONSUMPTION OF ALCOHOL AT THE NEIGHBORHOOD ASSEMBLY** for the use at 780 E. 26th Street, in the R-1, Urban Single-Family Residential District, as presented.

If the Planning Commission is inclined to not take the recommendations of City Staff, and/or add conditions of approval, they should clearly and specifically articulate the findings of their decision and any conditions of approval.

PREPARED BY: Chad Bunger, AICP, CFM Director of Development Services

DATE: November 3, 2023

ATTACHMENTS:

1. Application Materials
2. Follow-up email from Nikayla Kindig, application, dated November 6, 2023
3. Resolution No. 2021-31 from the 2021 CUP Amendment approval
4. 2021 Conditional Use Permit Application Packet from August 9, 2021 City Council meeting
5. 2005 Certification of the Clerk for the original Tree Farm CUP Approval

Amendment to the Conditional Use Permit**Pine Patch Tree Farm****780 East 26th Street****Hastings, NE 68901****Purpose:**

Neighborhood Assembly

Operation:

The Christmas Tree Farm has always been, and will always be, our first priority and main use for our barn as we continue to provide a family tradition for years to come. In the past year, we have successfully continued to offer a variety of tree services along with Christmas Tree season preparation and sales, while also offering our barn as a Neighborhood Assembly. We were welcomed with open arms from the community of Hastings as a new venue option for a variety of small events and gatherings. We plan to continue all Christmas Tree, Landscape Tree, and venue operations exactly the same with two additions to our operation in 2024. One year of experience providing our venue space and having the opportunity to interact with our customers and prospective customers throughout our community, has provided us with a significant amount of useful feedback. That feedback has then provided us with information to how we can best serve our customers and fill the need as a small venue in our community, so we hope to be able to make the revisions needed to accommodate our guests to the best of our abilities.

Barn:

Our barn consists of a Neighborhood Assembly room where Christmas items are sold during November/December and venue guests gather January through October, an office, a storage room for Christmas inventory, a work room/kitchenette where we assemble wreaths during November/December and venue guests can serve food January through October, a mechanical room, and two ADA compliant restrooms. The office, inventory storage room, and mechanical room are closed off to guests during venue use and are not accessible nor occupiable when our barn is being use for Neighborhood Assembly. No changes will be made to our barn regarding any of these rooms and they will continue to be used as they were in 2023.

Events:

Small gatherings such as graduation parties, luncheons, baby showers, bridal showers, reunions, meetings, networking sessions, conferences, and workshops or classes, and rehearsal dinners.

Capacity:

99 people or less.

Business Hours:

Current: 8:00am-6:30pm

Proposed: Monday through Sunday hours of operation for use of the barn as a venue and the tree nursery: 8:00am-10:00pm

Rental Agreement:

An example of our Rental Agreement is provided below. Important points include: capacity of 99 people or less, security deposit required in case of damage/loss, owners reserve the right to determine whether the gathering or event being requested aligns with our requirements and may reject requests at their sole discretion for any reason.

Lights:

One light attached to the west outside wall of the barn next to the door, two lights attached to the north outside wall above windows on each side of the doors, and lights inside the barn.

Noise:

Two outdoor speakers attached to the barn under each lean-to to play Christmas music during the Christmas Tree season (November and December). Outdoor speakers not available to Renters of the barn as a venue, January through October.

Alcohol:

Alcohol may be brought into and consumed inside the facility but is not permitted in the parking lot or any premises outside of the barn facility. A venue attendant will be onsite at all times during rental time agreed upon and Renter MUST notify Pine Patch Tree Farm at time of signing Rental Agreement if there are plans to bring alcohol. No alcohol will be consumed on Pine Patch Tree Farm property by any person under the legal age. Valid identification may be requested of any person(s) who appear to be under age at any time during the event. All guests must have a valid ID if they plan to consume alcoholic beverages.

Traffic Flow:

All customers enter through 26th Street entrance. In 2022, the driveway was widened from 13 feet to 23 feet to allow better flow of traffic. This allows customers to both enter and exit from 26th Street, and is the only available driveway to Renters of the barn venue.

Egress will continue during the Christmas Tree season, as in the past, using John Northrop's driveway located north of their residence at 2510 North Elm Street. Permission for use of this

driveway is indicated in the easement with John Northrop. Easement is only available to customers during the Christmas Season in November and December. Easement driveway is fenced off during any other events throughout the year and is only accessible to owners of the Pine Patch Tree Farm during the months of January through October.

Employees:

Owners

Parking:

Current parking lot allows 34 parking stalls. We plan to convert a few more feet of tree space along the North edge of the parking lot to allow additional parking stalls. City recommendations indicated we would need 33 parking stalls to accommodate a maximum capacity of 99 people or less, so the additional stalls will allow extra parking during our Christmas Tree season. There are multiple ways a hammerhead firetruck can access our barn in the event that it is needed.

Maintenance:

All nursery stock is watered from a well that exists on the farm. Mowing grass between the trees, parking lot, and barn is done weekly. General maintenance to the barn will be performed regularly. Christmas trees are sheared during summer months to increase tree density and maintain proper shape until harvest. New crushed rock in parking lot and ingress is laid yearly to maintain and meet requirements. Inspections from owners are done after use of the barn as Neighborhood Assembly to ensure customers have complied to the Rental Agreement terms and not damaged Pine Patch grounds.

Summary:

We are continuing the tradition of a family-owned business providing other families with a holiday tradition. We are continuing the Christmas Tree and Landscape Tree operations as we have in the past, while making the revisions needed to accommodate our guests to the best of our abilities. We believe the necessary updates to our Neighborhood Assembly Conditional Use Permit, extended hours and allowance of alcohol, will further serve the community and our prospective customers by allowing us to accommodate a large majority of rental inquiries we receive.

We thank you very much for your consideration,
Joe and Nikayla Kindig

EXAMPLE

Pine Patch Tree Farm

Barn Rental Agreement Information

Rent the Pine Patch barn for gatherings such as:

Bridal showers, baby showers, vendor fairs/shows, business meetings, luncheons, networking, graduation parties, birthday parties, holiday parties, retreats, small wedding ceremonies, special events, memorial services, rehearsal dinners and more!

Amenities:

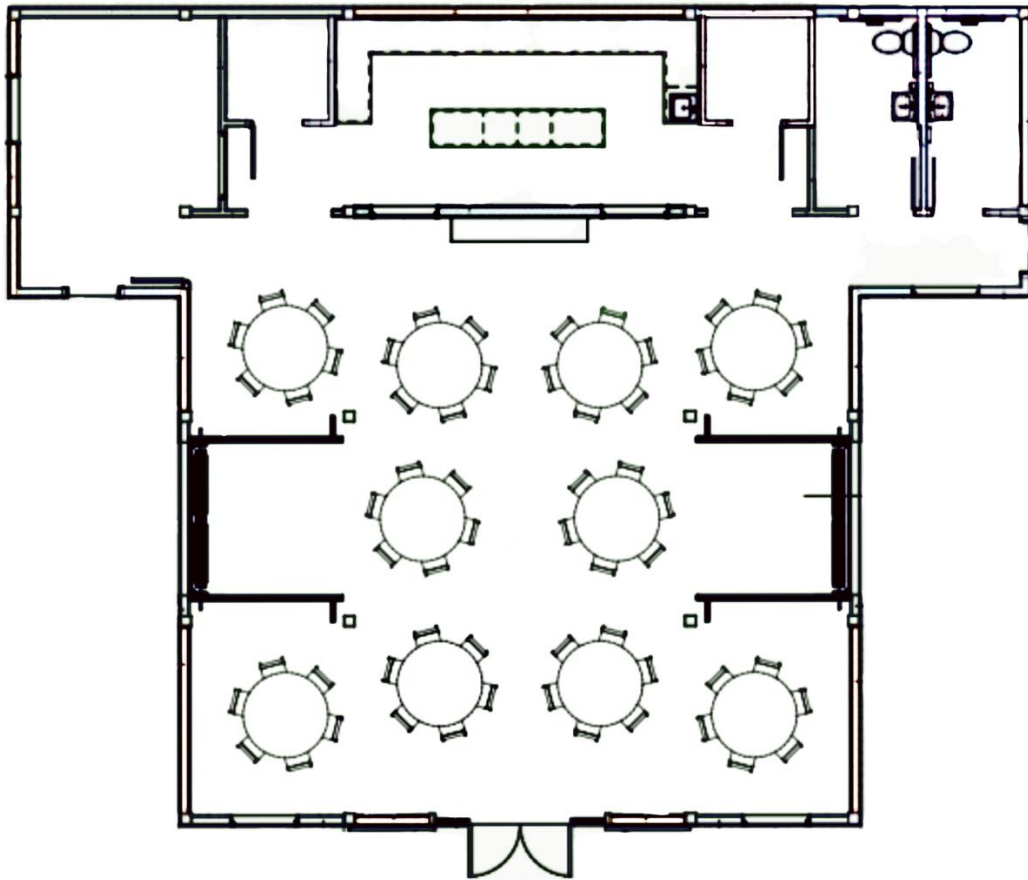
- Attendant always present and available for questions and assistance during your rental time period
- Hours of operation between 8:00AM – 10:00PM. Building access depends upon rental time agreement. Events must end by 10:00PM. Additional \$50 charged per hour exceeded outside of agreed rental time
- Temperature controlled facility
- Two restrooms, one ADA compliant
- Bluetooth Sound System
- Ten white, round 72" tables and 96 white folding chairs
- Two smaller wooden round tables

- Kitchenette equipped with ample outlets, 12-foot buffet island, 20+ feet of countertop space, farm sink, and refrigerator coming soon.
- 220 Volt plug in located on northeast exterior corner of the barn for food trucks, etc.

Barn Layout

We will provide tables and chairs for all barn rentals. Available are ten white round 72" tables and 96 white folding chairs. We have two round wooden tables available for use as well, upon request. Table cloths recommended and not provided by the Pine Patch at this time. Our standard table and chair layout is pictured below, we will do standard setup unless requested otherwise. Typically, eight to ten chairs per table and we will adjust number of tables and chairs setup based on your expected guest attendance.

Standard table and chair layout.



Parking

36 parking stalls available, one of them being ADA compliant. Additional parking can be made in certain circumstances upon request.

Capacity

Tables and Chairs in Use: 96 people

Standing Only: 200 people

Mercantile: 45 people

Rental Agreement Information

Please contact us via email at pinepatchtreefarm@gmail.com to inquire about available dates for rental and additional information. If the date you are inquiring about is available, we will then send rental agreement information to be signed and returned to us as soon as possible.

We require one half of the total rental fee as a deposit to secure your date. Deposit checks can be made payable to Pine Patch Tree Farm and can be mailed to 780 E 26th St, Hastings, NE 68901 or in person. Online payment options available upon request.

Facility Use Policies

Must read before signing rental agreement.

1. The Pine Patch reserves the right to rent our facility to more than one Renter on any day if it is determined that there will be no conflicts of use or time.
2. Use of facility, tables and chairs, and any additional equipment must be arranged at time of signing the Rental Agreement. Tables and chairs are included in rental fees, other equipment may require additional fees. The Pine Patch shall be responsible for setup and take down of tables and chairs.
3. Any damage to or misuse of the Pine Patch facility during the term of this agreement shall be the responsibility of the Renter. The Pine Patch reserves the right to assess a damage fee.
4. The Renter shall be responsible for the conduct of all persons present at the Pine Patch during the rental time agreed upon. The Pine Patch is not responsible for any injuries that occur during the time of rental.

5. Decorations may be used by the Renter but any items which may need fastened to any property of the Pine Patch must first be approved. The Renter shall be responsible for removing all such decorations. All decorating must be setup and removed during your rental time period. We do not allow next day cleanup. All personal items must be removed from the Pine Patch the night of the event. We prohibit the use of birdseed, confetti, and glitter.
6. In renting the facility, the Pine Patch does not relinquish the right to manage and control the facility. The Pine Patch may enforce any rules and regulations it deems necessary. A Pine Patch representative will be onsite during all facility rental time periods.
7. Alcohol may be brought into and consumed inside the facility but is not permitted in the parking lot or any premises outside of the barn facility. A venue attendant will be onsite at all times during rental time agreed upon and Renter MUST notify Pine Patch Tree Farm at time of signing Rental Agreement if there are plans to bring alcohol. No alcohol will be consumed on Pine Patch Tree Farm property by any person under the legal age. Valid identification may be requested of any person(s) who appear to be under age at any time during the event. All guests must have a valid ID if they plan to consume alcoholic beverages.
8. The Renter agrees to indemnify the Pine Patch and hold it harmless for any claim, demand, suit, or cause of action which may arise out of the use of the facility by the Renter or any of its guests or invitees, except those claims, demands, suits, or causes or action arising due to negligence of the Pine Patch.
9. This Rental Agreement may not be reassigned by the Renter.
10. Renter's use of the Pine Patch shall not violate any local, state, or federal law.

Reservations and Payment

One half of the total rental fee is due at the time of reservation. The remaining payment is due 30 days before the event. Reservation is not confirmed until rental agreement has been received with deposit.

Cancellation Policy

This Agreement may be cancelled by either party at any time. If the rental is cancelled due to an act of God or inclement weather conditions, the full rental fee (including deposit) will be refunded or applied to a future agreed upon date. More than 30 days: If the Renter cancels with more than 30 days notice, the rental fee may be refunded including the deposit. Less than 30 days: If the Renter cancels less than 30 days notice from the rental date, one half of the rental fee will be refunded to the Renter, and the other half of the rental fee shall be retained by the Pine Patch. 7 days or less: If the Renter cancels 7 days notice or less from the rental date, no refunds shall be given.

Rental Agreement available on next page

Ready to book your event? Please fill out Rental Agreement below and return via email

pinepatchtreefarm@gmail.com OR mail to 780 E 26th St, Hastings, NE 68901.

Confirm date is available with the Pine Patch before completing Rental Agreement.



780 E. 26th Street, Hastings, NE 68901

Email: pinepatchtreefarm@gmail.com | Web: pinepatchtreefarm.square.site | Phone (402)705-2432

Available for rent from 8:00 a.m. through 10:00 p.m. Monday through Sunday.

All guests must enter and exit through 26th Street entrance. Map/directions available upon request.

PINE PATCH BARN RENTAL AGREEMENT

This Rental Agreement is between the Pine Patch Tree Farm [the “barn”] and

_____ [the “Renter”] for the rental of the Pine Patch Tree Farm Barn.

Event date: _____ Start time of event: _____ End time of event: _____
 month day year

Type of event: _____ Number of guests: _____

If needed, please further describe the event details:

Is this event open to the public or open to invited guests only? Please circle one that applies.

- ☐ Open to the public
- ☐ Open to invited guests only

Contact name(s): _____

Mailing address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ Email: _____

RENTAL DAY/TIME	HOURLY RATE	CHECK BOX FOR CHOSEN RENTAL
HALF-DAY: Monday through Thursday		
FULL-DAY: Monday through Thursday		
HALF-DAY: Friday through Sunday		
FULL-DAY: Friday through Sunday		
Hourly		
Nonprofit		

HALF-DAY RENTALS: 7 consecutive hours. FULL-DAY RENTALS: 14 consecutive hours.

HOURLY/NONPROFIT RENTALS: minimum 1 hour, maximum 3 hours. Advance reservations are preferred: a minimum of 2 weeks.

Deposit:

50% of all rental fees due at the time of reservation. Cancellation penalties apply. Further reservation details available in Rental Agreement Information.

Rental Charges: The use of the Pine Patch Barn requires a deposit to renters who wish to use the barn for small gatherings or events. The Pine Patch Tree Farm reserves the right to determine whether the gathering/events being requested aligns with our requirements and may reject requests at their sole discretion for any reason.

Food and Alcohol: You may bring in your own food. You or your caterer will be responsible for supplies, dishware, and utensils. The Renter will be responsible to arrange for any and all food served during the rental time period outlined in the Agreement. Any catering service contracted

by the Renter must be currently licensed in the State of Nebraska. Alcohol may be brought into and consumed inside the facility but is not permitted in the parking lot or any premises outside of the barn facility. A venue attendant will be onsite at all times during rental time agreed upon and Renter MUST notify Pine Patch Tree Farm at time of signing Rental Agreement if there are plans to bring alcohol. No alcohol will be consumed on Pine Patch Tree Farm property by any person under the legal age. Valid identification may be requested of any person(s) who appear to be under age at any time during the event. All guests must have a valid ID if they plan to consume alcoholic beverages.

Duration of Event: Barn is available for rent between the hours of 8:00AM and 10:00PM. The premises must be vacated by the allotted time (breakdown/cleanup must be completed) in order to avoid incurring charge for additional hour(s). Additional \$50 charged for every hour exceeded.

Now, therefore, the parties agree to the following terms and conditions:

1. The Renter shall pay to the Owner the sum of \$_____ at the time of reservation as deposit. The Renter shall pay the remaining sum of \$_____ at least 30 days before the event, no later than (indicate date, one month before event).

Payments should be made to **Pine Patch Tree Farm**. Cash, check, and major credit cards are accepted. We prefer checks.

Acknowledged, Agreed, and Authorized by Primary Renter: _____

Date: _____

Acknowledged and Agreed by PINE PATCH TREE FARM: _____

Date: _____

Pine Patch Tree Farm

780 East 26th Street

Hastings, NE 68901

Request for an amendment to the current CUP from Joe and Nikayla Kindig

Narrative:

The Pine Patch Tree Farm has operated as a Tree Nursery since 1987, primarily selling Christmas Trees from the original owners, the Stonecipher's, during the Christmas season. The Pine Patch was later sold in 2005 to the Glass family who began selling ornamental landscape trees, in addition to Christmas Trees, Wreaths, Garland and other Holiday items. They also provided services such as soil drenching, ornamental and evergreen tree spraying, tree injections, commercial weed spraying, and tree spade transplanting. In January of 2021, I, Joe Kindig, and my wife, Nikayla, purchased the Pine Patch Tree Farm and have continued to conduct business as previous owners had by providing the same services and quality products as before. In 2022, a new addition was made to our Tree Farm by building a new barn on the property to better accommodate our Christmas Tree and Landscape Tree customers along with our employees. This upgrade allowed us to maximize the use of the Pine Patch barn by providing a Neighborhood Assembly to the Hastings Community during the months of January through October. We opened our barn as a venue in March of 2023 and have had an overwhelming amount of positive feedback from our community, and surrounding communities, as there are minimal options for smaller venues in our area. This year, our barn has hosted events such as graduation parties, bridal showers, baby showers, birthday parties, luncheons, business meetings, reunions, business retreats, and more. We are proud to share that our 2024 graduation season is completely booked, 2025 graduation season is over halfway booked, and we have begun booking into 2026.

Now that we are approaching the end of our first rental season, we have a much better understanding of how we can better serve our community with our barn and where we best fit into the venue market based on feedback we have received over this past year. With that being said, there are two main requests we have received from both guests who have booked events with us and guests who have inquired about booking our venue but did not book with us: 1). extended hours and 2). the ability to bring their own alcohol.

Firstly, our hours of operation are currently 8:00am – 6:30pm Monday through Sunday, and we are asking that they be extended to 8:00am – 10:00pm Monday through Sunday. Now that we know how important graduation season will be to our success as a Neighborhood Assembly,

extended hours would greatly serve our prospective customers. High school graduation parties are more frequently being held on Friday evenings, and due to work schedules these parties typically do not begin until 6:00pm. We would like to be able to accommodate the families and allow them a reasonable timeframe for Friday events, as most parties plan to end around 9:30pm and then need time to clean up their decorations. Another instance where extended hours could benefit our venue capabilities is through our partnership with Livingston Butler Volland Funeral Home. We are grateful to Livingston Butler Volland and their willingness to partner with us in providing families a space to host loved ones for funeral luncheons or celebration of life luncheons, and on occasion these gatherings are in the late afternoon. We would like to allow them to not have to rush out of our facility without having time to eat and socialize.

Secondly, on occasion we have an event where the Renter requests to bring a bottle of champagne or wine. Being that we are a small venue, accommodating 99 guests or less with tables and chairs, these gatherings are not a cause for concern and are in a controlled environment. We always have a venue attendant present during all rentals within our barn and we are very selective as to what events we allow, or do not allow, in our barn. In the instance that a Renter requests to bring alcohol such as mimosas to a bridal shower, which is our most common request, we would like to allow them to do so. We have provided below an excerpt from our example Rental Agreement regarding alcohol.

“Alcohol may be brought into and consumed inside the facility but is not permitted in the parking lot or any premises outside of the barn facility. A venue attendant will be onsite at all times during rental time agreed upon and Renter MUST notify Pine Patch Tree Farm at time of signing Rental Agreement if there are plans to bring alcohol. No alcohol will be consumed on Pine Patch Tree Farm property by any person under the legal age. Valid identification may be requested of any person(s) who appear to be under age at any time during the event. All guests must have a valid ID if they plan to consume alcoholic beverages”.

It has been made clear to us these past few months of operation that a small gathering space, such as ours, was a necessary addition to the Hastings community and even surrounding communities. We are pleased to share that the response to this addition to our business has exceeded our expectations and our wish is to further accommodate our guests to the best of our abilities by continuing to better our business and all that it has to offer. We have had requests from neighbors to use our barn to host a neighborhood picnic and rehearsal dinner and we are grateful for their support and honored that they would consider hosting their special gatherings in our space. We are committed to continuing the tradition of a family-owned

business providing Hastings with a beautiful and affordable venue space and we believe the necessary updates to our Neighborhood Assembly Conditional Use Permit will further serve the community and our prospective customers by allowing us to accommodate a large majority of rental inquiries we receive.

Thank you very much for your consideration,
Joe and Nikayla Kindig

Chad Bunger

From: Nikayla Kindig <pinepatchtreefarm@gmail.com>
Sent: Monday, November 6, 2023 1:39 PM
To: Chad Bunger
Subject: Regarding Alcohol

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Chad,

Great meeting you the other day, thank you for taking the time to come visit the Pine Patch. I spent some time this morning typing out some further thoughts and explanation on our intentions for alcohol to be allowed within our barn. We were brainstorming ways to regulate alcohol even further, such as limiting the amount of bottles of champagne, for example. I'm not a huge drinker, so I was researching how many bottles of champagne one would need to serve a group of 50 guests, one mimosa each, and the internet suggested maybe 6 or 7 bottles. I am somewhat struggling with this portion of things because I just do not want to narrowly limit myself to events, because we are new in the venue world and I, of course, want to operate a successful business while also respecting city rules and neighbors requests. As always, I'm open to all suggestions and advice you have, please let me know if you have questions or if there is anything else you need from me! Below is what I have typed up, I know you mentioned one paragraph and it is slightly longer. Thank you!

-Nikayla and Joe

Excerpt from our Rental Agreement, "Alcohol may be brought into and consumed inside the facility but is not permitted in the parking lot or any premises outside of the barn facility. A venue attendant will be onsite at all times during rental time agreed upon and Renter MUST notify Pine Patch Tree Farm at time of signing Rental Agreement if there are plans to bring alcohol. No alcohol will be consumed on Pine Patch Tree Farm property by any person under the legal age. Valid identification may be requested of any person(s) who appear to be under age at any time during the event. All guests must have a valid ID if they plan to consume alcoholic beverages".

We have a venue attendant on site at all times, managing the Renter's arrival, setup, event, and departure. We meet our Renter's before their event to walk through our venue and what their event will look like, including decorations, activities, table and chair setup depending on number of guests, food and drink service, and more. This ensures we have an agreed upon plan for the day of the event and all rules within our Rental Agreement are being followed. This will be the same if alcohol should be allowed within our barn. Discussion of event details, timeline, type of alcohol served and in what manner will be established at time of booking to determine a clear understanding of the event and what is being served. Our venue attendants presence is known throughout the event by monitoring guests, changing garbage liners, communicating with the Renter, etc to ensure the event is staying within rules and regulations of the Pine Patch.

Our Rental Agreement would state that our hours of operation are 8:00am-10:00pm. Based on how our current structure is set, all cleanup on the Renter's end needs to be complete and gone by 10:00pm, meaning gatherings and events end one hour prior so that all is complete by 10:00pm. If Renter booked an event until 10:00pm, their event would end at 9:00pm and guests would leave, and Renter has until 10:00pm to remove their items and cleanup so our doors are closed at 10:00pm. We charge extra fees for any amount of time past our hours of operation to encourage Renter's to follow Rental Agreement terms. This structure has worked seamlessly for us this past year, with all guests off the Pine Patch premises by 6:30pm, and I am confident it will continue to work as this is what other venues in town, that I have observed, also enforce.

Most common requests for alcohol to be present at the Renter's event:

1. Mimosa's at a bridal shower (most common request)
2. Champagne or wine toast at an anniversary a rehearsal dinner (occasional request)
3. Beer or wine at a Funeral Luncheon or Celebration of Life (occasional request)

NUM PGS 8
DOC TAX _____ CK# _____
FEES 52.00 PD _____ CK# _____
CHG 52.00 ACCT# 012
RET FEES: _____ CASH _____
P & M FUND 6.00 GEN FUND 46.00
REC'D Emilia-Development Services
RETURN Development Services
Hastings NE 68901



20213644

ADAMS COUNTY, NE
FILED
INST. NO. 20213644
8-12-2021
Date _____ Time 11:40 AM
Rachel Ormsby
REGISTER OF DEEDS

NUM Pine Patch Second
RD. COMP x KQ Sub
COMPARE ✓ SN
CADAS _____ COMP _____

Return to: City of Hastings Development Services, 220 N. Hastings Ave., Hastings, NE 68901

RESOLUTION NO. 2021-31

WHEREAS, the City of Hastings Municipal Code establishes regulations, requirements, and specific conditions for approving and issuing Conditional Use Permits (CUP) for development projects that require conditional approval by resolution approved by the Mayor and City; and

WHEREAS, a Conditional Use Permit was issued on September 12, 2005 for the property described below which permit is attached hereto as Exhibit A; and

WHEREAS, On May 17, 2021 Joe Kindig of Hastings, Nebraska, filed an application seeking a Conditional Use Permit Amendment to allow for the construction of a new barn for use with the existing Conditional Use Permit and the added use of neighborhood assembly for other special events throughout the year on property currently owned by Joseph and Nikayla Kindig, and which property is addressed as 780 East 26th Street, Hastings, Nebraska and legally described as follows:

^{tl} Lot Two (2) and Three (3), ^{tl} Pine Patch Second Subdivision, a replat of Lot 2 of the Pine Patch Subdivision in the City of Hastings, Adams County Nebraska, according to the recorded plat thereof.

and

WHEREAS, the Planning Commission held a public hearing which commenced on June, 15, 2021 and which was concluded on July 20, 2021 as required by law. Following said hearing, the Planning Commission recommended approval of amending the existing CUP to allow for the construction of a new barn for use with the existing CUP and the added use of neighborhood assembly for other special events throughout the year; and

WHEREAS, the City Council conducted a public hearing on August 9, 2021 as required by law to consider the CUP application; and

NOW, THEREFORE, in consideration of the foregoing recitals, the Mayor and City Council of the City of Hastings, Nebraska, hereby approve granting a CUP to Joseph and Nikayla Kindig and further do hereby adopt the following resolution:

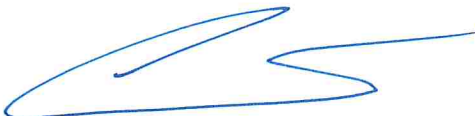
BE IT RESOLVED by the Mayor and City Council of the City of Hastings, Nebraska, that it does hereby approve the granting of a Conditional Use Permit amendment to Joseph and Nikayla Kindig to allow for the construction of a new barn for use with the existing CUP and the added use of neighborhood assembly for other special events throughout the year for property legally described as Lot 2 Two (2) and Three (3), Pine patch Second Subdivision, a replat of Lot 2 of the Pine Patch Subdivision in the City of Hastings, Adams County Nebraska, according to the recorded plat thereof.

subject to the following conditions:

- 1) Conditions of the CUP approved on September 12, 2005.
- 2) The existing private easement granted by John M. and Michele L. Northrup must be updated, tied to the land and the Kindigs, and indicate its authorized usage only for the Christmas tree portion of the Kindig business. The easement shall provide that except for the Christmas business season this access is to be gated and locked with a sign on the fence clearly indicating that the use of this egress is only for the Christmas Tree business season. This easement shall be filed with the register of deeds and a copy provided to the Development Services office to be filed with this CUP Amendment.
- 3) Pedestrians may be walking across the driveways as they are viewing and selecting trees. Applicant must place signage in the necessary areas of incoming and outgoing traffic cautioning drivers that pedestrians may be in the area walking.
- 4) Alcohol is prohibited for the neighborhood assembly uses. A CUP amendment shall be required if alcohol is added, or if music is added (to events other than the Christmas Tree business events) or there is an expansion in the hours or dates of operation.
- 5) The driveway providing access to 26th street shall be widened from 13 feet to 23 feet in the fall of 2021, as required by Hastings City Code.
- 6) Appropriate turn-around, as required by the International Fire Code Appendix D and as depicted in the site plans on file in the Department Services office must be incorporated into the site.
- 7) Parking must be incorporated per the parking plan and appropriate curb stops and signage of required ADA parking must be installed on this site.

- 8) Owners must add additional crushed rock in areas where it is needed on a yearly basis on both the ingress and egress driveways, and the turnaround and parking areas on this site.
- 9) Barn must meet principal structure setback requirements as it will not initially be considered an accessory structure.
- 10) If the owners purchase residential property adjacent to the property that is covered by this CUP then the owners shall comply with all requirements found in City Code Section 34-311. The owners shall also be required to replat the property which is the subject of this CUP with the residential property to meet the City Code requirement that an accessory structure must have a primary or principal structure on the same lot.
- 11) The hours of operation shall be from 8:00 a.m. to 6:30 p.m.
- 12) The date of the Christmas tree sales operation shall be from November 1 through December 24, using easement as egress only. All other activities can be conducted year-round, but shall only enter and exit the property off of 26th Street.
- 13) There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply.
- 14) This resolution shall be filed with the registrar of deeds so as to provide notice to any person examining the real estate records of the existence of this CUP. The recording costs incurred to comply with this section shall be paid by the applicant for the CUP.

PASSED AND APPROVED this 9th day of August, 2021.


Corey Stutte, Mayor

ATTEST:


Kimberly S. Jacobitz, City Clerk

[S E A L]



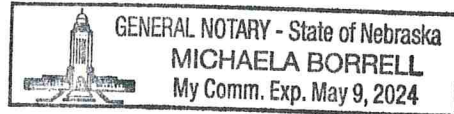
Approved as to form:


Clint Schukei, City Attorney

20213644

STATE OF NEBRASKA)
) ss
COUNTY OF ADAMS)

The foregoing instrument was acknowledged before me this 9th day of August, 2021 by Corey Stutte, Mayor and Kimberly S. Jacobitz, City Clerk of the City of Hastings.



Michaela Borrell
Notary Public Signature

Michaela Borrell
Notary Public Printed

20213644

CITY OF HASTINGS, NEBRASKA
APPLICATION FOR A CONDITIONAL USE PERMIT

PAID

DATE: 7-25-05FEE: \$100.00

THE UNDERSIGNED RESPECTFULLY MAKES APPLICATION FOR A CONDITIONAL USE PERMIT TO THE MAYOR AND CITY COUNCIL AS FOLLOWS:

INTENDED USE: Tree Nursery

ADDRESS: _____

LEGAL DESCRIPTION: Lot 2, The Pine PatchBUILDING 24 x 30 SQ. FT. AND/OR LAND _____ SQ. FT. (acres)OWNER'S ADDRESS: 1406 Heritage Dr.TELEPHONE: 402-463-6500 SIGNATURE: Dan Glass

Sharon Stonecipher 715 Leisure Lane 402-6507

PLANNING RECOMMENDATION: Approved with one conditionCHAIRMAN: Keith Napier DATE: August 15, 2005

CONDITIONAL USE PERMIT FOR Tree Nursery GRANTED BY CITY COUNCIL ACTION ON THE DAY 12th OF September, 2005 UNDER THE FOLLOWING CONDITIONS AND/OR LIMITATIONS, ALL OF WHICH MUST BE COMPLIED WITH BY APPLICANT FOR SAID PERMIT TO CONTINUE VALID FOR THE PERIOD GRANTED AS FOLLOWS:

Moved by Kully, seconded by Yilk that the Mayor and Council approve the request of Sharon Stonecipher for a Conditional Use Permit to allow a tree nursery at the southeast corner of North Elm Avenue and East 26th Street, subject to the following condition:

1. ~~The applicant shall operate the facility as described in the application. Any changes in the described specifications will require approval of the Development Services Director. Changes in use or structures not anticipated in this application will require an amendment to the Conditional Use Permit.~~

Roll Call: Ayes: Will, Sinner, Kully, Ruberson, Goebel, Glen, Peterson, Yilk. Nays: None. The motion carried.

Corinne Hartman
CITY CLERK

Matthew D. Ross
MAYOR

CERTIFICATION OF THE CITY CLERK

STATE OF NEBRASKA)
COUNTY OF ADAMS) SS
CITY OF HASTINGS)

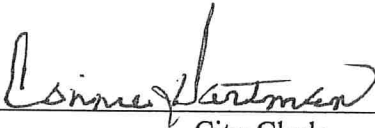
I, CONNIE HARTMAN, duly qualified and appointed City Clerk in and for the City of Hastings, Adams County, Nebraska do hereby certify that the foregoing is a true and exact excerpt taken from the Council Minutes of September 12, 2005 on file in the City Clerk's Office and the same was duly passed at a meeting which was posted, publicized and held in open session:

"Moved by Kully, seconded by Yilk that the Mayor and Council approve the request of Sharon Stonecipher for a Conditional Use Permit to allow a tree nursery at the southeast corner of North Elm Avenue and East 26th Street, subject to the following condition:

1. The applicant shall operate the facility as described in the application. Any changes in the described specifications will require approval of the Development Services Director. Changes in use or structures not anticipated in this application will require an amendment to the Conditional Use Permit.

Roll Call: Ayes: Will, Sinner, Kully, Ruberson, Goebel, Glen, Peterson, Yilk.
Nays: None. The motion carried."

IN WITNESS WHEREOF, I hereby set my hand and affix the seal of this City this 13th day of September, 2005.



City Clerk



Conditional Use Permit Application
The Pine Patch
2516 North Elm Avenue
Hastings, NE 68901

PURPOSE: Tree Nursery

NURSERY STOCK: Includes but not limited to:
 Blue Spruce, White Pine, Scotch Pine, Norway
 Pine, Concolor Fir, Deciduous Trees

OPERATION: Trees sold for ornamental landscaping and moved
 with a tree spade to other locations.

Once a year Christmas trees sold. Trees for sale
 include cut trees from The Pine Patch, Fraser and
 Douglas Fir Trees purchased for retail.

Pre Tag Open House:

Once a year, usually the first Sunday in October, customers are invited from 1 PM
 to 6 PM to bring their families and select and tag their Christmas Tree which they
 will pick up after Thanksgiving. After the Open House, the honor system exists
 and customers are allowed to drive in and pre-tag a tree.

Christmas Tree Sales:

Begins Friday after Thanksgiving and ends around December 20

Business Hours:

Friday after Thanksgiving, Saturdays and Sundays: 9 AM to 6 PM
 Weekdays: 1 PM to 6 PM

Items for sale:

Christmas trees, wreaths, tree stands, tree bags, and holiday items.

Lights:

One light attached to west outside wall of barn and lights inside barn

Traffic Flow:

New ingress will be built on 26th Street (By-pass road). Entrance will be about
 300 feet East of the Elm and 26th Street Intersection. The city streets department
 has looked at and approved the location. Egress will continue, as in the past,
 using John and Michelle Northrop's drive way located north of their residence
 and south of the residence at 2510 North Elm St.

Having lived in the 2510 No Elm Ave Residence for 18 years, I can personally
 attest to the fact that traffic in the parking lot and exiting through Northrop's

driveway is not noticeable. It is not noisy and car lights do not directly impact the residence.

Employees:

Owners and three to four college students

Signs:

Temporary signage during Christmas Tree selling season used to direct traffic into the selling area. Signage to be worked out with the Planning & Zoning Director and the city streets department. More signage will be necessary this year to direct traffic to the new ingress and away from the 2510 No Elm Residence

Other methods of providing directions to the new ingress to customers will include the annual newsletter and word of mouth.

David Glass will work with the city to determine year around signage

Maintenance:

Nursery stock is watered from a well that exists on the farm and mowing grass in the trees and parking lot Morton Building. Occasional application of the same pesticides used for yards and colorant. David Glass the new owner, is a licensed commercial applicant.

Chemicals will not be applied during windy weather conditions.

The physical proximity to the 2510 No Elm Residence and the Kubicka Residence (borders on the east) have natural barriers such as trees, shrubs, fences and sheds. Most important: the trees are not located close to either residence.

Typical Christmas Tree Sale:

Customer drives into parking lot area using new ingress.. Employees cut the tree, carry it to a tree shaker to eliminate dead needles and other debris that is in the tree. The tree is baled with netting if the customer desires and is loaded in/on the customers vehicle. Customer pays for the tree inside the barn and exits through Northrop's driveway.

Summary:

The Pine Patch is a family owned business geared toward families. The major part of Christmas Tree Sales happen during a 3-4 week period prior to Christmas and are non invasive to the neighborhood while providing many families with a holiday tradition.

The new owners, David and Nytha Glass, plan to continue the tree operation as it has operated in the past.

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing on a request for an amendment to a Conditional Use Permit (CUP) for Pine Patch Tree Farm to allow construction of a new barn for use with the existing CUP for property commonly addressed as 780 E 26th Street, City of Hastings, Adams County, Nebraska. The public hearing will also consider the additional use of neighborhood assembly for other special events throughout the year in this same barn.

Approve Resolution No. 2021-31 approving a Conditional Use Permit Amendment for Pine Patch Tree Farm to allow for the construction of a new barn for use with existing CUP and the added use of neighborhood assembly for other special events throughout the year for property commonly addressed as 780 E 26th Street, City of Hastings, Adams County, Nebraska.

Names of People/Business affected by this action:

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

Why Council action is required:

Neb. Rev. Stat. 19-929 requires a conditional use permit to be approved by the City Council unless the City Council has, through a zoning ordinance or special ordinance, generally authorized the Planning Commission to exercise such power and has approved the standards and procedures adopted by the Planning Commission for equitably and judiciously granting such conditional uses or special exceptions.

Type of action requested:

Resolution

Suggested motion:

Approve Resolution No. 2021-31, a Conditional Use Permit (CUP) Amendment for Pine Patch Tree Farm to allow for the construction of a new barn for use with existing CUP and the added use of neighborhood assembly for other special events throughout the year for property commonly addressed as 780 E 26th Street, City of Hastings, Adams County, Nebraska, with the following conditions:

1. Conditions of the CUP approved on September 12, 2005.
2. The existing private easement granted by John M. and Michele L. Northrup must be updated, tied to the land and the Kindigs, and indicate its authorized usage only for the Christmas tree portion of the Kindig business. The easement shall provide that except for the Christmas business season this access is to be gated and locked with a sign on the fence

clearly indicating that the use of this egress is only for the Christmas Tree business season. This easement shall be filed with the register of deeds and a copy provided to the Development Services office to be filed with this CUP Amendment.

3. Pedestrians may be walking across the driveways as they are viewing and selecting trees. Applicant must place signage in the necessary areas of incoming and outgoing traffic cautioning drivers that pedestrians may be in the area walking.
4. Alcohol is prohibited for the neighborhood assembly uses. A CUP amendment shall be required if alcohol is added, or if music is added (to events other than the Christmas Tree business events) or there is an expansion in the hours or dates of operation.
5. The driveway providing access to 26th street shall be widened from 13 feet to 23 feet in the fall of 2021, as required by Hastings City Code.
6. Appropriate turn-around, as required by the International Fire Code Appendix D and as depicted in the site plans on file in the Department Services office must be incorporated into the site.
7. Parking must be incorporated per the parking plan and appropriate curb stops and signage of required ADA parking must be installed on this site.
8. Owners must add additional crushed rock in areas where it is needed on a yearly basis on both the ingress and egress driveways, and the turnaround and parking areas on this site.
9. Barn must meet principal structure setback requirements as it will not initially be considered an accessory structure.
10. If the owners purchase residential property adjacent to the property that is covered by this CUP then the owners shall comply with all requirements found in City Code Section 34-311. The owners shall also be required to replat the property which is the subject of this CUP with the residential property to meet the City Code requirement that an accessory structure must have a primary or principal structure on the same lot.
11. The hours of operation shall be from 8:00 a.m. to 6:30 p.m.
12. The date of the Christmas tree sales operation shall be from November 1 through December 24, using easement as egress only. All other activities can be conducted year-round, but shall only enter and exit the property off of 26th Street.
13. There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply.
14. This resolution shall be filed with the registrar of deeds so as to provide notice to any person examining the real estate records of the existence of this CUP. The recording costs incurred to comply with this section shall be paid by the applicant for the CUP.

Deadlines associated with action:

A building permit will be required for the structure to be built following the approval this CUP amendment.

Department head comments:

Joe and Nikayla Kindig, of 780 East 26th Street are the applicants for this matter. They are the new owners of the Pine Patch Tree Farm, which has been a tree nursery for decades and is known for selling Christmas trees. The existing barn on this property needs replaced. An amendment to

their existing CUP is necessary due to a condition in the original CUP, approved 9/12/05, which states, “Any changes in the described specifications will require approval of the Development Services Director. Changes in use or structures not anticipated in this application will require an amendment to the Conditional Use Permit”. The applicants desire to expand the use of this barn from storage and a sales hub to one that includes a Christmas experience with Santa and Ms. Claus, but also for events other than just at Christmas with a rental agreement. Therefore, the proposed amendment to the original CUP will: 1) Amend the original use of tree nursery to include the use of the barn structure for events in conjunction with the existing Christmas tree nursery; and 2) Allow for a second conditional use as an assembly, neighborhood for both Christmas season and off season events to be held. Though both changes are important to their business, the Kindigs primary concern is to use the barn as a part of their existing business and CUP. However, being able to utilize this structure for more than a few months out of the year is also important from a business standpoint. Condition requirements for continuance of the existing use with the new structure and added assembly on a seasonal basis vary greatly from what would be required to add assembly on a full-time basis. Therefore, we have broken out the discussion to better assist decision-making and to allow for flexibility in the City Council motion for approval.

1. The proposed development will integrate compatibility with existing land uses and with permitted uses that may be established within any area to be affected by the proposed development.

Surrounding land uses:

North: A, Agriculture & R1-A, Single Family Large Lot

South: R1-A, Single Family Large Lot

East: R1-A, Single Family Large Lot

West: R1-A, Single Family Large Lot

This property is zoned R-1, Single Family Residential. The use of an “assembly, neighborhood” use requires a Conditional Use Permit, no matter what district you are located in. With this being allowed conditionally across all districts, the emphasis on being able to mitigate potential issues with a given property is crucial. It is important to understand that there is at least 75’ between the existing barn (where the new barn will be placed) and all neighbors. In fact, most neighbors are further than 75’ from this structure other than the neighbor directly to the west, addressed 2510 N Elm Avenue. This properties' accessory structure is the closest structure to this barn at 75’. To give perspective, when we address buffer requirements in our City code we reference Table 305-8. Our most stringent requirement for buffering is between a Heavy Industrial zone and an abutting Residential zone and this requires a maximum of 30’.

Use of Barn for existing business: Over the years there have been no complaints made by the neighbors regarding nuisances caused by this business. The original CUP was approved as a request made by Ms. Sharon Stonecipher on September 13, 2005. This was done when Mr. & Mrs. Glass, residing at 2520 N Elm Avenue, took over the business. The use of a nursery has demonstrated compatibility and though the barn was not specifically spelled out in the original narrative, the barn has become a focal point for these activities. In fact, many neighbors attending Planning Commission meetings stated they have no issue with this continued use, adding a barn to this use or any events as part of this use. Though assembly, neighborhood use in residential zoning is not ideal, it is conditional in all districts and so long as all concerns are mitigated, history has

shown this use can be done here.

Use of Barn for year-round assembly, neighborhood: The proposed new building size of 2846 SF should not allow more than 99 persons as an occupancy. The applicants understand this and have agreed to keep any use of the new barn for events under this occupancy. In addition to 75' separation, the residents to the north enjoy an additional 85' of right of way separation. This being a tree farm, there is also a heavy natural landscape buffer that serves as an additional buffer. The applicant has addressed all expressed neighborhood concerns and will meet all of the staff's conditions to mitigate these concerns.

2. The use does not have a permanent negative impact that is substantially greater than the impact anticipated from development permitted in the base zone district.

Pedestrian and vehicular traffic circulation and safety.

Use of Barn for existing business:

The vehicle circulation for Christmas Tree sales/events will remain the same as it has in the past. At Christmas time, many people come with trailers in tow. The new owners felt that the existing easement with Mr. Northrup is helpful to avoid several vehicles with trailers in tow having to turn around all at once. The *Intent to Update Easement* document has been signed by both owners and a condition that this private easement must be updated; tied to the land and new owners; indicate its continued usage only for Christmas tree farm sales/event; and detail that during non-seasonal events this easement is to be gated & locked with a sign clearly noting that the use of this egress is only during the Christmas season.

This use does have a fair amount of vehicular use with trailers, as well as pedestrians walking across the driveway, which is fairly covered by trees on either side. Signage will be added to necessary areas that will caution drivers that pedestrians are in the area walking. This signage can be posted at the entrance or done with sidewalk signs, but a sign permit will be required and is also a condition.

Following the last Planning Commission meeting and complaints for traffic on 26th Street, our City Engineer did have his team conduct another traffic count on 26th Street and he assessed that the 85th percentile (safe speed standard) shows that drivers are travelling at the posted speed limit; however, with development and use changes this can always be re-evaluated in the future.

Use of Barn for year-round assembly, neighborhood: The 26th street driveway access will be widened from 13' to 23' in Fall of 2021 to allow for better flow of traffic and to meet code requirements. Crushed concrete will be added during this widening of the driveway and replenished annually as a condition of this permit. Turnaround requirements will meet International Fire Code Appendix D and have been incorporated into the site plan. In the off-season, customers will be required to both enter and exit onto 26th Street.

The owner has also provided a parking plan that meets the parking requirement of 33 spaces and is providing one ADA parking space near the entrance to the barn that is compliant to the standards.

Reasonable and economic extension of public utilities and facilities.

Use of Barn for existing business: Applicants are aware they will need to connect to water and sewer to install appropriate bathrooms. Our Utilities Coordinator reviewed and confirmed they can connect to sewer service for the new Barn with no problem.

Use of Barn for year-round assembly, neighborhood: This is the same recommendation for both uses.

Noise, fumes, dust or other environmental pollution.

Use of Barn for existing business: There are two outdoor speakers attached to the barn. These outdoor speakers will not be used at any other time of the year other than from 1 November to 24 December to create ambiance for the Christmas shopping experience. End of business day for all uses will be 6:30 P.M. City Code Section 18.113.01 provides for excessive noise only with regard to streets, alleys, or other public places. However, it establishes a distance of 75' for audibility and all neighboring structures with this use are 75' away from the barn.

Use of Barn for year-round assembly, neighborhood: This is the same recommendation for both uses

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

Use of Barn for existing business: The development pattern of uses shows mostly residential, with a good portion of this being large-lot residential. However, there are some low-impact commercial ventures throughout this area. There is Debs Auto Upholstery located southwest off of 2nd Avenue, and the Campgrounds are to the west off of 26th Street. In fact, one of the neighbors to the Pine Patch Tree Farm has a bait business and his sign is visible from Elm Avenue.

Use of Barn for year-round assembly, neighborhood: As stated with the existing use (above), there is some commercial interlaced into this area. The staff feels with all proposed conditions in place that the expanded use will add value to our community by providing businesses with options to conduct off-site meetings, families a place to have reunions and brides a place to celebrate an upcoming marriage. This is not just a business, it is also a resource for our community!

The maintenance of property values in accordance with established and permitted land uses.

Use of Barn for existing business: The existing business has not had a negative impact on the property values and there have been no complaints received as part of this existing use. Adjacent property owner letters were sent on 6/4/21 and (again on 7/9/21) to adjacent property owners within 300 feet to ensure that neighbors have an opportunity to speak on this CUP. All neighbors expressed support for the use of a new barn for the existing use as a Christmas tree farm and any events that were occurring as part of the continuation of this use.

Use of Barn for year-round assembly, neighborhood: Staff did receive several concerns from the letters sent out for the added use of year-round assemblies. These concerns were heard & documented. The applicant provided mitigation to each of these concerns and these were made conditions for this permit. An *assembly, neighborhood* use is not a commercial or light/heavy industrial use that produces fumes, dust or other environmental pollution. Though there can be impacts from a noise and traffic standpoint, these impacts have been reviewed by Fire, Engineering & Zoning staff by conducting a site visit and reviewing the plans and narrative. The staff feels both of these issues have been mitigated satisfactorily in the conditions placed on this permit.

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

Use of Barn for existing business: The existing business has not had a negative impact on the property values and there have been no complaints received as part of this existing use.

Use of Barn for year-round assembly, neighborhood: Following the first Planning Commission meeting held on June 20th, the applicant provided greater clarity to this permit as follows:

- No use on this property will exceed the operational hours of 8 AM-6:30 P.M.;
- There will be no liquor served as part of the added assembly uses;
- Site improvements and annual maintenance (i.e., turnaround & driveway expansion, screening for parking areas, added crushed rock, pedestrian signage, easement controls).

Staff has added conditions to this permit to address each of these concerns. These conditions were discussed at length with the Planning Commission. The Planning Commission, in fact, voted to expand the applicants' Christmas seasonal use from *Friday after Thanksgiving and ends around December 20 to 1 November through 24 December* in a 7 to 0 vote. Their motion to recommend approval for the structure and additional uses in a vote of 6-1 for this permit with all conditions, as well as this amendment to expand the seasonal timeframe should serve as evidence that it is felt the neighborhood concerns have been mitigated.

4. *That the use, subject to conditions, maintains compliance with the Comprehensive Plan and the purpose and intent of the zoning regulations.*

Use of Barn for existing business: The Comprehensive Plan Future Land Use Map for this property is slated for Suburban Residential. These lots will remain zoned residential and are compatible to this future zoning. An *assembly, neighborhood* use is conditional in all zoning districts, no matter where it is placed. The focus for this criterion should be on whether or not care has been taken for this property to still conform to a residential zoning in the future, whether this use remains for years to come or ceases to exist at some point. The applicant is taking additional steps to ensure this property will comply to use of a barn that inadvertently became an important piece to the existing use. Additionally, in an effort to ensure legal conformity of this structure, they plan to meet stricter setback requirements due to its non-conformity as an accessory structure as it no longer sits on the same property—a detail not considered in the past with Second Subdivision replat. They have agreed to meet principal structure setback requirements and have also agreed to comply with a condition to replat this land with a lot that has a principal structure in the future. Applicants will also ensure that this property will meet all the City Code requirements for an accessory structure so that it will comply in the future. They currently have first right to refusal for Lot 1 of Pine Patch Second Subdivision, the Glass property. The Glass' have plans to relocate in the near future.

Use of Barn for year-round assembly, neighborhood: This is the same recommendation for both

uses.

A letter from the neighbors to the Mayor was forwarded on Monday, August 2, 2021. This letter is in protest of this CUP amendment (attached). According to Revised State Statute No. 19-905, in a case where there is a protest and 20% or more of the protest comes from an area or lots provided notice and within 300 feet of the project area, then there must be a vote of three-fourths of all the members of the City Council for amendment to become effective.

The Planning Commission voted to recommend 7-0 to add an amendment to extend the timeframe for seasonal Christmas tree selling and assembly use from the proposed timeframe of starting Friday after Thanksgiving and ending around December 20 to a recommended timeframe of 1 November to 24 December. They also voted 6-1 to recommend approval of staff's recommendation to approve use of assembly and use of barn during the Christmas tree season, as well as during the off season.

City Administrator comments:

Recommend approval with review of conditions. **PLEASE NOTE:** We have received a written protest from a sufficient number of property owners within 300 feet in all directions of the property that qualifies for requiring a 3/4 vote of the Council to pass. This means it needs 6 votes to pass and the Mayor is not allowed to vote to make 6 votes by statute.

Update the Conditional Use Permit
Pine Patch Tree Farm
780 East 26th Street
Hastings, NE 68901

Purpose:

Tree Nursery

Nursery Stock:

Includes but not limited to: Blue Spruce, White Pine, Scotch Pine, Norway Pine, Concolor Fir, Canaan Fir, and Deciduous Trees.

Operation:

Ornamental landscape trees are sold and transplanted with a tree spade to other locations. Soil drenching, ornamental/evergreen tree spraying, tree injections, commercial weed spraying, tree planting, and tree transplanting are services at the Pine Patch that will continue to be available.

Christmas trees are sold during the holiday season. Fraser Fir, Douglas Fir, Scotch Pine, and White Pine pre-cut trees are displayed near the barn and sold along with Scotch Pine, White Pine, and Canaan Fir Choose-and-Cut trees for sale out in the patch. Customers are welcome to pre-tag their Christmas Tree prior to opening day, beginning in the month of November. Wreaths, garland, and other holiday items available for purchase inside the barn during the Christmas season.

Typical Christmas Tree Sale:

Customer drives into parking lot area using ingress. Employees cut the tree, carry it to a tree shaker to eliminate dead needles and other debris that is in the tree. The tree is baled with netting if the customer desires and is loaded in/on the customer's vehicle. Customer pays for the tree, and other holiday items, inside the barn and exits through Northrop's driveway or 26th Street egress.

Barn:

The current Morton building (old barn) is used as storage for equipment and inventory such as tree stands and other materials used during the Christmas season sales, and accommodates guests during the Christmas season as they purchase their trees and other items. It is also where the wreaths and all Holiday items are assembled and sold.

The new barn consists of the main showroom, "Neighborhood Assembly" room as indicated in our drawings, where our check-out counter and retail items, such as wreaths and garland, during the Christmas season would be located and sold. It includes a workroom, "Wreath Assembly" room, where wreaths and other Christmas items are assembled and stored, an office for filing and organizing business documents and paperwork, two utility rooms, indicated as "Inventory Storage" and Mechanical", for the furnace and other utility items, and two public

restrooms to accommodate our guests and employees. We are aiming for two single-stall, wheelchair accessible, unisex restrooms. Water and sewer will be a necessary addition to the new barn for the restrooms. The new barn also includes a lean-to on each side to store Christmas trees during the Christmas season to keep them out of the elements and allow better organization for the variety of Christmas trees we have to offer.

Christmas Tree Sales:

Begins ~~Friday after Thanksgiving and ends around December 20.~~ Note: Planning Commission, in discussing this timeframe with applicant, amended this timeframe to be from 1 November to 24 December at the regular meeting held July 20, 2021.

Business Hours:

Customers have the opportunity to view our selection of landscape trees by appointment, Monday through Sunday between 8AM to 6:30PM year-round.

Christmas Tree Season hours begin the Friday after Thanksgiving. Hours for customers to select Christmas Trees and holiday items in the barn are Monday through Friday from 1PM to 6:30PM and Saturdays and Sundays from 9AM to 6:30PM.

Items for Sale:

Christmas Trees, wreaths, garland, tree stands, tree bags, and other holiday items.

Lights:

One light attached to west outside wall of barn and lights inside barn.

Noise:

Two outdoor speakers attached to the barn to play Christmas music during Christmas Tree season. Outdoor speakers not used during any other time of the year.

Traffic Flow:

There are currently no drainage issues on Pine Patch property. Culvert is located on each side of the entrance into the tree farm from 26th street. In 2018, previous owner Dave Glass widened the culvert from approximately 18 feet to approximately 28 feet for the semi-trucks who deliver our pre-cut Christmas trees, or a fire truck, to access our farm more easily. Customers enter through the ingress on 26th Street.

The 26th street driveway will be widened from 13 feet to 23 feet in fall of 2021 to allow better flow of traffic. This will also allow traffic to flow in and out of 26th street without the use of the Northrop easement, if needed.

Egress will continue during the Christmas Tree season, as in the past, using John Northrop's drive way located north of their residence of the residence at 2510 North Elm Street. Customers who have been visiting the Pine Patch for many years are in the routine of entering from 26th Street and exiting through the driveway indicated in the easement. Those who visit

the farm from out of town, and out of state, often bring trailers to safely transport their Christmas Tree and the easement allows us to quickly and efficiently accommodate them. Permission for use of this driveway is indicated in the easement with John Northrop and the easement is in the process of being updated to reflect new owners. The 26th Street ingress will now be wide enough for customers to also exit through that driveway. Easement will only be available to customers during the three weeks of Christmas season. Easement driveway will be fenced off during any other events throughout the year, so any customer exiting for landscape trees or from the barn as a venue will only enter and exit through the 26th Street driveway.

Employees:

Owners and approximately 5 people to assist in tree sales, wreath making, and maintenance.

Signs:

Temporary signage during Christmas Tree selling season used to direct traffic into the selling area. During the Christmas season, we will also place signs along the driveway notifying drivers of pedestrians since our guests are invited to walk through the farm grounds to pick out a Christmas Tree. Signage that will be used for pedestrians is pictured below.

Parking:

Current parking lot allows approximately 30 parking stalls. Current parking lot does not indicate where parking stalls are located.

In fall of 2021, we will be converting 24 feet of tree space on the North edge of the parking lot to parking lot space. This creates, at least, an additional 3 parking stalls and extra square footage for fire truck access. The current length/distance of the Pine Patch driveway is approximately 200 feet. The new parking lot will allow 33 parking stalls. Once our new parking lot is complete, we will place signs or concrete parking blocks to indicate where each stall is located. This will promote better flow of traffic and less confusion on where to park for our customers. We will maintain crushed rock where it already exists and we will add the same crushed rock where the new square footage is added to the parking lot. We will add screening between our parking lot and the Young's residence to the South due to the closeness in proximity.

Maintenance:

All nursery stock is watered from a well that exists on the farm. Mowing grass between the trees, parking lot, and barn is done weekly. Occasional application of the same pesticides used for yards and colorant. Chemicals will not be applied during windy weather conditions. Christmas trees are sheared during summer months to increase tree density and maintain the proper shape until harvest. New crushed rock in parking lot and ingress is laid yearly to maintain and meet requirements.

Summary:

The Pine Patch Tree Farm has operated as a Tree Nursery since 1887, primarily selling Christmas Trees from the original owners, the Stoneciphers, during the Christmas season. The Pine Patch

was sold to the Glass family in 2005, then sold to Joe and Nikayla Kindig in 2021. We are continuing the tradition of a family-owned business providing other families with a holiday tradition. We plan to continue the tree operation as it has operated in the past, while adding a few amenities to better serve our customers and a community we care so much about. The Christmas Tree farm is an attraction that has been important to Central Nebraska for many years and we are eager to continue welcoming customers to this community from all over Nebraska, even from surrounding states.



Amendment to the Conditional Use Permit
Pine Patch Tree Farm
780 East 26th Street
Hastings, NE 68901

Purpose:

Neighborhood Assembly

Operation:

The Christmas Tree Farm will always be our first priority and main use for our barn, but we would like to make the barn available to rent for use of small gatherings during months when the barn is typically vacant and unused. The original barn (Morton Building) that exists on Pine Patch property is long overdue for repair. We feel it would be more cost effective to build a new barn, rather than repairing a dilapidated barn that no longer fulfills the demands of the Pine Patch. The new barn would be built in essentially the same location on our lot as the old barn, but would be slightly larger to better accommodate our guests and employees during the Christmas tree season. We would also like to maximize the use of the Pine Patch barn, as the barn is currently only used during November and December for the Christmas tree season (opening the Friday after Thanksgiving and concluding our season by the third week in December).

Barn:

The existing Morton Building (old barn) is 27'x36' sq. ft. (972 square feet) and the new barn would be 48'x60' sq. ft. (2,880 square feet). If the new barn was approved for use of small gathering rentals, the only occupiable space guests will be using in the new barn is the "Neighborhood Assembly" room which is 1,440 square feet. The Pine Patch Office, Inventory Storage, Wreath Assembly Room, and Mechanical Room would be closed off and would not be occupiable space to the public when being used for Neighborhood Assembly.

In the future, our intent is to replat the Pine Patch lot (lot 3), the lot that the Glass house is located on (lot 1), and the lot to the South of the Glass house (lot 2) to be all on one lot. We already own lots 2 and 3, and we have the Right of First Refusal to the Glass house on Lot 1 which we intend to purchase. This will allow the new barn to become an accessory to the primary structure once we replat.

Events:

Small gatherings such as baby showers, bridal showers, reunions, meetings, networking sessions, conferences, and workshops/classes.

Capacity:

99 people or less.

Business Hours:

Monday through Sunday hours of operation for use of the barn as a venue remain the same as our hours of operation during the sales of landscape trees and the Christmas season, which is 8:00AM-6:30PM.

Rental Agreement:

An example of the Rental Agreement for the barn is provided below.

Important points include: capacity of 99 people or less, hours of operation are 8AM to 6:30PM, alcohol not permitted, security deposit required in case of damage/loss, owners reserve the right to determine whether the gathering/events being requested aligns with our requirements and may reject requests at their sole discretion for any reason.

Lights:

One light attached to west outside wall of barn and lights inside barn.

Noise:

Two outdoor speakers attached to the barn to play Christmas music during Christmas Tree season. Outdoor speakers not used during any other time of the year.

Traffic Flow:

There are currently no drainage issues on Pine Patch property. Culvert is located on each side of the entrance into the tree farm from 26th street. In 2018, previous owner Dave Glass widened the culvert from approximately 18 feet to approximately 28 feet for the semi-trucks who deliver our pre-cut Christmas trees, or a fire truck, to access our farm more easily. Customers enter through the ingress on 26th Street.

The 26th street driveway will be widened from 13 feet to 23 feet in fall of 2021 to allow better flow of traffic. This will also allow traffic to flow in and out of 26th street without the use of the Northrop easement, if needed.

Egress will continue during the Christmas Tree season, as in the past, using John Northrop's drive way located north of their residence of the residence at 2510 North Elm Street.

Permission for use of this driveway is indicated in the easement with John Northrup and the easement is in the process of being updated to reflect new owners. The 26th Street ingress will now be wide enough for customers to also exit through that driveway. Easement will only be available to customers during the three weeks of Christmas season. Easement driveway will be fenced off during any other events throughout the year, so any customer exiting for landscape trees or from the barn as a venue will only enter and exit through the 26th Street driveway.

Employees:

Owners

Parking:

Current parking lot allows approximately 30 parking stalls. Current parking lot does not indicate where parking stalls are located.

In fall of 2021, we will be converting 24 feet of tree space on the North edge of the parking lot to parking lot space. This creates, at least, an additional 3 parking stalls and extra square footage for fire truck access. The current length/distance of the Pine Patch driveway is approximately 200 feet. The new parking lot will allow 33 parking stalls to accommodate a maximum capacity of 99 people. Once our new parking lot is complete, we will place signs or concrete parking blocks to indicate where each stall is located. This will promote better flow of traffic and less confusion on where to park for our customers. As indicated in the drawing of the parking lot, there should be multiple ways a hammerhead firetruck could access our barn and farm. We will add screening between our parking lot and the Young's residence to the South due to the closeness in proximity.

Maintenance:

All nursery stock is watered from a well that exists on the farm. Mowing grass between the trees, parking lot, and barn is done weekly. General maintenance to the barn will be performed regularly. Christmas trees are sheared during summer months to increase tree density and maintain the proper shape until harvest. New crushed rock in parking lot and ingress is laid yearly to maintain and meet requirements. We will add the same crushed rock where the new square footage is added to the parking lot. Inspections from owners will be done after any use of the barn as a Neighborhood Assembly to ensure customers have complied to the Rental Agreement and not damaged Pine Patch grounds.

Summary:

We are continuing the tradition of a family-owned business providing other families with a holiday tradition. We plan to continue the tree operation as it has operated in the past, while adding a few amenities to better serve our customers and a community we care so much about.

We believe the new barn and necessary updates to the farm would be a great addition to our community. It would offer another rentable space and would better justify our decision to invest in repairing our barn by making it available for use outside of the Christmas Season. The majority of gross sales are acquired through tree farm sales, we would just like to maximize the barn utility outside of tree sales season.

We thank you very much for your consideration,
Joe and Nikayla Kindig



780 E. 26th Street, Hastings, NE 68901

Email: pinepatchtreefarm@gmail.com | Web: pinepatchtreefarm.square.site | Phone (402)469-6772

Available for rent from 8 a.m. through 6:30 p.m. Monday through Sunday. Maximum Capacity: 99

All guests must enter and exit through 26th Street entrance. Map/directions available upon request.

BARN RENTAL AGREEMENT

This Rental Agreement is between the Pine Patch Tree Farm [the "barn"] and _____ [the "Renter"] for the rental of the Pine Patch Tree Farm Barn.

Event date: _____ Start time of event: _____ End time of event: _____
 month day year

Type of event: _____ Number of guests: _____

Contact name(s): _____

Mailing address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ Email: _____

RENTAL DAY/TIME	HOURLY RATE
Monday through Thursday	\$ per hour plus \$ damage deposit
Friday through Sunday	\$ per hour plus \$ damage deposit

Advance reservations are required: a minimum of 2 weeks for weekday events and a minimum of one month for weekend events. 50% of all rental fees due at the time of application.

Cancellation penalties apply. Further reservation details available upon request.

Rental Charges: \$ Deposit. The use of the Pine Patch Barn requires a deposit to renters who wish to use the barn for small gatherings or events. The Pine Patch Tree Farm reserves the right

to determine whether the gathering/events being requested aligns with our requirements and may reject requests at their sole discretion for any reason. The deposit will be returned to the renter as long as the facility is returned in the condition found.

Food and Alcohol: You may bring in your own food. You or your caterer will be responsible for supplies, dishware, and utensils. No alcohol will be permitted on the premises.

Duration of Event: Barn is available for rent between the hours of 8AM and 6:30PM. The premises must be vacated by the allotted time (breakdown/cleanup must be completed) in order to avoid incurring charge for additional hour(s).

Now, therefore, the parties agree to the following terms and conditions:

1. The Renter shall pay to the Owner the sum of \$_____ no later than _____. Of this amount, \$_____ is a non-refundable deposit that will be applied to rental charges upon final settlement of accounts. The remainder, \$_____, is for damages/security deposit which will be returned to the Renter upon settlement, minus any charges for actual damages done to the venue by Renter or his/her associates.

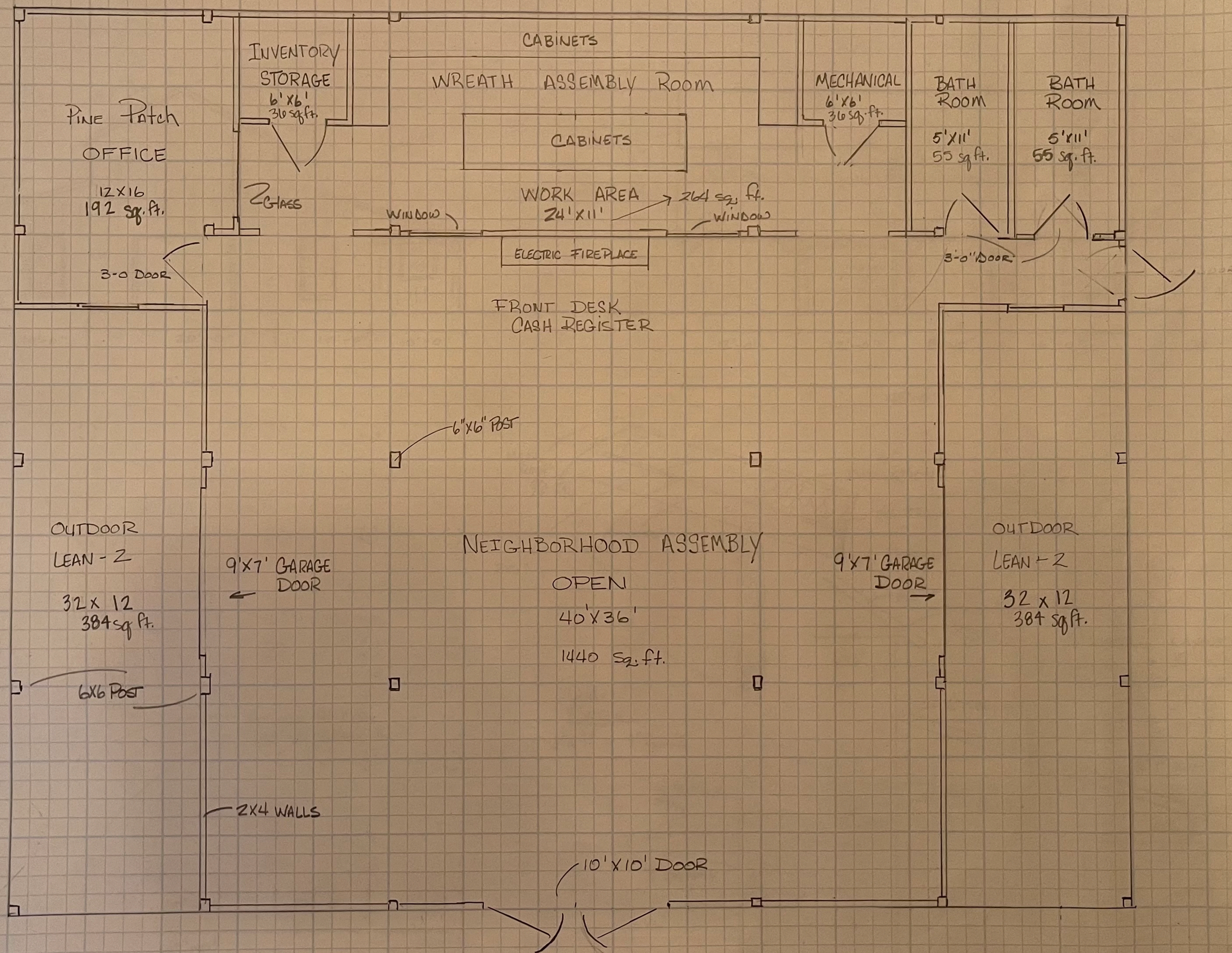
Payments should be made to **Pine Patch Tree Farm**. Cash, check, and major credit cards are accepted. We prefer checks.

Acknowledged, Agreed, and Authorized by Primary Renter: _____

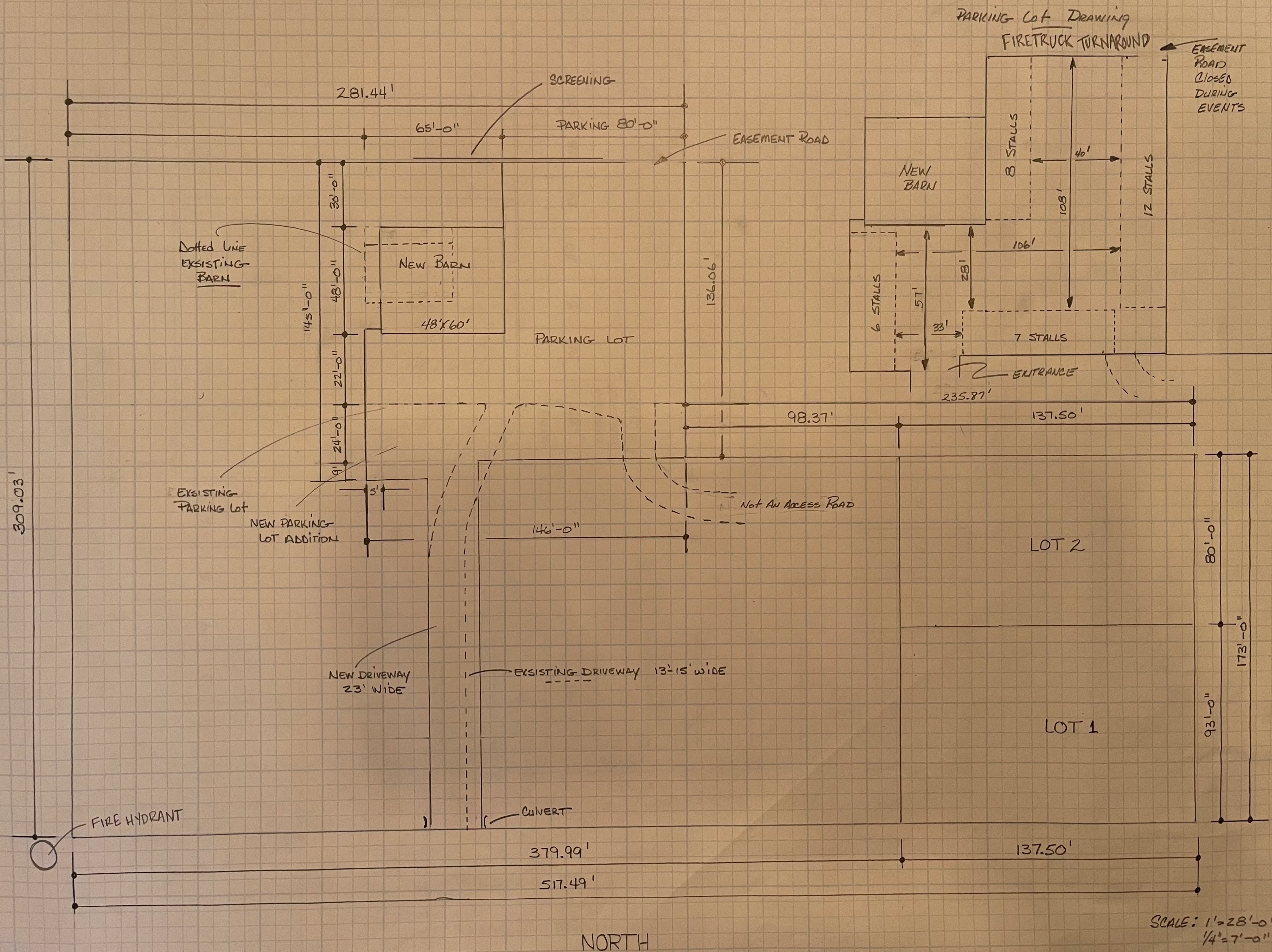
Date: _____

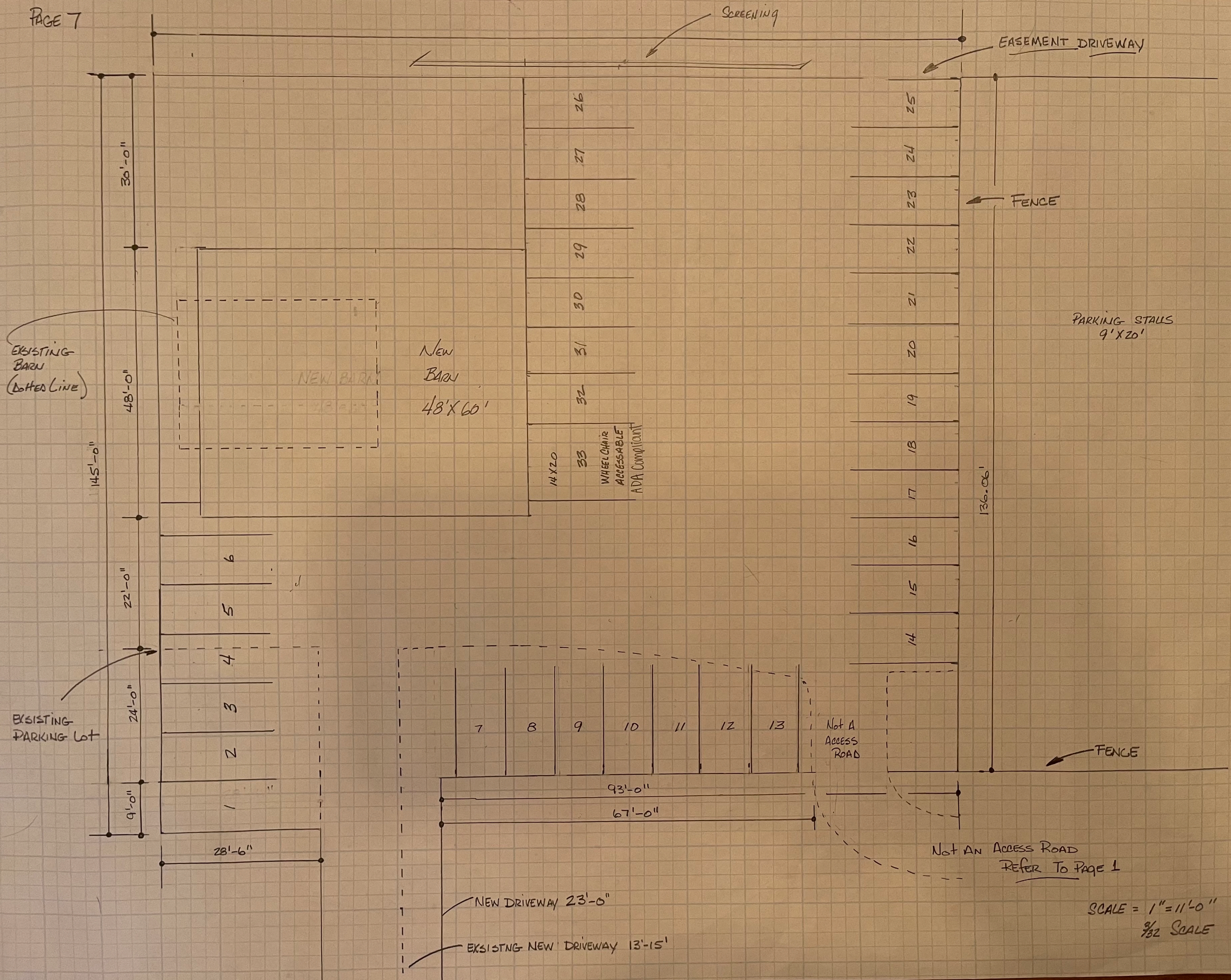
Acknowledged and Agreed by PINE PATCH TREE FARM: _____

Date: _____



1" = 4'-0"
1/4" = 1'-0"





SCALE = 1"=11'-0"
3/32 SCALE

KRUEGER LAND SURVEYING

May 20, 2021

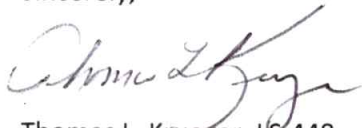
Mark Evans
Building Inspector
Hastings City Offices
220 N Hastings Ave
Hastings, NE 68901

RE: Conditional Use Permit
Pine Patch Building Elevation

Mark:

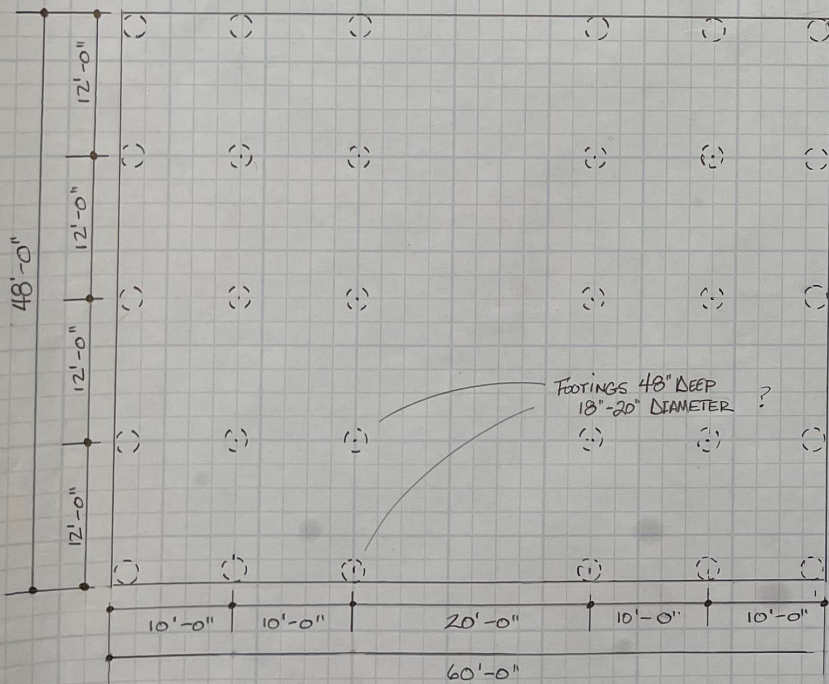
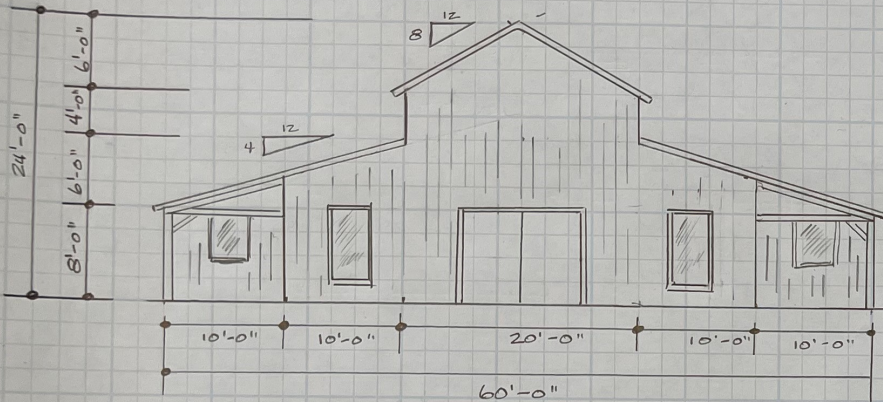
I have measured the finished floor elevation of the existing building on Lot 2 of Pine Patch Second Subdivision at 1913.51 feet (NAVD 88). A 5/8" rebar is set as a benchmark west of the existing building near the wood fence with an elevation of 1914.51 feet. The finished floor elevation of the proposed building will be confirmed after construction.

Sincerely,

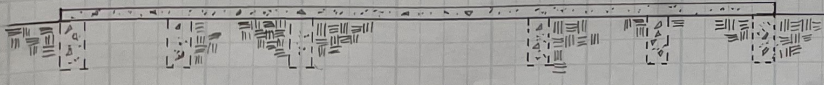


Thomas L. Krueger, LS-448
Professional Licensed Surveyor

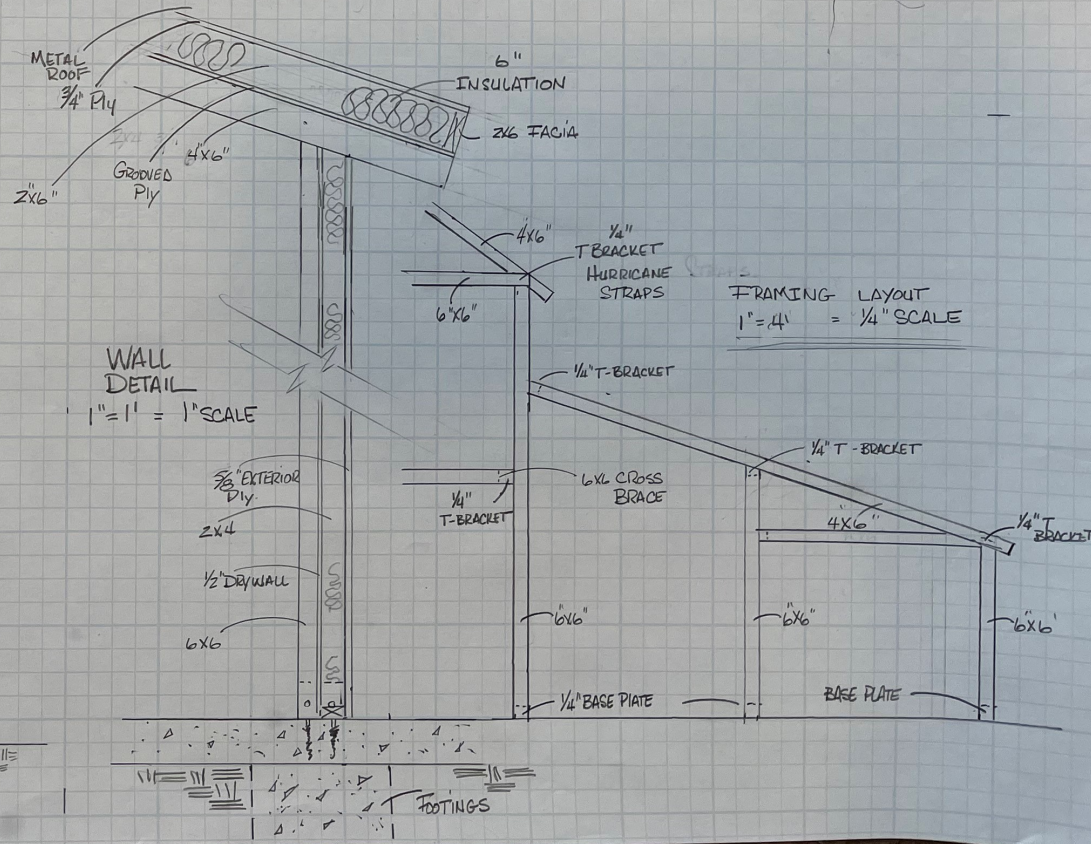
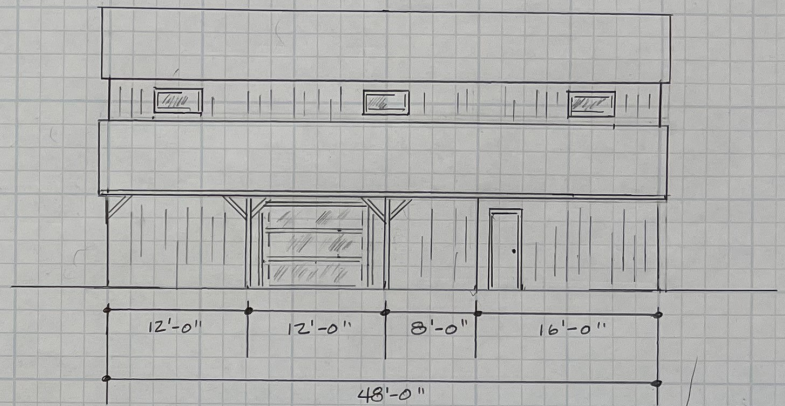
FRONT ELEVATION
1" = 8' - 1/8" SCALE



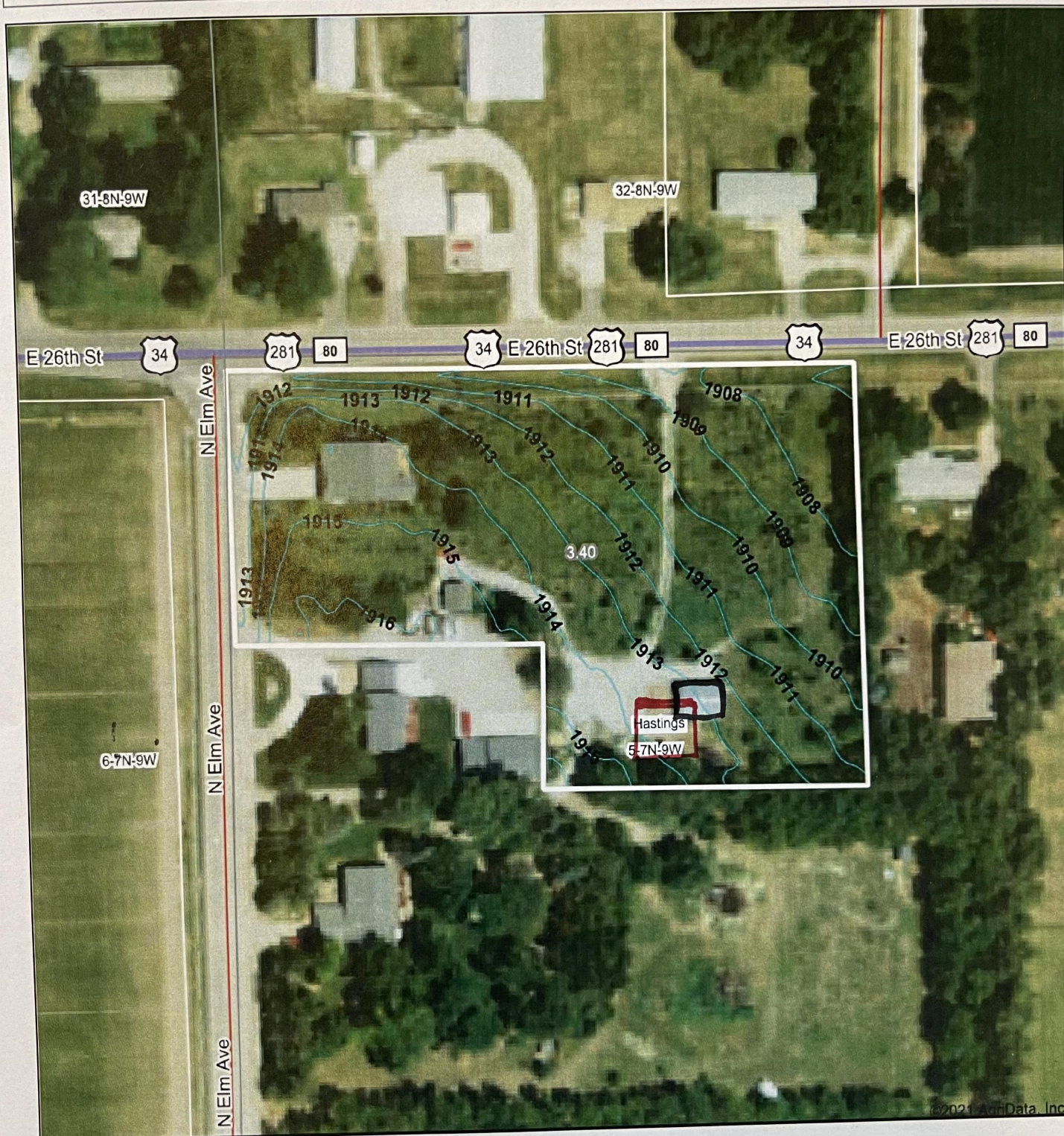
FOUNDATION LAYOUT


$$1'' = 8' = \frac{1}{8}'' \text{ SCALE}$$

SIDE ELEVATION
1" = 8' 1/8" SCALE



Topography Contours



Source: USGS 3 meter dem
 Interval(ft): 1.0
 Min: 1,906.5
 Max: 1,916.3
 Range: 9.8
 Average: 1,912.0
 Standard Deviation: 2.46 ft

0ft 126ft 252ft



5/10/2021

5-7N-9W
 Adams County
 Nebraska

Map Center: 40° 36' 39.89, -98° 22' 21.33

Maps Provided By:
surety
 CUSTOMIZED ONLINE MAPPING
 © AgnData, Inc. 2021 www.AgnDataInc.com

Field borders provided by Farm Service Agency as of 5/21/2008.

CITY OF HASTINGS, NEBRASKA
APPLICATION FOR A CONDITIONAL USE PERMIT

PAID

DATE: 7-25-05

FEE: \$100.00

THE UNDERSIGNED RESPECTFULLY MAKES APPLICATION FOR A CONDITIONAL USE PERMIT TO THE MAYOR AND CITY COUNCIL AS FOLLOWS:

INTENDED USE: Tree Nursery

ADDRESS: _____

LEGAL DESCRIPTION: Lot 2, The Pine Patch

BUILDING 24 x 30 SQ. FT. AND/OR LAND _____ SQ. FT. (acres)

OWNER'S ADDRESS: 1406 Heritage Dr.

TELEPHONE: 402-463-6500 SIGNATURE: Dan Glass

Sharon Stonecipher 715 Leisure Lane 402-6507

PLANNING RECOMMENDATION: Approved with one condition

CHAIRMAN: Keith Napier DATE: August 15, 2005

CONDITIONAL USE PERMIT FOR Tree Nursery GRANTED BY CITY COUNCIL ACTION ON THE DAY 12th OF September, 2005 UNDER THE FOLLOWING CONDITIONS AND/OR LIMITATIONS, ALL OF WHICH MUST BE COMPLIED WITH BY APPLICANT FOR SAID PERMIT TO CONTINUE VALID FOR THE PERIOD GRANTED AS FOLLOWS:

Moved by Kully, seconded by Yilk that the Mayor and Council approve the request of Sharon Stonecipher for a Conditional Use Permit to allow a tree nursery at the southeast corner of North Elm Avenue and East 26th Street, subject to the following condition:

1. ~~The applicant shall operate the facility as described in the application. Any changes in the described specifications will require approval of the Development Services Director. Changes in use or structures not anticipated in this application will require an amendment to the Conditional Use Permit.~~

Roll Call: Ayes: Will, Sinner, Kully, Ruberson, Goebel, Glen, Peterson, Yilk. Nays: None. The motion carried.

Corinne Hartman
CITY CLERK

Matthew D. Ross
MAYOR

CERTIFICATION OF THE CITY CLERK

STATE OF NEBRASKA)
COUNTY OF ADAMS) SS
CITY OF HASTINGS)

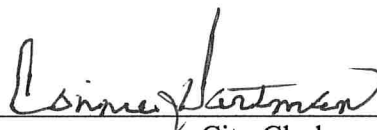
I, CONNIE HARTMAN, duly qualified and appointed City Clerk in and for the City of Hastings, Adams County, Nebraska do hereby certify that the foregoing is a true and exact excerpt taken from the Council Minutes of September 12, 2005 on file in the City Clerk's Office and the same was duly passed at a meeting which was posted, publicized and held in open session:

"Moved by Kully, seconded by Yilk that the Mayor and Council approve the request of Sharon Stonecipher for a Conditional Use Permit to allow a tree nursery at the southeast corner of North Elm Avenue and East 26th Street, subject to the following condition:

1. The applicant shall operate the facility as described in the application. Any changes in the described specifications will require approval of the Development Services Director. Changes in use or structures not anticipated in this application will require an amendment to the Conditional Use Permit.

Roll Call: Ayes: Will, Sinner, Kully, Ruberson, Goebel, Glen, Peterson, Yilk.
Nays: None. The motion carried."

IN WITNESS WHEREOF, I hereby set my hand and affix the seal of this City this 13th day of September, 2005.



City Clerk



Conditional Use Permit Application
The Pine Patch
2516 North Elm Avenue
Hastings, NE 68901

PURPOSE:

Tree Nursery

NURSERY STOCK:

Includes but not limited to:
Blue Spruce, White Pine, Scotch Pine, Norway
Pine, Concolor Fir, Deciduous Trees

OPERATION:

Trees sold for ornamental landscaping and moved
with a tree spade to other locations.

Once a year Christmas trees sold. Trees for sale
include cut trees from The Pine Patch, Fraser and
Douglas Fir Trees purchased for retail.

Pre Tag Open House:

Once a year, usually the first Sunday in October, customers are invited from 1 PM
to 6 PM to bring their families and select and tag their Christmas Tree which they
will pick up after Thanksgiving. After the Open House, the honor system exists
and customers are allowed to drive in and pre-tag a tree.

Christmas Tree Sales:

Begins Friday after Thanksgiving and ends around December 20

Business Hours:

Friday after Thanksgiving, Saturdays and Sundays: 9 AM to 6 PM
Weekdays: 1 PM to 6 PM

Items for sale:

Christmas trees, wreaths, tree stands, tree bags, and holiday items.

Lights:

One light attached to west outside wall of barn and lights inside barn

Traffic Flow:

New ingress will be built on 26th Street (By-pass road). Entrance will be about
300 feet East of the Elm and 26th Street Intersection. The city streets department
has looked at and approved the location. Egress will continue, as in the past,
using John and Michelle Northrop's drive way located north of their residence
and south of the residence at 2510 North Elm St.

Having lived in the 2510 No Elm Ave Residence for 18 years, I can personally
attest to the fact that traffic in the parking lot and exiting through Northrop's

driveway is not noticeable. It is not noisy and car lights do not directly impact the residence.

Employees:

Owners and three to four college students

Signs:

Temporary signage during Christmas Tree selling season used to direct traffic into the selling area. Signage to be worked out with the Planning & Zoning Director and the city streets department. More signage will be necessary this year to direct traffic to the new ingress and away from the 2510 No Elm Residence

Other methods of providing directions to the new ingress to customers will include the annual newsletter and word of mouth.

David Glass will work with the city to determine year around signage

Maintenance:

Nursery stock is watered from a well that exists on the farm and mowing grass in the trees and parking lot Morton Building. Occasional application of the same pesticides used for yards and colorant. David Glass the new owner, is a licensed commercial applicant.

Chemicals will not be applied during windy weather conditions.

The physical proximity to the 2510 No Elm Residence and the Kubicka Residence (borders on the east) have natural barriers such as trees, shrubs, fences and sheds. Most important: the trees are not located close to either residence.

Typical Christmas Tree Sale:

Customer drives into parking lot area using new ingress.. Employees cut the tree, carry it to a tree shaker to eliminate dead needles and other debris that is in the tree. The tree is baled with netting if the customer desires and is loaded in/on the customers vehicle. Customer pays for the tree inside the barn and exits through Northrop's driveway.

Summary:

The Pine Patch is a family owned business geared toward families. The major part of Christmas Tree Sales happen during a 3-4 week period prior to Christmas and are non invasive to the neighborhood while providing many families with a holiday tradition.

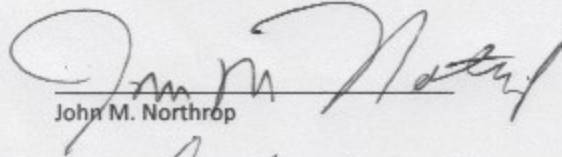
The new owners, David and Nytha Glass, plan to continue the tree operation as it has operated in the past.

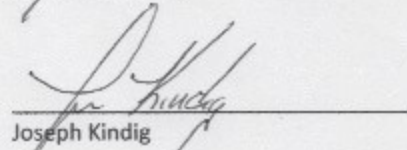
Intent to Update Existing Easement
Pine Patch Tree Farm
780 East 26th Street
Hastings, NE 68901
July 16, 2021

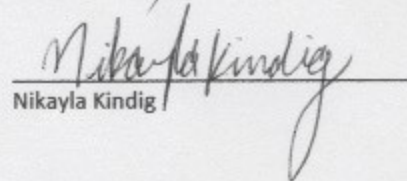
EASEMENT

John M. Northrop, residence 2430 N Elm Ave., approves the continued use of the Easement driveway for the Pine Patch Tree Farm customers during the Christmas Tree Sales Season. Season begins mid-November and concludes mid-December. Approval for use of the Easement Driveway is permitted during the Pine Patch Christmas hours of operation, 8A.M.-6:30P.M.

John M. Northrop and owners of the Pine Patch Tree Farm and owners of Lot 2 The Pine Patch Subdivision, Joe and Nikayla Kindig, agree to update and file Easement documents before the 2021 Christmas sales season commences.


John M. Northrop


Joseph Kindig


Nikayla Kindig

FILED BY: Dave Glass



20054126

ADAMS COUNTY, NE.
FILED
INST. NO. 20054126

RETURNED TO: Dave Glass

'05 AUG 30 P1:33

406 Heritage Dr. Hastings, NE 68901

FEE: \$1.00 CHG PD

#4238

5-7-9

NUM: Pine Patch Tr.
RD COMP: x AK 9:37 8/31/05
COMPARE: 299
CADAS: AO

Janice D Johnson

REGISTER OF DEEDS

RESERVED FOR REGISTER OF DEEDS RECORDING SPACE,
ADAMS COUNTY NE

PAGE 1 OF 4 PAGES

EASEMENT

THIS AGREEMENT made and entered into this 5 day of August, 2005, by and between John M. Northrop and Michele L. Northrop, Husband and Wife, hereafter referred to as "GRANTORS", and David Glass and Nytha Glass, Husband and Wife, and Sharon Stonecipher, a Widow, hereinafter referred to as "GRANTEES",

WITNESSETH:

WHEREAS, Grantors are the owners of the following described parcel of real estate, to-wit:

Commencing at a point on the West line of Section Five (5), Township Seven (7) North, Range Nine (9) West of the 6th P.M., Adams County, Nebraska, 350.14 feet South of the Northwest Corner of said Section; thence South on the West line thereof, 308.89 feet to the Southwest corner of the NW ¼ of the NW ¼ of the NW ¼ of said Section; Thence East along the South line of said NW ¼ of the NW ¼ of the NW ¼ a distance of 660.8 feet To the Southeast corner of said NW ¼ of the NW ¼ of the NW ¼; thence North along the East line thereof 309 feet to a point 350.25 feet South of the Northeast corner of said NW ¼ of the NW ¼; thence West 660.62 feet, more or less, to the point of commencement; except public roadway on the West side thereof.

WHEREAS, Grantees are the owners of the following described real estate, located adjacent and north of the Grantor's property, and more particularly described as;

Lot 2, The Pine Patch Subdivision Adams County, Nebraska

NOW, THEREFORE, Grantors do hereby grant to Grantees, the right to use their private driveway which is located along their North property line and exits onto North Elm Avenue. The driveway to be used annually for vehicles exiting Lot 2, The Pine Patch Subdivision during the Christmas Tree selling season so long as the same shall be mutually agreed by the legal owners of the properties involved.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

John M. Northrop
John M. Northrop, Grantor

Michele L. Northrop
Michele L. Northrop, Grantor

David D. Glass
David D. Glass, Grantee

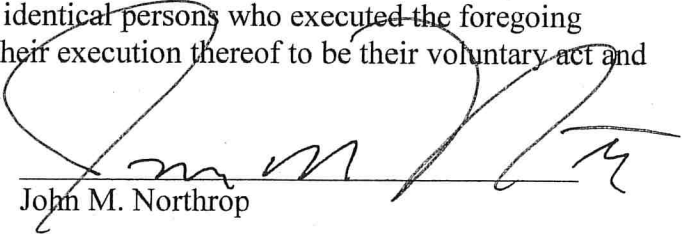
Nytha Glass
Nytha Glass, Grantee

Sharon Stonecipher
Sharon Stonecipher, Grantee

2004

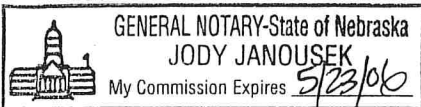
STATE OF NEBRASKA)
)ss.
COUNTY OF ADAMS)

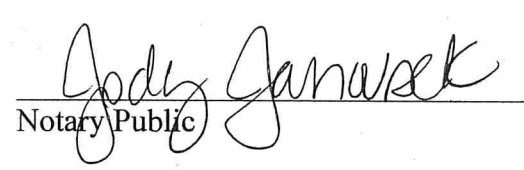
Now on this 5 day of August, 2005, there personally appeared before me, the undersigned Notary Public in and for said county, John M. Northrop and Michele L. Northrop, known to me to be the identical persons who executed the foregoing Easement, and they acknowledged their execution thereof to be their voluntary act and deed for the purposes stated therein.


John M. Northrop


Michele L. Northrop

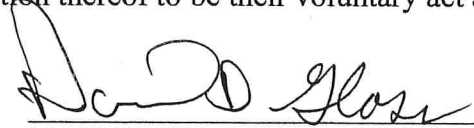
SUBSCRIBED AND SWORN to before me this _____ day of _____, 2005.

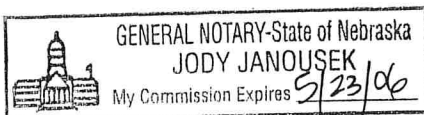


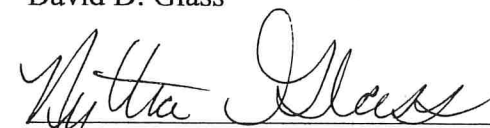

Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF ADAMS)

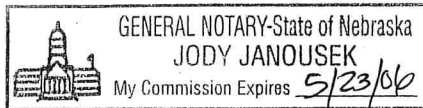
Now on this 5 day of August, 2005, there personally appeared before me, the undersigned Notary Public in and for said county, David D. Glass and Nytha Glass, known to me to be the identical persons who executed the foregoing Easement, and they acknowledged their execution thereof to be their voluntary act and deed for the purposes stated therein.


David D. Glass




Nytha Glass

SUBSCRIBED AND SWORN to before me this 5 day of August,
2005.



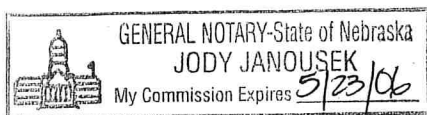
Jody Janousek
Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF ADAMS)

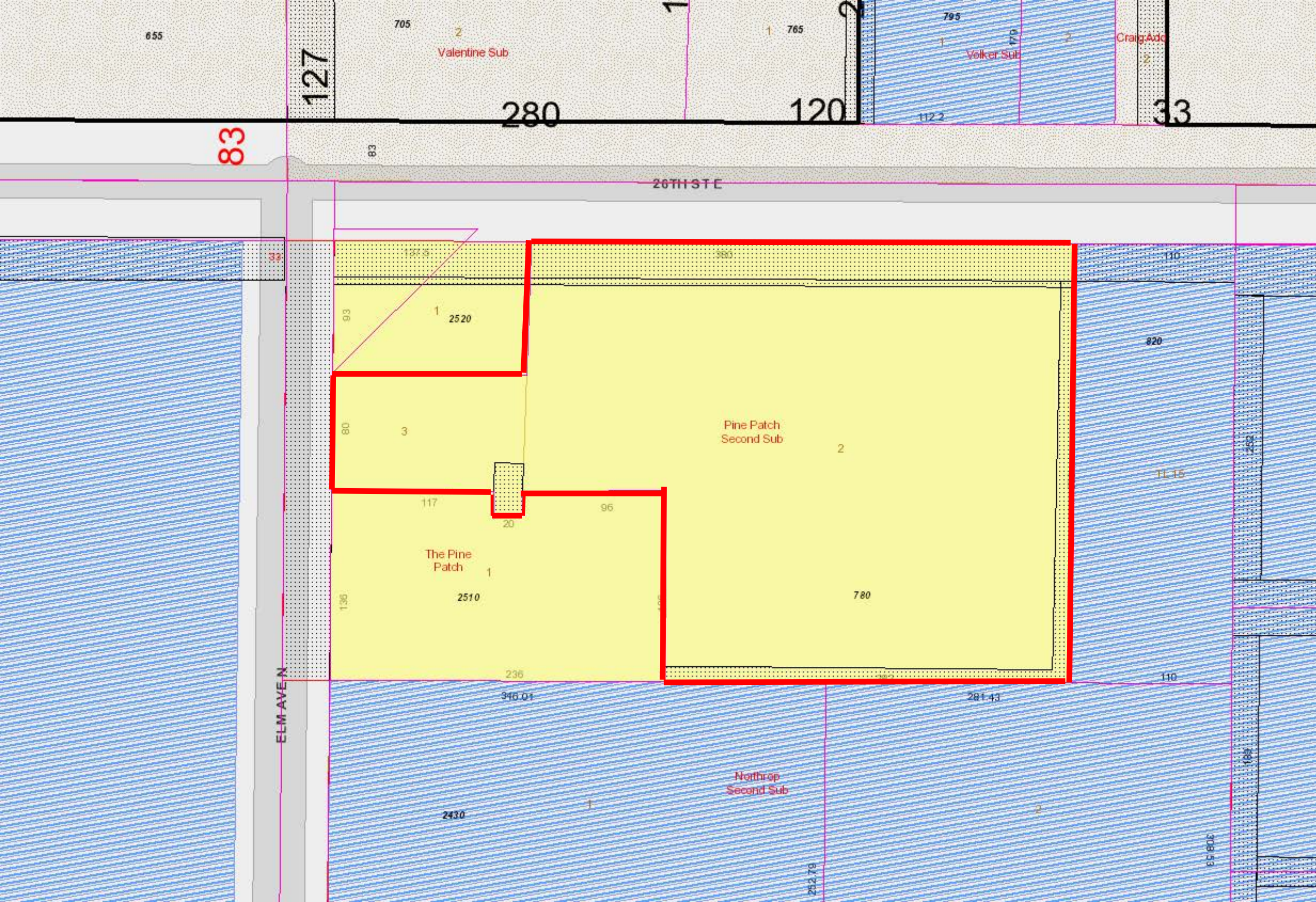
Now on this 5 day of August, 2005, there personally appeared before me, the undersigned Notary Public in and for said county, Sharon Stonecipher, known to me to be the identical person who executed the foregoing Easement, and she acknowledged their execution thereof to be her voluntary act and deed for the purposes stated therein.

Sharon Stonecipher
Sharon Stonecipher

SUBSCRIBED AND SWORN to before me this 5 day of August,
2005.



Jody Janousek
Notary Public



July 23, 2021

Dear Mayor, members of the City Council and all others concerned with the recommendation passed on 7/19/21 by the Planning and Zoning Committee regarding the CUP (s) of The Pine Patch/ Joe and Nikalya Kindig.

As neighbors, we collectively want to strongly voice our opposition again to these changes in our formerly quiet R1 and R1A Residential Area – an area that remains zoned residentially in the city's long range comprehensive plan.

We are all long-time area homeowners and collectively feel that our concerns have largely been ignored on this issue under the rather flippant and short-sighted guise of "support for a young entrepreneur who is trying so hard and spending so much...."

We have already absorbed increased traffic due to the closure of the overpass and development to our north as those changes were all within the scope of the comprehensive plan and a part of planned community development. We purchased, however, and invested in our properties knowing they were solidly within a residential zone. We are a group of longtime respected citizens and taxpayers who have trusted in our city officials to weigh carefully and judiciously decisions impacting our investments in our neighborhood. In this case, we feel betrayed.

Commercial growth can be a valuable community asset but zoning planning is done to ensure that growth happens – both residential and commercial – within a strategically mapped plan and vision – protecting the nature and character of both residential and commercial zones accordingly.

To that end, the previous CUP in place for the Pine Patch allowed a quaint, small, seasonal nursery business in a R1 zone. Given the scope of R1, this CUP zoning disallowed outdoor entertainment, outdoor recreational business, outdoor seasonal sales, outdoor limited sales, neighborhood retail sales, indoor recreational business and entertainment, an entertainment venue and public parking. None of those activities were allowed on the property even through a conditional use permit.

In addition to including the above proposed activities, Mr. Kindig has also proposed expanding his business with a party venue barn and appears now to have moved his previously home-based lawn service business onto the property – for which he references services such as soil drenching, tree spraying and injections and commercial weed spraying. Obviously, we are also now concerned about related chemical storage and safety and, to date, have not been able to find any licensure documentation in Mr. Kindig's name. Additionally, we now have multiple trucks with chemical tanks accessing the property on what used to be a seasonal egress for Christmas tree sales. Mr. Kindig also sells insurance – there's quite a bit of commercial activity happening on that one property alone.

Our concern is that, overall, the scope and impact of this zoning change has not been rightfully vetted with clear, transparent, and open dialog and opportunities for input and the level of discernment and investment in a thoughtful and forward-thinking zoning decision entrusted to the Planning and Zoning committee, in this case, has been lacking.

We ask that you carefully reconsider the recommendation before you and deny the CUP.

Sincerely,

Christian M. Gutschall-Kan
815 E. 26th St.

J.R. Bower 2510 N Elm Ave
Juan R. Bower

Roger Duerling 680 E 26 Street

ROGER DUEHLING

Connie Kan 795 E 26th St

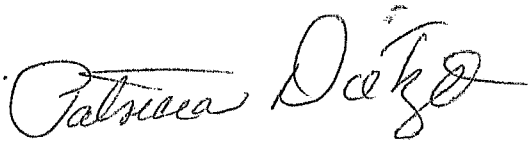
Shawn Dyer 765 E 26th St.

Thomas Kuehner 820 E 26th

Our concern is that, overall, the scope and impact of this zoning change has not been rightfully vetted with clear, transparent, and open dialog and opportunities for input and the level of discernment and investment in a thoughtful and forward-thinking zoning decision entrusted to the Planning and Zoning committee, in this case, has been lacking.

We ask that you carefully reconsider the recommendation before you and deny the CUP.

Sincerely,

A handwritten signature in cursive script, reading "Patricia DeLo". The signature is written in dark ink and is positioned in the lower-left area of the page.

Return to: City of Hastings Development Services, 220 N. Hastings Ave., Hastings, NE 68901

RESOLUTION NO. 2021-31

WHEREAS, the City of Hastings Municipal Code establishes regulations, requirements, and specific conditions for approving and issuing Conditional Use Permits (CUP) for development projects that require conditional approval by resolution approved by the Mayor and City; and

WHEREAS, a Conditional Use Permit was issued on September 12, 2005 for the property described below which permit is attached hereto as Exhibit A; and

WHEREAS, On May 17, 2021 Joe Kindig of Hastings, Nebraska, filed an application seeking a Conditional Use Permit Amendment to allow for the construction of a new barn for use with the existing Conditional Use Permit and the added use of neighborhood assembly for other special events throughout the year on property currently owned by Joseph and Nikayla Kindig, and which property is addressed as 780 East 26th Street, Hastings, Nebraska and legally described as follows:

Lot 2 Two (2) and Three (3), Pine patch Second Subdivision, a replat of Lot 2 of the Pine Patch Subdivision in the City of Hastings, Adams County Nebraska, according to the recorded plat thereof.

and

WHEREAS, the Planning Commission held a public hearing which commenced on June, 15, 2021 and which was concluded on July 20, 2021 as required by law. Following said hearing, the Planning Commission recommended approval of amending the existing CUP to allow for the construction of a new barn for use with the existing CUP and the added use of neighborhood assembly for other special events throughout the year; and

WHEREAS, the City Council conducted a public hearing on August 9, 2021 as required by law to consider the CUP application; and

NOW, THEREFORE, in consideration of the foregoing recitals, the Mayor and City Council of the City of Hastings, Nebraska, hereby approve granting a CUP to Joseph and Nikayla Kindig and further do hereby adopt the following resolution:

BE IT RESOLVED by the Mayor and City Council of the City of Hastings, Nebraska, that it does hereby approve the granting of a Conditional Use Permit amendment to Joseph and Nikayla Kindig to allow for the construction of a new barn for use with the existing CUP and the added use of neighborhood assembly for other special events throughout the year for property legally described as Lot 2 Two (2) and Three (3), Pine patch Second Subdivision, a replat of Lot 2 of the Pine Patch Subdivision in the City of Hastings, Adams County Nebraska, according to the recorded plat thereof.

subject to the following conditions:

- 1) Conditions of the CUP approved on September 12, 2005.
- 2) The existing private easement granted by John M. and Michele L. Northrup must be updated, tied to the land and the Kindigs, and indicate its authorized usage only for the Christmas tree portion of the Kindig business. The easement shall provide that except for the Christmas business season this access is to be gated and locked with a sign on the fence clearly indicating that the use of this egress is only for the Christmas Tree business season. This easement shall be filed with the register of deeds and a copy provided to the Development Services office to be filed with this CUP Amendment.
- 3) Pedestrians may be walking across the driveways as they are viewing and selecting trees. Applicant must place signage in the necessary areas of incoming and outgoing traffic cautioning drivers that pedestrians may be in the area walking.
- 4) Alcohol is prohibited for the neighborhood assembly uses. A CUP amendment shall be required if alcohol is added, or if music is added (to events other than the Christmas Tree business events) or there is an expansion in the hours or dates of operation.
- 5) The driveway providing access to 26th street shall be widened from 13 feet to 23 feet in the fall of 2021, as required by Hastings City Code.
- 6) Appropriate turn-around, as required by the International Fire Code Appendix D and as depicted in the site plans on file in the Department Services office must be incorporated into the site.
- 7) Parking must be incorporated per the parking plan and appropriate curb stops and signage of required ADA parking must be installed on this site.
- 8) Owners must add additional crushed rock in areas where it is needed on a yearly basis on both the ingress and egress driveways, and the turnaround and parking areas on this site.

- 9) Barn must meet principal structure setback requirements as it will not initially be considered an accessory structure.
- 10) If the owners purchase residential property adjacent to the property that is covered by this CUP then the owners shall comply with all requirements found in City Code Section 34-311. The owners shall also be required to replat the property which is the subject of this CUP with the residential property to meet the City Code requirement that an accessory structure must have a primary or principal structure on the same lot.
- 11) The hours of operation shall be from 8:00 a.m. to 6:30 p.m.
- 12) The date of the Christmas tree sales operation shall be from November 1 through December 24, using easement as egress only. All other activities can be conducted year-round, but shall only enter and exit the property off of 26th Street.
- 13) There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply.
- 14) This resolution shall be filed with the registrar of deeds so as to provide notice to any person examining the real estate records of the existence of this CUP. The recording costs incurred to comply with this section shall be paid by the applicant for the CUP.

PASSED AND APPROVED this 9th day of August, 2021.

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

[S E A L]

Approved as to form: _____
Clint Schukei, City Attorney

STATE OF NEBRASKA)
) ss
COUNTY OF ADAMS)

The foregoing instrument was acknowledged before me this _____ day of August, 2021 by Corey Stutte, Mayor and Kimberly S. Jacobitz, City Clerk of the City of Hastings.

Notary Public Signature

Notary Public Printed

CERTIFICATION OF THE CITY CLERK

STATE OF NEBRASKA)
COUNTY OF ADAMS) SS
CITY OF HASTINGS)

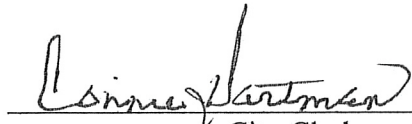
I, CONNIE HARTMAN, duly qualified and appointed City Clerk in and for the City of Hastings, Adams County, Nebraska do hereby certify that the foregoing is a true and exact excerpt taken from the Council Minutes of September 12, 2005 on file in the City Clerk's Office and the same was duly passed at a meeting which was posted, publicized and held in open session:

"Moved by Kully, seconded by Yilk that the Mayor and Council approve the request of Sharon Stonecipher for a Conditional Use Permit to allow a tree nursery at the southeast corner of North Elm Avenue and East 26th Street, subject to the following condition:

1. The applicant shall operate the facility as described in the application. Any changes in the described specifications will require approval of the Development Services Director. Changes in use or structures not anticipated in this application will require an amendment to the Conditional Use Permit.

Roll Call: Ayes: Will, Sinner, Kully, Ruberson, Goebel, Glen, Peterson, Yilk.
Nays: None. The motion carried."

IN WITNESS WHEREOF, I hereby set my hand and affix the seal of this City this 13th day of September, 2005.



City Clerk





220 North Hastings Avenue Hastings, Nebraska 68901

Inspection: (402) 461-2302

Planning: (402) 461-2302

Fax: (402) 461-2304

www.cityofhastings.org

08/10/2021

Joseph Kindig
200 E 7th St
Hastings, NE 68901
pinepatchtreefarm@gmail.com

Subject: City Council, Conditional Use Amendment, Agenda Item(s) 3-A

Dear Joseph Kindig,

This letter is to formally document the outcome of the above captioned agenda item(s). At the regular meeting of the Hastings City Council on Monday, August 9th, 2021, agenda item was as submitted with a vote of 7-0.

1. Conditions of the CUP approved on September 12, 2005.
2. The existing private easement granted by John M. and Michele L. Northrup must be updated, tied to the land and the Kindigs, and indicate its authorized usage only for the Christmas tree portion of the Kindig business. The easement shall provide that except for the Christmas business season this access is to be gated and locked with a sign on the fence clearly indicating that the use of this egress is only for the Christmas Tree business season. This easement shall be filed with the register of deeds and a copy provided to the Development Services office to be filed with this CUP Amendment.
3. Pedestrians may be walking across the driveways as they are viewing and selecting trees. Applicant must place signage in the necessary areas of incoming and outgoing traffic cautioning drivers that pedestrians may be in the area walking.
4. Alcohol is prohibited for the neighborhood assembly uses. A CUP amendment shall be required if alcohol is added, or if music is added (to events other than the Christmas Tree business events) or there is an expansion in the hours or dates of operation.
5. The driveway providing access to 26th street shall be widened from 13 feet to 23 feet in the fall of 2021, as required by Hastings City Code.
6. Appropriate turn-around, as required by the International Fire Code Appendix D and as depicted in the site plans on file in the Department Services office must be incorporated into the site.
7. Parking must be incorporated per the parking plan and appropriate curb stops and signage of required ADA parking must be installed on this site.
8. Owners must add additional crushed rock in areas where it is needed on a yearly basis on both the ingress and egress driveways, and the turnaround and parking areas on this site.
9. Barn must meet principal structure setback requirements as it will not initially be considered an accessory structure.
10. If the owners purchase residential property adjacent to the property that is covered by this CUP then the owners shall comply with all requirements found in City Code Section 34-311. The owners shall also be required to replat the property which is the subject of this CUP with the residential property to meet the City Code requirement that an accessory structure must have a primary or principal structure on the same lot.
11. The hours of operation shall be from 8:00 a.m. to 6:30 p.m.
12. The date of the Christmas tree sales operation shall be from November 1 through December 24, using easement as egress only. All other activities can be conducted year-round, but shall only enter and exit the

property off of 26th Street.

13. There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply.

14. This resolution shall be filed with the registrar of deeds so as to provide notice to any person examining the real estate records of the existence of this CUP. The recording costs incurred to comply with this section shall be paid by the applicant for the CUP.

Any alterations or modifications to the site or structure are subject to current City Code, and will require a development plan review and associated permits prior to undertaking any work.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian H.", with a stylized flourish at the end.

Brian Hurskainen
Director of Development Services

CC:

Department: Development Services
Staff Contact: Chad Bunger
Planning Commission Meeting Date: 11/14/2023
File No: 2023-641
Prepared By: Chad Bunger, Director of Development Services

AGENDA ITEM SUMMARY SHEET

Description of Item:

A public hearing to consider annexing three areas contiguous to the Hastings City limits. The three areas are: Area #1, East 26th Street and N. 2nd Avenue; Area #2, Area #2, Industrial Park North; Area #3, Industrial Park West Area.

Motion to recommend approval for an ordinance to annex the three areas, which are: Area #1, East 26th Street and N. 2nd Avenue; Area #2, Area #2, Industrial Park North; Area #3, Industrial Park West Area.

Names of People/Business affected by this action:

The property owners considered for annexation, the people of Hastings, and the City.

Why Planning Commission action is required:

Section 2-606 of the City Code of Ordinance requires that the Planning Commission review areas eligible for unilateral annexation every three years, as well as county industrial areas every two years. 2023 is the year to conduct both of these reviews.

Nebraska Revised Statute 16-117 specifies procedures for municipalities to conduct considering these types of annexations.

Type of action requested:

Motion

Suggested motion:

Motion to recommend approval for an ordinance to annex: Area #2, Area #2, Industrial Park North; Area #3, Industrial Park West Area.

Motion to not recommend annexation of Area #1, East 26th Street and N. 2nd Avenue

Deadlines associated with action:

The City Council will consider adopting a resolution to annex these three areas on December 11, 2023. If the resolution is adopted, the City Council will have 60 days to conduct a public hearing for the reading of an ordinance to annex these areas. It is anticipated that the public hearings will occur in late January 2024.

Department head comments:

Development Services staff have researched the properties in these three areas, as required by the City Code and State Statute. Information regarding this research is in the attached Extension of Services Plan.

Recommendation:

Staff recommends a motion to recommend to the Mayor and City Council to annex Area #2, Industrial Park North, and Area #3, Industrial Park West Area due to receiving all City services, and previously agreeing to annexation at the time the respective County Industrial Areas were designated.

Staff recommends that the Planning Commission not recommend to the Mayor and City Council to annex Area #1, East 26th Street and N. 2nd Avenue. This recommendation is based on the fact that a majority of these properties are not connected to the public utilities within the area and that the majority of the area is not ideal for development due to the existing construction on the property, the need to accumulate the relatively smaller properties to develop the area, and limitations caused by the mapped floodplain on some of the properties.

If the Planning Commission would like to recommend to the Mayor and City Council that all or some of the properties in Area #1 be annexed into the City limits, the Planning Commission should clearly and specifically articulate the findings of their decisions. The staff has prepared the attached map for Area #1 identifying each property by a number and letter to help differentiate properties if the Commission is inclined to only recommend certain properties for annexation.

Staff Memorandum



To: Hastings Planning Commission

From: Chad Bunger, AICP, CFM Director of Development Services

Date: November 3, 2023

Meeting Date: November 13, 2023

Re: Public Hearing to consider annexing three areas adjacent to the City limits:

- Area #1 - E. 26th Street and N. 2nd Avenue
- Area #2 – Industrial Park North
- Area #3 – Industrial Park West Area

Background

Section 2-606 of the City Code of Ordinance requires that the Planning Commission review areas eligible for unilateral annexation every three years, as well as county industrial areas every two years. 2023 is the year to conduct both of these reviews. This process began on May 16, 2023, when the Planning Commission held a work session to discuss the annexation review topic and give direction on areas that the City staff should consider. At that work session, City staff identified 42 separate properties within four areas of the City to be considered for this round of reviews. The four areas are areas: along E. 26th Street and N. 2nd Avenue, the Industrial Park West Area, Industrial Park North, and the east industrial area along U.S. Highway 6, and Showboat Boulevard.

If the review proceeds to a recommendation to annex, the City must follow the process identified in the Nebraska Revised Statutes (N.R.S 16-116 through 16-130).

City staff has engaged these 42 property owners to introduce the topic, explain the annexation process, and hear comments at a series of neighborhood meetings from August 22nd – August 31st at the Hastings Public Library. The Planning Commission also held work sessions on September 5th, September 19th, and October 3rd to go over the efforts that City staff has made to review these areas and to get comments from the property owners. The City Council held a work session on the topic on October 16th.

During the research of these properties and speaking with the property owners, it was discovered that the East Industrial Area cannot be annexed. This area was designated as a County Industrial Area in 1967. Nebraska Revised Statute 13-1115 prohibits a municipality from annexing a County Industrial Area, unless an annexation agreement was created before the designation was created or the County or property owners agree to remove the designation and agree to annexation. None

of these situations have occurred in this area. Because this area has been removed from the consideration of annexation. A detailed staff memorandum is attached.

Property Descriptions

The three areas for consideration are described below.

Area #1 - East 26th Street and North 2nd Avenue

This area consists of eight separate properties. Generally speaking, these eight properties are single-family homes with some level of agricultural production or undeveloped land that is being row-cropped. One property is owned by the City and is a future expansion area of the City's Parkview Cemetery. The railroad right-of-way has also been included to maintain consistency in the area. Properties have a mix of services, including water, sanitary sewer, electricity, and gas. All of the properties gain access from roads that are maintained by the City.

Individual Site Sheets are provided as an attachment to the Extension of Service Plan providing detailed site information and staff recommendations.

Area #2 - Industrial Park North

The Industrial Park North area includes eleven properties. One property at 3302 Yost Avenue is several buildings that have been divided by a condominium association. This one property has 15 separate owners within the condominium association. The City owns two parcels in this area, 3305 Yost Avenue, where Fleet Maintenance and the Development Services offices are located and the detention pond and trail, on the east edge of Area #2.

In 2006, this area was designated as a County Industrial Area. As part of this designation, an agreement between the City, County, the Hastings Economic Development Corporation (HEDC), and property owners outlined when a property within this area could be annexed into the City (See attached agreement). This agreement states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.

- (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.
- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

In 2015, it was determined by Adams County that the incremental annexation was inappropriate. The subsequent annexation of this area stopped. Item (B) of the agreement statement above allows for annexation after "17 years from the date of the order", which would be 2023.

All properties in this area are customers of Hastings Utilities and gain access to a public street that is maintained by the City.

Individual Site Sheets are provided as an attachment to the Extension of Service Plan providing detailed site information and staff recommendations.

Area #3 - Industrial Park West Area

This area includes three properties within the Industrial Park West subdivision and one additional property at the end of L Street. The properties in the industrial park were designated as a County Industrial Area in 1987. As part of this designation, an agreement between the City, County, the Hastings Economic Development Corporation (HEDC), and property owners outlined when a property within this area could be annexed into the City (See attached agreement). This agreement:

- (A) That the named real estate owner's land, buildings and appurtenances affixed thereto, shall not be subject to annexation by the City of Hastings until ten (10) years passes from the date the respective facilities start operating.
- (B) That after the above-mentioned time period expires, the City may then begin incremental annexation subject to the following terms and conditions:
 - (1) Over a period of five (5) years the City may annex, in equal installments, the total value of the named property owner's real property. The value of each of the five (5) year's installments shall be determined by taking the total value prior to any annexation and dividing it by five (5). Each one fifth (1/5) value shall then be converted into lineal feet of the property owner's land and annexed each respective year.

Most of the properties were annexed, per the terms of the agreement. However, in 2015, the annexation of these remaining properties stopped because the County determined that how the properties were being incrementally annexed and assessed City taxes was inappropriate.

The fourth property is not within the County Industrial Area. This area has been on the edge of the City limits and has not previously been considered for annexation.

All four properties are served by the City utility services and streets or have access to public utilities.

Individual Site Sheets are provided as an attachment to the Extension of Service Plan providing detailed site information and staff recommendations.

Extension of Service Plan

Nebraska Revised Statute 16-117(4) requires an Extension of Service Plan be created when every City Council is considering annexing adjacent land into the City limits in situations; other than the property requesting the annexation. "The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

The City's Extension of Service Plan for these properties is attached. Generally speaking, public utilities are all present to serve these sites. The size and location of these public services do not necessitate the City extending new services or enlarging the utility mains to provide services to the existing uses in these areas.

Similarly, the existing roadways provide adequate access to the properties in these areas at comparable levels of roadway services to other areas of the City of Hastings.

Finally, the Hastings Fire Department or Hastings Police Department will not be required to hire new personnel, purchase new equipment, or build new facilities to maintain their level of service to these areas, if annexed.

Staff Recommendation

Area #1 – E. 26th Street and N. 2nd Street

The majority of this area is currently used for agricultural purposes or as large-lot single-family homes. Most of these properties do not connect to all of the public utilities. Only one property

(765 E. 26th Street) receives all of the public utilities. Most of the other properties are connected to Hastings Utilities' electric and gas services.

There are development pressures in the area, as evidenced by the new single-family subdivision to the west of Area #1 and also to the north of the area, along W 33rd Street. Although there is pressure to develop in the surrounding area, there appears to be land better suited to develop new subdivisions (e.g. open agricultural land), rather than the need to demolish existing buildings on a relatively small tract of land. Combining these smaller tracts to create a meaningful subdivision would also be costly and inefficient, compared to large tracts of open farm ground.

If this land were to develop into suburban residential subdivisions or nonresidential uses, the City would most likely require the new development to be annexed. Similarly, if the existing onsite, private systems for water and sanitary sewer were to fail, requiring new services, the City would most likely require the property to connect to the public infrastructure, which could be an opportune time to be included in the City limits.

Lastly, it is evident that these property owners did not intend to be annexed into the City or agreed to be annexed if certain conditions were met, like the properties in the County Industrial Areas.

Considering these factors, City Staff is recommending that **Area #1 not be annexed** into the City limits, except for the City-owned property intended for the expansion of the Parkview Cemetery.

Although this land is similar to other properties in Area #1, the City currently owns it and is taking steps to use it as an expansion of the cemetery. At the very least, philosophically, it makes sense that City-owned land intended for public use should be within the City limits.

Please note, that if the Planning Commission would like to recommend to the Mayor and City Council that all or some of the properties in Area #1 be annexed into the City limits, the Planning Commission should clearly and specifically articulate the findings of their decisions.

The staff has prepared the attached map for Area #1 identifying each property by a number and letter to help differentiate properties if the Commission is inclined to only recommend certain properties for annexation.

Area #2 – Industrial Park North

All of the properties in this area are connected to public utilities and gain access from City-maintained streets.

This area was intended to be annexed into the City, as detailed in the agreement created before the area was designated as a County Industrial Area. Had the incremental annexation process not been stopped in 2015, most of these properties would have been annexed into the City in some manner. Additionally, The 2015 agreement intended for the area to be annexed by 2023 if development on the sites did not occur.

Considering these factors, City Staff is recommending that **Area #2 be annexed** into the City limits.

Please note, that if the Planning Commission would like to recommend to the Mayor and City Council that all or some of the properties in Area #2 be annexed into the City limits, the Planning Commission should clearly and specifically articulate the findings of their decisions.

The staff has prepared the attached map for Area #1 identifying each property by a number and letter to help deferentiate properties if the Commission is inclined to only recommend certain properties for annexation.

Area #3 – Industrial Park West Area

All of the properties in this area gain access from a City-maintained street. The properties in the Industrial Park West are all connected to public utilities. The property at the end of L Street currently does not connect to public utilities because it is a storage area for the adjacent, “parent tract”. The “parent tract” is in the City limits and the business on this property is connected to all public utilities.

The properties in the Industrial Park West subdivision were intended to be annexed into the City, per the agreement created when the area was designated as a County Industrial Area. Had the incremental annexation of the area not been halted in 2015, these properties would have already been annexed based on the age of the development on each property.

The property at the end of L Street is a storage area for its “parent tract.” It is reasonable that this property also be annexed so that it can be provided the same level of service from the Hastings Police Department and Hastings Fire Department as the business on the “parent tract” does.

Considering these factors, City Staff recommends that **Area #3 be annexed** into the City limits.

Please note, that if the Planning Commission would like to recommend to the Mayor and City Council that all or some of the properties in Area #2 be annexed into the City limits, the Planning Commission should clearly and specifically articulate the findings of their decisions.

PREPARED BY: Chad Bunger, AICP, CFM Director of Development Services

DATE: November 1, 2023

ATTACHMENTS:

1. Industrial Park North County Industrial Area Agreement
2. Industrial Park West County Industrial Area Agreement
3. Individual Properties Identification Maps
 - a. Area #1 - E. 26th Street and N. 2nd Avenue
 - b. Area #2 – Industrial Park North
 - c. Area #3 - Industrial Park West
4. Extension of Service Plan Annexation Review, November 2023

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

- A. No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- B. The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
- (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.
 - (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- C. The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be excepted from the City's right to annex.
- D. Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside the City.
- E. Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

O R D E R

BE IT REMEMBERED:

That the Adams County Board of Supervisors, sitting in regular session on July 7, 1987, at 10:00 o'clock a.m. in the Boardroom of the Adams County Courthouse of Hastings, Nebraska, did consider the application filed by Hastings Economic Development Corporation; Great Plains Packaging, Inc.; Dana Corporation; Thermo King Corporation; Scherbarth, Inc.; Monfort of Colorado; Tri-City Industrial Investors; and Tom Lauvetz to designate certain real estate as an Industrial Area. The Board listened to testimony and arguments of counsel and entered a Resolution designating the said tract as an Industrial Area subject to the applicants' filing with the Board consents from all of the owners of property within the area, to the application and the said designation.

The Board finds that the said application for designation should be approved and that the said property described hereinafter should be designated as an Industrial Area; and that the tract is suitable for use as an Industrial Area and that it will be generally beneficial to the community and that the owners of all the land embraced therein have consented to such designation.

IT IS THEREFORE ORDERED AND DECREED by the Adams County Board of Supervisors that the following described parcels of real estate, to-wit:

Lots Two (2), Seven (7), and Eight (8) of Block One (1); Lot Four (4) and the East 50 feet of Lot Five (5) of Block Two (2); Lots Two (2), Three (3), Four (4), and Five (5) of Block Three (3) and lake cell, all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lots Eight (8) and Nine (9) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lot Seven (7) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lots Two (2), Three (3), the West 50 feet of Lot One (1), Lot Five (5) except the East 50 feet, Lots Six (6) and Seven (7) of Block Two (2), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lot Nine (9) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lots Three (3), Four (4), Five (5), Six (6), Ten (10), Eleven (11), and Twelve (12) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lot Six (6) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lot One (1) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

be and the same are hereby designated an Industrial Area, under the terms and conditions more particularly set out in the

Application For Designation of County Industrial Area filed with the Adams County Clerk on May 26, 1987, and attached hereto and incorporated herein as Exhibit 1.

ADAMS COUNTY BOARD OF
SUPERVISORS

By *D.W. Maloney*
Chairman

EXHIBIT 1

APPLICATION FOR DESIGNATION

OF

COUNTY INDUSTRIAL AREA

TO THE COUNTY CLERK AND THE BOARD OF SUPERVISORS OF ADAMS COUNTY,
NEBRASKA:

We, the undersigned owners of real estate consisting of more than twenty (20) acres of contiguous real estate situated in Adams County, Nebraska, no part of which is within the boundaries of any incorporated city or village, hereby make application for the designation of the real estate described in the attached Exhibit A, as an Industrial Area pursuant to the provisions of Sections 19-2501 R.R.S. 1943, as amended.

In Support of this application, the undersigned allege:

1. That the real estate described is suitable for use as an Industrial Area;
2. That such designation will be generally beneficial to the community; and
3. The undersigned owners of the land described in Exhibit A have all consented to such designation subject to the following terms and conditions being agreed to by the City of Hastings.
 - (A) That the named real estate owner's land, buildings and appurtenances affixed thereto, shall not be subject to annexation by the City of Hastings until ten (10) years passes from the date the respective facilities start operating.
 - (B) That after the above mentioned time period expires, the City may then begin incremental annexation subject to the following terms and conditions:
 - (1) Over a period of five (5) years the City may annex, in equal installments, the total value of the named property owner's real property. The value of each of the five (5) year's installments shall be determined by taking the total value prior to any annexation and

Page 1

Filed 5-26-57

10:20 A.M.

Anita Hawes

Adams County Clerk

-4-

dividing it by five (5). Each one fifth (1/5) value shall then be converted into lineal feet of the property owner's land and annexed each respective year.

- (2) The physical annexation will start at the point where the property line meets the street fronting the properties, and move away from this point toward the rear of the property.
- (3) That upon annexation, the portions(s) annexed shall be considered one (1) tax district within the City, and the remaining portion shall be considered another separate tax district outside of the City.
- (4) That upon the initial annexation of any property, the City will also annex all of the streets within said industrial area, so that all of the property will be contiguous to the City limits.
- (5) That City police and fire protection will be provided by the City of Hastings to the entire Industrial Area once any annexation of same takes place; and
- (6) That once any annexation takes place the City of Hastings agrees to purchase from Hastings Economic Development Corporation Lot One (1), Block Two (2) except the west fifty (50) feet, and the Southeast corner of the Industrial Park as retention cells for the sum of Forty Five Thousand and no/100's (45,000.00). Payment for the retention cells shall not begin until revenues are received by the City as a result of the annexation. Payment of principal will be extended over five years with a 10% compounded interest rate on the unpaid balance. The lake cell between Dana Corporation and Thermo King Corporation will be reviewed by the City Engineer to determine whether it remains necessary to retain this cell as more than twice as many acre feet of storage has been built in the Park than was originally requested by the Planning and Zoning Commission. If the lake cell is determined to be needed by the Engineer's office this property shall be included in the acquisition by the City and maintained as a retention cell from then on. At no time will any of this property be sold by the City of Hastings for purposes other than retention cells.

We respectfully request that a time be set for hearing this Petition and that notice thereof be given by publication all as required by law.

DATED at Hastings, Nebraska the 26th day of May, 1987.

HASTINGS ECONOMIC DEVELOPMENT CORP.

By Doran J. Bunker

GREAT PLAINS PACKAGING, INC.

By John J. Seppel

DAVA CORPORATION

By Thomas E. Mersiers

THERMO KING CORPORATION

By Harold Hule

SHERBATH INCORPORATED

By Robert L. Sherbath

TRI-CITY INDUSTRIAL INVESTORS

By James J. [Signature]

MONFORT OF COLORADO

By David J. Brater

TOM LAUVETZ

By Thomas J. Lauvetz

EXHIBIT A

Hastings Economic Development Corporation, owners of Lots Two (2), Seven (7), and Eight (8) of Block One (1); Lot Four (4) and the East 50 feet of Lot Five (5) of Block Two (2); Lots Two (2), Three (3), Four (4), and Five (5) of Block Three (3) and lake cell, all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Great Plains Packaging, Inc., owners of Lots Eight (8) and Nine (9) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Dana Corporation, owners of Lot Seven (7) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Thermo King Corporation, owners of Lots Two (2), Three (3), the West 50 feet of Lot One (1), Lot Five (5) except the East 50 feet, Lots Six (6) and Seven (7) of Block Two (2), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Scherbarth, Inc., owners of Lot Nine (9) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Monfort of Colorado, owners of Lots Three (3), Four (4), Five (5), Six (6), Ten (10), Eleven (11), and Twelve (12) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Tri-City Industrial Investors, owners of Lot Six (6) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Tom Lauvetz, owner of Lot One (1) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

CERTIFICATION

I, Anita Hawes, the duly elected and acting County Clerk of the County of Adams, State of Nebraska do hereby certify that I am also the Clerk of the County Board of Supervisors and that the within and attached order was duly entered by the said Board at a meeting of the Adams County Board of Supervisors held at 10:00 A.M. on July 7, 1987, in the Boardroom of the Adams County Courthouse, Hastings, Nebraska, by affirmative unanimous vote of all members present. Teller, absent and not voting.

Dated at Hastings, Nebraska this 7th day of July, 1987.



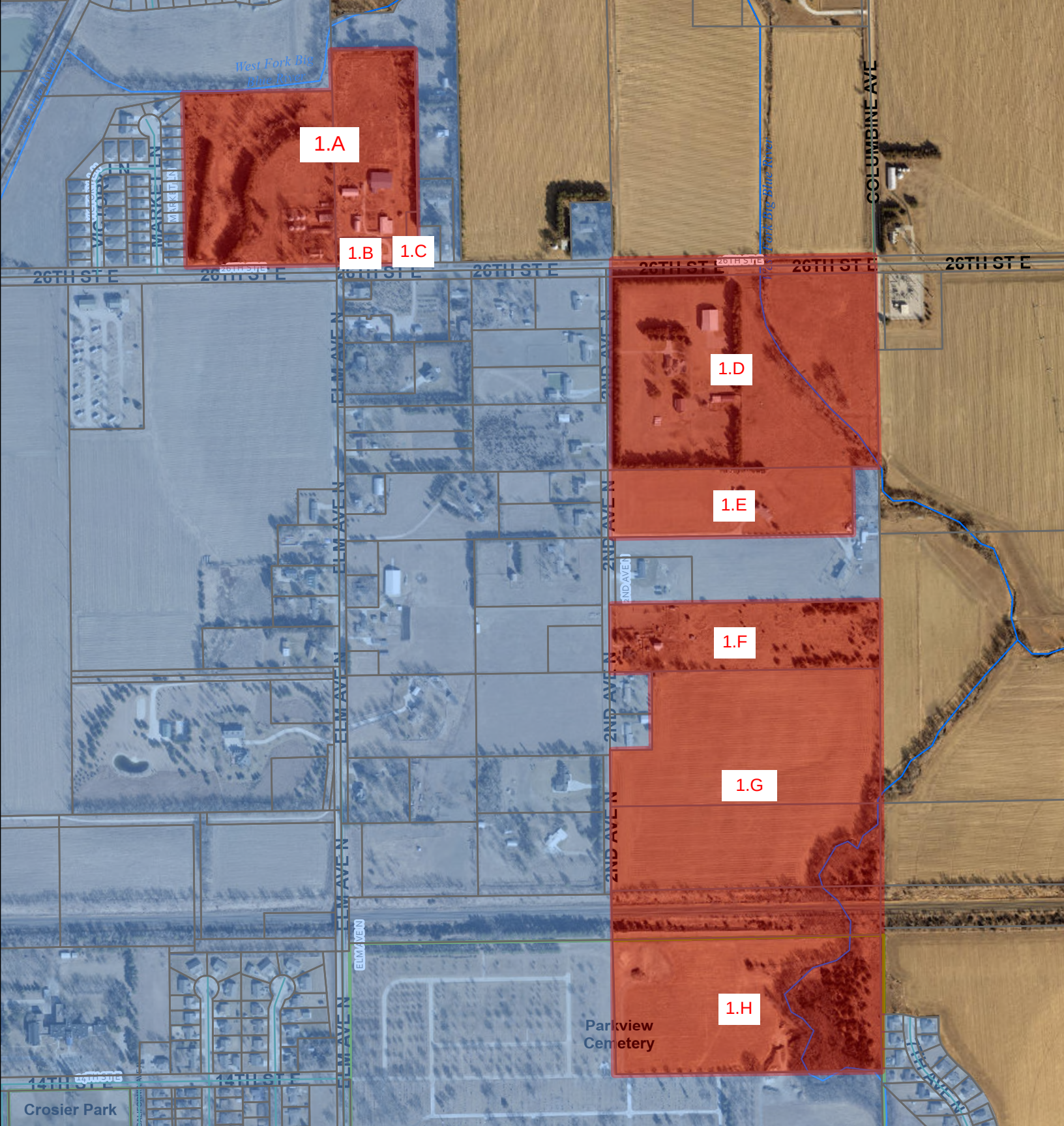
Anita Hawes

Anita Hawes, Adams County Clerk

Num 0-105 RD Computer ✓
 Comp ✓
 Tax ID — Cad — A.O. ✓

FILED
 INST. NO. 872586
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Deane Thompson
 REC'D CLERK
 ADAMS COUNTY

*Anita Hawes
 Chg 41.50 - Bd. of Supervisors
 Ret. Adams Co. Clerk*

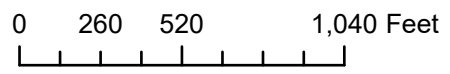


Area #1

East 26th Street and North 2nd Avenue



Area #1 E. 26th St & N. 2nd Ave Area





Area #2
Industrial Park North

 Yost Avenue Area



0 140 280 560 Feet

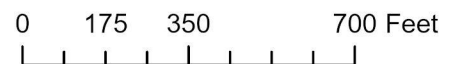




- Industrial Park West Area
- City limits

Area #3

Industrial Park West





Extension of Service Plan Annexation Review November 8, 2023

Prepared by Chad Bunger, AICP, CFM
Director of Development Services

Tentative Public Hearings

Planning Commission: November 14, 2023

City Council Resolution Adoption: December 11, 2023

City Council First Reading of Ordinance to Annex: January 22, 2024

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Executive Summary

As required by [Section 2-606 of the City of Hastings' Code of Ordinance](#), the Planning Commission is to evaluate areas eligible for annexation every three years, as well as County Industrial Areas every two years. The Planning Commission initiated a review of four separate areas adjacent to the City that are eligible for annexation. After researching and considering each area, it was determined that three areas should be considered for annexation into the Hastings corporate limits. These areas are generally described as the E. 33rd Street and N 2nd Avenue Area, Industrial Park North, and the Industrial Park West Area. See individual area sections for more details.

To comply with the requirements of [Nebraska Revised Statute 16-117](#), an Extension of Services Plan must be prepared to provide the community and impacted property owners with sufficient details of the estimated cost impact of providing services to the proposed annexed land, state the method by which the City plans to finance the extension of services to the land and how any services already provide to the land will be maintained, and a timetable for extending services to the land. This document is intended to comply with the statute requirements.

Generally speaking, the City of Hastings has public utilities extended to these areas, including water, sanitary sewers, gas, and electricity. No new service mains for these utilities are required to be constructed to serve these areas, based on the existing uses or for potential development, based on the 2009 Comprehensive Plan Future Land Use Map.

Most of the properties are already served by all of the City of Hastings Utilities. The few exceptions are some of the residential properties along E. 26th Street and N. 2nd Street. In these cases, the properties are not connected to water and/or sanitary sewer, although the utility mains are within proximity to the properties. None of the properties will be forced to connect to the City's water or sanitary sewer services until the private services fail or the property develops into a more intense use. If the properties were annexed, the connection rate would be \$38.50 per linear foot of property frontage for water and \$34.00 per linear foot of property frontage for sanitary sewer. If the properties remained outside of the City limits and the property's on-site services failed, forcing the connection to the City utilities, the "out-of-city" per linear foot of property frontage connection rates would be \$57.75 for water and \$51.00 for sanitary sewer.

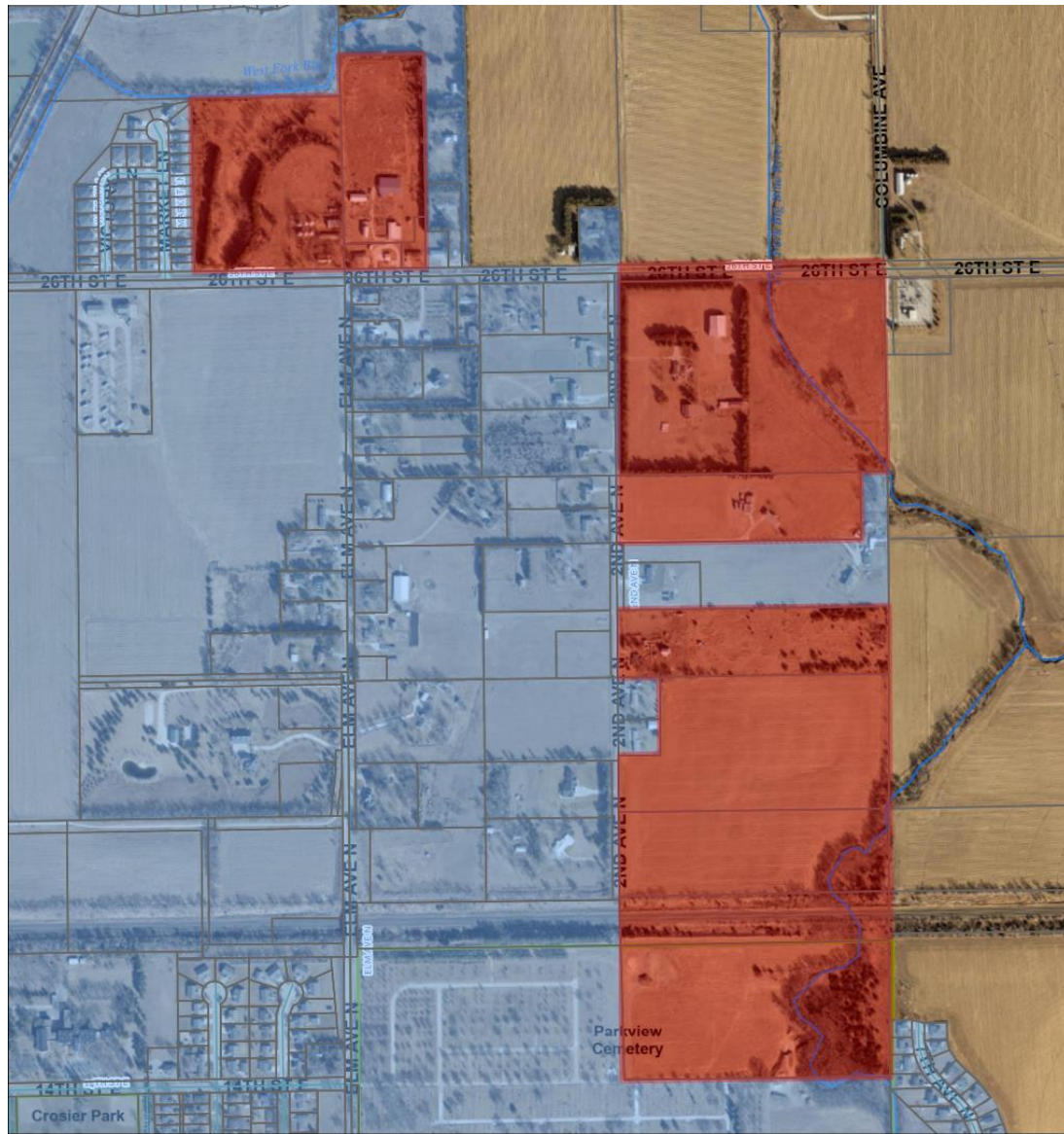
Additionally, the properties within the three areas can be served by the City Hastings Police Department and the Hastings Fire Department without having to construct new stations, hire additional personnel, or purchase new equipment to maintain the same level of response or service to these properties.

Lastly, no new streets would be required to provide access to these properties as they are presently developed. All streets are paved, except for N. 2nd Avenue, which is currently gravel. The City does not have any immediate plans to improve this roadway. Because there are several streets within the City limits of Hastings that are gravel, these existing gravel streets meet the same level of service provided to other areas of Hastings.

The City of Hastings routinely maintains existing service mains in the immediate areas of the annexation sites through the City's Capital Improvement Plan, the City's General Fund, and utility enterprise funds intended for routine and emergency repairs. No new considerations are being made to maintain these services if these properties were to be annexed into the Hastings corporate limits.

Area #1 – East 26th Street and North 2nd Avenue

This general area consists of eight properties, considered to be large-lot residential uses. Two of the properties are large parcels of land being used exclusively for row-crop agriculture. A third property is owned by the City for future expansion of the City's Parkview Cemetery.



Area #1
East 26th Street and North 2nd Avenue

Area #1 E. 26th St & N. 2nd Ave Area

0 260 520 1,040 Feet

Figure 1: Area #1 Area Map

Future Land Use

The 2015 Comprehensive Plan Future Land Use Map designates a majority of this area as Suburban Residential. Quoting the Comprehensive Plan:

“This residential category represents the most common development standards in housing and neighborhood design in Hastings. Development in this category is typically in the 2 to 5 units per acre range with lots ranging in size from 8,750 to 20,000 square feet. Suburban residential development is primarily reserved for single family uses, but may include a mixture of housing types subject to the residential location guidelines listed below. In areas of suburban residential development where sensitive land forms or environmental constraints exist, cluster developments are encouraged. (Clustering is defined in the Development Section of this Chapter.) Like urban neighborhoods, suburban neighborhoods are strengthened by the presence of community services (churches, schools and parks) that are permitted in this category.”

The City-owned property destined to be part of the Parkview Cemetery is given the Public/Semi-Public land use classification.

Because of the agricultural and large-lot residential characteristics of this area, the existing uses generally don't meet the land use classification, which would consist of smaller lots within neighborhood subdivisions. This type of development would occur over time, assuming this part of the City would develop or redevelop into residential neighborhoods envisioned by the Comprehensive Plan.

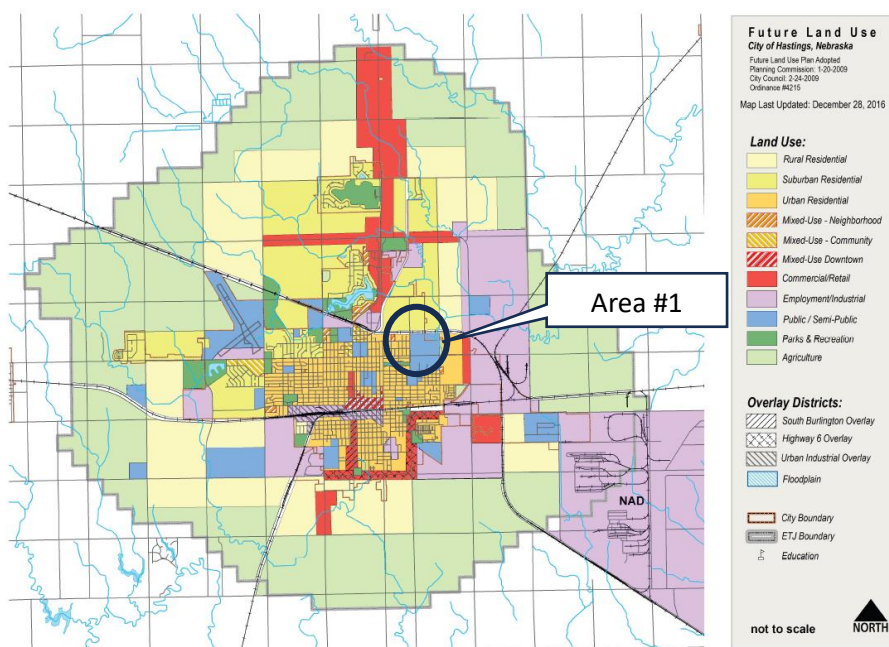


Figure 2: Area #1 Future Land Use Map

Zoning

The properties considered for annexation in Area #1 are a mixture of zoning classifications (See Figure 3, Area #1 Zoning Map). Most of the properties are zoned County A, General Agriculture District. However, the properties under consideration along N. 2nd Avenue have a narrow band that is zoned either County R-1, Single-Family Residential District, or County R-1A, Single-Family Large Lot Residential District. Generally speaking, the existing uses generally conform to the zoning districts.

The properties surrounding Area #1 have a similar mixture of zoning classifications. Generally, the properties to the north and east of the area are zoned County A, General Agriculture District. The properties to the south and west are zoned either City R-1, Urban Single-Family Residential District, or City R-1A, Single-Family Large Lot Residential District.

City of Hastings Zoning Map

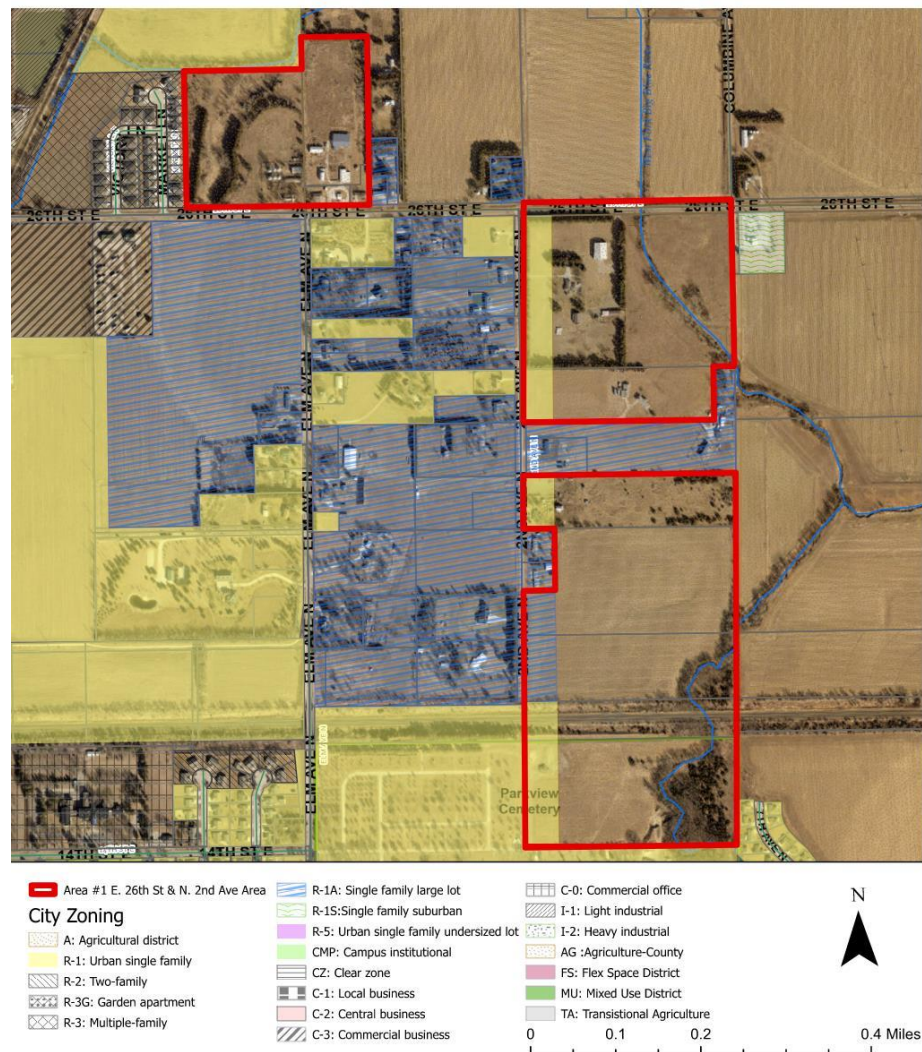


Figure 3: Area #1 Zoning Map

Public Utilities

Water – Water mains of adequate size to serve the existing developments in Area #1 are located within the E. 26th Street and N. 2nd Avenue rights-of-way. A water main is also located at the rear of some of the lots along N. 2nd Avenue, following the contours of the river tributary. Most of the existing uses are currently not connected to the City's water infrastructure and are using private wells to provide potable water to the buildings.

Properties with a private system can maintain that system until such time that it would fail. When the system fails, the property owner will be required to connect to the City's infrastructure (City Code of Ordinance [Sec. 32-605](#) and [Sec. 32-606](#)).

If the property owners were to connect to the adjacent City water main after being annexed, the Outside of District connection rate would apply. This rate would be applied at \$38.50 per linear foot of property frontage. In speaking to Hastings Utility, factors, such as the developable area of the site, home location, and overall lot width, are considered that could reduce the property frontage width.

If the property remains outside of the City limits, the fee to connect to the City service is \$57.75 per linear foot of property frontage. This rate may rate change in the future, based on City policy updates.

Sanitary Sewer – Sanitary sewer mains are located in the E. 26th Street and N. 2nd Avenue rights-of-way that could provide service to the site. Several of the properties within Area #1 are not connected to the City's utility and use an onsite, private septic system.

Properties with a private system can maintain that system until such time that it would fail. When the system fails, the property owner will be required to connect to the City's infrastructure (City Code of Ordinance [Sec. 32-509](#)).

The Outside of District connection rate would apply if the property owners were to connect to the adjacent City sanitary sewer main, regardless of being annexed. This rate would be applied at \$34.00 per linear foot of property frontage. In speaking to Hastings Utility, factors, such as the developable area of the site, home location, and overall lot width, are considered that could reduce the property frontage width. If the property remains outside of the City limits, the fee to connect to the City service is \$51.00 per linear foot of property frontage. This rate may rate change in the future, based on City policy updates.

Gas – Hastings Utilities' gas line is located in the adjacent right-of-way. Most of the developed properties in Area #1 are connected to the gas utilities.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. All of the developed properties are connected to the public utility.

Public Safety

Being outside of the City limits, the properties in Area #1 are not within the technical jurisdiction of the Hastings Fire Department or the Hastings Police Department. The Fire Department will respond, at the request of Hastings Rural Fire for any fire incident. The Fire Department provides ambulance transport, by contact with Adams County, in the event of an emergency call to one of the properties in the area.

Generally, the Hastings Police Department would only respond to the site for a crime or an emergency at the request of the Adams County Sheriff's Office.

Access

East 26th Street is a paved collector street that provides access to some of the properties. North 2nd Avenue is a gravel road that provides access to the remainder of the properties. The lone exception is the City-owned land associated with the Parkview Cemetery. This property gains access from the cemetery's internal roads and N. Elm Street.

Findings of the Extension of City Services

As stated, all properties in Area #1 have access to all public utilities. No new mains are required to be extended to serve the area. Likewise, the utilities should not need to be upsized for the current uses. Because of this, there is no need to schedule the extension of new services.

Some of the properties in Area #1 are not connected to some or all of the utility services. The connection fees would generally be at the expense of the owner to connect to the services. The property owners are allowed to keep and use their private water wells and septic systems, until such time that the systems fail. At that time, Sections 32-605 and 32-606 of the City Code would require the properties to connect to the public utility systems, regardless of being annexed into the City limits or not.

No new police or fire personnel, equipment, or facilities are warranted by annexing these properties into the City. These Departments will maintain their level of service by annexing these areas.

No new roads are required to serve the existing uses in Area #1. North 2nd Avenue is a gravel road. There are other gravel streets and roads within the corporate limits of Hastings. The gravel roadway would be of a similar level of service compared to other roads in the City.

Maintaining these services will be funded through the City's Capital Improvement Fund, the Utility Enterprise Funds, and/or the City's General Fund. It is not anticipated that adding these properties to the City limits will substantially impact these maintenance funding sources.

Area #2 – Industrial Park North

This area consists of eleven properties, that are all industrial uses. One property at 3302 Yost Avenue is several buildings that have been divided by a condominium association. This one property has 15 separate owners within the condominium association. The City owns two parcels in this area, 3305 Yost Avenue, where Fleet Maintenance and the Development Services offices are located and the detention pond and trail, on the east edge of Area #2.



Figure 4: Industrial Park North

Future Land Use

The 2015 Comprehensive Plan Future Land Use Map designates a majority of this area as Employment/Industrial. Quoting the Comprehensive Plan:

“Industrial, warehousing and consolidated office parks provide employment opportunities and are generally considered the most intensive use of land because of operational impacts or functions. Each type of use is allowed in the employment land use category. Light industrial uses include those uses that are typically related to warehousing, distribution, fabrication and parts assembly and rely on large land areas and large single story buildings. Heavy industrial uses are typically those uses that are production or manufacturing related, such as assembly plants and more intense manufacturing uses, including animal slaughtering, grain processing, ethanol production and bio-diesel plants.

Generally, these uses rely on large amounts of land and large single story buildings, and rely heavily upon convenient transportation connections (road, rail and air) and access to high capacity infrastructure. Hastings currently has four areas that are primarily developed for industrial uses

- Industrial area parallel to the BNSF railroad line and 2nd Street,
- Hastings Industrial Park - West,
- Hastings Industrial Park - North, and
- Industrial area adjacent to the Union Pacific railroad line and the high school.

It is intended that these uses should continue to be located in such established viable locations. Employment uses are proposed to be congregated into Hubs that create an accumulation of users that are large employers. The Future Land Use map identifies future locations for Employment Hubs at areas along railroad routes, near Hastings Municipal Airport, Hastings Regional Center and the old Naval Ammunitions Depot (NAD). Employment development Location Guidelines can be found in the Development Section of this chapter.

The area was established as an industrial park in the early 2000s. The existing uses conform with the Comprehensive Plan’s land use characteristics.

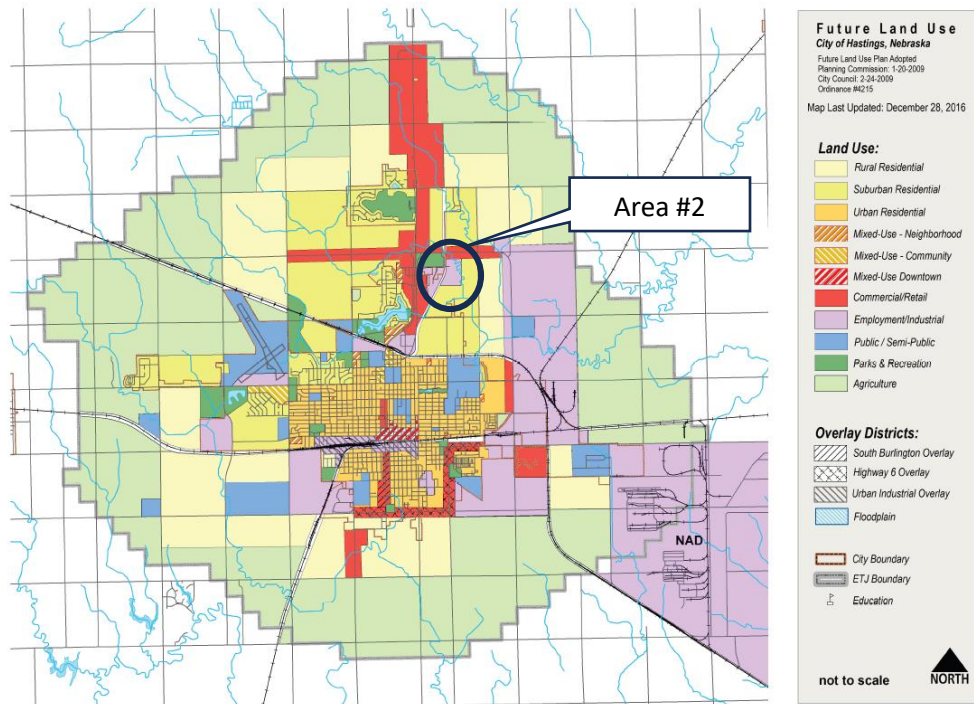


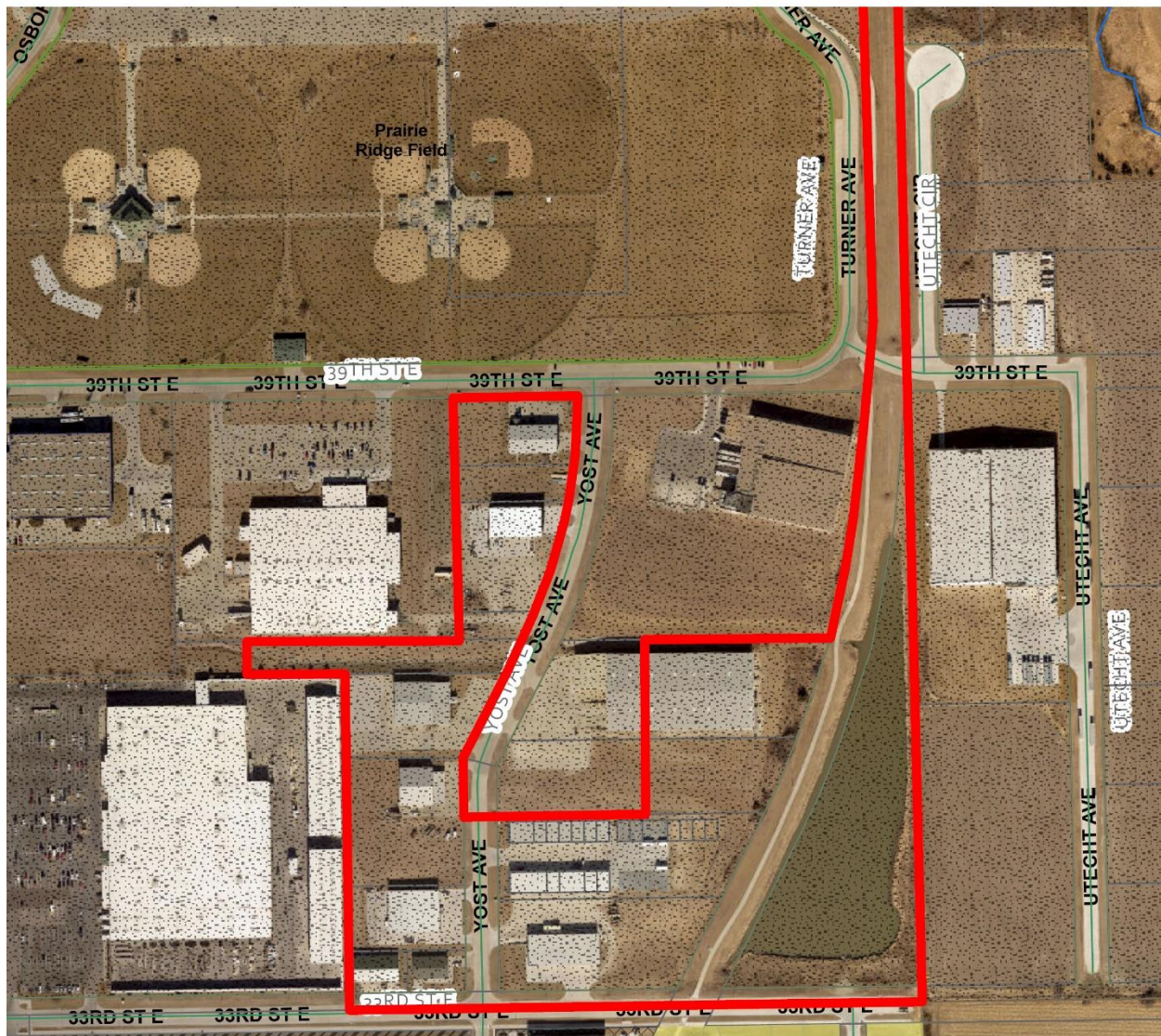
Figure 5: Area #2 Future Land Use Map

Zoning

The properties considered for annexation in Area #2 are all zoned County I-2, Heavy Industrial District. The existing uses conform to that zoning district. If annexed, these properties would remain in an I-2 District (See Figure 3, Area #1 Zoning Map).

The surrounding areas to the north of E. 33rd Street are also all zoned I-2 District. The properties to the south of E. 33rd Street are a mix of the C-3, Commercial Business District, R-3, Multiple-Family Residential District and R-1, Urban Single-Family Residential District.

City of Hastings Zoning Map



City Zoning

-  A: Agricultural district
-  R-1: Urban single family
-  R-2: Two-family
-  R-3G: Garden apartment
-  R-3: Multiple-family
-  R-1A: Single family large lot

-  R-1S: Single family suburban
-  R-5: Urban single family undersized lot
-  CMP: Campus institutional
-  CZ: Clear zone
-  C-1: Local business
-  C-2: Central business
-  C-3: Commercial business

-  C-0: Commercial office
-  I-1: Light industrial
-  I-2: Heavy industrial
-  AG :Agriculture-County
-  FS: Flex Space District
-  MU: Mixed Use District
-  TA: Transitional Agriculture



0 250 500 1,000 Feet

Figure 6: Area #2 Zoning Map

Public Utilities

Water - Water mains of appropriate size are located in the Yost Avenue and E. 33rd Street rights-of-way. All of the properties within Area #2 are a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – Appropriately sized sanitary sewer mains are located in the E. 33rd Street and Yost Avenue rights-of-way that provide service to Area #2. All of the businesses are connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

Gas – Hastings Utilities' gas lines are located in the E. 33rd Street and Yost Avenue rights-of-way. The properties in Area #2 are customers of that utility enterprise.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. All of the property owners are customers of the utility enterprise.

Public Safety

Being outside of the City limits, the properties in Area #2 are not within the technical jurisdiction of the Hastings Fire Department or the Hastings Police Department. However, an agreement between the City, Adams County, and the Hastings Economic Development Corporation was created in 2006, before the area was designated as a County Industrial Area that stated the Hastings Fire Department would directly serve this area.

The 2006 agreement created the same standard for the Hastings Police Department. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited

Access

All properties within Area #2 gain access from E. 33rd Street, Yost Avenue, or E. 39th Street. All of the roads are paved and owned and maintained by the City of Hastings.

Findings of the Extension of City Services

As stated, all properties in Area #2 have access to and are connected to all public utilities. No new mains are required to be extended to serve the area. Likewise, the utilities should not need to be upsized for the current uses. Because of this, there is no need to schedule the extension of new services.

No new police or fire personnel, equipment, or facilities are warranted by annexing these properties into the City. These Departments will maintain their level of service by annexing these areas.

No new roads are required to serve the existing uses in Area #2.

Maintaining these services will be funded through the City's Capital Improvement Fund, the Utility Enterprise Funds, and/or the City's General Fund. It is not anticipated that adding these properties to the City limits will substantially impact these maintenance funding sources.

Area #3 – Industrial Park West

This area consists of four properties, that are all industrial uses. Three of the properties are within the Industrial Park West subdivision, which was designated as a County Industrial Park in 1987. The fourth property is a storage yard associated with a business located at 1615 W. J Street, within the City limits. The storage yard area has been left out of the City for an unknown reason.

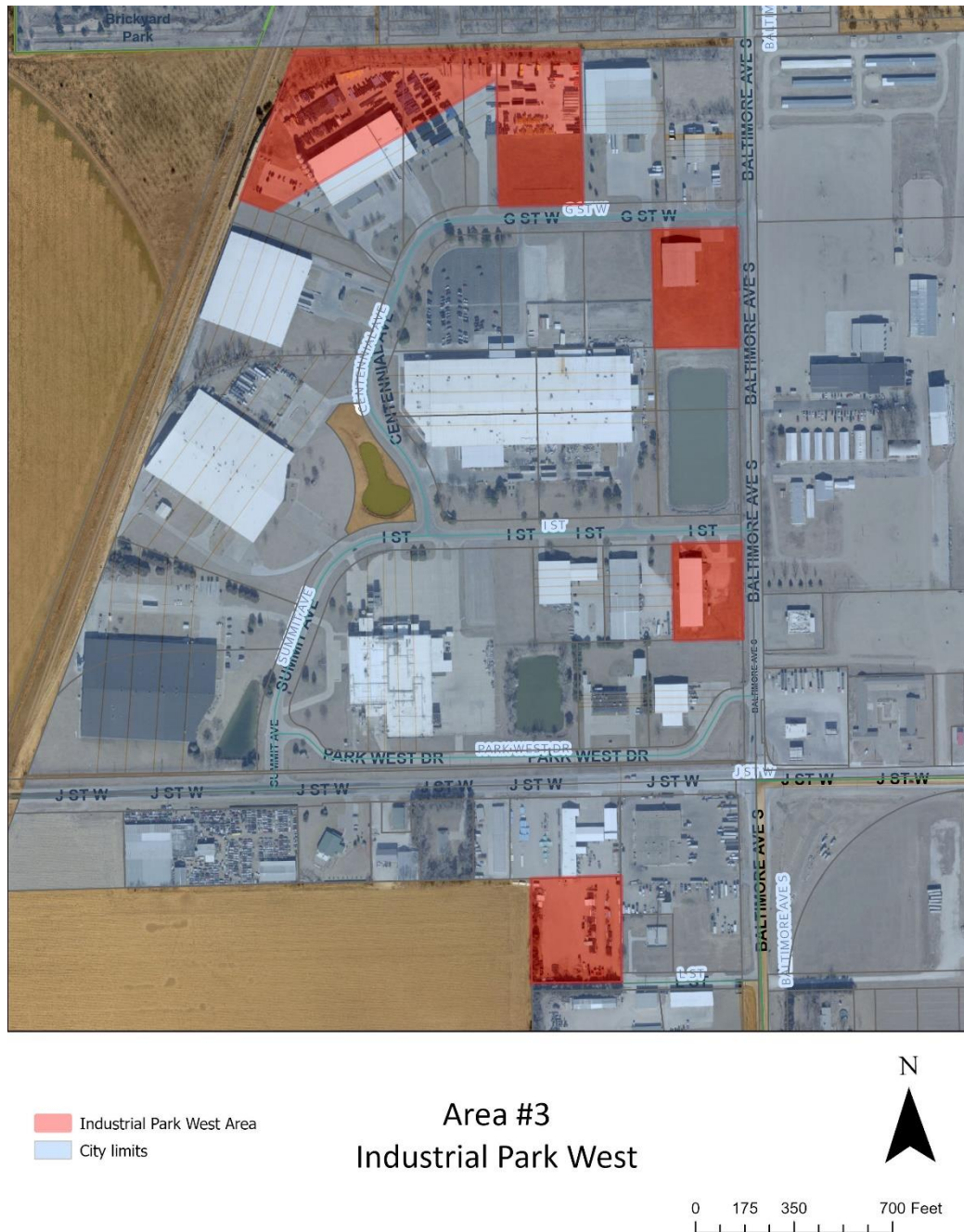


Figure 7: Area #3 Industrial Park West Area

Future Land Use

The 2015 Comprehensive Plan Future Land Use Map designates this area as Employment/Industrial. Quoting the Comprehensive Plan:

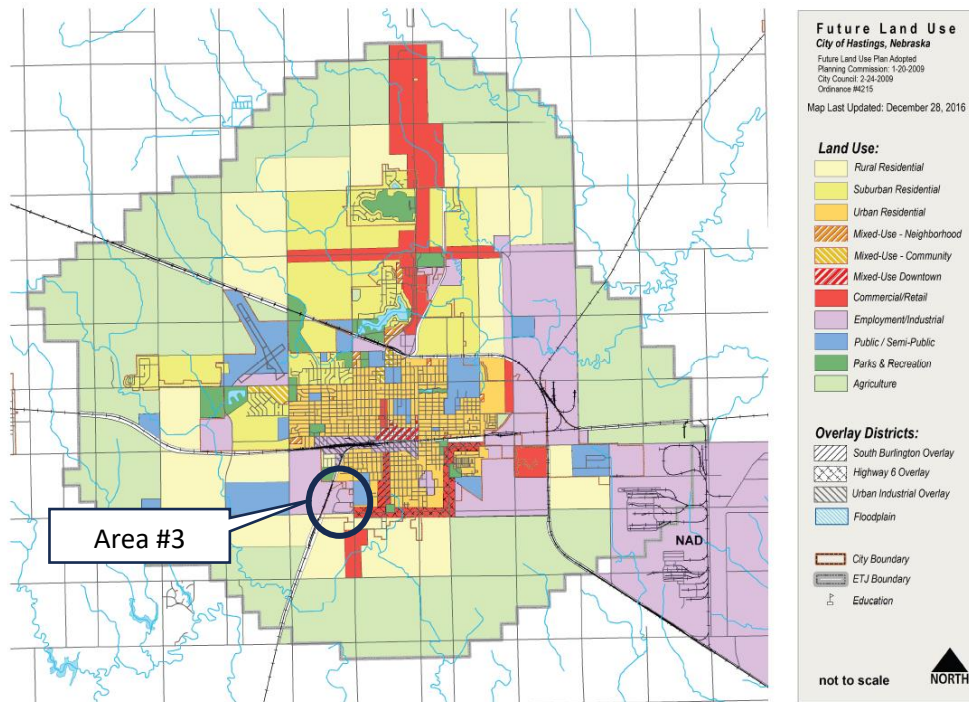
“Industrial, warehousing and consolidated office parks provide employment opportunities and are generally considered the most intensive use of land because of operational impacts or functions. Each type of use is allowed in the employment land use category. Light industrial uses include those uses that are typically related to warehousing, distribution, fabrication and parts assembly and rely on large land areas and large single story buildings. Heavy industrial uses are typically those uses that are production or manufacturing related, such as assembly plants and more intense manufacturing uses, including animal slaughtering, grain processing, ethanol production and bio-diesel plants.

Generally, these uses rely on large amounts of land and large single story buildings, and rely heavily upon convenient transportation connections (road, rail and air) and access to high capacity infrastructure. Hastings currently has four areas that are primarily developed for industrial uses

- Industrial area parallel to the BNSF railroad line and 2nd Street,
- Hastings Industrial Park - West,
- Hastings Industrial Park - North, and
- Industrial area adjacent to the Union Pacific railroad line and the high school.

It is intended that these uses should continue to be located in such established viable locations. Employment uses are proposed to be congregated into Hubs that create an accumulation of users that are large employers. The Future Land Use map identifies future locations for Employment Hubs at areas along railroad routes, near Hastings Municipal Airport, Hastings Regional Center and the old Naval Ammunitions Depot (NAD). Employment development Location Guidelines can be found in the Development Section of this chapter.

The area was established as an industrial park in the late 1980s. The existing uses conform with the Comprehensive Plan’s land use characteristics.



Zoning

The properties considered for annexation in Area #3 are all industrial uses. The three properties in the Industrial Park West subdivision are zoned I-2, Heavy Industrial District. The storage yard off of L Street is a combination of A, Agriculture District, and I-1, Light Industrial District. The “parent tract” that is within the City limits is zoned I-1 District. This property does not fully comply with the current zoning district, as the industrial use as a storage yard does not conform to the agricultural zoning district. However, if annexed, one could consider the majority of the site (parent and child tracts) as being a zoned a majority I-1 District. Ideally, this parcel should be rezoned to match the surrounding area and use. This can occur at a later time. The other properties in Area #3 all conform to that zoning district. If annexed, these properties would remain in an I-2 District (See Figure 3, Area #1 Zoning Map).

The surrounding properties in the Industrial Park West subdivision are zoned I-2 District. Properties to the north of the subdivision are a mix of industrial and residential zoning districts. The area to the west of the subdivision is zoned C-3, Commercial Business District.

For the property off of L Street, the surrounding properties to the north, east, and south are zoned either I-1 District, I-2 District, or C-3 District. The farmland to the west is zoned A, Agricultural District.

City of Hastings Zoning Map



City Zoning

-  A: Agricultural district
-  R-1: Urban single family
-  R-2: Two-family
-  R-3G: Garden apartment
-  R-3: Multiple-family
-  R-1A: Single family large lot

-  R-1S: Single family suburban
-  R-5: Urban single family undersized lot
-  CMP: Campus institutional
-  CZ: Clear zone
-  C-1: Local business
-  C-2: Central business
-  C-3: Commercial business

-  C-0: Commercial office
-  I-1: Light industrial
-  I-2: Heavy industrial
-  AG :Agriculture-County
-  FS: Flex Space District
-  MU: Mixed Use District
-  TA: Transitional Agriculture



0 370 740 1,480 Feet

Public Utilities

Water - Water mains of appropriate size are located in the adjacent street right-of-way. All of the properties within Area #3 are customers of Hastings Utilities and receive water at the standard commercial rate inside the city. Because the property off of L Street is a storage yard, it does not have water service. However, its parent tract is connected to the utility.

Sanitary Sewer – Appropriately sized sanitary sewer mains are located in the adjacent rights-of-way that provide service to Area #3. All of the businesses are connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate. Because the property off of L Street is a storage yard, it does not have sanitary sewer service. However, its parent tract is connected to the utility.

Gas – Hastings Utilities' gas lines are throughout the area. The properties in Area #3 are customers of that utility enterprise and pay the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. All of the property owners are customers of the utility enterprise and pay the standard rate for commercial property within the City limits.

Public Safety

Being outside of the City limits, the properties in Area #3 are not within the technical jurisdiction of the Hastings Fire Department or the Hastings Police Department. However, for the properties within the Industrial Park West subdivision, an agreement between the City, Adams County, and the Hastings Economic Development Corporation was created in 1987, before the area was designated as a County Industrial Area that stated the Hastings Fire Department would directly serve this area.

The 1987 agreement created the same standard for the Hastings Police Department. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited.

This agreement does not cover the property on L Street. This area is not served directly by Hastings Fire or Hastings Police. Both of these services will respond to an emergency if Adams County Sheriffs or Rural Fire asks for assistance. The Hastings Fire Department does provide ambulance services through a contract with Adams County.

Access

All properties within Area #3 gain access from local streets that are paved and owned and maintained by the City of Hastings.

Findings of the Extension of City Services

As stated, all properties in Area #3 have access to and are connected to all public utilities. No new mains are required to be extended to serve the area. Likewise, the utilities should not need to be upsized for the current uses. Because of this, there is no need to schedule the extension of new services.

No new police or fire personnel, equipment, or facilities are warranted by annexing these properties into the City. These Departments will maintain their level of service by annexing these areas.

No new roads are required to serve the existing uses in Area #3.

Maintaining these services will be funded through the City's Capital Improvement Fund, the Utility Enterprise Funds, and/or the City's General Fund. It is not anticipated that adding these properties to the City limits will substantially impact these maintenance funding sources.

Appendix

Area #1 – East 26th Street and North 2nd Avenue Area Legal Description

- 655 East 26th Street: Part of the South fractional half of Section 21, Township 8 North Range 9 West of the 6th P.M., Adams County, Nebraska, more particularly described as follows: Beginning at the Southeast Corner of the Southeast Quarter of said Section 31, running thence North 54 rods on the East line of said Section, thence West 44 ½ rods, thence South 54 rods, thence East on the South line of said section, 44 ½ rods to the point of beginning, Except the south 41.25 feet of said tract conveyed to Adams County for road and subject to easements and restrictions of record; AND, Lot Three (3), Valentine Subdivision to the City of Hastings, Adams County, Nebraska.
- 705 East 26th Street: Lot Two (2), Valentine Subdivision to the City of Hastings, Adams County, Nebraska.
- 765 East 26th Street: Lot One (1), Valentine Subdivision to the City of Hastings, Adams County, Nebraska.
- 2420 North 2nd Avenue: The North Nine Hundred Ninety (N 990) feet of the Northeast Quarter of the Northwest Quarter (NE ¼ NW ¼) of Section Five (5), Township Seven (7) North, Range Nine (9) West of the 6th P.M., Adams County, Nebraska, except the North 41.25 feet thereof and except the West 33 feet thereof.
- 2150 North 2nd Avenue: The North Half of the North Half of the Southeast Quarter of the Northwest Quarter, excepting 33 feet reserved for highway purposes on the west side thereof; and
The East 132 feet more or less of the South 330 feet of the Northeast Quarter of said Northwest Quarter, all in Section 5, Township 7 North, Range 9 West on the 6th P.M., all in the City of Hastings, Adams County Nebraska.
- 2020 North 2nd Avenue: The South ½ of the North ½ of the Southeast ¼ of the Northwest ¼ of Section 5, in Township 7 North, Range 9, West of the 6th P.M., Adams County, Nebraska; except the West 33 feet thereof, subject to an easement created by a deed recorded in Book 155 Page 445 of the Deed Records of Adam County, Nebraska granting an easement for roadway over the North 15 feet of said property.
- Tract of land approximately 2,400 feet south of the intersection of East 26th Street and North 2nd Avenue on the east side of North 2nd Avenue:

The South Half of the Southeast Quarter of the Northwest Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Five (5), Township Seven (7) North, Range Nine (9), West of the 6th P.M., Adams County, Nebraska, except Stutheit Subdivision and Hohlen's Addition to the City of Hastings; AND

North Half of the Northeast Quarter of the Southwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Five, Township Seven (7) North, Range Nine (9) West of the 6th P.M., Adams County, Nebraska, except that portion deeded to Union Pacific Railroad Company by the instrument filed March 14, 1991, as Instrument No. 910761.

- Tract of land approximately 1,400 feet east of the intersection of North Elm Avenue and East 14th Street, to be part of the Parkview Cemetery: The South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 5, Township 7 North, Range 9 West of the 6th P.M. in Adams County, Nebraska, according to the Government survey thereof; except that portion conveyed by deed at Book 181 at page 163, described as follows: West 935 feet of the South 14 feet of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 6, Township 7 North, Range 9 West of the 6th P.M. in Adams County, Nebraska.
- This area will also include the appropriate portion of the Union Pacific Railroad right-of-way.

Area #2 – Industrial Park North Area Legal Description

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTH HALF OF SECTION 31, TOWNSHIP 8 NORTH, RANGE 9 WEST OF THE 6TH P.M., IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: THENCE N00°34'26"W (ASSUMED BEARING), ON THE EAST LINE OF SAID SECTION 31, A DISTANCE OF 40.00 FEET TO THE NORTH LINE OF 33RD STREET, THIS BEING THE POINT OF BEGINNING; THENCE N89°59'29"W, ON THE NORTH LINE OF 33RD STREET, A DISTANCE OF 1371.67 FEET TO THE SOUTHWEST CORNER OF KORB SUBDIVISION; THENCE N00°05'48"W, ON THE WEST LINE OF SAID KORB SUBDIVISION, ALSO BEING THE WEST LINE OF INDUSTRIAL PARK NORTH SUBDIVISION NUMBER TEN AND THE WEST LINE OF INDUSTRIAL PARK NORTH SUBDIVISION NUMBER SIX, A DISTANCE OF 802.25 FEET TO THE NORTHWEST CORNER OF LOT 2 OF SAID INDUSTRIAL PARK NORTH SUBDIVISION NUMBER SIX; THENCE N89°32'24"W, ON THE NORTH LINE OF MENARD-BOYD ADDITION, A DISTANCE OF 229.97 FEET; THENCE N00°08'36"W, ON THE EAST LINE OF SAID MENARD-BOYD ADDITION, A DISTANCE OF 79.95 FEET TO THE SOUTH LINE OF INDUSTRIAL PARK NORTH SUBDIVISION; THENCE S89°32'24"E, ON THE SOUTH LINE OF SAID INDUSTRIAL PARK NORTH SUBDIVISION, A DISTANCE OF 504.78 FEET TO THE SOUTHWEST CORNER OF LOT 2 OF HEDC INDUSTRIAL PARK THIRD SUBDIVISION; THENCE N00°11'29"E, ON THE WEST LINE OF SAID HEDC INDUSTRIAL PARK THIRD SUBDIVISION AND HEDC INDUSTRIAL PARK SECOND SUBDIVISION, A DISTANCE OF 577.94 FEET TO THE SOUTH LINE OF 39TH STREET; THENCE N90°00'00"E, ON THE SOUTH LINE OF SAID 39TH STREET, A DISTANCE OF 298.94 FEET TO THE WEST LINE OF YOST AVENUE AND THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 1256.41 FEET; THENCE SOUTHWESTERLY ON THE WEST LINE OF SAID YOST AVENUE AND SAID CURVE, A DISTANCE OF 612.34 FEET; THENCE S28°00'00"W, ON THE WEST LINE OF SAID YOST AVENUE, A DISTANCE 307.19 FEET; THENCE S00°05'48"W, A DISTANCE OF 138.87 FEET; THENCE S89°44'55"E, A DISTANCE OF 435.12 FEET; THENCE N00°15'10"E, A DISTANCE OF 420.02 FEET; THENCE S89°44'55"E, ON THE NORTH LINE OF LOT 1, BLOCK 1, INDUSTRIAL PARK NORTH SUBDIVISION THREE, A DISTANCE OF 444.87 FEET TO THE WEST LINE OF THE FORMER UNION PACIFIC RAILROAD AND BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 2814.79 FEET; THENCE NORTHERLY ON SAID CURVE, THE CHORD OF WHICH BEARS N11°21'39"E, AN ARC DISTANCE OF 594.78 FEET TO THE SOUTH LINE OF 39TH STREET; THENCE CONTINUING ON THE WEST LINE OF THE FORMER UNION PACIFIC RAILROAD AND SAID CURVE, THE CHORD OF WHICH BEARS N02°24'52"E, AN ARCH DISTANCE OF 284.21 FEET; THENCE N00°28'41"W ON THE WEST LINE OF SAID RAILROAD, A DISTANCE OF 903.36 FEET TO THE CENTERLINE OF 42ND STREET; THENCE N89°57'39"E, ON SAID CENTERLINE OF 42ND STREET, A DISTANCE OF 86.71 FEET TO THE EAST LINE OF SAID SECTION 31; THENCE S00°35'37"E, ON SAID EAST LINE, A DISTANCE OF 2646.66 FEET TO THE POINT OF BEGINNING.

Area #3 – Industrial Park West Area Legal Description

COMMENCING AT THE SOUTHEAST CORNER OF LOT 2, CENTENNIAL SUBDIVISION, SAID CORNER ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF CENTENNIAL AVENUE; THENCE N45°34'16"W (ASSUMED BEARING) ON THE SOUTHERLY LINE OF SAID LOT 2, A DISTANCE OF 163.48 FEET; THENCE N69°00'00"W, ON SAID SOUTHERLY LINE, A DISTANCE OF 330.19 FEET TO A POINT BEING THE EXISTING CORPORATION CORNER AND THE POINT OF BEGINNING; THENCE CONTINUING N69°00'00"W ON SAID SOUTHERLY LINE, A DISTANCE OF 119.81 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE N21°00'00"E, ON THE WESTERLY LINE OF SAID LOT 2, A DISTANCE OF 552.96 FEET TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE N89°38'50"E, ON THE NORTH LINE OF SAID LOT 2 AND THE NORTH LINE OF LOT 1, CENTENNIAL SUBDIVISION, A DISTANCE OF 734.42 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE S00°21'00"E, ON THE EAST LINE OF SAID LOT 1, A DISTANCE OF 95.01 FEET TO A POINT BEING THE EXISTING CORPORATION LINE; THENCE S60°17'18"W, ON SAID CORPORATION LINE, A DISTANCE OF 945.62 FET TO THE POINT OF BEGINNING.

AND

Lot Four (4) and East Fifty Feet (50') of Lot Five (5), Block Two (2), Hastings Industrial Park West Subdivision, Section Fourteen (14), Township Seven (7) North, Range Ten (10) West, Adams County, Nebraska.

AND

Lot Seven (7), Block One (1), Hastings Industrial Park West, Adams County, Nebraska.

AND

COMMENCING 493.00 FEET WEST OF THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 10 WEST OF THE 6TH P.M. IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA AND 333.0 FEET SOUTH PARALLEL WITH THE EAST LINE OF SAID SECTION, BEING ON THE WEST LINE OF BECKERS 2ND SUBDIVISION TO A POINT BEING THE NORTHWEST CORNER OF THE CORPORATION LINE; THENCE SOUTH ON SAID CORPORATION LINE BEING THE WEST LINE OF BECKERS 2ND SUBDIVISION AND BECKERS SUBDIVISION A DISTANCE OF 379.50 FEET TO THE SOUTHWEST CORNER OF BECKER SUBDIVISION AND THE POINT OF THE CORPORATION LINE; THEN WEST ON THE CORPORATION LINE A DISTANCE OF 305.00 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID BECKER 2ND SUB AND BECKER SUB, A DISTANCE OF 379.5 TO A POINT ON THE CORPORATION LINE; THENCE EAST ON SAID CORPORATION LINE A DISTANCE OF 305.00 FEET TO THE POINT OF BEGINNING.

Area #1 – East 26th Street and North 2nd Avenue Area Individual Property Research Sheets

655 E. 26th Street
Approximately 300 feet east of the
intersection of E. 26th Street and Market Lane

Owner: Paul and Patricia Dietz

Subject Site:

The subject site is approximately 22.70 acres in area and consists of two separate tracts of land owned by the same individuals. Tract 1 (west tract) is approximately 14.25 acres. Tract 2 (northeast tract) is roughly 8.45 acres. The property appears to be used as a single-family home, farm production and storage, and pasture ground. The land slopes to the northwest toward the West Fork of the Big Blue River, which is located to the north of the site. To the west side of the site is a large ravine that runs towards the river.

There are a total of 15 buildings on the site, including a home, silos and outbuildings, and barns related to the agricultural use. The house has a footprint of approximately 2,600 square feet. The detached buildings have footprints that total to be roughly 9,000 square feet.

Properties to the immediate north, south, east, and west are located within the City limits. The Osborne View Estdated single-family development is located immediately to the west of the site.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The majority of the site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain). The western portion of the west tract and the extreme northern portion of the east tract are in FEMA Zone AE, 1% Annual Chance Floodplain (100-year floodplain) (Map Panel #31001C0157C and 31001C0176C).

The mapped special flood hazard area makes up approximately 20% of the land.



Zoning:

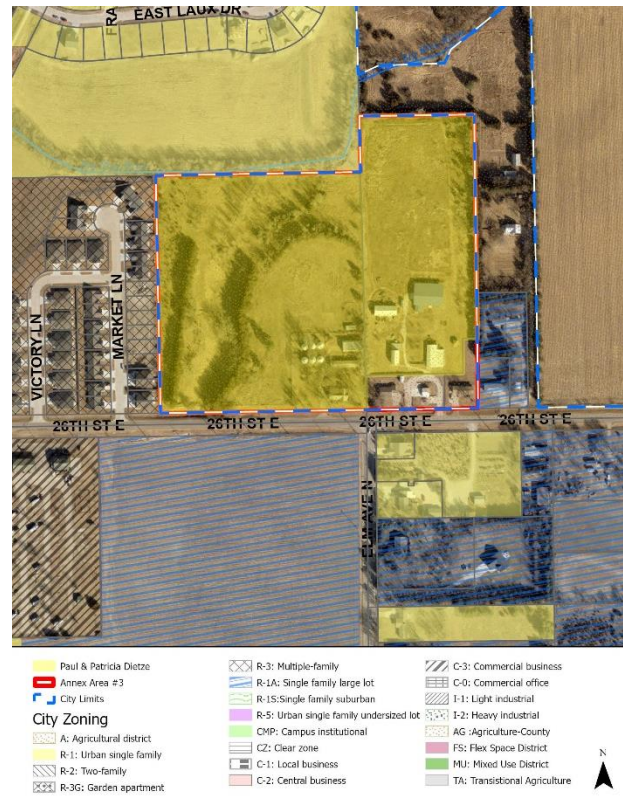
The site is currently zoned County A, Agricultural District. All buildings on the property (15 in total) appear to meet minimum setback and maximum height requirements for the District.

The properties to the north are zoned City R-1, Urban Single-Family Residential, and County A District.

The adjacent properties to the east are zoned County A District, City A District, and City R-1A District. Further to the east of these properties is land zoned County A District.

The properties to the south are zoned County, A District, City R-1A Large Lot Single-Family Residential District, and City R-1 District.

To the west is a newer subdivision zoned City R-3, Multiple-Family Residential District.



The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be A, Agricultural District.

Public Utilities:

Water – There is a 10-inch water main adjacent to the site on the south side of the E. 26th Street right-of-way that could serve the site. The use is currently not connected to the City’s water infrastructure and is using a private well providing potable water to the buildings.

Properties with a private system can maintain that system until such time that it would fail. When the system fails, the property owner will be required to connect to the City’s infrastructure (City Code of Ordinance [Sec. 32-605](#) and [Sec. 32-606](#)).

If the property owners were to connect to the adjacent City water main after being annexed, the Outside of District connection rate would apply. This rate would be applied at \$38.50 per linear foot of property frontage. In speaking to Hastings Utility, factors, such as the developable area of the site, home location, and overall lot width, are considered that could reduce the property frontage width. The Outside of District connect fee for water service could be upwards of \$10,250.

If the property remains outside of the City limits, the fee to connect to the City service is \$57.75 per linear foot of property frontage. This rate may rate change in the future, based on City policy updates.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located on the south side of E. 26th Street that could provide service to the site. Because of the ridgeline generally at N. Elm Avenue, and the change of grade along the property, the connection to the sewer line would need to be appropriately engineered. The buildings are not connected to the City's sanitary sewer service and are currently served by a private septic system.

Properties with a private system can maintain that system until such time that it would fail. When the system fails, the property owner will be required to connect to the City's infrastructure (City Code of Ordinance [Sec. 32-509](#)).

The Outside of District connection rate would apply if the property owners were to connect to the adjacent City sanitary sewer main, regardless of being annexed. This rate would be applied at \$34.00 per linear foot of property frontage. In speaking to Hastings Utility, factors, such as the developable area of the site, home location, and overall lot width, are considered that could reduce the property frontage width. The Outside of District connect fee for water service could be upwards of \$9,050.

If the property remains outside of the City limits, the fee to connect to the City service is \$51.00 per linear foot of property frontage. This rate may rate change in the future, based on City policy updates.

Gas – Hastings Utilities' gas line is located to the south of the property on E. 26th Street. The user on the property is currently not a customer of that utility enterprise.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for property within the City limits.

Access to Public Roads – Based on aerial photos, the site gains access to E. 26th Street via a driveway to the western tract, and the eastern tract gains access to the City road by a circular driveway on an adjacent property. It is assumed that an agreement is in place between these two property owners. East 26th Street is maintained by the City of Hastings.

Public Safety – Being that the land is outside of the City limits, the technical jurisdiction for fire, EMS, and law enforcement services are from Hastings Rural Volunteer Fire Department and Adams County Sheriff's Office. However, the Hastings Fire Department responds at the request of Hastings Rural for any fire incidents, and provides ambulance transport by contract, in the event of an emergency call to the property. Generally, the Hastings Police Department would only respond to the site for a crime or an emergency at the request of the Adams County Sheriff's Office.

If this property was annexed into the Corporate limits, both Hastings Fire Department and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to utilities, public roadways, and emergency and protective services are readily available. All utilities are in the immediate area and no extension of services is required. Additionally, the site is located within the Fire and Police Department’s service area and response times to the site would be within the acceptable times established by the departments. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City’s Finance Department for this year’s tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property appears to be agricultural and generally conforms to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as A, Agricultural District, until such time that it would be redeveloped.

The property is surrounded on four sides by properties or public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for electricity from Hastings Utilities. Sanitary sewer, water, and gas are in the immediate area and can serve the site and existing use with no need to extend or upsize public mains. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations.

The property owner’s tax assessment for the two properties is anticipated to increase by approximately \$2,163 or 28.57%, based on the 2023-2023 valuation.

Staff Recommendation

As discussed, the site is considered an agricultural use, which includes a single-family home. The residents of the home and the agricultural buildings are served by private sanitary sewer and water and do not have gas service. The only Hastings Utility service that the property is connected to is electricity.

The area can be considered a donut hole within the corporate limits, although less than 200 feet from the northern property boundary and less than 650 feet from the east property line are properties outside of the City limits.

There are development pressures in the area, as evidenced by the new single-family subdivision immediately to the west of the site and also to the north of the site, along W 33rd Street. Although there is pressure to develop in the surrounding area, there appears to be land better suited to develop new subdivisions (e.g. open agricultural land), rather than the need to demolish existing buildings. Also, nearly 20% of the site is in a special hazard flood area, which limits the ability to develop.

If this land were to ever develop into suburban residential subdivisions or nonresidential uses, the City would most likely require the new development to be annexed. Similarly, if existing private water wells and septic systems were to fail, requiring a new service, the City would require the property to connect to the public infrastructure, which could be an opportune time to be included in the City limits.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties not be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
DIETZE PAUL J & PATRICIA J			#010000154			
Current Value Information						
Land Value	Dwelling Value	Improvement	Total Value	Net Taxable		
\$15,749	\$ -	\$ 223,664.00	\$239,413	\$ 239,413.00		
Tax Information		Current Levy	Current Tax	Annexed	Annexed Tax	% Change?
Ag Society		0.017446	\$ 41.77	0.017446	\$ 41.77	0%
CRA		0.000000	\$ -	0.026000	\$ 62.25	100%
City		0.000000	\$ -	0.424342	\$ 1,015.93	100%
Community College		0.090272	\$ 216.12	0.090272	\$ 216.12	0%
County		0.423456	\$ 1,013.81	0.423456	\$ 1,013.81	0%
ESU 9		0.015000	\$ 35.91	0.000000	\$ -	0%
Fire		0.038805	\$ 92.90	0.000000	\$ -	0%
Library		0.008717	\$ 20.87	0.008717	\$ 20.87	0%
NRD 1 Upper Big Blue		0.022015	\$ 52.71	0.022015	\$ 52.71	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 181.20	0.075686	\$ 181.20	0%
School Districts		0.708894	\$ 1,697.18	0.708894	\$ 1,697.18	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 3,352.48	1.796828	\$ 4,301.84	28.32%

**750 E. 26th Street
Northeast of the Intersection of
E. 26th Street and N. Elm Lane**

Owner: Jon and Pamela Petersen

Subject Site:

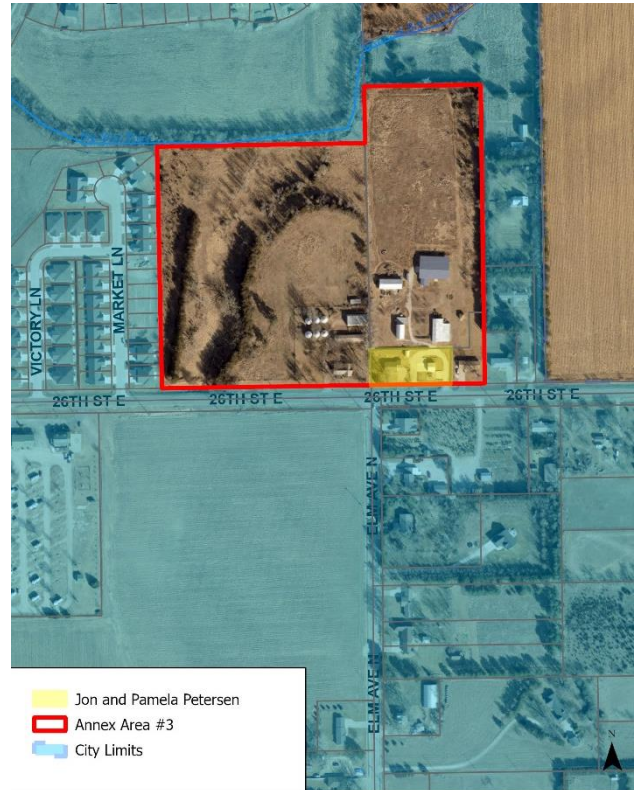
The subject site is a generally flat piece of land that is approximately 0.81 acres in area. The property has a single-family home on it with a footprint of approximately 1,700 square feet and a couple of accessory buildings. The accessory buildings are a total of roughly 1,000 square feet in area.

Properties to the immediate south are located within the City limits. Properties in the general area to the east, north, and west are within the City limits.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0176C).

The site is within the Adams Central Public Schools District.



Zoning: The site is currently zoned County A, Agricultural District.

The properties to the north are zoned County A district, and City R-1, Urban Single-Family Residential District.

The adjacent properties to the east are zoned County A District, City A, Agricultural District, and R-1A, Large Lot Single-Family Residential District. Further to the east of these properties is land zoned County A District.

To the south, across E 26th Street are properties zoned City R-1 District and City R-1A District.

To the west is land zoned County A District, and a newer subdivision zoned City R-3, Multiple-Family Residential District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be A, Agricultural District.



Public Utilities:

Water – There is a 10-inch water main adjacent to the site on the south side of the E. 26th Street right-of-way that could serve the site. The use is currently not connected to the City’s water infrastructure and is using a private well providing potable water to the buildings.

Properties with a private system can maintain that system until such time that it would fail. When the system fails, the property owner will be required to connect to the City’s infrastructure (City Code of Ordinance [Sec. 32-605](#) and [Sec. 32-606](#)).

If the property owners were to connect to the adjacent City water main after being annexed, the Outside of District connection rate would apply. This rate would be applied at \$38.50 per linear foot of property frontage. In speaking to Hastings Utility, factors, such as the developable area of the site, home location, and overall lot width, are considered that could reduce the property frontage width. The Outside of District connect fee for water service could be upwards of \$5,400.

If the property remains outside of the City limits, the fee to connect to the City service is \$57.75 per linear foot of property frontage. This rate may rate change in the future, based on City policy updates.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located on the south side of E. 26th Street and could provide service to the site. Because of the ridgeline generally at N. Elm Avenue, the connection to the sewer line would need to be appropriately engineered. The buildings are currently served by a private septic system.

Properties with a private system can maintain that system until such time that it would fail. When the system fails, the property owner will be required to connect to the City's infrastructure (City Code of Ordinance [Sec. 32-509](#)).

The Outside of District connection rate would apply if the property owners were to connect to the adjacent City sanitary sewer main, regardless of being annexed. This rate would be applied at \$34.00 per linear foot of property frontage. In speaking to Hastings Utility, factors, such as the developable area of the site, home location, and overall lot width, are considered that could reduce the property frontage width. The Outside of District connect fee for water service could be upwards of \$4,800.

If the property remains outside of the City limits, the fee to connect to the City service is \$51.00 per linear foot of property frontage. This rate may rate change in the future, based on City policy updates.

Gas – A Hastings Utilities' gas line is located to the south of the property on E. 26th Street. The property is a customer of that utility enterprise and pays the standard rate for a property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for property within the City limits.

Access to Public Roads – The site has three driveways onto E. 26th Street. The west driveway leads to an attached garage associated with the house. The other two driveways create a circle driveway to the accessory structures. The property to the north utilizes this circle driveway for access to the property. East 26th Street is maintained by the City of Hastings.

Public Safety – Being that the land is outside of the City limits, the technical jurisdiction for fire, EMS, and law enforcement services are from Hastings Rural Volunteer Fire Department and Adams County Sheriff's Office. However, the Hastings Fire Department responds at the request of Hastings Rural for any fire incidents, and provides ambulance transport by contract, in the event of an emergency call to the property. Similarly, if a violent incident occurs on the property, the Hastings Police Department would respond at the request of the Adams County Sheriff's Office. If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to utilities, public roadways, and emergency and protective services are readily available. All utilities are in the immediate area and no extension of services is required. Additionally, the site is located within the Fire and Police Department's service area and response times to the site would be within the acceptable times established by the departments. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property appears to be single-family and generally appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as A, Agricultural District, until such time that it would be redeveloped. The property could also be rezoned to R-1, Single-Family Large Lot Residential District to better align with the single-family home.

The property is surrounded by properties or public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for gas and electricity from Hastings Utilities. Sanitary sewer and water are in the immediate area and can serve the site and existing use with no need to extend or upsize public mains. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations.

The property owner's tax assessment is anticipated to increase by approximately \$706 or 28.77%, based on the 2023-2023 valuation.

Staff Recommendation

As discussed, the site is considered a single-family home in the A District. The residents of the home and the agricultural buildings are served by private sanitary sewer and water. Hastings Utility provides gas and electrical services to the property.

The area can be considered a donut hole within the corporate limits, although less than 400 feet from the east property line is properties outside of the City limits.

There are development pressures in the area, as evidenced by the new single-family subdivision to the west of the site and also to the north of the site, along W 33rd Street. Although there is pressure to develop in the surrounding area, there appears to be land better suited to develop new subdivisions (e.g. open agricultural land), rather than the need to demolish existing buildings on a relatively small tract of land.

If this land were to develop into suburban residential subdivisions or nonresidential uses, the City would most likely require the new development to be annexed. Similarly, if existing private water wells and septic systems were

to fail, requiring a new service, the City would most likely require the property to connect to the public infrastructure, which could be an opportune time to be included in the City limits.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties not be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
PETERSEN JON R & PAMELA S			#010000153			
Current Value Information						
		Improvement		Net Taxable		
Land Value	Dwelling Value	Value	Total Value	Value		
\$23,000	\$ 117,881.00	\$ 11,750.00	\$152,631	\$ 175,019.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 30.53	0.017446	\$ 30.53	0%
CRA		0.000000	\$ -	0.026000	\$ 45.50	100%
City		0.000000	\$ -	0.424342	\$ 742.68	100%
Community College		0.090272	\$ 157.99	0.090272	\$ 157.99	0%
County		0.423456	\$ 741.13	0.423456	\$ 741.13	0%
ESU 9		0.015000	\$ 26.25	0.015000	\$ 26.25	0%
Fire		0.038805	\$ 67.92	0.000000	\$ -	0%
Library		0.008717	\$ 15.26	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 38.53	0.022015	\$ 38.53	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 132.46	0.075686	\$ 132.46	0%
School Districts		0.708894	\$ 1,240.70	0.708894	\$ 1,240.70	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 2,450.78	1.803111	\$ 3,155.79	28.77%

**765 E. 26th Street
Northeast of the Intersection of
E. 26th Street and N. Elm Lane**

Owner: Sharlene K. Dyer

Subject Site:

The subject site is a generally flat piece of land that is approximately 0.50 acres in area. The property is a single-family home with a footprint of approximately 2,000 square feet that includes a detached garage.

Properties to the immediate south and east are located within the City limits. Immediate properties in the general area to the north and west are outside of the City limits.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0176C).

The site is within the Adams Central Public Schools District.



Werner Construction, Inc
East Industrial Area
City Limits



Zoning: The site is currently zoned County A, Agricultural District.

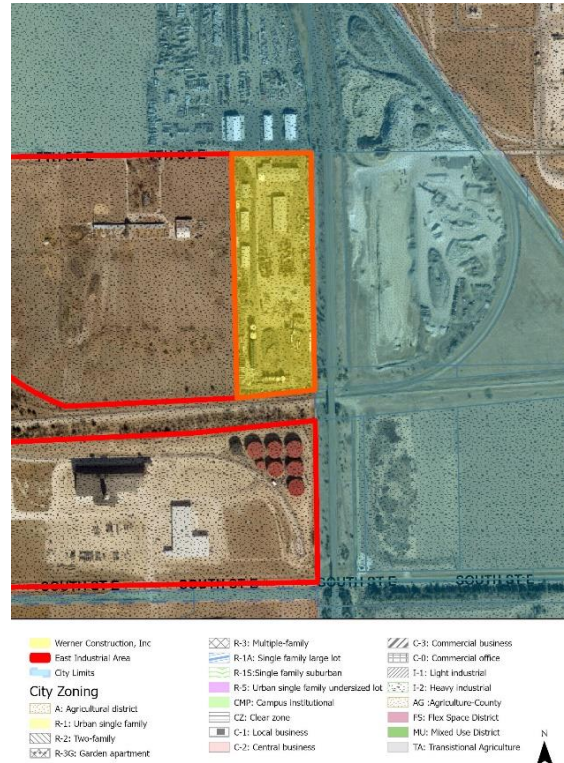
The properties to the north are zoned County A District, and City A, Agricultural District.

The adjacent properties to the east are zoned City, R-1A, Single-Family Large Lot Residential District, and City A, Agricultural District. Further to the east of these properties is land zoned County A District.

To the south, across E 26th Street are properties zoned City R-1, Urban Single-Family Residential District, and City R-1A District.

To the west is land zoned County A District, and a newer subdivision zoned City R-3, Multiple-Family Residential District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be A, Agricultural District.



Public Utilities:

Water – There is a 10-inch water main adjacent to the site on the south side of the E. 26th Street right-of-way that serves the site. The home is connected to the City’s water infrastructure and is a current customer of the City’s utility.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located on the south side of E. 26th Street and provides service to the site. The home is connected to the City’s sanitary sewer infrastructure and is currently a customer of the City’s utility.

Gas – A Hastings Utilities’ gas line is located to the south of the property on E. 26th Street. The property is a customer of that utility enterprise and pays the standard rate for a property within the City limits.

Electricity - Hastings Utilities’ has electrical service in the immediate area to provide electricity to the site.

The property owner is a customer of the utility enterprise and pays the standard rate for property within the City limits.

Access to Public Roads – The site has one driveway onto E. 26th Street. East 26th Street is maintained by the City of Hastings.

Public Safety – Being that the land is outside of the City limits, the technical jurisdiction for fire, EMS, and law enforcement services are from Hastings Rural Volunteer Fire Department and Adams County Sheriff's Office. However, the Hastings Fire Department responds at the request of Hastings Rural for any fire incidents, and provides ambulance transport by contract, in the event of an emergency call to the property. Similarly, if a violent incident occurs on the property, the Hastings Police Department would respond at the request of the Adams County Sheriff's Office. If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to utilities, public roadways, and emergency and protective services are readily available. All utilities are in the immediate area. The property is currently connected to these utilities. Thus, no extension of services is required. Additionally, the site is located within the Fire and Police Department's service area and response times to the site would be within the acceptable times established by the departments. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance

Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property is a single-family home and generally appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as A, Agricultural District, until such time that it would be redeveloped. The property could also be rezoned to R-1A, Single-Family Large Lot Residential District to better align with the single-family home.

The property is surrounded by properties or public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations.

The property owner's tax assessment is anticipated to increase by approximately \$628 or 28.77%, based on the 2023-2023 valuation.

Staff Recommendation

As discussed, the site is considered a single-family home in the County A District. The residents of the home are served by Hastings Utilities water, sanitary sewer, gas, and electrical services to the property.

The area can be considered a donut hole within the corporate limits, although less than 250 feet from the east property line is properties outside of the City limits.

There are development pressures in the area, as evidenced by the new single-family subdivision to the west of the site and also to the north of the site, along W 33rd Street. Although there is pressure to develop in the surrounding area, there appears to be land better suited to develop new subdivisions (e.g. open agricultural land), rather than the need to demolish existing buildings on a relatively small tract of land.

If this land were to develop into suburban residential subdivisions or nonresidential uses, the City would most likely require the new development to be annexed. Similarly, if existing private water wells and septic systems were to fail, requiring a new service, the City would most likely require the property to connect to the public infrastructure, which could be an opportune time to be included in the City limits.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties not be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
DYER SHARLENE K			#010000152			
Current Value Information						
		Improvement		Net Taxable		
Land Value	Dwelling Value	Value	Total Value	Value		
\$23,460	\$ 118,708.00	\$ -	\$142,168	\$ 155,856.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 27.19	0.017446	\$ 27.19	0%
CRA		0.000000	\$ -	0.026000	\$ 40.52	100%
City		0.000000	\$ -	0.424342	\$ 661.36	100%
Community College		0.090272	\$ 140.69	0.090272	\$ 140.69	0%
County		0.423456	\$ 659.98	0.423456	\$ 659.98	0%
ESU 9		0.015000	\$ 23.38	0.015000	\$ 23.38	0%
Fire		0.038805	\$ 60.48	0.000000	\$ -	0%
Library		0.008717	\$ 13.59		\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 34.31	0.022015	\$ 34.31	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 117.96	0.075686	\$ 117.96	0%
School Districts		0.708894	\$ 1,104.85	0.708894	\$ 1,104.85	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 2,182.44	1.803111	\$ 2,810.26	28.77%

2420 N. 2nd Avenue
Southeast of the Intersection of
E. 26th Street and N. 2nd Avenue

Owner: Richard and Melanie Curry

Subject Site:

The subject site is a large piece of land (28.96 acres in total), consisting of two separate tracts. The west tract is approximately 14.4 acres and consists of a single-family home and detached accessory buildings. The home has a footprint of approximately 4,800 square feet. The detached buildings have footprints that total approximately 14,700 square feet. This west tract is largely surrounded by a dense row of trees.

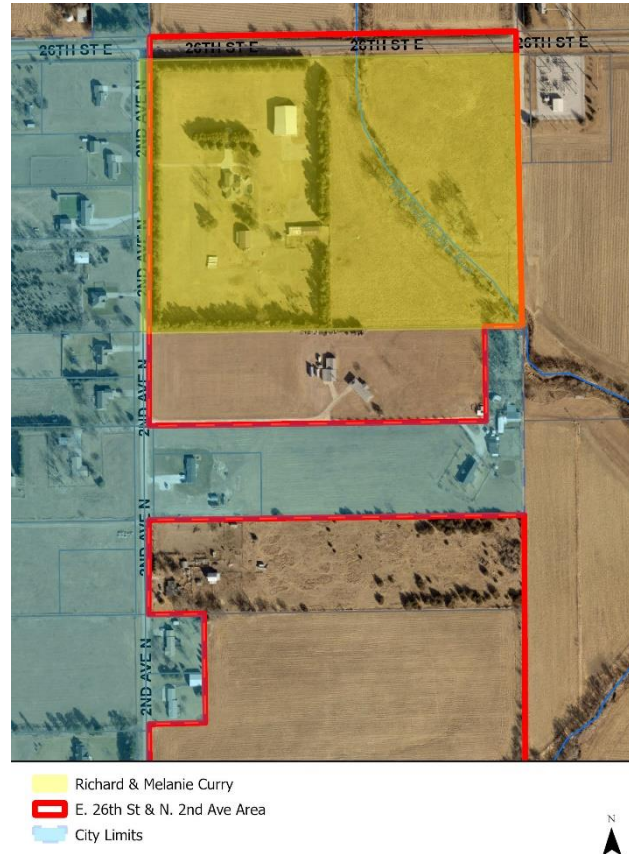
The east tract (approximately 14.5 acres) is undeveloped pasture land that is almost entirely within a mapped floodplain. The West Fork of the Big Blue River flows through the middle of this tract.

Properties to the north and east are located outside of the City limits. One relatively small tract is within the City limits and is zoned R-1A, Single-family Large Lot Residential District. The large property to the immediate south is also located out of the City limits. Properties further to the south are located in the City. Properties to the west are also located in the City.

The property is in the Hastings Public Schools District.

Floodplain Information:

The majority of the home site (west tract) is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain). The extreme east edge of this tract is in the FEMA Zone AE, 1% Annual Chance Floodplain (100-year floodplain). The pasture land (east tract) is in the FEMA Zone AE and Floodway (Map Panel # 31001C0176C). Approximately 8 acres of the 14.5-acre tract is in the Floodway.



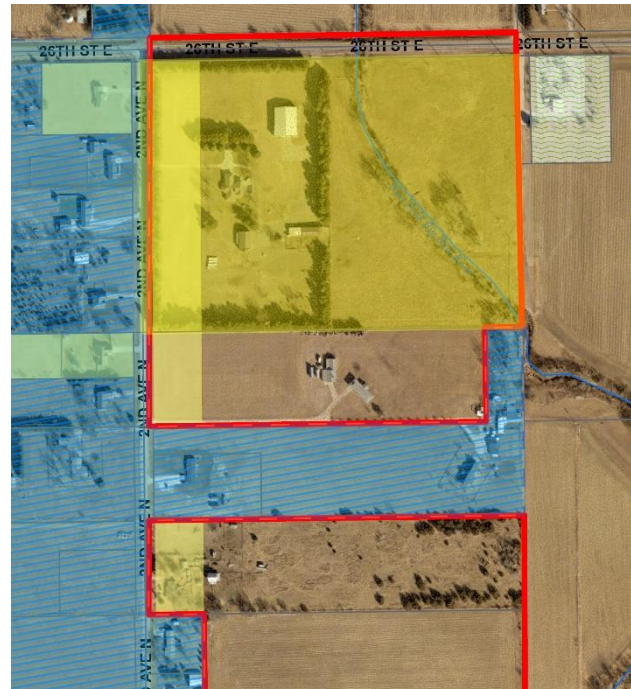
Zoning: Most of the site is currently zoned County A, Agricultural District. The approximately front 170 feet of the western tract is zoned County R-1, Single-Family Residential District.

The properties to the north are zoned County A district, with one relatively small tract that is zoned City R-1A, Large Lot Single-Family Residential District

The adjacent properties to the east are zoned County A, Agricultural District.

To the south, the land is zoned County A District, County R-1 District and City R-1A District.

To the west, across N. 2nd Avenue is land zoned City R-1A District.



The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be A, Agricultural District.



Public Utilities:

Water – There is an 8-inch water main adjacent to the site in the N. 2nd Avenue right-of-way that could serve the site. The land is currently not connected to the City’s water infrastructure and is using a private well providing potable water to the buildings.

Properties with a private system can maintain that system until such time that it would fail. When the system fails, the property owner will be required to connect to the City’s infrastructure (City Code of Ordinance [Sec. 32-605](#) and [Sec. 32-606](#)).

If the property owners were to connect to the adjacent City water main after being annexed, the Outside of District connection rate would apply. This rate would be applied at \$38.50 per linear foot of property frontage. In speaking to Hastings Utility, factors, such as the developable area of the site, home location, and overall lot width, are considered that could reduce the property frontage width. The Outside of District connect fee for water service could be upwards of \$13,500.

If the property remains outside of the City limits, the fee to connect to the City service is \$57.75 per linear foot of property frontage. This rate may rate change in the future, based on City policy updates.

Sanitary Sewer – A 30-inch gravity flow sanitary sewer main runs diagonally across the eastern tract, generally following the stream channel. The home is connected to this City’s sanitary sewer infrastructure and is currently a customer of the City’s utility.

Gas – A Hastings Utilities’ gas line is located to the west of the property on the west side of N. 2nd Avenue. The property is a customer of that utility enterprise and pays the standard rate for a property within the City limits.

Electricity - Hastings Utilities’ has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for property within the City limits.

Access to Public Roads – The site has one driveway onto N. 2nd Avenue, a gravel road. North 2nd Avenue is maintained by the City of Hastings.

Public Safety – Being that the land is outside of the City limits, the technical jurisdiction for fire, EMS, and law enforcement services are from Hastings Rural Volunteer Fire Department and Adams County Sheriff's Office. However, the Hastings Fire Department responds at the request of Hastings Rural for any fire incidents, and provides ambulance transport by contract, in the event of an emergency call to the property. Similarly, if a violent incident occurs on the property, the Hastings Police Department would respond at the request of the Adams County Sheriff's Office. If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to utilities, public roadways, and emergency and protective services are readily available. All utilities are in the immediate area. The property is currently connected to City sanitary sewer, electricity, and gas. Thus, no extension of services is required. Additionally, the site is located within the Fire and Police Department’s service area and response times to the site would be within the acceptable times established by the departments. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City’s Finance Department for this year’s tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property is a single-family, as well as agricultural uses and generally appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as A, Agricultural District, until such time that it would be redeveloped. The property could also be rezoned to R-1A, Single-Family Large Lot Residential District to better align with the single-family home.

The eastern tract has significant limitations to development due to the mapped Floodway of the West Fork of the Big Blue River.

The property is next to properties or public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations.

The property owner's tax assessment is anticipated to increase by approximately \$2,316 or 20.59%, based on the 2023-2023 valuation.

Staff Recommendation

As discussed, the site is considered a single-family home in the County A District. The residents of the home are served by Hastings Utility sanitary sewer, gas, and electrical services to the property. The home is on a private well for water.

The area is on the eastern edge of the City limits.

There are development pressures in the area, as evidenced by the new single-family subdivision to the west of the site along E. 26th Street and also to the north of the site, along W 33rd Street. Although there is pressure to develop in the surrounding area, there appears to be land better suited to develop new subdivisions (e.g. open agricultural land), rather than the need to demolish existing buildings on a relatively small tract of land. Additionally, nearly a third of the site is restricted to most development due to the mapped Floodway.

If this land were to develop into suburban residential subdivisions or nonresidential uses, the City would most likely require the new development to be annexed. Similarly, if the existing private water well were to fail, requiring a new service, the City would most likely require the property to connect to the public infrastructure, which could be an opportune time to be included in the City limits.

Conversely, not annexing the property into the City limits could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that this property not be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID		
2420 N 2nd Avenue			#010003867		
Current Value Information					
		Improvement		Net Taxable	
Land Value	Dwelling Value	Value	Total Value	Value	
\$ 90,088.00	\$ 396,351.00	\$ 156,670.00	\$ 643,109.00	\$ 574,919.00	
Tax Information	Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society	0.017446	\$ 100.30	0.017446	\$ 100.30	0%
CRA	0.000000	\$ -	0.026000	\$ 149.48	100%
City	0.000000	\$ -	0.424342	\$ 2,439.62	100%
Community College	0.090272	\$ 518.99	0.090272	\$ 518.99	0%
County	0.423456	\$ 2,434.53	0.423456	\$ 2,434.53	0%
ESU 9	0.015000	\$ 86.24	0.015000	\$ 86.24	0%
Fire	0.038805	\$ 223.10	0.000000	\$ -	0%
Library	0.008717	\$ 50.12	0.000000	\$ -	0%
NRD 2 Little Blue	0.020621	\$ 118.55	0.020621	\$ 118.55	0%
SID	0.000000	\$ -	0.000000	\$ -	0%
School Bonds	0.200000	\$ 1,149.84	0.200000	\$ 1,149.84	0%
School Districts	1.142000	\$ 6,565.57	1.142000	\$ 6,565.57	0%
TIF	0.000000	\$ -	0.000000	\$ -	0%
Townships	0.000000	\$ -	0.000000	\$ -	0%
Totals	1.956317	\$ 11,247.24	2.359137	\$ 13,563.13	20.59%

2150 N. 2nd Avenue
Approximately 950 feet of the Intersection of
E. 26th Street and N. 2nd Avenue

Owner: James Berck, Et Al

Subject Site:

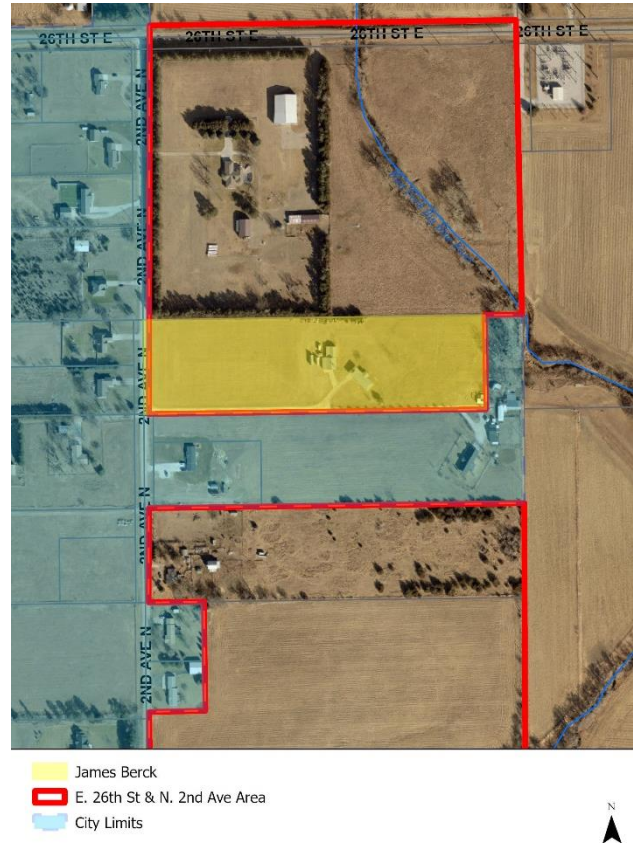
The subject site is a large piece of that is approximately 9.11 acres in area. On the property is a single-family home and a detached accessory building. The home has a footprint of approximately 3,600 square feet. The detached building has a footprint of approximately 3,600 square feet.

Properties to the north are located outside of the City limits. The property to the immediate south is uniquely shaped, with a “panhandle” that extends to the east of the subject site. This property is located in the City limits. Properties beyond this neighboring panhandle are in rural Adams County. Properties further to the south are outside of the City limits. Properties to the west are located in the City.

The site is within the Hastings Public Schools District.

Floodplain Information:

The majority of the site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain). The extreme east edge of this tract is in the FEMA Zone AE, 1% Annual Chance Floodplain (100-year floodplain), and FEMA Floodway. The pasture land (east tract) is in the FEMA Zone AE and Floodway (Map Panel # 31001C0176C). The mapped flood hazard areas make up less than a quarter of an acre.



Zoning: Most of the site is currently zoned County A, Agricultural District. The approximately front 170 feet of the western tract is zoned County R-1, Single-Family Residential District.

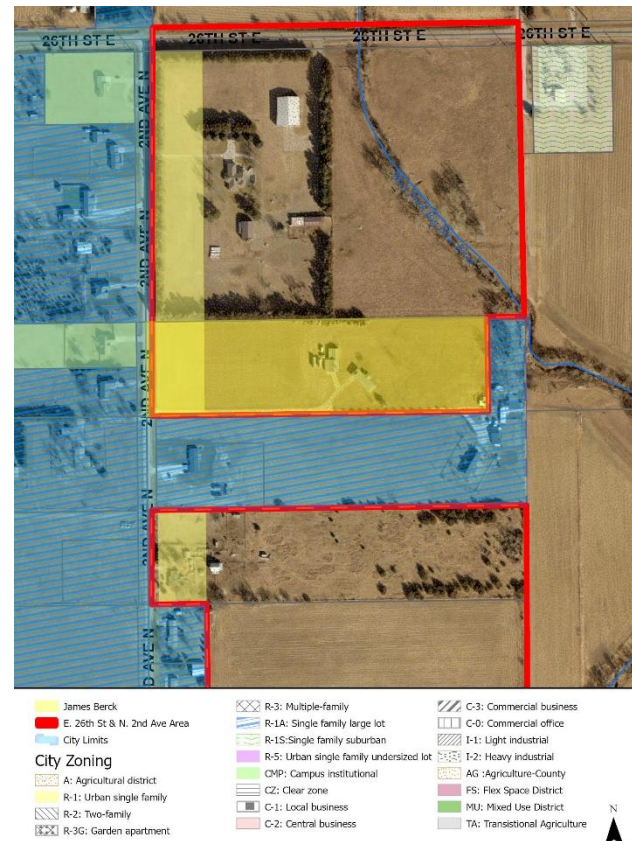
The properties to the north are zoned County A district, with one relatively small tract that is zoned City R-1A, Large Lot Single-Family Residential District

The adjacent properties to the east are zoned County A, Agricultural District.

To the south, the land is zoned City R-1A District, County A District, and County R-1 District.

To the west, across N. 2nd Avenue is land zoned City R-1A District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be A, Agricultural District.



Public Utilities:

Water – There is an 8-inch water main adjacent to the site in the N. 2nd Avenue right-of-way that could serve the site. The land is currently not connected to the City’s water infrastructure and is using a private well providing potable water to the buildings.

Properties with a private system can maintain that system until such time that it would fail. When the system fails, the property owner will be required to connect to the City’s infrastructure (City Code of Ordinance [Sec. 32-605](#) and [Sec. 32-606](#)).

If the property owners were to connect to the adjacent City water main after being annexed, the Outside of District connection rate would apply. This rate would be applied at \$38.50 per linear foot of property frontage. In speaking to Hastings Utility, factors, such as the developable area of the site, home location, and overall lot width, are considered that could reduce the property frontage width. The Outside of District connect fee for water service could be upwards of \$12,700.

If the property remains outside of the City limits, the fee to connect to the City service is \$57.75 per linear foot of property frontage. This rate may rate change in the future, based on City policy updates.

Sanitary Sewer – A 30-inch gravity flow sanitary sewer main runs diagonally across the property to the north. The home is connected to this City’s sanitary sewer infrastructure and is currently a customer of the City’s utility.

Gas – A Hastings Utilities’ gas line is located to the west of the property on the west side of N. 2nd Avenue. The property is a customer of that utility enterprise and pays the standard rate for a property within the City limits.

Electricity - Hastings Utilities’ has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for property within the City limits.

Access to Public Roads – The site has one driveway onto N. 2nd Avenue, a gravel road. North 2nd Avenue is maintained by the City of Hastings.

Public Safety – Being that the land is outside of the City limits, the technical jurisdiction for fire, EMS, and law enforcement services are from Hastings Rural Volunteer Fire Department and Adams County Sheriff's Office. However, the Hastings Fire Department responds at the request of Hastings Rural for any fire incidents, and provides ambulance transport by contract, in the event of an emergency call to the property. Similarly, if a violent incident occurs on the property, the Hastings Police Department would respond at the request of the Adams County Sheriff's Office. If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to utilities, public roadways, and emergency and protective services are readily available. All utilities are in the immediate area. The property is currently connected to City sanitary sewer, electricity, and gas. Thus, no extension of services is required. Additionally, the site is located within the Fire and Police Department’s service area and response times to the site would be within the acceptable times established by the departments. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County

Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property is a single-family and generally appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as A, Agricultural District, until such time that it would be redeveloped. The property could also be rezoned to R-1A, Single-Family Large Lot Residential District to better align with the single-family home.

The property is next to properties or public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations.

The property owner's tax assessment is anticipated to increase by approximately \$1,379 or 20.59%, based on the 2023-2023 valuation.

Staff Recommendation

As discussed, the site is considered a single-family home in the County A District. The residents of the home are served by Hastings Utility sanitary sewer, gas, and electrical services to the property. The home is on a private well for water.

The area is on the eastern edge of the City limits.

There are development pressures in the area, as evidenced by the new single-family subdivision to the west of the site along E. 26th Street and also to the north of the site, along W 33rd Street. Although there is pressure to develop in the surrounding area, there appears to be land better suited to develop new subdivisions (e.g. open agricultural land), rather than the need to demolish existing buildings on a relatively small tract of land.

If this land were to develop into suburban residential subdivisions or nonresidential uses, the City would most likely require the new development to be annexed. Similarly, if the existing private water well was to fail, requiring a new service, the City would most likely require the property to connect to the public infrastructure, which could be an opportune time to be included in the City limits.

Conversely, not annexing the property into the City limits could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that this property not be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should be annexed into the City limits, they should clearly articulate the findings of their decision

Property Address			PID			
BERCK JAMES W ETAL			#010003866			
Current Value Information						
		Improvement		Net Taxable		
Land Value	Dwelling Value	Value	Total Value	Value		
\$60,450	\$ 295,900.00	\$ 1,805.00	\$358,155	\$ 342,329.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 59.72	0.017446	\$ 59.72	0%
CRA		0.000000	\$ -	0.026000	\$ 89.01	100%
City		0.000000	\$ -	0.424342	\$ 1,452.65	100%
Community College		0.090272	\$ 309.03	0.090272	\$ 309.03	0%
County		0.423456	\$ 1,449.61	0.423456	\$ 1,449.61	0%
ESU 9		0.015000	\$ 51.35	0.015000	\$ 51.35	0%
Fire		0.038805	\$ 132.84	0.000000	\$ -	0%
Library		0.008717	\$ 29.84	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.020621	\$ 70.59	0.020621	\$ 70.59	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.200000	\$ 684.66	0.200000	\$ 684.66	0%
School Districts		1.142000	\$ 3,909.40	1.142000	\$ 3,909.40	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.956317	\$ 6,697.04	2.359137	\$ 8,076.01	20.59%

2020 N. 2nd Avenue
Approximately 1600 feet south of the Intersection of
E. 26th Street and N. 2nd Avenue

Owner: Laurie Sheets

Subject Site:

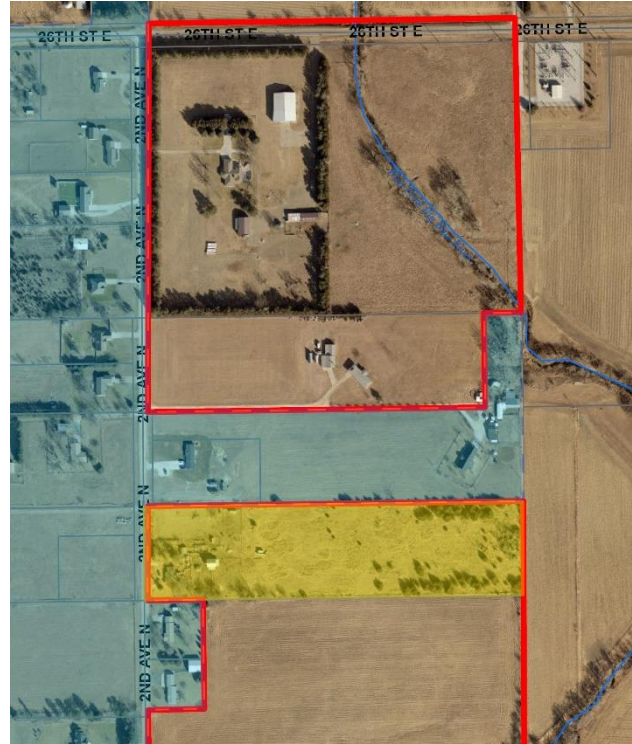
The subject site is a large piece of that is approximately 10.1 acres in area. On the property is a single-family home and several detached accessory buildings. The home has a footprint of approximately 2,000 square feet. The detached buildings have footprints that total roughly 3,300 square feet. The detached buildings are related to a small agricultural production on the site.

The property to the immediate north is located in the City limits. Further to the north are properties located in rural Adams County. Properties to the east are outside of the City in rural Adams County. The single-family homes to the south of the site are within the City limits. The undeveloped land to the south of the land is outside of the City limits. Properties to the west are located in the City.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0176C).

The property is within the Hastings Public Schools District



Zoning: Most of the site is currently zoned County A, Agricultural District. The approximately front 170 feet of the western tract is zoned County R-1, Single-Family Residential District.

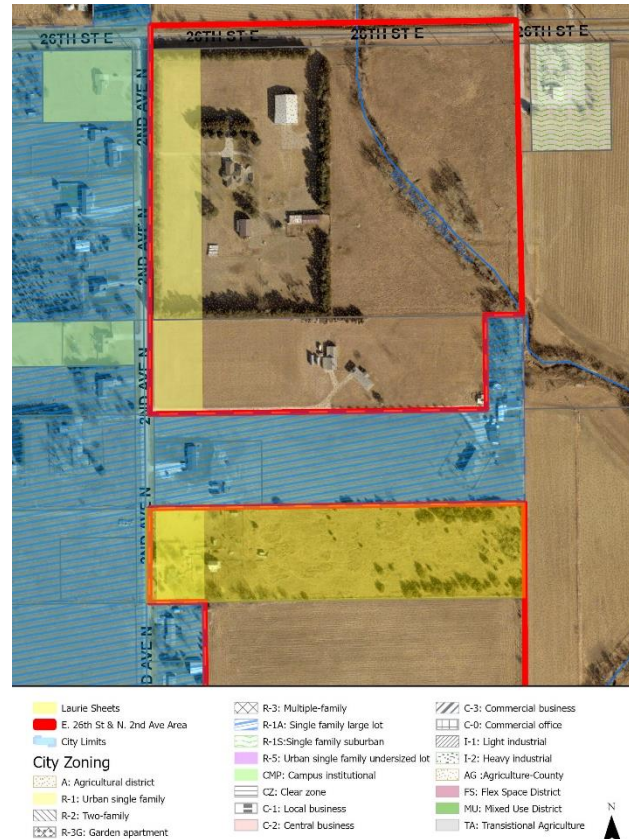
The properties to the north are zoned City R-1A, Large Lot Single-Family Residential District, County A district, and County R-1.

The adjacent properties to the east are zoned County A, Agricultural District.

To the south, land is zoned City R-1A District, County A District, and County A District.

To the west, across N. 2nd Avenue is land zoned City R-1A District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be A, Agricultural District.



Public Utilities:

Water – There is an 8-inch water main adjacent to the site in the N. 2nd Avenue right-of-way that could serve the site. The land is currently not connected to the City’s water infrastructure and is using a private well providing potable water to the buildings.

Properties with a private system can maintain that system until such time that it would fail. When the system fails, the property owner will be required to connect to the City’s infrastructure (City Code of Ordinance [Sec. 32-605](#) and [Sec. 32-606](#)).

If the property owners were to connect to the adjacent City water main after being annexed, the Outside of District connection rate would apply. This rate would be applied at \$38.50 per linear foot of property frontage. In speaking to Hastings Utility, factors, such as the developable area of the site, home location, and overall lot width, are considered that could reduce the property frontage width. The Outside of District connect fee for water service could be upwards of \$8,100.

If the property remains outside of the City limits, the fee to connect to the City service is \$57.75 per linear foot of property frontage. This rate may rate change in the future, based on City policy updates.

Sanitary Sewer – An 8-inch gravity flow sanitary sewer in the N. 2nd Avenue right-of-way. The home is connected to this City’s sanitary sewer infrastructure and is currently a customer of the City’s utility. The buildings are not connected to the City’s sanitary sewer service and are currently served by a private septic system.

Properties with a private system can maintain that system until such time that it would fail. When the system fails, the property owner will be required to connect to the City's infrastructure (City Code of Ordinance [Sec. 32-509](#)).

The Outside of District connection rate would apply if the property owners were to connect to the adjacent City sanitary sewer main, regardless of being annexed. This rate would be applied at \$34.00 per linear foot of property frontage. In speaking to Hastings Utility, factors, such as the developable area of the site, home location, and overall lot width, are considered that could reduce the property frontage width. The Outside of District connect fee for water service could be upwards of \$7,200.

If the property remains outside of the City limits, the fee to connect to the City service is \$51.00 per linear foot of property frontage. This rate may rate change in the future, based on City policy updates.

Gas – A Hastings Utilities' gas line is located to the west of the property on the west side of N. 2nd Avenue. The property is not currently a customer of that utility enterprise.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for property within the City limits.

Access to Public Roads – The site has one driveway onto N. 2nd Avenue, a gravel road. North 2nd Avenue is maintained by the City of Hastings.

Public Safety – Being that the land is outside of the City limits, the technical jurisdiction for fire, EMS, and law enforcement services are from Hastings Rural Volunteer Fire Department and Adams County Sheriff's Office. However, the Hastings Fire Department responds at the request of Hastings Rural for any fire incidents, and provides ambulance transport by contract, in the event of an emergency call to the property. Similarly, if a violent incident occurs on the property, the Hastings Police Department would respond at the request of the Adams County Sheriff's Office. If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to utilities, public roadways, and emergency and protective services are readily available. All utilities are in the immediate area. The property is currently connected to City sanitary sewer, electricity, and gas. Thus, no extension of services is required. Additionally, the site is located within the Fire and Police Department's service area and response times to the site would be within the acceptable times established by the departments. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property is a single-family and small agriculture production, The use and buildings generally appear to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as A, Agricultural District, until such time that it would be redeveloped. The property could also be rezoned to R-1A, Single-Family Large Lot Residential District to better align with the single-family home.

The property is next to properties or public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for sanitary sewer. The public utilities are in the immediate area to serve the site if requested. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations.

The property owner's tax assessment is anticipated to increase by approximately \$618 or 20.59%, based on the 2023-2023 valuation.

Staff Recommendation

As discussed, the site is considered a single-family home in the County A District. The residents of the home are served by Hastings Utility for electrical service to the property. The home is on a private well and septic systems. Because utilities are in the immediate area, the property could be served by public utilities, if requested

The area is on the eastern edge of the City limits.

There are development pressures in the area, as evidenced by the new single-family subdivision to the west of the site along E. 26th Street and also to the north of the site, along W 33rd Street. Although there is pressure to develop in the surrounding area, there appears to be land better suited to develop new subdivisions (e.g. open agricultural land), rather than the need to demolish existing buildings on a relatively small tract of land.

If this land were to develop into suburban residential subdivisions or nonresidential uses, the City would most likely require the new development to be annexed. Similarly, if the existing private water well was to

fail, requiring a new service, the City would most likely require the property to connect to the public infrastructure, which could be an opportune time to be included in the City limits.

Conversely, not annexing the property into the City limits could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that this property not be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should be annexed into the City limits, they should clearly articulate the findings of their decision

Property Address			PID		
2020 N 2ND AVE			#010003869		
Current Value Information					
		Improvement		Net Taxable	
Land Value	Dwelling Value	Value	Total Value	Value	
\$ 62,140.00	\$ 96,257.00	\$ 6,154.00	\$ 164,551.00	\$ 153,390.00	
Tax Information	Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society	0.017446	\$ 26.76	0.017446	\$ 26.76	0%
CRA	0.000000	\$ -	0.026000	\$ 39.88	100%
City	0.000000	\$ -	0.424342	\$ 650.90	100%
Community College	0.090272	\$ 138.47	0.090272	\$ 138.47	0%
County	0.423456	\$ 649.54	0.423456	\$ 649.54	0%
ESU 9	0.015000	\$ 23.01	0.015000	\$ 23.01	0%
Fire	0.038805	\$ 59.52	0.000000	\$ -	0%
Library	0.008717	\$ 13.37	0.000000	\$ -	0%
NRD 2 Little Blue	0.020621	\$ 31.63	0.020621	\$ 31.63	0%
SID	0.000000	\$ -	0.000000	\$ -	0%
School Bonds	0.200000	\$ 306.78	0.200000	\$ 306.78	0%
School Districts	1.142000	\$ 1,751.71	1.142000	\$ 1,751.71	0%
TIF	0.000000	\$ -	0.000000	\$ -	0%
Townships	0.000000	\$ -	0.000000	\$ -	0%
Totals	1.956317	\$ 3,000.79	2.359137	\$ 3,618.68	20.59%

Northeast Corner of Parkview Cemetery

Owner: City of Hastings

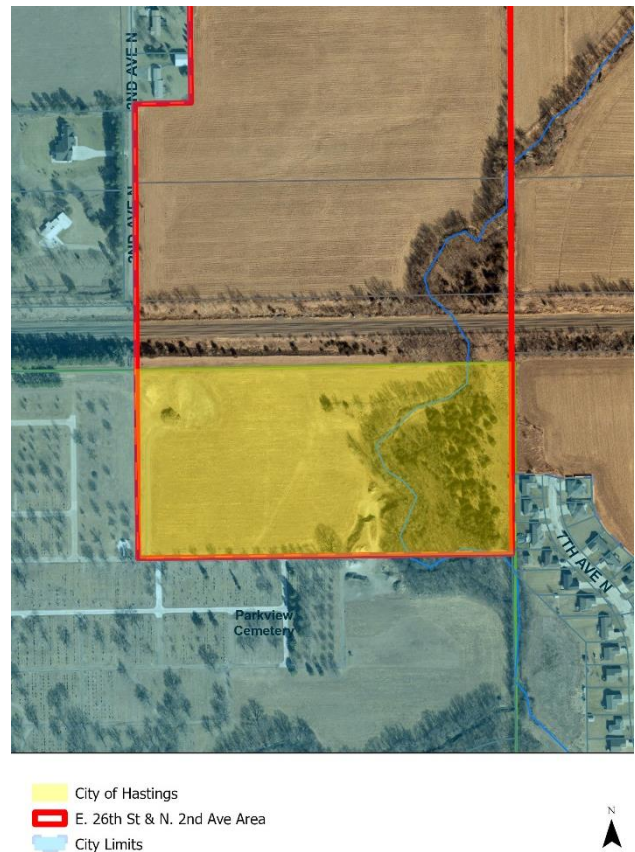
Subject Site:

The subject site is a 19.9 acre tract of land designated for a future expansion of the City's Parkview Cemetery. The land slopes to the east toward a tributary of the West Fork of the Big Blue River.

Properties to the north are in rural Adams County. The Eastridge Meadows residential properties to the east of the site are in the City limits. The farm ground further to the east is in rural Adams County. Properties to the west and south are located in the City. The immediate properties to the west and south are part of the cemetery.

Floodplain Information:

The majority of the site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain). The eastern edge of land is located in FEMA Zone AE, 1% Annual Chance Floodplain (100-year floodplain), and the mapped Floodway (Map Panel # 31001C0176C). The special flood hazard area encompasses roughly 20% of the site.



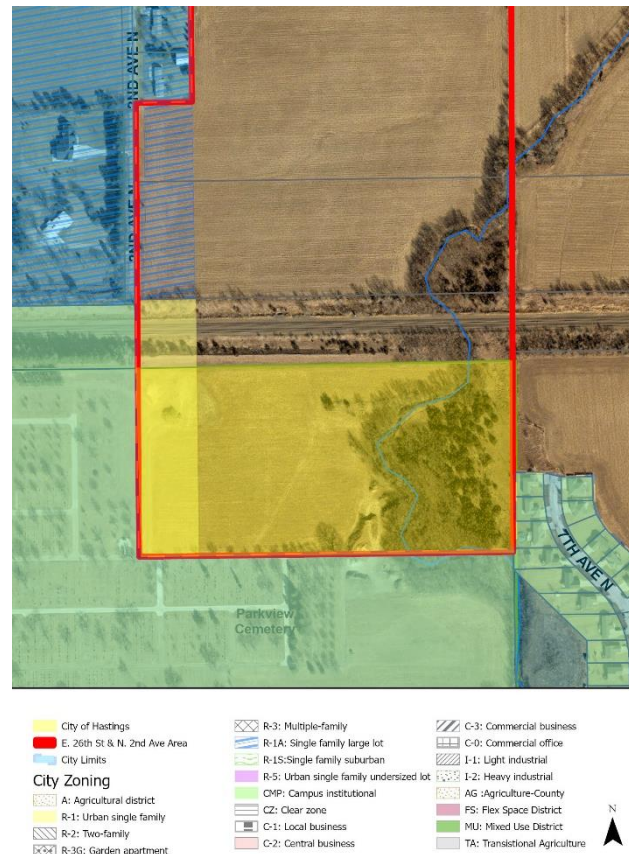
Zoning: Most of the site is currently zoned County A, Agricultural District. The approximately front 170 feet of the western tract is zoned County R-1, Single-Family Residential District.

The properties to the north are zoned County A District and City R-1A, Large Lot Single-Family Residential District.

The adjacent properties to the east are zoned County A, Agricultural District, and City R-1, Urban Single-Family Residential District.

To the south and west, the land is zoned City R-1 District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be A, Agricultural District, or R-1 District to match the rest of the cemetery.



Public Utilities:

Water – The cemetery is already served by water mains along N. Elm Street and E. 12th Street. Any extension of services to the annexed area for landscape irrigation or other public needs will be completed by the City as the cemetery is extended to this area.

Sanitary Sewer – The cemetery is already served by the sanitary sewer infrastructure along E. 12th Street. The City will extend service lines to this area, as needed, when the cemetery is expanded.

Properties with a private system can maintain that system until such time that it would fail. When the system fails, the property owner will be required to connect to the City's infrastructure (City Code of Ordinance [Sec. 32-509](#)).

Gas – Hastings Utilities' gas lines are located in the area along N. Elm Avenue and E 12th Street and can be extended to the area by the City, as needed.

Electricity - Hastings Utilities' electrical lines are located in the area along N. Elm Avenue and E 12th Street and can be extended to the area by the City, as needed.

Access to Public Roads – The site can gain access to N. Elm Avenue via internal driveways in the cemetery.

Public Safety – Being that the land is outside of the City limits, the technical jurisdiction for fire, EMS, and law enforcement services are from Hastings Rural Volunteer Fire Department and Adams County Sheriff's Office. However, the Hastings Fire Department responds at the request of Hastings Rural for any fire

incidents, and provides ambulance transport by contract, in the event of an emergency call to the property. Similarly, if a violent incident occurs on the property, the Hastings Police Department would respond at the request of the Adams County Sheriff's Office. If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, this land is to be a future expansion of the Parkview Cemetery. access to utilities, public roadways, and emergency and protective services are readily available and in the immediate area. The City will extend services, as needed, when the cemetery is expanded in this area.

Potential Tax Implications:

This land is owned by the City of Hastings, which makes it tax exempt from property taxes. There are not implications for potential taxes with the current ownership.

Summary:

The use of the property is undeveloped land intended for a future expansion of the Parkview Cemetery. There are no buildings or developments on the site. If annexed, it would be recommended to remain as A, Agricultural District or could be rezoned to R-1 to make the rest of the cemetery land..

The property is next to properties or public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings. Public utilities are in the immediate area to serve the site if requested. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations.

Staff Recommendation

As discussed, the site is owned by the City of Hastings and is intended to be used for a future expansion of the Parkview Cemetery. Considering, City staff is recommending that this property be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
TL23			#010003870			
Current Value Information						
Land Value		Dwelling Value	Improvement Value	Total Value	Net Taxable Value	
\$	56,366.00	\$ -	\$ -	\$ 56,366.00	\$	52,241.00
Tax Information	Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?	
Ag Society	0.017446	\$ 9.11	0.017446	\$ 9.11	0%	
CRA	0.000000	\$ -	0.026000	\$ 13.58	100%	
City	0.000000	\$ -	0.424342	\$ 221.68	100%	
Community College	0.090272	\$ 47.16	0.090272	\$ 47.16	0%	
County	0.423456	\$ 221.22	0.423456	\$ 221.22	0%	
ESU 9	0.015000	\$ 7.84	0.015000	\$ 7.84	0%	
Fire	0.038805	\$ 20.27	0.000000	\$ -	0%	
Library	0.008717	\$ 4.55	0.000000	\$ -	0%	
NRD 2 Little Big Blue	0.020621	\$ 10.77	0.020621	\$ 10.77	0%	
SID	0.000000	\$ -	0.000000	\$ -	0%	
School Bonds	0.200000	\$ 104.48	0.200000	\$ 104.48	0%	
School Districts	1.142000	\$ 596.59	1.142000	\$ 596.59	0%	
TIF	0.000000	\$ -	0.000000	\$ -	0%	
Townships	0.000000	\$ -	0.000000	\$ -	0%	
Totals	1.956317	\$ 1,022.00	2.359137	\$ 1,232.44	20.59%	

Northeast Corner of Parkview Cemetery

Owner: City of Hastings

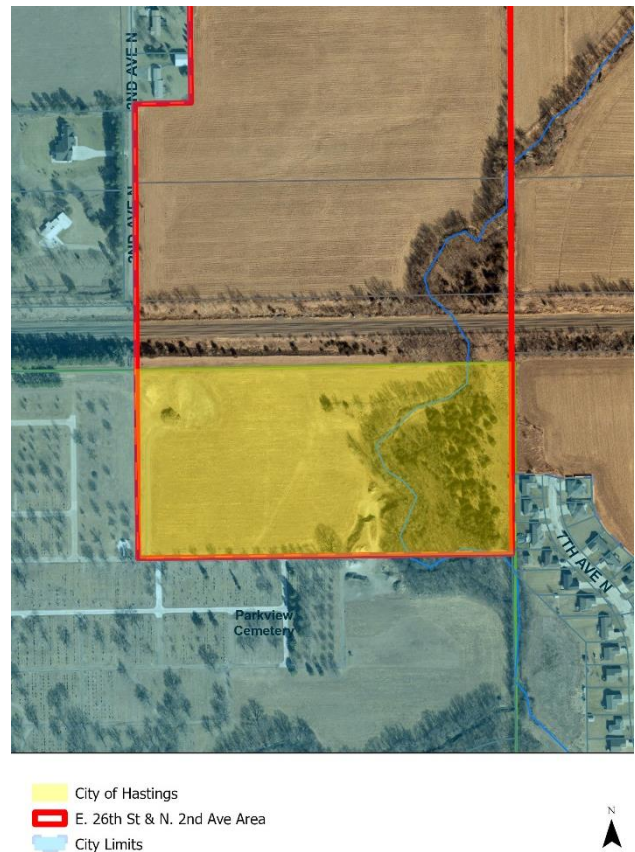
Subject Site:

The subject site is a 19.9 acre tract of land designated for a future expansion of the City's Parkview Cemetery. The land slopes to the east toward a tributary of the West Fork of the Big Blue River.

Properties to the north are in rural Adams County. The Eastridge Meadows residential properties to the east of the site are in the City limits. The farm ground further to the east is in rural Adams County. Properties to the west and south are located in the City. The immediate properties to the west and south are part of the cemetery.

Floodplain Information:

The majority of the site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain). The eastern edge of land is located in FEMA Zone AE, 1% Annual Chance Floodplain (100-year floodplain), and the mapped Floodway (Map Panel # 31001C0176C). The special flood hazard area encompasses roughly 20% of the site.



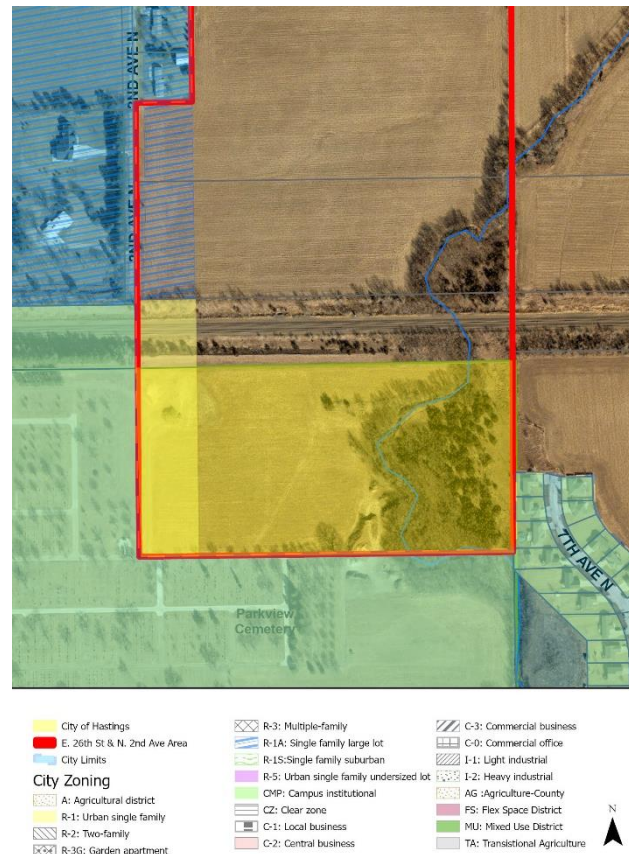
Zoning: Most of the site is currently zoned County A, Agricultural District. The approximately front 170 feet of the western tract is zoned County R-1, Single-Family Residential District.

The properties to the north are zoned County A District and City R-1A, Large Lot Single-Family Residential District.

The adjacent properties to the east are zoned County A, Agricultural District, and City R-1, Urban Single-Family Residential District.

To the south and west, the land is zoned City R-1 District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be A, Agricultural District, or R-1 District to match the rest of the cemetery.



Public Utilities:

Water – The cemetery is already served by water mains along N. Elm Street and E. 12th Street. Any extension of services to the annexed area for landscape irrigation or other public needs will be completed by the City as the cemetery is extended to this area.

Sanitary Sewer – The cemetery is already served by the sanitary sewer infrastructure along E. 12th Street. The City will extend service lines to this area, as needed, when the cemetery is expanded.

Properties with a private system can maintain that system until such time that it would fail. When the system fails, the property owner will be required to connect to the City's infrastructure (City Code of Ordinance [Sec. 32-509](#)).

Gas – Hastings Utilities' gas lines are located in the area along N. Elm Avenue and E 12th Street and can be extended to the area by the City, as needed.

Electricity - Hastings Utilities' electrical lines are located in the area along N. Elm Avenue and E 12th Street and can be extended to the area by the City, as needed.

Access to Public Roads – The site can gain access to N. Elm Avenue via internal driveways in the cemetery.

Public Safety – Being that the land is outside of the City limits, the technical jurisdiction for fire, EMS, and law enforcement services are from Hastings Rural Volunteer Fire Department and Adams County Sheriff's Office. However, the Hastings Fire Department responds at the request of Hastings Rural for any fire

incidents, and provides ambulance transport by contract, in the event of an emergency call to the property. Similarly, if a violent incident occurs on the property, the Hastings Police Department would respond at the request of the Adams County Sheriff's Office. If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, this land is to be a future expansion of the Parkview Cemetery. access to utilities, public roadways, and emergency and protective services are readily available and in the immediate area. The City will extend services, as needed, when the cemetery is expanded in this area.

Potential Tax Implications:

This land is owned by the City of Hastings, which makes it tax exempt from property taxes. There are not implications for potential taxes with the current ownership.

Summary:

The use of the property is undeveloped land intended for a future expansion of the Parkview Cemetery. There are no buildings or developments on the site. If annexed, it would be recommended to remain as A, Agricultural District or could be rezoned to R-1 to make the rest of the cemetery land..

The property is next to properties or public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings. Public utilities are in the immediate area to serve the site if requested. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations.

Staff Recommendation

As discussed, the site is owned by the City of Hastings and is intended to be used for a future expansion of the Parkview Cemetery. Considering, City staff is recommending that this property be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should be annexed into the City limits, they should clearly articulate the findings of their decision.

Area #2 – Industrial Park North Area Individual Property Research Sheets

500 E 39th St
Southwest of the Intersection of
East 39th Street and Yost Avenue

Owner: KBD Properties, LLC

Subject Site:

The subject site is a generally flat piece of land made up of two tracts of land that total approximately 1.66 acres in area. The site consists of one large industrial building generally located in the center of the site.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2010. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would have been in 2020 and the site would have been fully annexed in 2025. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

City Zoning

- KBD: KBD Properties, LLC
- North: North Industrial Park
- City: City Limits
- A: Agricultural district
- R-1: Urban single family
- R-2: Two-family
- R-3G: Garden apartment

R-3: Multiple-family

- R-1A: Single family large lot
- R-1S: Single family suburban
- R-1P: Single family undersized lot
- C-MP: Campus institutional
- C-Z: Clear zone
- C-1: Local business
- C-2: Central business

C-3: Commercial business

- C-4: Commercial office
- I-1: Light industrial
- I-2: Heavy industrial
- AG: Agriculture-County
- FS: Flex Space District
- MU: Mixed Use District
- TA: Transitional Agriculture

of that utility enterprise and pays the standard rate

the immediate area to provide electricity to the site. The company will not be surprised and pays the standard rate for commercial

t Avenue and E. 39th Street by driveways leading to
street are maintained by the City of Hastings.

property owners and Hastings Economic Development
ected by the City's fire and police department once

However, the City's Police Department does not have jurisdiction over the property, regardless of what the agreement states. The City's Police Department's enforcement response to the portion of the property within the City's jurisdiction is limited by jurisdictional limitations.

es respond to the property as the initial emergency

both Hastings Fire and Hastings Police Department personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City’s Finance Department for this year’s tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public rights-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial

park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the 2010s, it was determined that the incremental approach was inappropriate and the effort stopped. The building was constructed in 2010. The agreement also states that annexation can occur after 17 years from the signing of the document, which would be 2023.

The property owner's tax assessment for the property is anticipated to increase by approximately \$2,327.78 or 28.77%, based on the 2023-2023 valuation.

Staff Recommendation

Per the agreement, this property would have been partially annexed, starting in 2020 and completely annexed in 2025. It has also been 17 years since the signing of the agreement, which makes this site eligible for annexation. Following through with the annexation of the entire property at this time would generally fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
KBD Properties, LLC			10000126			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 64,757.00	\$ -	\$ 533,594.00	\$ 598,351.00	\$ 577,871.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 100.82	0.017446	\$ 100.82	0%
CRA		0.000000	\$ -	0.026000	\$ 150.25	100%
City		0.000000	\$ -	0.424342	\$ 2,452.15	100%
Community College		0.090272	\$ 521.66	0.090272	\$ 521.66	0%
County		0.423456	\$ 2,447.03	0.423456	\$ 2,447.03	0%
ESU 9		0.015000	\$ 86.68	0.015000	\$ 86.68	0%
Fire		0.038805	\$ 224.24	0.000000	\$ -	0%
Library		0.008717	\$ 50.37	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 127.22	0.022015	\$ 127.22	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 437.37	0.075686	\$ 437.37	0%
School Districts		0.708894	\$ 4,096.49	0.708894	\$ 4,096.49	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 8,091.88	1.803111	\$ 10,419.66	28.77%

3709 Yost Avenue
Approximately 300 South of the Intersection of
East 39th Street and Yost Avenue, on the West Side of Yost Avenue

Owner: Michael Bonifas

Subject Site:

The subject site is a generally flat piece of land that is approximately 1.65 acres in area. The site consists of one large industrial building generally located in the northeast of the site.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2007. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would have begun in 2017 and the site would have been fully annexed in 2022. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

Zoning: The site and surrounding areas to the north, east, south, and west are currently zoned County I-2, Heavy Industrial District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

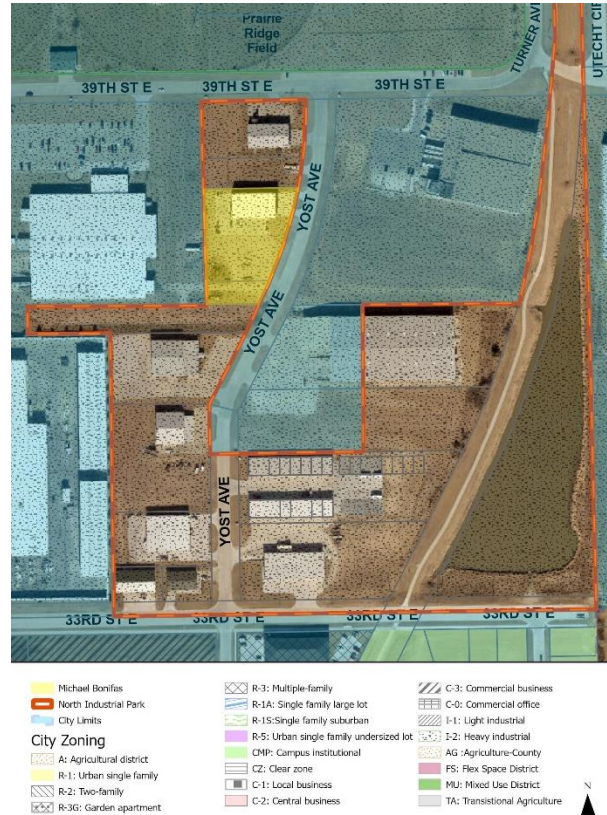
Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a circular driveway that serves as a parking lot for the building as well as access to the building's overhead doors. To the south of the building is a gravel storage yard for materials and equipment. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.



Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City’s Finance Department for this year’s tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial

park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the 2010s, it was determined that the incremental approach was inappropriate and the effort stopped. The building was constructed in 2007. Had the incremental annexation process continued, the site would have begun being annexed in 2017 and fully annexed in 2022.

The property owner's tax assessment for the property is anticipated to increase by approximately \$4,378.30 or 28.77%, based on the 2023-2023 valuation.

Staff Recommendation

Per the agreement, this property would have been partially annexed, starting in 2017 and completely annexed in 2022. Following through with the annexation of the entire property at this time would generally fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
Michael Bonifas			#010018182			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$72,874.00	\$-	\$1,014,041.00	\$1,086,915.00	\$ 1,086,915.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$88.82	0.017446	\$ 189.62	11349%
CRA		0.000000	\$-	0.026000	\$ 282.60	100%
City		0.000000	\$-	0.424342	\$ 4,612.24	100%
Community College		0.090272	\$459.56	0.090272	\$ 981.18	0%
County		0.423456	\$2,155.77	0.423456	\$ 4,602.61	0%
ESU 9		0.015000	\$163.04	0.015000	\$ 163.04	0%
Fire		0.038805	\$197.55	0.000000	\$ -	0%
Library		0.008717	\$44.38	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$112.08	0.022015	\$ 239.28	0%
SID		0.000000	\$-	0.000000	\$ -	0%
School Bonds		0.075686	\$385.31	0.075686	\$ 822.64	0%
School Districts		0.708894	\$3,608.90	0.708894	\$ 7,705.08	0%
TIF		0.000000	\$-	0.000000	\$ -	0%
Townships		0.000000	\$-	0.000000	\$ -	0%
Totals		1.400291	\$15,219.98	1.824	\$ 19,598.28	28.77%

3401 Yost Avenue
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the West Side of Yost Avenue

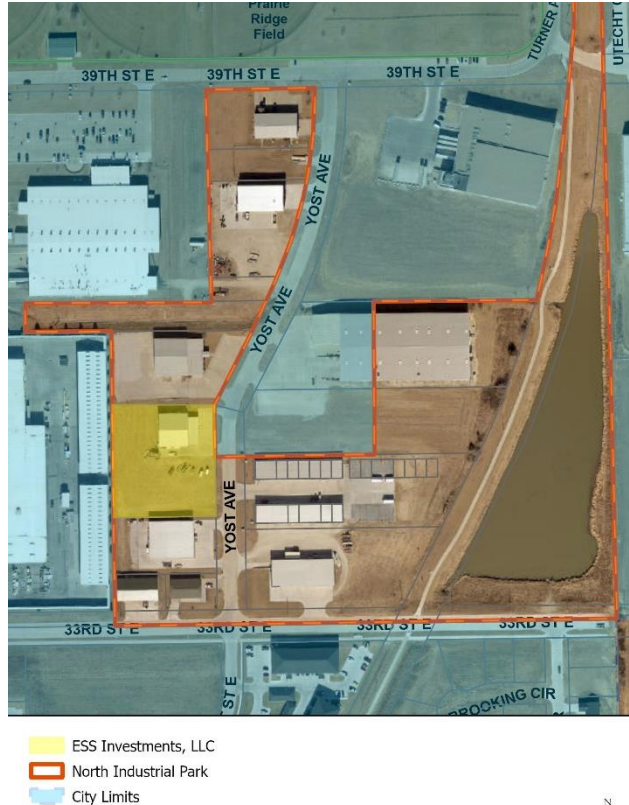
Owner: ESS Investments, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 1.97 acres in area. The site consists of one large industrial building generally located in the northeast of the site.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2010. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would have been in 2020 and the site would have been fully annexed in 2025. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

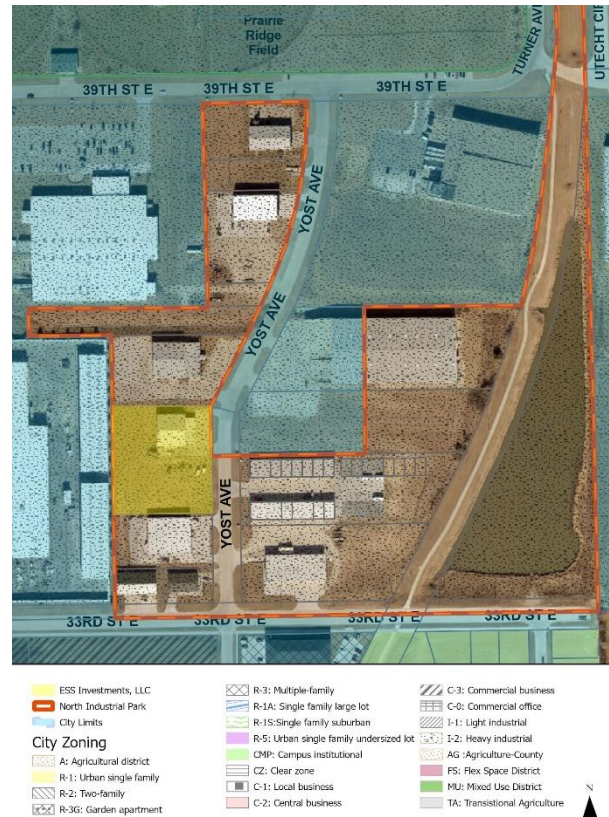
Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.



Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City’s sanitary sewer infrastructure and is currently a customer of the City’s utility at a standard commercial rate.

Gas – A Hastings Utilities’ gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities’ has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a circular driveway that serves as a parking lot for the building as well as access to the building’s overhead doors. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City’s fire and police department once any annexation in the industrial park was done. However, the City’s Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City’s Finance Department for this year’s tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the 2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$2,505.71 or 28.77%, based on the 2023-2023 valuation.

Staff Recommendation

Per the agreement, this property would have been partially annexed, starting in 2020. Following through with the annexation of the entire property at this time would generally fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
ESS Investments LLC			#010017693			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 86,772.00	\$ -	\$ 422,317.00	\$ 509,089.00	\$ 509,089.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 88.82	0.017446	\$ 88.82	0%
CRA		0.000000	\$ -	0.026000	\$ 132.36	100%
City		0.000000	\$ -	0.424342	\$ 2,160.28	100%
Community College		0.090272	\$ 459.56	0.090272	\$ 459.56	0%
County		0.423456	\$ 2,155.77	0.423456	\$ 2,155.77	0%
ESU 9		0.015000	\$ 76.36	0.015000	\$ 76.36	0%
Fire		0.038805	\$ 197.55	0.000000	\$ -	0%
Library		0.008717	\$ 44.38	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 112.08	0.022015	\$ 112.08	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 385.31	0.075686	\$ 385.31	0%
School Districts		0.708894	\$ 3,608.90	0.708894	\$ 3,608.90	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 7,128.73	1.803111	\$ 9,179.44	28.77%

3307 Yost Avenue
Approximately 150 North of the Intersection of
East 33rd Street and Yost Avenue, on the West Side of Yost Avenue

Owner: L & P Commercial Rentals LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 1.0 acres in area. The site consists of one large industrial building generally located in the center of the site.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2019. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the incremental annexation effort had continued, the property would have begun the effort in 2029 and it would have been completely annexed in 2034. It has been 17 years since the date of the order, which would make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

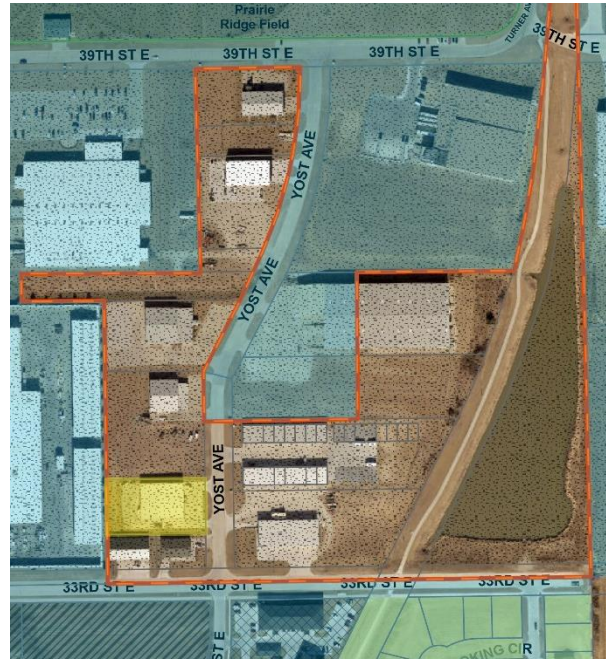
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a circular driveway that serves as a parking lot for the building as well as access to the building's overhead doors. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.



L & P Commercial Rentals, LLC	R-3: Multiple-family	C-3: Commercial business
Yost Avenue Area	R-1A: Single family large lot	C-0: Commercial office
City Limits	R-1S: Single family suburban	I-1: Light industrial
	R-5: Urban single family undersized lot	I-2: Heavy industrial
City Zoning	CHP: Campus institutional	AG: Agriculture-Country
A: Agricultural district	CZ: Clear zone	FS: Flex Space District
R-1: Urban single family	C-1: Local business	MU: Mixed Use District
R-2: Two-family	C-2: Central business	TA: Transitional Agriculture
R-3G: Garden apartment		

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City’s Finance Department for this year’s tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, per the agreement. Sometime in the 2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$2,546.88 or 28.77%, based on the 2023-2023 valuation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
3307 YOST AVENUE			#010018192			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 62,065.00	\$ -	\$ 570,198.00	\$ 632,263.00	\$ 632,263.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 110.30	0.017446	\$ 110.30	0%
CRA		0.000000	\$ -	0.026000	\$ 164.39	100%
City		0.000000	\$ -	0.424342	\$ 2,682.96	100%
Community College		0.090272	\$ 570.76	0.090272	\$ 570.76	0%
County		0.423456	\$ 2,677.36	0.423456	\$ 2,677.36	0%
ESU 9		0.015000	\$ 94.84	0.015000	\$ 94.84	0%
Fire		0.038805	\$ 245.35	0.000000	\$ -	0%
Library		0.008717	\$ 55.11	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 139.19	0.022015	\$ 139.19	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 478.53	0.075686	\$ 478.53	0%
School Districts		0.708894	\$ 4,482.07	0.708894	\$ 4,482.07	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 8,853.52	1.803111	\$ 11,400.40	28.77%

415 E 33rd Street
Approximately 200 Feet West of the Intersection
of East 33rd Street and Yost Avenue

Owner: Harold Korb Trust

Subject Site:

The subject site is a generally flat piece of land that is approximately .32 acres in area. The site consists of one industrial building located in the northwest corner of the site.

The properties to the south and west of the site are located within City limits. The properties generally along Yost Avenue are not in the City limits. This area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.
 - (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.

- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2020. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. It has been 17 years since the date of the order, which would make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

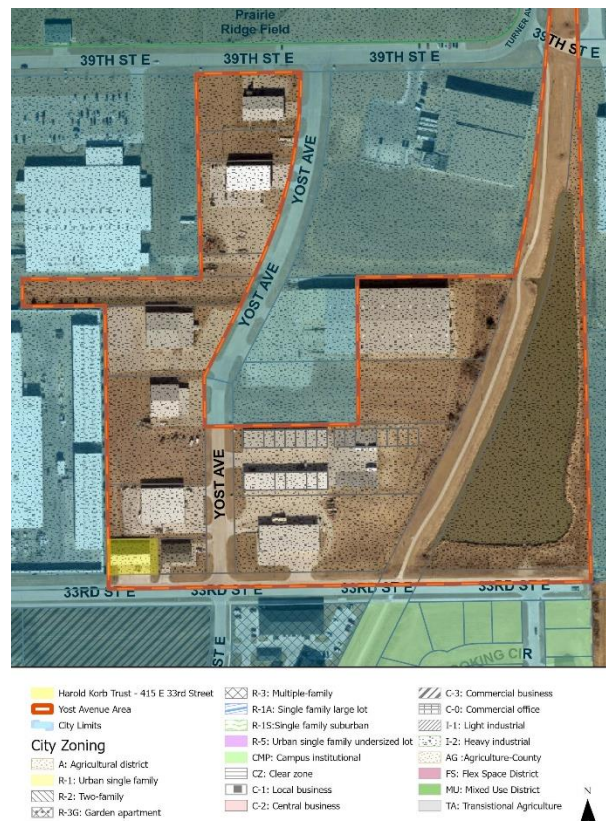
The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the W. 33rd Street rights-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the E. 33rd Street right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.



Gas – A Hastings Utilities’ gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities’ has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site has one large driveway onto E. 33rd Street, which is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City’s fire and police department once any annexation in the industrial park was done. However, the City’s Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 1987 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property is surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, per the agreement. Sometime in the 2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement. The building was constructed in 2020.

The property owner's tax assessment for the property is anticipated to increase by approximately \$572.24, or 28.77%, based on the 2023-2023 valuation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
415 EAST 33RD STREET			#010019010			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 33,856.00	\$ -	\$ 193,048.00	\$ 226,904.00	\$ 142,059.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 24.78	0.017446	\$ 24.78	0%
CRA		0.000000	\$ -	0.026000	\$ 36.94	100%
City		0.000000	\$ -	0.424342	\$ 602.82	100%
Community College		0.090272	\$ 128.24	0.090272	\$ 128.24	0%
County		0.423456	\$ 601.56	0.423456	\$ 601.56	0%
ESU 9		0.015000	\$ 21.31	0.015000	\$ 21.31	0%
Fire		0.038805	\$ 55.13	0.000000	\$ -	0%
Library		0.008717	\$ 12.38	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 31.27	0.022015	\$ 31.27	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 107.52	0.075686	\$ 107.52	0%
School Districts		0.708894	\$ 1,007.05	0.708894	\$ 1,007.05	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 1,989.24	1.803111	\$ 2,561.48	28.77%

3301 Yost Avenue
Northwest of the Intersection of
East 33rd Street and Yost Avenue

Owner: Harold Korb Trust

Subject Site:

The subject site is a generally flat piece of land that is approximately .32 acres in area. The site consists of one industrial building generally located in the center of the site.

The property immediately to the west of the site is in rural Adams County. Other properties to the south and west of the site are located within City limits.

The properties generally along Yost Avenue are not in the City limits. This area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



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 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2011. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the mid-2010s. Had the incremental annexation process continued, the site would have begun the effort in 2021 and the annexation would have been completed in 2026. It has been 17 years since the date of the order, which would make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the W. 33rd Street rights-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the E. 33rd Street right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

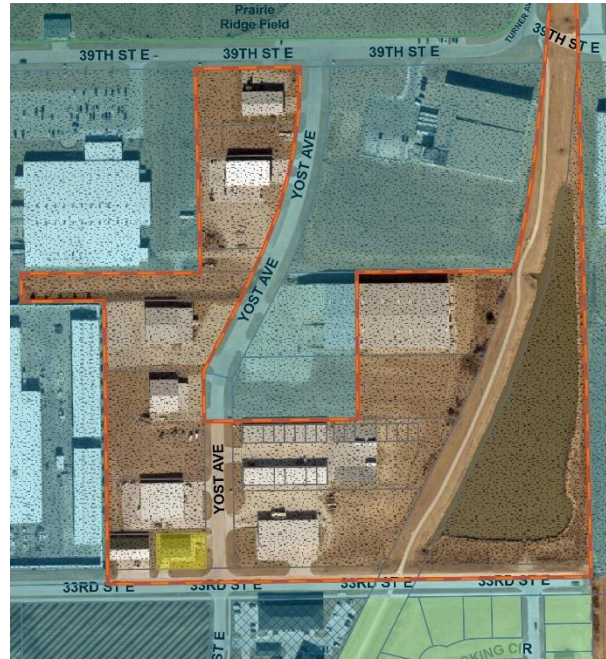
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site has one large driveway onto E. 33rd Street, which is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.



Harold Korb Trust - 3301 Yost Avenue	R-3: Multiple-family	C-3: Commercial business
Yost Avenue Area	R-1A: Single family large lot	C-0: Commercial office
City Limits	R-1S: Single family suburban	I-1: Light industrial
	R-5: Urban single family undersized lot	I-2: Heavy industrial
City Zoning	CHP: Campus institutional	AG: Agriculture-Country
A: Agricultural district	CZ: Clear zone	FS: Flex Space District
R-1: Urban single family	C-1: Local business	MU: Mixed Use District
R-2: Two-family	C-2: Central business	TA: Transitional Agriculture
R-3G: Garden apartment		



If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property is surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park

designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, per the agreement. Sometime in the 2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$558.34, or 28.77%, based on the 2023-2023 valuation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
3301 YOST AVENUE			#010018193			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 33,880.00	\$ 104,728.00	\$ -	\$ 138,608.00	\$ 138,608.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 24.18	0.017446	\$ 24.18	0%
CRA		0.000000	\$ -	0.026000	\$ 36.04	100%
City		0.000000	\$ -	0.424342	\$ 588.17	100%
Community College		0.090272	\$ 125.12	0.090272	\$ 125.12	0%
County		0.423456	\$ 586.94	0.423456	\$ 586.94	0%
ESU 9		0.015000	\$ 20.79	0.015000	\$ 20.79	0%
Fire		0.038805	\$ 53.79	0.000000	\$ -	0%
Library		0.008717	\$ 12.08	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 30.51	0.022015	\$ 30.51	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 104.91	0.075686	\$ 104.91	0%
School Districts		0.708894	\$ 982.58	0.708894	\$ 982.58	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 1,940.92	1.803111	\$ 2,499.26	28.77%

525 E 33rd Street
Northeast of the Intersection of
East 33rd Street and Yost Avenue

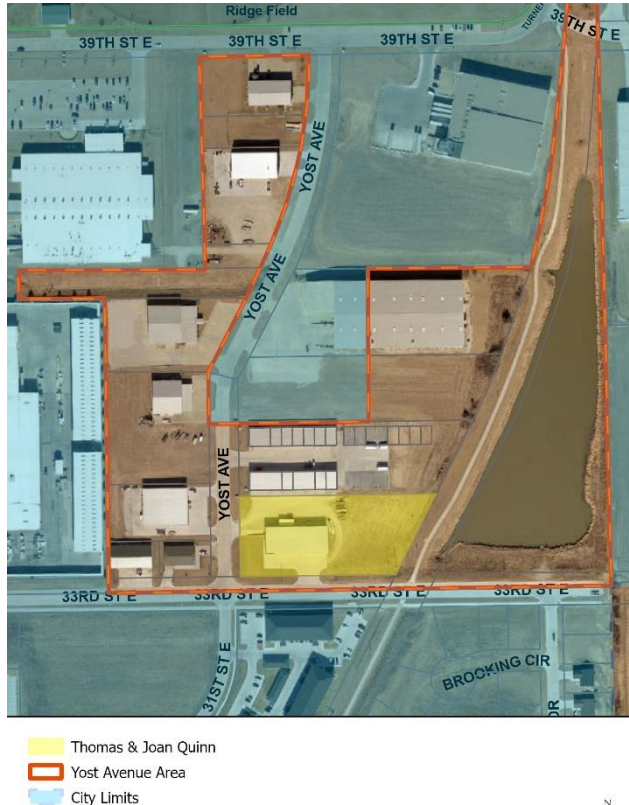
Owner: Thomas and Joan Quinn

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.43 acres in area. The site consists of one industrial building generally located in the center of the site.

The property immediately to the east of the site is in rural Adams County. Other properties to the south and east of the site are located within City limits.

The properties generally along Yost Avenue are not in the City limits. This area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2018. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the mid-2010s. Had the incremental annexation effort continued, the site would have begun the effort in 2028 and be fully annexed in 2033. It has been 17 years since the date of the order, which would make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the W. 33rd Street rights-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.



Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the E. 33rd Street right-of-way that provides service to the site. The business is connected to the City’s sanitary sewer infrastructure and is currently a customer of the City’s utility at a standard commercial rate.

Gas – A Hastings Utilities’ gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities’ has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site has one large driveway onto E. 33rd Street, which is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City’s fire and police department once any annexation in the industrial park was done. However, the City’s Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 1987 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City’s Finance Department for this year’s tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year, as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property is surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, per the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$2,197.62, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
Thomas & Joan Quinn			#010018644			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 90,641.00	\$ -	\$ 454,918.00	\$ 545,559.00	\$ 545,559.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 95.18	0.017446	\$ 95.18	0%
CRA		0.000000	\$ -	0.026000	\$ 141.85	100%
City		0.000000	\$ -	0.424342	\$ 2,315.04	100%
Community College		0.090272	\$ 492.49	0.090272	\$ 492.49	0%
County		0.423456	\$ 2,310.20	0.423456	\$ 2,310.20	0%
ESU 9		0.015000	\$ 81.83	0.015000	\$ 81.83	0%
Fire		0.038805	\$ 211.70	0.000000	\$ -	0%
Library		0.008717	\$ 47.56	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 120.10	0.022015	\$ 120.10	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 412.91	0.075686	\$ 412.91	0%
School Districts		0.708894	\$ 3,867.44	0.708894	\$ 3,867.44	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 7,639.41	1.803111	\$ 9,837.03	28.77%

3302 Yost Avenue – William & Nicole Terrell
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

Owner: William & Nicole Terrell

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns one stall within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2016. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the mid-2010s. If the site was incrementally annexed, per the agreement, the first annexation would be in 2026 and the site would have been fully annexed in 2031. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

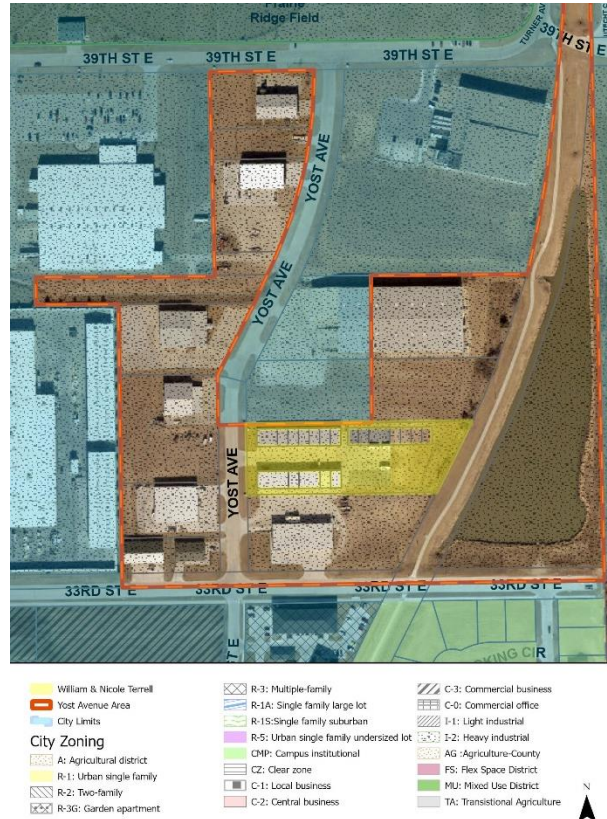
Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.



Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a driveway that serves as a parking lot and loading area for the warehouses. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City’s Finance Department for this year’s tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$301.04, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
William & Nicole Terrell			#010019231			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 3,630.00	\$ -	\$ 71,103.00	\$ 74,733.00	\$ 74,733.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 13.04	0.017446	\$ 13.04	0%
CRA		0.000000	\$ -	0.026000	\$ 19.43	100%
City		0.000000	\$ -	0.424342	\$ 317.12	100%
Community College		0.090272	\$ 67.46	0.090272	\$ 67.46	0%
County		0.423456	\$ 316.46	0.423456	\$ 316.46	0%
ESU 9		0.015000	\$ 11.21	0.015000	\$ 11.21	0%
Fire		0.038805	\$ 29.00	0.000000	\$ -	0%
Library		0.008717	\$ 6.51	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 16.45	0.022015	\$ 16.45	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 56.56	0.075686	\$ 56.56	0%
School Districts		0.708894	\$ 529.78	0.708894	\$ 529.78	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 1,046.48	1.803111	\$ 1,347.52	28.77%

3302 Yost Avenue – Jeremy Meyer
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

Owner: Jeremy Meyer

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns two stalls within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2016. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would be in 2026 and the site would have been fully annexed in 2031. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

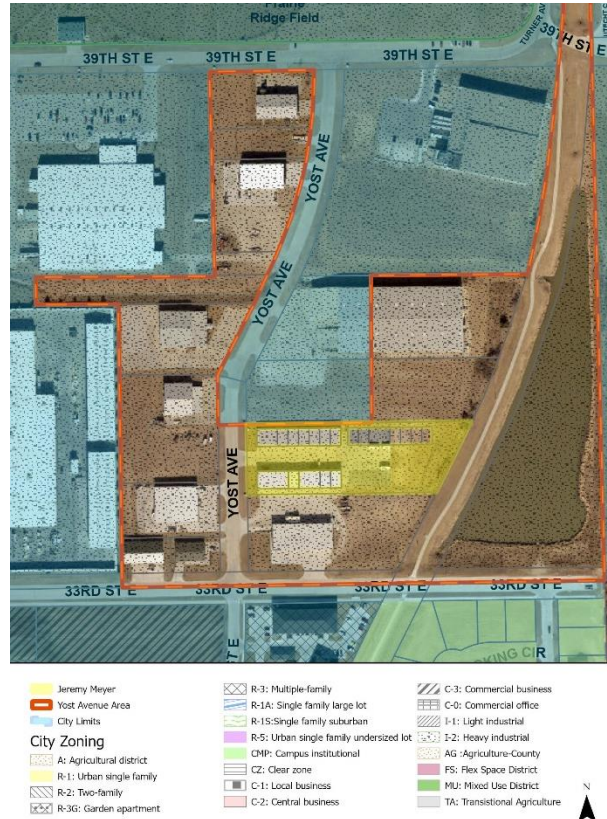
Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.



Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a driveway that serves as a parking lot and loading area for the warehouses. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City’s Finance Department for this year’s tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$400.32, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID		
Jeremy Meyer			#010019215		
Current Value Information					
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value	
\$ 3,630.00	\$ -	\$ 95,750.00	\$ 99,380.00	\$ 99,380.00	
Tax Information	Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society	0.017446	\$ 17.34	0.017446	\$ 17.34	0%
CRA	0.000000	\$ -	0.026000	\$ 25.84	100%
City	0.000000	\$ -	0.424342	\$ 421.71	100%
Community College	0.090272	\$ 89.71	0.090272	\$ 89.71	0%
County	0.423456	\$ 420.83	0.423456	\$ 420.83	0%
ESU 9	0.015000	\$ 14.91	0.015000	\$ 14.91	0%
Fire	0.038805	\$ 38.56	0.000000	\$ -	0%
Library	0.008717	\$ 8.66	0.000000	\$ -	0%
NRD 1 Upper Big Blue	0.022015	\$ 21.88	0.022015	\$ 21.88	0%
SID	0.000000	\$ -	0.000000	\$ -	0%
School Bonds	0.075686	\$ 75.22	0.075686	\$ 75.22	0%
School Districts	0.708894	\$ 704.50	0.708894	\$ 704.50	0%
TIF	0.000000	\$ -	0.000000	\$ -	0%
Townships	0.000000	\$ -	0.000000	\$ -	0%
Totals	1.400291	\$ 1,391.61	1.803111	\$ 1,791.93	28.77%

3302 Yost Avenue – HFX Motorsports, LLC
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

Owner: HFX Motorsports, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns two stalls within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2016. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would have been in 2026 and the site would have been fully annexed in 2031. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

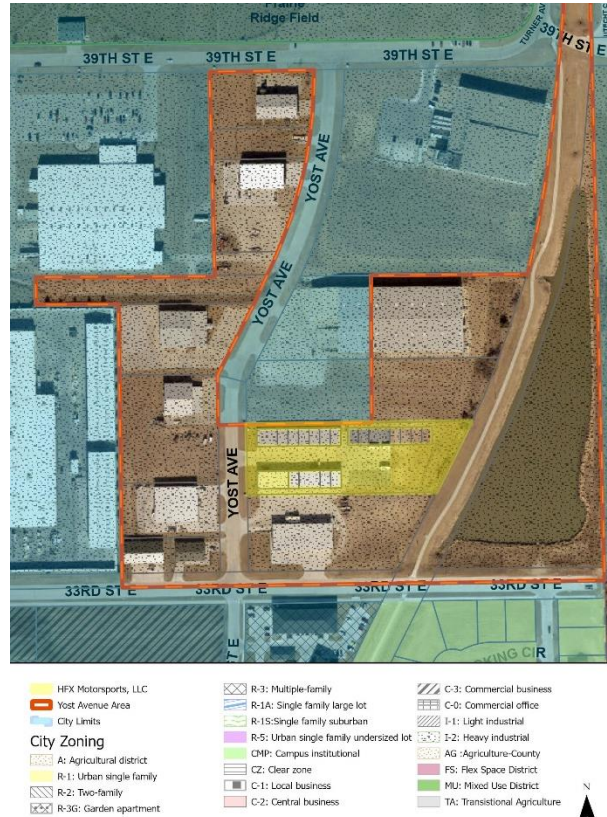
Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.



Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City’s sanitary sewer infrastructure and is currently a customer of the City’s utility at a standard commercial rate.

Gas – A Hastings Utilities’ gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities’ has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a driveway that serves as a parking lot and loading area for the warehouses. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City’s fire and police department once any annexation in the industrial park was done. However, the City’s Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City’s Finance Department for this year’s tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$780.76, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID		
HFX Motorsports, LLC			#010019230		
Current Value Information					
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value	
\$ 10,890.00	\$ -	\$ 182,933.00	\$ 193,823.00	\$ 193,823.00	
Tax Information	Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society	0.017446	\$ 33.81	0.017446	\$ 33.81	0%
CRA	0.000000	\$ -	0.026000	\$ 50.39	100%
City	0.000000	\$ -	0.424342	\$ 822.47	100%
Community College	0.090272	\$ 174.97	0.090272	\$ 174.97	0%
County	0.423456	\$ 820.76	0.423456	\$ 820.76	0%
ESU 9	0.015000	\$ 29.07	0.015000	\$ 29.07	0%
Fire	0.038805	\$ 75.21	0.000000	\$ -	0%
Library	0.008717	\$ 16.90	0.000000	\$ -	0%
NRD 1 Upper Big Blue	0.022015	\$ 42.67	0.022015	\$ 42.67	0%
SID	0.000000	\$ -	0.000000	\$ -	0%
School Bonds	0.075686	\$ 146.70	0.075686	\$ 146.70	0%
School Districts	0.708894	\$ 1,374.00	0.708894	\$ 1,374.00	0%
TIF	0.000000	\$ -	0.000000	\$ -	0%
Townships	0.000000	\$ -	0.000000	\$ -	0%
Totals	1.400291	\$ 2,714.09	1.803111	\$ 3,494.84	28.77%

3302 Yost Avenue – Bumgardner Rentals, LLC
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

Owner: Bumgardner Rentals, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns one stall within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2018. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would have been in 2028 and the site would have been fully annexed in 2033. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

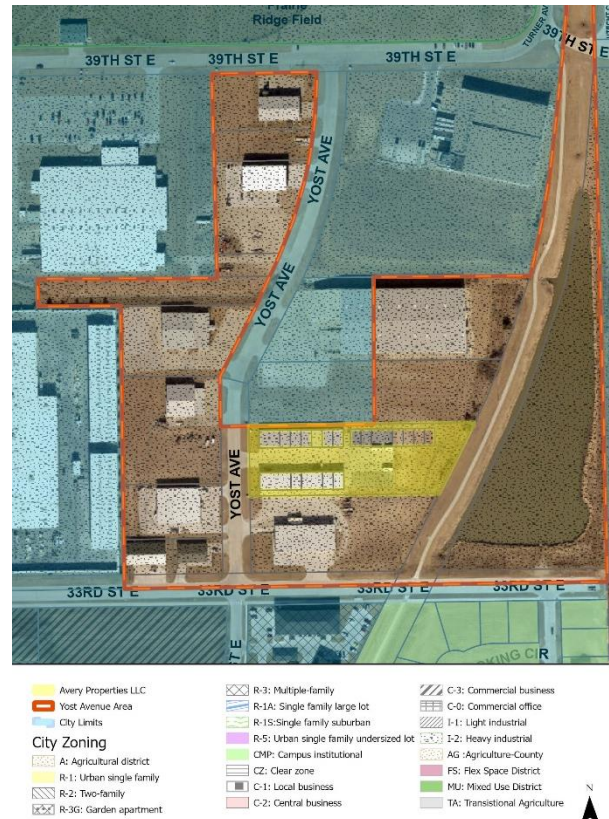
Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.



Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City’s sanitary sewer infrastructure and is currently a customer of the City’s utility at a standard commercial rate.

Gas – A Hastings Utilities’ gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities’ has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a driveway that serves as a parking lot and loading area for the warehouses. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City’s fire and police department once any annexation in the industrial park was done. However, the City’s Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City’s Finance Department for this year’s tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$477.22, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
Bumgardner Rentals, LLC			#010019160			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 7,260.00	\$ -	\$ 124,124.00	\$ 131,384.00	\$ 118,470.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 20.67	0.017446	\$ 20.67	0%
CRA		0.000000	\$ -	0.026000	\$ 30.80	100%
City		0.000000	\$ -	0.424342	\$ 502.72	100%
Community College		0.090272	\$ 106.95	0.090272	\$ 106.95	0%
County		0.423456	\$ 501.67	0.423456	\$ 501.67	0%
ESU 9		0.015000	\$ 17.77	0.015000	\$ 17.77	0%
Fire		0.038805	\$ 45.97	0.000000	\$ -	0%
Library		0.008717	\$ 10.33	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 26.08	0.022015	\$ 26.08	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 89.67	0.075686	\$ 89.67	0%
School Districts		0.708894	\$ 839.83	0.708894	\$ 839.83	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 1,658.92	1.803111	\$ 2,136.15	28.77%

3310 Yost Avenue – DeWeese Implement Company, LLC
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

Owner: DeWeese Implement Company, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns one stall within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2022. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would have been in 2032 and the site would have been fully annexed in 2037. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

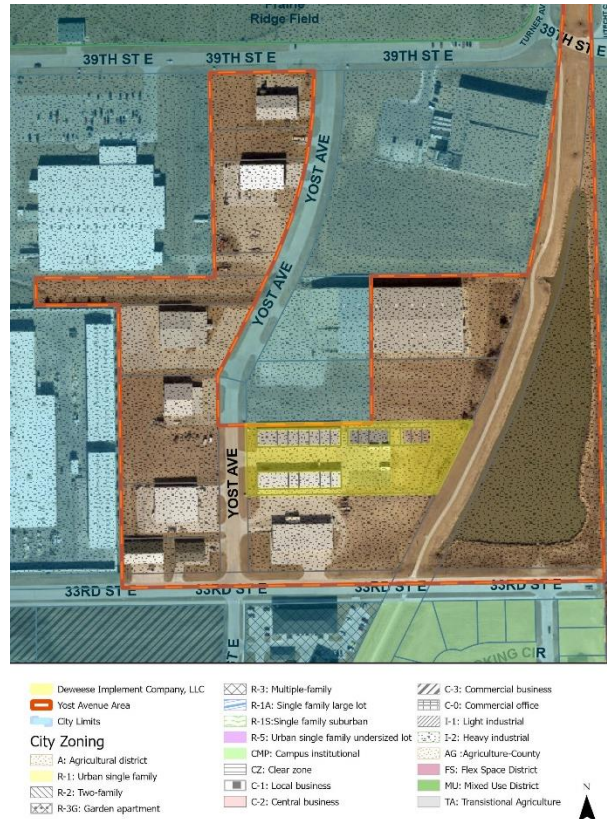
Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.



Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City’s sanitary sewer infrastructure and is currently a customer of the City’s utility at a standard commercial rate.

Gas – A Hastings Utilities’ gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities’ has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a driveway that serves as a parking lot and loading area for the warehouses. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City’s fire and police department once any annexation in the industrial park was done. However, the City’s Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City’s Finance Department for this year’s tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$631.35, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
DeWeese Implement Company, LLC			#010019423			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 3,630.00	\$ -	\$ 153,103.00	\$ 156,733.00	\$ 156,733.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 27.34	0.017446	\$ 27.34	0%
CRA		0.000000	\$ -	0.026000	\$ 40.75	100%
City		0.000000	\$ -	0.424342	\$ 665.08	100%
Community College		0.090272	\$ 141.49	0.090272	\$ 141.49	0%
County		0.423456	\$ 663.70	0.423456	\$ 663.70	0%
ESU 9		0.015000	\$ 23.51	0.015000	\$ 23.51	0%
Fire		0.038805	\$ 60.82	0.000000	\$ -	0%
Library		0.008717	\$ 13.66	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 34.50	0.022015	\$ 34.50	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 118.62	0.075686	\$ 118.62	0%
School Districts		0.708894	\$ 1,111.07	0.708894	\$ 1,111.07	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 2,194.72	1.803111	\$ 2,826.07	28.77%

3312 Yost Avenue – Avery Properties, LLC
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

Owner: Avery Properties, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns one stall within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2018. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would have been in 2028 and the site would have been fully annexed in 2033. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

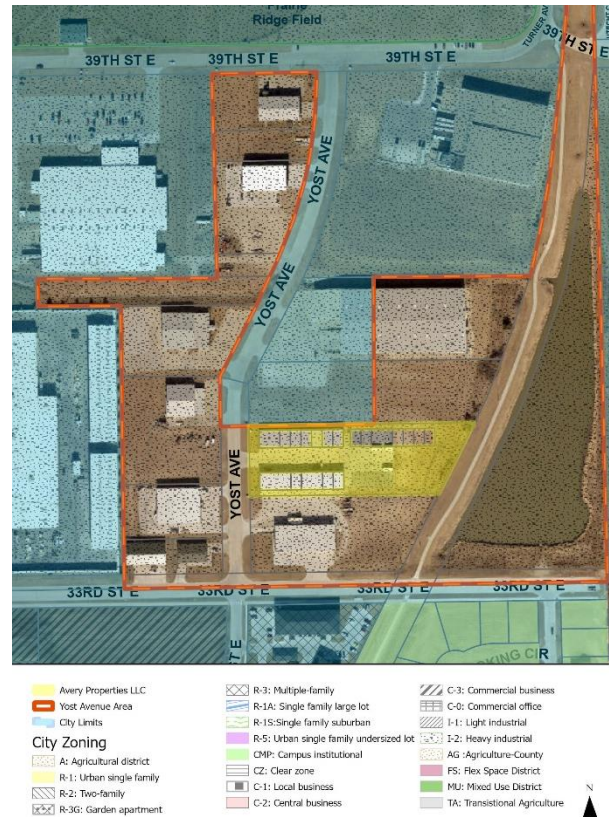
Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.



Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City’s sanitary sewer infrastructure and is currently a customer of the City’s utility at a standard commercial rate.

Gas – A Hastings Utilities’ gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities’ has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a driveway that serves as a parking lot and loading area for the warehouses. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City’s fire and police department once any annexation in the industrial park was done. However, the City’s Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City’s Finance Department for this year’s tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$544.52, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
Avery Properties, LLC			#010019417			
Current Value Information						
Land Value		Dwelling Value	Improvement Value		Total Value	
\$	3,630.00	\$ -	\$	131,547.00	\$	135,177.00
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 23.58	0.017446	\$ 23.58	0%
CRA		0.000000	\$ -	0.026000	\$ 35.15	100%
City		0.000000	\$ -	0.424342	\$ 573.61	100%
Community College		0.090272	\$ 122.03	0.090272	\$ 122.03	0%
County		0.423456	\$ 572.42	0.423456	\$ 572.42	0%
ESU 9		0.015000	\$ 20.28	0.015000	\$ 20.28	0%
Fire		0.038805	\$ 52.46	0.000000	\$ -	0%
Library		0.008717	\$ 11.78	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 29.76	0.022015	\$ 29.76	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 102.31	0.075686	\$ 102.31	0%
School Districts		0.708894	\$ 958.26	0.708894	\$ 958.26	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 1,892.87	1.803111	\$ 2,437.39	28.77%

3304 Yost Avenue – Legend Trail Properties, LLC
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

Owner: Legend Trail Properties

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns two stalls within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2022. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would be in 2032 and the site would have been fully annexed in 2037. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

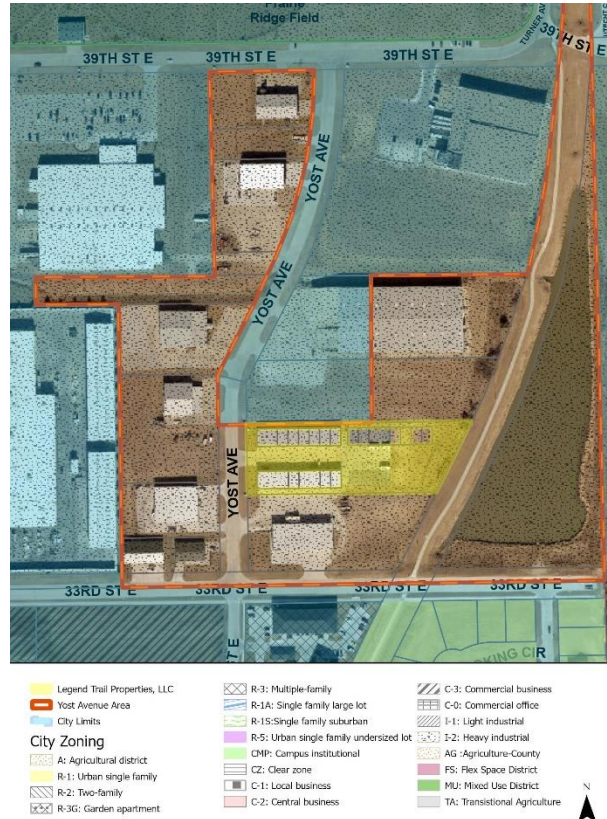
Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.



Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City’s sanitary sewer infrastructure and is currently a customer of the City’s utility at a standard commercial rate.

Gas – A Hastings Utilities’ gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities’ has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a driveway that serves as a parking lot and loading area for the warehouses. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City’s fire and police department once any annexation in the industrial park was done. However, the City’s Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City’s Finance Department for this year’s tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement. The building was constructed in 2022. If the incremental annexation process was continued, the site would have begun being annexed in 2032 and fully annexed in 2037.

The property owner's tax assessment for the property is anticipated to increase by approximately \$631.35, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
Legend Trial Properties, LLC			#010019424			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 3,630.00	\$ -	\$ 153,103.00	\$ 156,733.00	\$ 156,733.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 27.34	0.017446	\$ 27.34	0%
CRA		0.000000	\$ -	0.026000	\$ 40.75	100%
City		0.000000	\$ -	0.424342	\$ 665.08	100%
Community College		0.090272	\$ 141.49	0.090272	\$ 141.49	0%
County		0.423456	\$ 663.70	0.423456	\$ 663.70	0%
ESU 9		0.015000	\$ 23.51	0.015000	\$ 23.51	0%
Fire		0.038805	\$ 60.82	0.000000	\$ -	0%
Library		0.008717	\$ 13.66	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 34.50	0.022015	\$ 34.50	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 118.62	0.075686	\$ 118.62	0%
School Districts		0.708894	\$ 1,111.07	0.708894	\$ 1,111.07	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 2,194.72	1.803111	\$ 2,826.07	28.77%

3304 Yost Avenue – Fox Run Taxidermy, LLC
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

Owner: Fox Run Taxidermy, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns one stall within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2022. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would have been in 2032 and the site would have been fully annexed in 2037. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

City Zoning

Fox Run Tuxedoery, LLC	R-3: Multiple-family	C-3: Commercial business
Yost Avenue Area	R-1A: Single family large lot	C-0: Commercial office
City Limits	R-1S: Single family suburban	I-1: Light industrial
R-5: Urban single family undersized lot	I-2: Heavy industrial	
CMP: Campus institutional	AG - Agriculture-County	
C-2: Clear zone	FS: Free Space District	
R-1: Urban single family	MU: Mixed Use District	
R-2: Two-family	TA: Transitional Agriculture	
R-3G: Garden apartment		

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33rd Street right-of-way. The property is a customer

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Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City’s Finance Department for this year’s tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$631.35, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
FOX RUN TAXIDERMY LLC			#010019426			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 3,630.00	\$ -	\$ 153,103.00	\$ 156,733.00	\$ 156,733.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 27.34	0.017446	\$ 27.34	0%
CRA		0.000000	\$ -	0.026000	\$ 40.75	100%
City		0.000000	\$ -	0.424342	\$ 665.08	100%
Community College		0.090272	\$ 141.49	0.090272	\$ 141.49	0%
County		0.423456	\$ 663.70	0.423456	\$ 663.70	0%
ESU 9		0.015000	\$ 23.51	0.015000	\$ 23.51	0%
Fire		0.038805	\$ 60.82	0.000000	\$ -	0%
Library		0.008717	\$ 13.66	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 34.50	0.022015	\$ 34.50	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 118.62	0.075686	\$ 118.62	0%
School Districts		0.708894	\$ 1,111.07	0.708894	\$ 1,111.07	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 2,194.72	1.803111	\$ 2,826.07	28.77%

3310 Yost Avenue – Sand Water, LLC
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

Owner: Sand Water, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns two stalls within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

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According to Adams County records and building permits, the building was established in 2022. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would have been in 2032 and the site would have been fully annexed in 2037. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

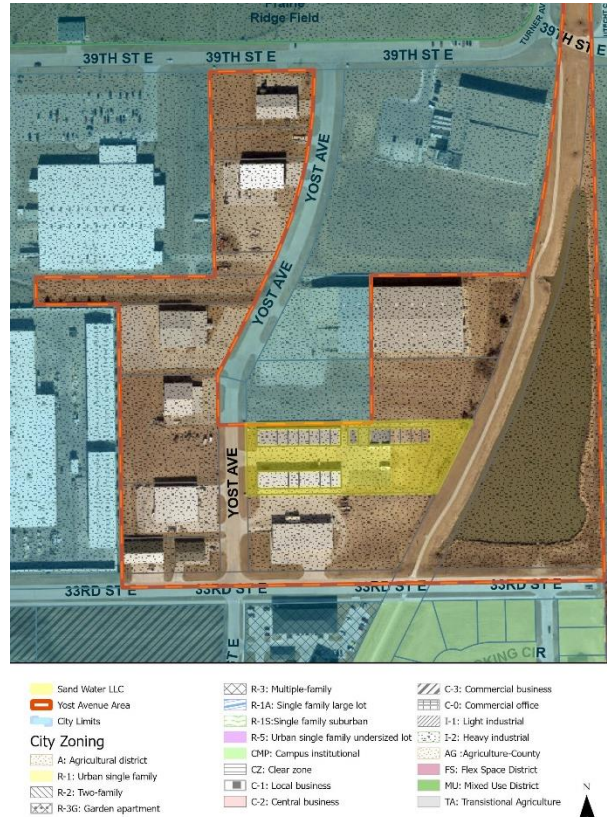
Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.



Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City’s sanitary sewer infrastructure and is currently a customer of the City’s utility at a standard commercial rate.

Gas – A Hastings Utilities’ gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities’ has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a driveway that serves as a parking lot and loading area for the warehouses. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City’s fire and police department once any annexation in the industrial park was done. However, the City’s Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

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Potential Tax Implications:

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Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

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The property owner's tax assessment for the property is anticipated to increase by approximately \$351.92, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
Sandwater, LLC			#010019422			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 3,630.00	\$ -	\$ 83,733.00	\$ 87,363.00	\$ 87,363.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 15.24	0.017446	\$ 15.24	0%
CRA		0.000000	\$ -	0.026000	\$ 22.71	100%
City		0.000000	\$ -	0.424342	\$ 370.72	100%
Community College		0.090272	\$ 78.86	0.090272	\$ 78.86	0%
County		0.423456	\$ 369.94	0.423456	\$ 369.94	0%
ESU 9		0.015000	\$ 13.10	0.015000	\$ 13.10	0%
Fire		0.038805	\$ 33.90	0.000000	\$ -	0%
Library		0.008717	\$ 7.62	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 19.23	0.022015	\$ 19.23	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 66.12	0.075686	\$ 66.12	0%
School Districts		0.708894	\$ 619.31	0.708894	\$ 619.31	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 1,223.34	1.803111	\$ 1,575.25	28.77%

3310 Yost Avenue – Daniel Spellman & Diana Acheson
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

Owner: Daniel Spellman & Diana Acheson

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns two stalls within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

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According to Adams County records and building permits, the building was established in 2022. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would have been in 2032 and the site would have been fully annexed in 2037. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

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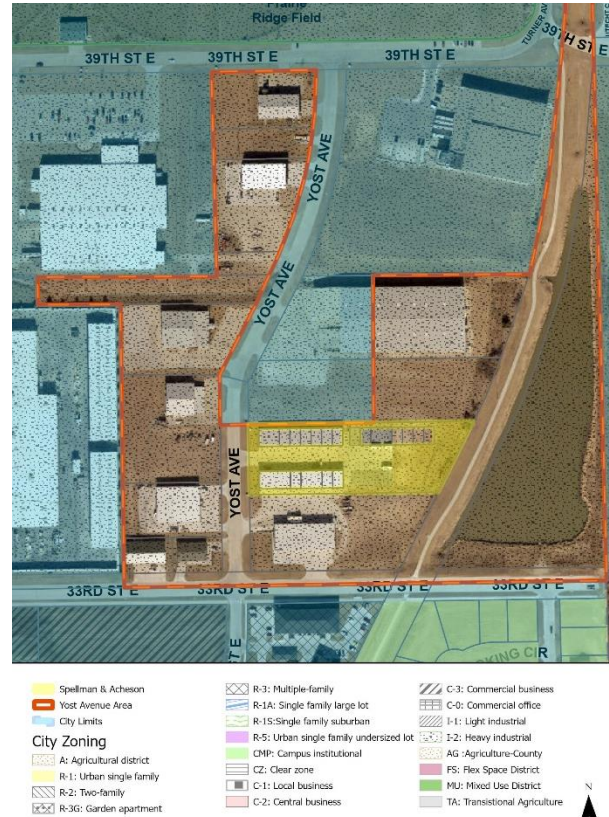
Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.



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Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City’s fire and police department once any annexation in the industrial park was done. However, the City’s Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

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Summary of Cost To Extend Services:

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Summary:

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Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
Daniel Spellman & Diana Acheson			#010019421			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 3,630.00	\$ -	\$ 83,733.00	\$ 87,363.00	\$ 87,363.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 15.24	0.017446	\$ 15.24	0%
CRA		0.000000	\$ -	0.026000	\$ 22.71	100%
City		0.000000	\$ -	0.424342	\$ 370.72	100%
Community College		0.090272	\$ 78.86	0.090272	\$ 78.86	0%
County		0.423456	\$ 369.94	0.423456	\$ 369.94	0%
ESU 9		0.015000	\$ 13.10	0.015000	\$ 13.10	0%
Fire		0.038805	\$ 33.90	0.000000	\$ -	0%
Library		0.008717	\$ 7.62	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 19.23	0.022015	\$ 19.23	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 66.12	0.075686	\$ 66.12	0%
School Districts		0.708894	\$ 619.31	0.708894	\$ 619.31	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 1,223.34	1.803111	\$ 1,575.25	28.77%
					\$ -	

3310 Yost Avenue – Gibraitair Development, LLC
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

Owner: Gibraitair Development, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns two stalls within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2022. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the mid-2010s. If the site was incrementally annexed, per the agreement, the first annexation would have been in 2032 and the site would have been fully annexed in 2037. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

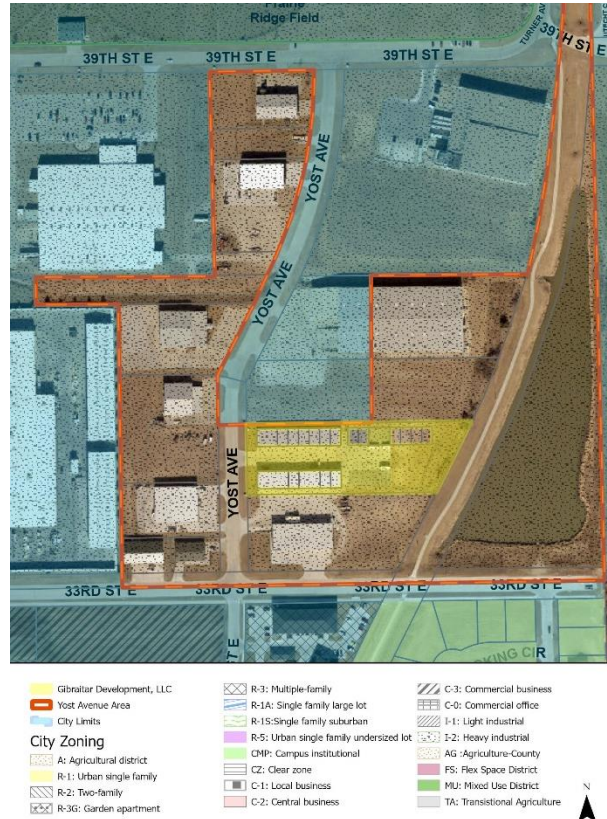
Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.



Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City’s sanitary sewer infrastructure and is currently a customer of the City’s utility at a standard commercial rate.

Gas – A Hastings Utilities’ gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities’ has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a driveway that serves as a parking lot and loading area for the warehouses. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City’s fire and police department once any annexation in the industrial park was done. However, the City’s Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City’s Finance Department for this year’s tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$1,091.53, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
Gibraltar Development, LLC			#010019383			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 6,300.00	\$ 264,671.00	\$ -	\$ 270,971.00	\$ 270,971.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 47.27	0.017446	\$ 47.27	0%
CRA		0.000000	\$ -	0.026000	\$ 70.45	100%
City		0.000000	\$ -	0.424342	\$ 1,149.84	100%
Community College		0.090272	\$ 244.61	0.090272	\$ 244.61	0%
County		0.423456	\$ 1,147.44	0.423456	\$ 1,147.44	0%
ESU 9		0.015000	\$ 40.65	0.015000	\$ 40.65	0%
Fire		0.038805	\$ 105.15	0.000000	\$ -	0%
Library		0.008717	\$ 23.62	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 59.65	0.022015	\$ 59.65	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 205.09	0.075686	\$ 205.09	0%
School Districts		0.708894	\$ 1,920.90	0.708894	\$ 1,920.90	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 3,794.38	1.803111	\$ 4,885.91	28.77%

3312 Yost Avenue – Larry & Deborah Meyer
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

Owner: Larry & Deborah Meyer

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns two stalls within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2016. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would be in 2026 and the site would have been fully annexed in 2031. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

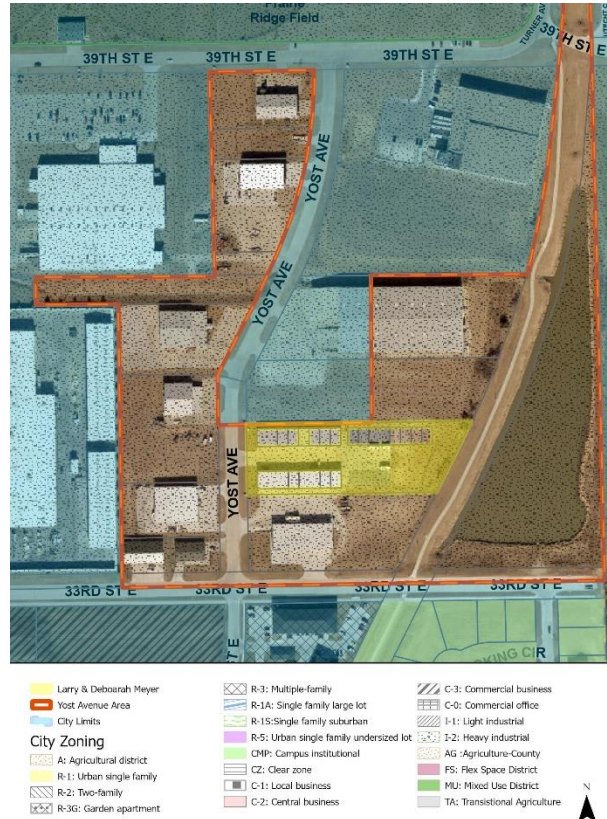
Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.



Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a driveway that serves as a parking lot and loading area for the warehouses. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City’s Finance Department for this year’s tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$295.07, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
Larry & Deborah Meyer			#010019259			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 3,630.00	\$ -	\$ 69,621.00	\$ 73,251.00	\$ 73,251.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 12.78	0.017446	\$ 12.78	0%
CRA		0.000000	\$ -	0.026000	\$ 19.05	100%
City		0.000000	\$ -	0.424342	\$ 310.83	100%
Community College		0.090272	\$ 66.13	0.090272	\$ 66.13	0%
County		0.423456	\$ 310.19	0.423456	\$ 310.19	0%
ESU 9		0.015000	\$ 10.99	0.015000	\$ 10.99	0%
Fire		0.038805	\$ 28.43	0.000000	\$ -	0%
Library		0.008717	\$ 6.39	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 16.13	0.022015	\$ 16.13	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 55.44	0.075686	\$ 55.44	0%
School Districts		0.708894	\$ 519.27	0.708894	\$ 519.27	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 1,025.73	1.803111	\$ 1,320.80	28.77%

3312 Yost Avenue – Griess Family Farms, LLC
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

Owner: Griess Family Farms, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns three stalls within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2016. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would have been in 2026 and the site would have been fully annexed in 2031. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

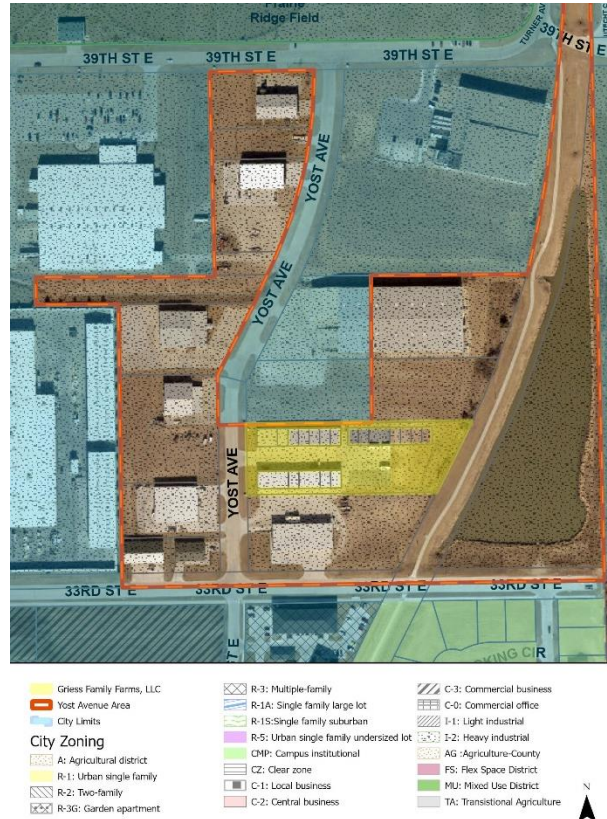
Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.



Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City’s sanitary sewer infrastructure and is currently a customer of the City’s utility at a standard commercial rate.

Gas – A Hastings Utilities’ gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities’ has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a driveway that serves as a parking lot and loading area for the warehouses. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City’s fire and police department once any annexation in the industrial park was done. However, the City’s Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City’s Finance Department for this year’s tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$698.31, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
Greiss Family Farms			#010019000			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 7,260.00	\$ -	\$ 166,096.00	\$ 173,356.00	\$ 173,356.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 30.24	0.017446	\$ 30.24	0%
CRA		0.000000	\$ -	0.026000	\$ 45.07	100%
City		0.000000	\$ -	0.424342	\$ 735.62	100%
Community College		0.090272	\$ 156.49	0.090272	\$ 156.49	0%
County		0.423456	\$ 734.09	0.423456	\$ 734.09	0%
ESU 9		0.015000	\$ 26.00	0.015000	\$ 26.00	0%
Fire		0.038805	\$ 67.27	0.000000	\$ -	0%
Library		0.008717	\$ 15.11	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 38.16	0.022015	\$ 38.16	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 131.21	0.075686	\$ 131.21	0%
School Districts		0.708894	\$ 1,228.91	0.708894	\$ 1,228.91	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 2,427.49	1.803111	\$ 3,125.80	28.77%

3312 Yost Avenue – Westland Park, LLC
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

Owner: Westland Park, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns one stall within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2016. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the mid-2010s. If the site was incrementally annexed, per the agreement, the first annexation would be in 2026 and the site would have been fully annexed in 2031. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

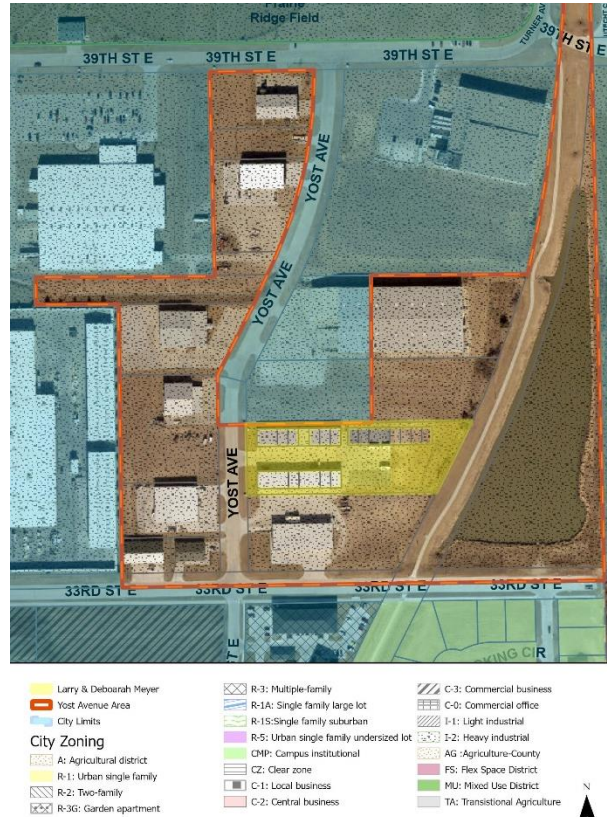
Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.



Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City’s sanitary sewer infrastructure and is currently a customer of the City’s utility at a standard commercial rate.

Gas – A Hastings Utilities’ gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities’ has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a driveway that serves as a parking lot and loading area for the warehouses. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City’s fire and police department once any annexation in the industrial park was done. However, the City’s Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website for this year’s tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$295.07, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
Westland Park, LLC			#010019416			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 3,630.00	\$ -	\$ 69,621.00	\$ 73,251.00	\$ 73,251.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 12.78	0.017446	\$ 12.78	0%
CRA		0.000000	\$ -	0.026000	\$ 19.05	100%
City		0.000000	\$ -	0.424342	\$ 310.83	100%
Community College		0.090272	\$ 66.13	0.090272	\$ 66.13	0%
County		0.423456	\$ 310.19	0.423456	\$ 310.19	0%
ESU 9		0.015000	\$ 10.99	0.015000	\$ 10.99	0%
Fire		0.038805	\$ 28.43	0.000000	\$ -	0%
Library		0.008717	\$ 6.39	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 16.13	0.022015	\$ 16.13	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 55.44	0.075686	\$ 55.44	0%
School Districts		0.708894	\$ 519.27	0.708894	\$ 519.27	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 1,025.73	1.803111	\$ 1,320.80	28.77%

3606 Yost Avenue
Approximately 500 feet north of the intersection of
E. 33rd Street and Yost Avenue

Owner: P M P, LLC

Subject Site:

The subject site is approximately 6.42 acres in area that is comprised of two adjacent lots. The site gradually slopes to the east towards a detention pond. On the site is a large manufacturing building.

Of the 6.42-acre site, approximately 3.5 acres remain in rural Adams County. The reason for this is due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.
 - (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.

- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records, Centennial Plastics was established in 2002. The site would have been eligible for the incremental annexation in 2012. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the property, as defined in (B)(i) for some time, but stopped in the mid-2010s.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

The site is within the Adams Central Public Schools District.

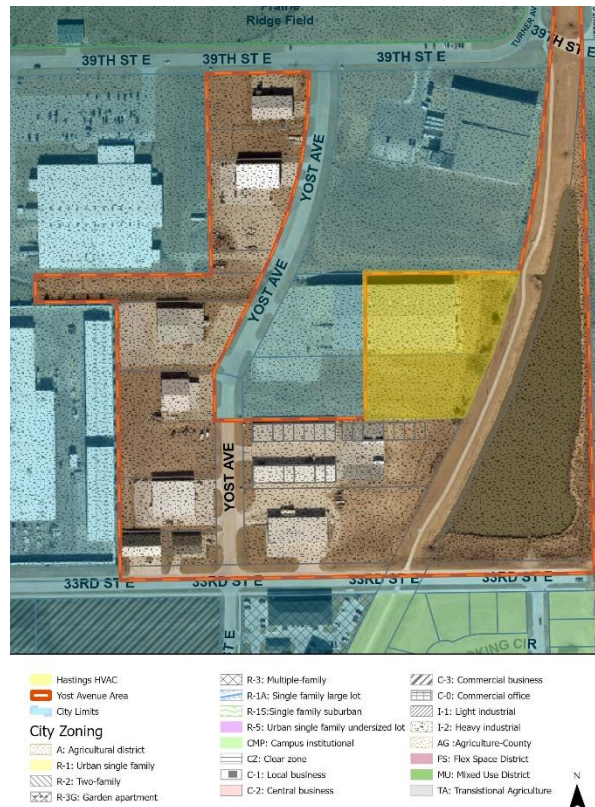
Zoning: The site and surrounding areas to the north, east, south, and west are currently zoned County I-2, Heavy Industrial District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.



Gas – A Hastings Utilities’ gas line is located in the Yost Avenue right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities’ has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site has a large circular driveway that gains access from Yost Avenue. This Driveway provides access to the business’s parking lot and truck loading area. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City’s fire and police department once any annexation in the industrial park was done. However, the City’s Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

Although the agreement, as part of the industrial park designation application states a process to incrementally annex and assess property taxes, it was determined in the 2010s that this manner of annexing and applying mill levies was against the state standards. This practice was halted and this property has been assessed as if it was fully in the Hastings corporate limits since at least 2013. No changes to the property owner's tax statement will occur if the property is annexed.

Summary:

The use of the property is a manufacturing plant. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property is surrounded by properties or public right-of-way within the City of Hastings to the north, east, south, and west. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least 1988. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, per the agreement. This property specifically was annexed, in part, following the conditions of the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 21 years since the plant became operational.

The property owner's tax assessment will not increase if the property is annexed. It was determined in the 2010s that the incremental annexation of properties in the designated industrial park and subsequent incremental changes to the property's tax statement were against state standards. Since at least 2015 the property has been assessed as if the property was entirely inside the City limits.

Staff Recommendation

Per the agreement, this property was to be fully annexed by at least 2017. It was determined around that time that the incremental annexation of each site was inappropriate and the effort stopped. Following through with the annexation of the entire property at this time would fulfill the original agreement, approximately seven years after the agreed-upon time.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID		
Industrial Park North Sub #3			#010018426		
Current Value Information					
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value	
\$ 101,516.00	\$ -	\$ 2,205,372.00	\$ 2,306,888.00	\$ 2,306,888.00	
Tax Information	Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society	0.017446	\$ 402.46	0.017446	\$ 402.46	0%
CRA	0.026000	\$ 599.79	0.026000	\$ 599.79	100%
City	0.424342	\$ 9,789.09	0.424342	\$ 9,789.09	100%
Community College	0.090272	\$ 2,082.47	0.090272	\$ 2,082.47	0%
County	0.423456	\$ 9,768.66	0.423456	\$ 9,768.66	0%
ESU 9	0.015000	\$ 346.03	0.015000	\$ 346.03	0%
Fire	0.000000	\$ -	0.000000	\$ -	0%
Library	0.000000	\$ -	0.000000	\$ -	0%
NRD 1 Upper Big Blue	0.022015	\$ 507.86	0.022015	\$ 507.86	0%
SID	0.000000	\$ -	0.000000	\$ -	0%
School Bonds	0.075686	\$ 1,745.99	0.075686	\$ 1,745.99	0%
School Districts	0.708894	\$ 16,353.39	0.708894	\$ 16,353.39	0%
TIF	0.000000	\$ -	0.000000	\$ -	0%
Townships	0.000000	\$ -	0.000000	\$ -	0%
Totals	1.803111	\$ 41,595.75	1.803111	\$ 41,595.75	0.00%

Area #3 – Industrial Park West Area Individual Property Research Sheets

1830 Centennial Avenue
Approximately 600 feet west of the intersection of
South. Baltimore Avenue and West. G Street

Owner: Centennial Plastics, Inc.

Subject Site:

The subject site is a generally flat piece of land that is approximately 14.9 acres in area. The site consists of four separate tracts that have been combined by the owner for a manufacturing plant that creates plastic pipes.

Of the 14.9-acre site, approximately 10.2 acres remain in rural Adams County. The reason for this is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 1987. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) That the named real estate owner's land, buildings and appurtenances affixed thereto, shall not be subject to annexation by the City of Hastings until ten (10) years passes from the date the respective facilities start operating.
- (B) That after the above-mentioned time period expires, the City may then begin incremental annexation subject to the following terms and conditions:
 - (1) Over a period of five (5) years the City may annex, in equal installments, the total value of the named property owner's real property. The value of each of the five (5) year's installments shall be determined by taking the total value prior to any annexation and dividing it by five (5). Each one fifth (1/5) value shall then be converted into lineal feet of the property owner's land and annexed each respective year.

According to Adams County records, Centennial Plastics was established in 2000. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the property, as defined in (B)(1) for some time, but stopped in the 2010s.

Properties to the immediate north, east, and south are located within the City limits. Immediate properties in the general area to the west, across the rail line are outside of the City limits.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0160C).

The site is partially within the Adams Central Public Schools District and partially in the Hastings Public School District.

Zoning: The site is currently zoned County I-2, Heavy Industrial District.

The properties to the north are a mix of zoned City I-1, Light Industrial District, I-2 District, and R-1, Urban Single-family Residential District.

To the east and south are properties zoned City I-2 District.

To the west is land zoned County R-1 District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

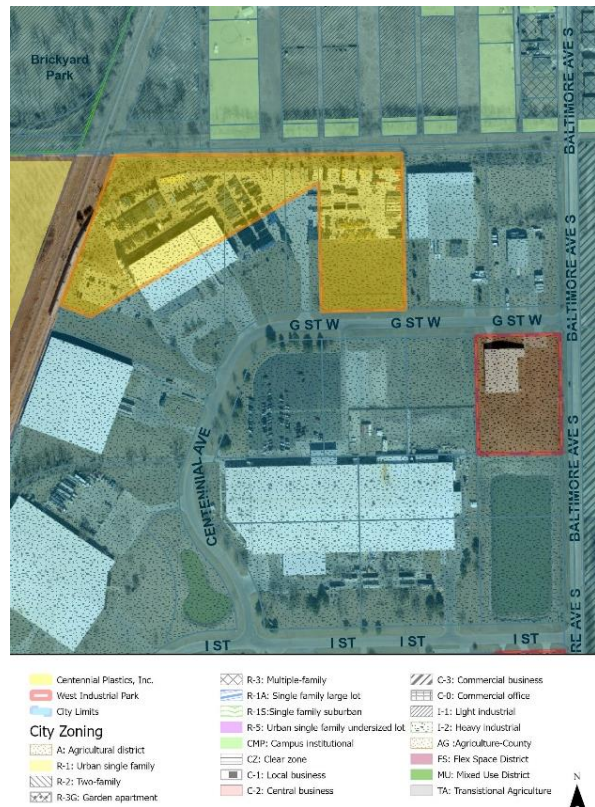
Public Utilities:

Water – A 10-inch water main is located in the Centennial Avenue and West G Street rights-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – An 8-inch gravity flow sanitary sewer main is located in the Centennial Avenue and West G Street rights-of-way and provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

Gas – A Hastings Utilities' gas line is located in the Centennial Avenue and West G Street rights-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.



Access to Public Roads – The site has three driveways onto Centennial Avenue and West G Street, which is maintained by the City of Hastings. A circular driveway provides access to the customer and employee parking areas, as well as a truck loading dock. The first driveway provides access to the storage yard to the north and east of the building.

Public Safety – Per the 1987 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is protected by the City of Hastings Fire Department and Police Department per the 1987 agreement. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

Although the agreement, as part of the industrial park designation application states a process to incrementally annex and assess property taxes, it was determined in the 2010s that this manner of annexing and applying mill levies was against the state standards. This practice was halted and this property has been assessed as if it was fully in the Hastings corporate limits since at least 2013. No changes to the property owner's tax statement will occur if the property is annexed.

Summary:

The use of the property is a manufacturing plant of plastic piles. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property is surrounded by properties or public right-of-way within the City of Hastings to the north, east, and south. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 1987 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least 1988. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 1987. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, per the agreement. This property specifically was annexed, in part, following the conditions of the agreement. Sometime in the 2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 22 years since the plant became operational.

The property owner's tax assessment will not increase if the property is annexed. It was determined in the 2010s that the incremental annexation of properties in the designated industrial park and subsequent incremental changes to the property's tax statement were against state standards. Since at least 2013 the property has been assessed as if the property was entirely inside the City limits.

Staff Recommendation

Per the agreement, this property was to be fully annexed by at least 2015. It was determined around that time that the incremental annexation of each site was inappropriate and the effort stopped. Following through with the annexation of the entire property at this time would fulfill the original agreement, approximately seven years after the agreed-upon time.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
CENTENNIAL PLASTICS INC			#010003165			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 32,799.00	\$ -	\$ 209,880.00	\$ 242,679.00	\$ 242,679.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 42.34	0.017446	\$ 42.34	0%
CRA		0.026000	\$ 63.10	0.026000	\$ 63.10	100%
City		0.424342	\$ 1,029.79	0.424342	\$ 1,029.79	100%
Community College		0.090272	\$ 219.07	0.090272	\$ 219.07	0%
County		0.423456	\$ 1,027.64	0.423456	\$ 1,027.64	0%
ESU 9		0.015000	\$ 36.40	0.015000	\$ 36.40	0%
Fire		0.000000	\$ -	0.000000	\$ -	0%
Library		0.000000	\$ -	0.000000	\$ -	0%
NRD 2 Little Blue		0.020621	\$ 50.04	0.020621	\$ 50.04	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.200000	\$ 485.36	0.200000	\$ 485.36	0%
School Districts		1.142000	\$ 2,771.39	1.142000	\$ 2,771.39	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		2.359137	\$ 5,725.13	2.359137	\$ 5,725.13	0.00%

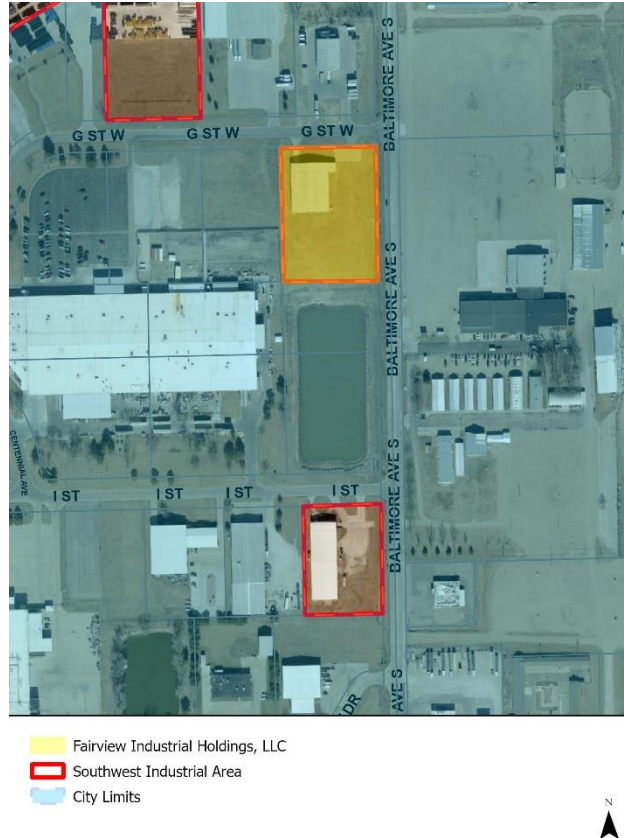
**1503 West G Street
Southwest of the intersection of
South Baltimore Avenue and West G Street**

Owner: Fairview Industries Holdings, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.9 acres in area. The site consists of one industrial building located in the northwest corner of the site.

The property is completely surrounded by properties and rights-of-way that are within the corporate limits of Hastings. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 1987. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) That the named real estate owner's land, buildings and appurtenances affixed thereto, shall not be subject to annexation by the City of Hastings until ten (10) years passes from the date the respective facilities start operating.
- (B) That after the above-mentioned time period expires, the City may then begin incremental annexation subject to the following terms and conditions:
 - (1) Over a period of five (5) years the City may annex, in equal installments, the total value of the named property owner's real property. The value of each of the five (5) year's installments shall be determined by taking the total value prior to any annexation and dividing it by five (5). Each one fifth (1/5) value shall then be converted into lineal feet of the property owner's land and annexed each respective year.

According to Adams County records and building permits, the building was established in 1999. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B)(1) for some time, but stopped in the 2010s.

The site is within the Hastings Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0160C).

Zoning: The site and surrounding areas to the is currently zoned County I-2, Heavy Industrial District.

The properties to the east, across S. Baltimore Avenue, are zoned C-3, Commercial Business District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the W. G Street and S. Baltimore Avenue rights-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – An 8-inch gravity flow sanitary sewer main is located in the W. G Street right-of-way. A 15-inch sanitary sewer main is located in the S. Baltimore Avenue right-of-way. These mains provide service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

Gas – A Hastings Utilities' gas line is located in the W. G Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site has two driveways onto W. G Street, which is maintained by the City of Hastings. The east driveway provides access to a parking lot. The west driveway is to a loading dock at the building.

Public Safety – Per the 1987 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The



Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 1987 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City’s Finance Department for this year’s tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property is surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire

Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 1987 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least 1988. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 1987. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, per the agreement. Sometime in the 2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 23 years since the facility became operational.

The property owner's tax assessment for the property is anticipated to increase by approximately \$1,543.81 or 20.66%, based on the 2023-2023 valuation.

Staff Recommendation

Per the agreement, this property was to be annexed by at least 2014. It was determined around that time that the incremental annexation of each site was inappropriate and the effort stopped. Following through with the annexation of the entire property at this time would fulfill the original agreement, approximately eight years after the agreed-upon time.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID		
1503 W G STREET			#010003163		
Current Value Information					
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value	
\$ 83,042.00	\$ 298,888.00	\$ -	\$ 381,930.00	\$ 381,930.00	
Tax Information	Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society	0.017446	\$ 66.63	0.017446	\$ 66.63	0%
CRA	0.000000	\$ -	0.026000	\$ 99.30	100%
City	0.000000	\$ -	0.424342	\$ 1,620.69	100%
Community College	0.090272	\$ 344.78	0.090272	\$ 344.78	0%
County	0.423456	\$ 1,617.31	0.423456	\$ 1,617.31	0%
ESU 9	0.015000	\$ 57.29	0.015000	\$ 57.29	0%
Fire	0.038805	\$ 148.21	0.000000	\$ -	0%
Library	0.008717	\$ 33.29	0.000000	\$ -	0%
NRD 1 Upper Big Blue	0.020621	\$ 78.76	0.022015	\$ 84.08	0%
SID	0.000000	\$ -	0.000000	\$ -	0%
School Bonds	0.200000	\$ 763.86	0.200000	\$ 763.86	0%
School Districts	1.142000	\$ 4,361.64	1.142000	\$ 4,361.64	0%
TIF	0.000000	\$ -	0.000000	\$ -	0%
Townships	0.000000	\$ -	0.000000	\$ -	0%
Totals	1.956317	\$ 7,471.76	2.360531	\$ 9,015.58	20.66%

**Approximately 475 feet west of the
intersection of E. 26th Street and Market Lane**

Owner: Municipal Supply, Inc.

Subject Site:

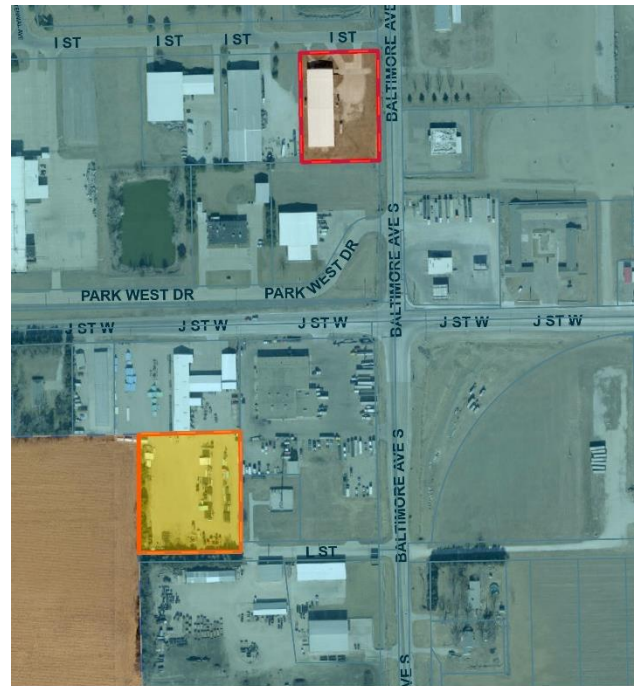
The subject site is approximately 2.7 acres in area and is used as an equipment and materials storage yard for the industrial business to the north of the site. Both sites are owned by the same property owner and largely function as one site. However, the subject site was created as a separate tract that was not previously annexed.

Properties to the immediate north, south, and east, are located within the City limits. The undeveloped agricultural field to the west is outside of the City limits.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel #31001C0160C).



1615 W J St
Southwest Industrial Area
City Limits



Zoning:

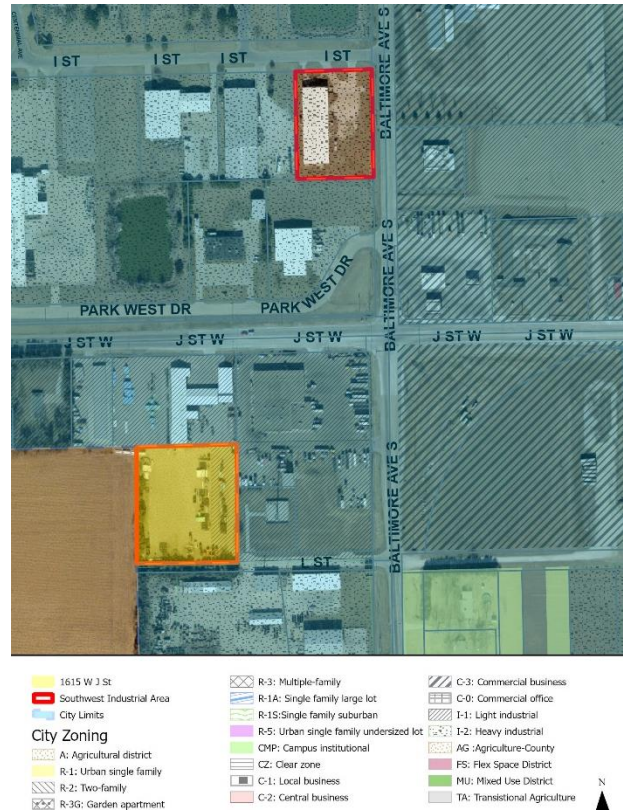
The site is a combination of the County A, Agricultural District, and I-1, Light Industrial District. The approximately east 80 feet of the site is zoned I-1 District. The remaining part of the site is zoned A District.

The adjacent properties to the north, including the “parent tract” with the industrial building, and east are zoned City I-1 District.

To the south of the site is property zoned City I-2, Heavy Industrial District.

To the west is undeveloped agricultural land zoned County A District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-1 District. This would necessitate a rezoning in the future. The existing use could be considered a nonconforming situation if annexed.



Public Utilities:

The use of the site is a storage yard that does not necessitate most utilities. The main site is served by all public utilities.

Water – There is a 10-inch water main in the S. Baltimore Avenue right-of-way, approximately 500 feet east of the site. As mentioned, the main site is served by the City utility. The City would most likely consider this an in-city service unless the site was sold and developed for a different use in the future. If the site were to develop, water could be provided either from the S. Baltimore Avenue main or the water service along W. J Street.

Sanitary Sewer – An 8-inch gravity flow sanitary sewer main is located in the L Street right-of-way that could provide service to the site. As mentioned, the main site is served by the City utility. The City would most likely consider this an in-city service unless the site was sold and developed for a different use in the future. If the site were to develop, sanitary sewer could be provided either from L Street. main or the service along W. J Street.

Gas – Hastings Utilities’ gas line is located along the S. Baltimore Avenue right-of-way. The use of the subject site does not currently require gas service. However, the main site is a customer of Hastings Utilities for gas service.

Electricity - Hastings Utilities has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for property within the City limits.

Access to Public Roads – Based on aerial photos, the site gains access from L Street, and to W. J Street through internal paths. The City of Hastings maintains the surrounding roadways.

Public Safety – Because the land is outside the City limits, the technical jurisdiction for fire, EMS, and law enforcement services are from Hastings Rural Volunteer Fire Department and Adams County Sheriff's Office. However, the Hastings Fire Department responds at the request of Hastings Rural for any fire incidents, and provides ambulance transport by contract, in the event of an emergency call to the property. Generally, the Hastings Police Department would only respond to the site for a crime or an emergency at the request of the Adams County Sheriff's Office.

If this property was annexed into the Corporate limits, both Hastings Fire Department and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to utilities, public roadways, and emergency and protective services are readily available. All utilities are in the immediate area and no extension of services is required. Additionally, the site is located within the Fire and Police Department's service area and response times to the site would be within the acceptable times established by the departments. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property appears to be industrial (storage of materials and equipment) related to its “parent tract” to the north. The site is mostly zoned County A, Agricultural District, with the eastern 80 feet of the site zoned County, I-1, Light Industrial District. The current use of the site could be considered a nonconforming condition to the A District. It would be most appropriate to rezone the site to I-1 District to bring the site into conformance.

The property is surrounded on three sides by properties or public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings. All Hastings Utilities are present in the area and can service the site. However, the existing use does not require most of these utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations.

The property owner’s tax assessment for the two properties is anticipated to increase by approximately \$156 or 28.57%, based on the 2023-2023 valuation.

Staff Recommendation

As discussed, the site is considered an industrial use, and is being used as a storage area for equipment and materials related to the industrial facility on the “parent tract.” Because of the use of the site, it does not need any public utilities or is gaining service from the parent tract to the north.

The site is generally considered and functions as part of the parent tract to the north. Including the site into the City’s corporate limit would square off the corporate limit and avoid any potential confusion with fire or police response.

Conversely, not annexing the property into the City limits could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties not be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID		
MUNICIPAL SUPPLY INC			#010003201		
Current Value Information					
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value	
\$38,650	\$ -	\$ -	\$38,650	\$ 38,650.00	
Tax Information	Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society	0.017446	\$ 6.74	0.017446	\$ 6.74	0%
CRA	0.000000	\$ -	0.026000	\$ 10.05	100%
City	0.000000	\$ -	0.424342	\$ 164.01	100%
Community College	0.090272	\$ 34.89	0.090272	\$ 34.89	0%
County	0.423456	\$ 163.67	0.423456	\$ 163.67	0%
ESU 9	0.015000	\$ 5.80	0.015000	\$ 5.80	0%
Fire	0.038805	\$ 15.00	0.000000	\$ -	0%
Library	0.008717	\$ 3.37	0.000000	\$ -	0%
NRD 2 Little Blue	0.020621	\$ 7.97	0.020621	\$ 7.97	0%
SID	0.000000	\$ -	0.000000	\$ -	0%
School Bonds	0.075686	\$ 29.25	0.075686	\$ 29.25	0%
School Districts	0.708894	\$ 273.99	0.708894	\$ 273.99	0%
TIF	0.000000	\$ -	0.000000	\$ -	0%
Townships	0.000000	\$ -	0.000000	\$ -	0%
Totals	1.398897	\$ 540.67	1.801717	\$ 696.36	28.80%

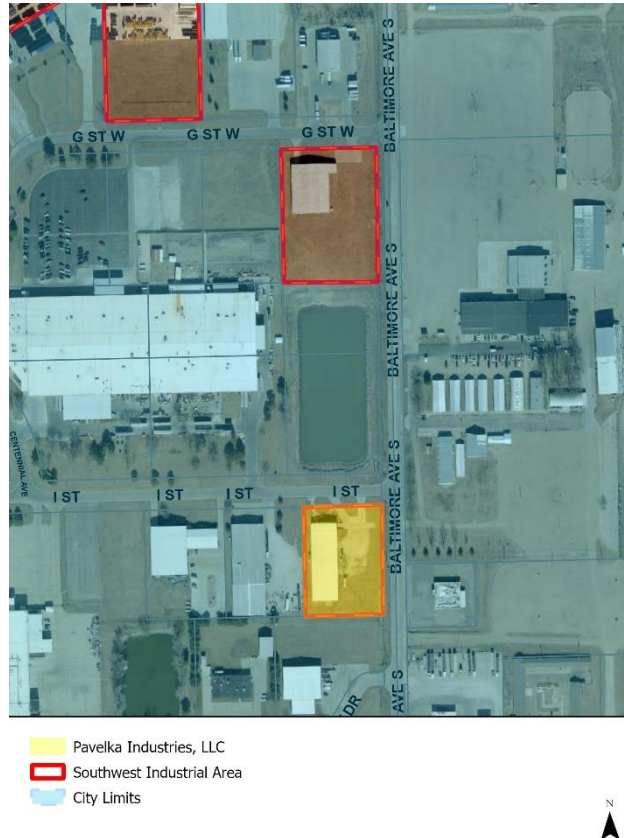
**1503 West I Street
Southwest of the intersection of
South Baltimore Avenue and West I Street**

Owner: Pavelka Industries, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 1.9 acres in area. The site consists of one industrial building located along the west property line of the site.

The property is completely surrounded by properties and rights-of-way that are within the corporate limits of Hastings. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 1987. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed it the municipal limits.



The agreement between the County and City (attached) states:

- (A) That the named real estate owner's land, buildings and appurtenances affixed thereto, shall not be subject to annexation by the City of Hastings until ten (10) years passes from the date the respective facilities start operating.
- (B) That after the above-mentioned time period expires, the City may then begin incremental annexation subject to the following terms and conditions:
 - (1) Over a period of five (5) years the City may annex, in equal installments, the total value of the named property owner's real property. The value of each of the five (5) year's installments shall be determined by taking the total value prior to any annexation and dividing it by five (5). Each one fifth (1/5) value shall then be converted into lineal feet of the property owner's land and annexed each respective year.

According to Adams County records and building permits, the building was established in 2007. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B)(1) for some time, but stopped in the 2010s.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0160C).

Zoning: The site and surrounding areas to the is currently zoned County I-2, Heavy Industrial District.

The properties to the east, across S. Baltimore Avenue, are zoned C-3, Commercial Business District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the W. I Street and S. Baltimore Avenue rights-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

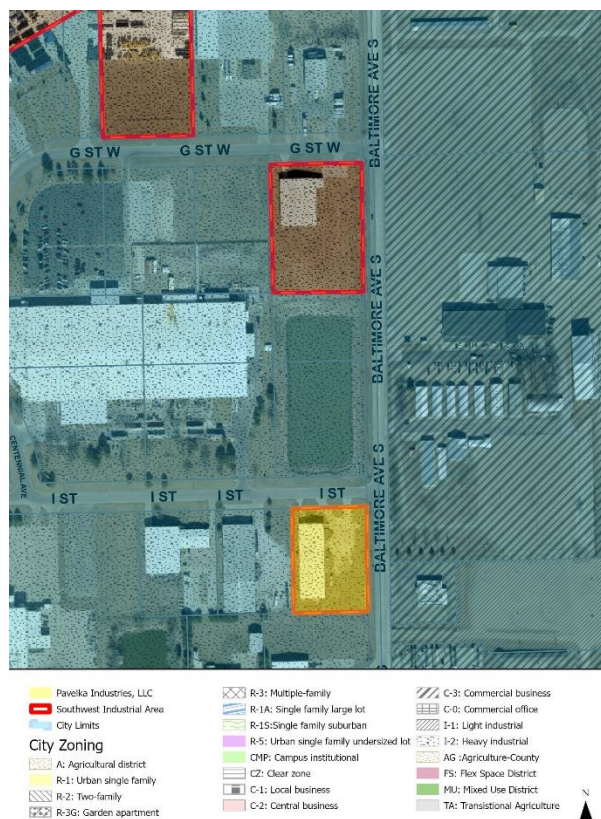
Sanitary Sewer – An 8-inch gravity flow sanitary sewer main is located in the W. I Street right-of-way. A 15-inch sanitary sewer main is located in the S. Baltimore Avenue right-of-way. These mains provide service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

Gas – A Hastings Utilities' gas line is located in the W. I Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site has three driveways onto W. I Street, which is maintained by the City of Hastings. There is a circular driveway on the west side of the site at the front of the building. The middle and west driveway also provides access to a loading dock at the building, parking, and a materials storage area on the east side of the building.

Public Safety – Per the 1987 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have



legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 1987 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City’s Finance Department for this year’s tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property is surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for

water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 1987 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least 1988. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 1987. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, per the agreement. Sometime in the 2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 16 years since the facility became operational.

The property owner's tax assessment for the property is anticipated to increase by approximately \$3,146 or 28.80%, based on the 2023-2023 valuation.

Staff Recommendation

Per the agreement, this property was to be annexed by at least 2022. It was determined that the incremental annexation of each site was inappropriate and the effort stopped in the area and never began at this site. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
1503 W I STREET			#010003155			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$73,382	\$ 707,704.00	\$ -	\$781,086	\$ 781,086.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 136.27	0.017446	\$ 136.27	0%
CRA		0.000000	\$ -	0.026000	\$ 203.08	100%
City		0.000000	\$ -	0.424342	\$ 3,314.48	100%
Community College		0.090272	\$ 705.10	0.090272	\$ 705.10	0%
County		0.423456	\$ 3,307.56	0.423456	\$ 3,307.56	0%
ESU 9		0.015000	\$ 117.16	0.015000	\$ 117.16	0%
Fire		0.038805	\$ 303.10	0.000000	\$ -	0%
Library		0.008717	\$ 68.09	0.000000	\$ -	0%
NRD 2 Little Blue		0.020621	\$ 161.07	0.020621	\$ 161.07	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 591.17	0.075686	\$ 591.17	0%
School Districts		0.708894	\$ 5,537.07	0.708894	\$ 5,537.07	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.398897	\$ 10,926.59	1.801717	\$ 14,072.96	28.80%

Department: Development Services
Staff Contact: Chad Bunger
Planning Commission Meeting Date: 11/14/2023
File No: 2023-674
Prepared By: Chad Bunger, Director of Development Services

AGENDA ITEM SUMMARY SHEET

Description of Item:

Motion to recommend to the City Council to accept the City of Hastings Affordable Housing Action Plan prepared by Marvin Planning Consultants and Community Planning Insights.

Names of People/Business affected by this action:

Staff, County, City and all citizens within

Why Planning Commission action is required:

Type of action requested:

Motion

Suggested motion:

Deadlines associated with action:

Department head comments:

The draft plan was prepared by the City by Marvin Planning Consultants and Community Planning Insights to comply with Nebraska Revised Statute 19-5501 - 19-5506. The plan researches the City's housing market conditions using available public data sources to develop a plan of action to help the Hastings community provide affordable housing to meet our current and future residents' needs.

Adoption of the action plan is a requirement of the 2020 State legislation. If the City does not adopt this plan by January 1, 2024, the statute will require the City to allow the development of:

- a. Middle housing in all areas in the city zoned for residential use that allow for the development of detached single-family dwellings; and
- b. A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.

The Development Service staff and our regional partners in housing will routinely review and update this action plan as more information is received and action items are completed or revised to meet the ever-changing housing conditions in the region.

Recommendation:

City staff recommends that the Hastings Planning Commission recommend to the Mayor and the Hastings City Council approve a resolution to accept the City of Hastings Affordable Housing Plan.

CITY OF HASTINGS

AFFORDABLE HOUSING PLAN

October 27, 2023



ACKNOWLEDGMENTS

Corey Stutte- Mayor

CITY COUNCIL

Jeniffer Beahm - Ward 1

Steven Huntley - Ward 1

Butch Eley - Ward 2

Brad Consbruck - Ward 2

Joy Huffaker - Ward 3

Marc Rowan - Ward 3

Shawn Hartmann - Ward 4

Matt Fong, Council President - Ward 4

ADMINISTRATION

Shawn Metcalf - City Administrator

Chad Bunger - Development Services Director

Planning consultants:



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OVERVIEW

This plan is designed to address the requirements of LB 866 - the Municipal Density and Missing Middle Housing Act (Nebraska Statute 19-5501 to 19-5506). This plan will be updated during the development of the city's Comprehensive Plan.

The Missing Middle Act requires cities with populations of 20,000 or more to adopt an affordable housing action plan. The statute requires each plan, at a minimum, to contain the following:

1. Goals for the construction of new affordable housing units, including multi-family housing and middle housing, with specific types and numbers of units, geographic locations, and specific actions to encourage the development of affordable housing, middle housing, and workforce housing;
2. Goals for a percentage of areas in the city zoned for residential use which permit the construction of multi-family housing and middle housing;
3. Plans for the use of federal, state, and local incentives to encourage affordable housing, middle housing, and workforce housing, including the Affordable Housing Trust Fund, the Local Option Municipal Economic Development Act, tax-increment financing, federal community development block grants, density bonuses, and other non-monetary regulatory relief; and
4. Updates to the city's zoning codes, ordinances, and regulations to incentivize affordable housing.

TERMINOLOGY WITHIN THE PLAN

There are a number of abbreviations and terminology used throughout this plan and the Missing Middle Act.

Abbreviations

ADA - Americans With Disability Act
ADU - Accessory Dwelling Unit
AMI - Area Median Income (see table below)
CDBG - Community Development Block Grant
HUD - U.S. Department of Housing and Urban Development
SID - Sanitary Improvement District
TIF - Tax Increment Financing

Terminology and Definitions

For purposes of the Municipal Density and Missing Middle Housing Act:

- **Accessory Dwelling Unit (ADU)** means an interior, attached, or detached residential structure that is used in connection with, or that is an accessory to, a single-family dwelling and is located on the same lot or parcel as such single-family dwelling;
- **Affordable Housing** means residential dwelling units affordable to a household earning not more than eighty percent (80%) of the income limit as set forth by the United States Department of Housing and Urban Development under its Income Limits Documentation System, as such limits existed on January 1, 2020, for the county in which the units are located and for a particular

HUD 2020 Income Limits	Persons In Family							
	1	2	3	4	5	6	7	8
30% AMI	\$15,300	\$17,500	\$21,720	\$26,200	\$30,680	\$35,160	\$39,640	\$44,120
50% AMI	\$25,550	\$29,200	\$32,850	\$36,450	\$39,400	\$42,300	\$45,200	\$48,150
80% AMI	\$40,850	\$46,650	\$52,500	\$58,300	\$63,000	\$67,650	\$72,300	\$77,000

household size (the 2020 income limits are listed on page 1 for reference);

- **Cost Burdened Households** are those that pay more than 30% of their income for housing expenses.
- **Cottage Cluster** means a grouping of no fewer than four (4) detached housing units per acre with a footprint of less than nine hundred (900) square feet each and that includes a common courtyard;
- **Density Bonus** means a density increase over the otherwise maximum allowable residential density under a city's zoning codes, ordinances, and regulations;
- **Middle Housing** means:
 - a. Duplexes
 - b. Triplexes
 - c. Quadplexes
 - d. Cottage clusters
 - e. Townhouses
- **Townhouse** means a dwelling unit constructed in a row of two or more attached units where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit; and
- **Workforce Housing** means:
 - a. Housing that meets the needs of working families;
 - b. Owner-occupied housing units that have an after-construction appraised value of at least one hundred twenty-five thousand dollars but not more than two hundred seventy-five thousand dollars to construct;
 - c. Owner-occupied housing units for which the cost to substantially rehabilitate exceeds fifty percent of a unit's assessed value;
 - d. Upper-story housing for occupation by a homeowner;
 - e. Housing that does not receive federal or state low-income housing tax credits, community development block grants, HOME funds or funds from the Affordable Housing Trust Fund.



STAKEHOLDER ENGAGEMENT



Understanding how the public, developers and other stakeholders perceive the challenges and needs of the Hastings housing market is a key component in developing achievable goals and strategies that are embraced by the community and lead to successful outcomes.

During the initial development of the comprehensive plan, stakeholder interviews were conducted, which included housing developers, non-profit organizations, builders, local officials, Realtors, property investors and residents. The stakeholder input relevant to housing has been incorporated into the affordable housing plan.

This plan will be updated as the city's comprehensive plan is developed and additional stakeholder input is gathered.

The general themes and comments from the initial engagement process are summarized below.

FINDING QUALITY, AFFORDABLE HOUSING IS CHALLENGING AND AFFECTS QUALITY OF LIFE

- The housing market in Hastings is considered healthy, which means there is a reasonable vacancy rate and units are available. In October 2023, the projected rental vacancy rate was 9.43% and the ownership vacancy rate was 1.42%.
- While housing might be available, it is expensive and the quality can be an issue, particularly rental housing.

-
- Many developers and builders indicated the costs to construct housing (materials, labor, etc.) make building affordable housing a challenge without public subsidies.

A VARIETY OF HOUSING TYPES ARE NEEDED

- Stakeholders felt there is strong demand for higher-density and "missing middle" housing in Hastings;
- There is strong demand across the entire housing spectrum for new housing, including rental and ownership.
- Accessible housing is a challenge to find, and assisting those residents wanting to age in place should be a priority.

ACTIVE MARKET ENGAGEMENT IS CRITICAL TO SOLVE THE HOUSING CHALLENGES

- Developers felt most housing projects are not feasible without public financing such as TIF.
- As interest rates rise, single-family production may stall due to increased borrowing costs and lessening affordability; allowing builders to respond with alternative housing types such as townhomes, duplex, and triplex products

will be necessary over the next 5 to 10 years.

- Stakeholders felt Hastings should be more proactive and less reactive in supporting housing construction.

HOUSING IS AN ECONOMIC DEVELOPMENT AND WORKFORCE ISSUE

- Housing is a major issue affecting talent recruitment and the ability of firms to expand.
- Businesses leaders expressed concern about future workforce availability, and housing shortages may cause some businesses to relocate.

DEVELOPING HOUSING IN HASTINGS CAN BE A CHALLENGE

- Stakeholders are concerned about the lack of land for sale, or the high costs of such land.
- Excessive public infrastructure and development requirements, such as overly wide streets, add to the cost of housing.
- Some felt that Hastings puts up small road blocks to development or other activities.
- A few stakeholders said it was easier to develop and work with Grand Island than Hastings.

HOUSING CONDITIONS



This section examines the existing and projected housing market conditions for Hastings, with a focus on affordable and missing middle housing, at risk households and how Hastings compares to the larger State of Nebraska.

Data used in this study comes from a variety of sources including the U.S. Census Bureau, U.S. Department of Housing and Urban Development, Adams County Assessor, third-party vendors, and qualitative data from focus group participants.

Ultimately the demand analysis is based on several factors, including:

- Estimated vacancy rates
- Projected population and household change from third-party providers.
- Current structural conditions (structures needing to be replaced or improved)
- Estimated pent up demand

POPULATION AND HOUSEHOLD TRENDS

Overall, Hastings has seen relatively modest growth over the past two decades, both in population and households. As table 1 illustrates, Hastings grew 3.5% between 2000 and 2010 and 1.0% between 2010 and 2020.

The ESRI current estimate and five-year projection anticipate a slight decrease in population and 0.61% increase in households between 2020 and 2023, and a slight decrease in overall population over the next five years.

While these projections anticipate a growth rate significantly less than historical averages, we do not anticipate Hastings losing population based on current building permit activity. However, significant changes to the economic base of Hastings and the Tri-Cities over the next five years will likely have an impact on the population and household growth, and ultimately housing demand.

Current Vacancy Rates

A housing market is considered healthy when the effective vacancy rates are between 5% to 7%. This ensures an adequate product for new housing moving into a community and for existing residents to move into housing that better supports their household needs. A constrained housing market leads to price escalation, potential difficulties in attracting workers to a region, exasperating a tight labor market and hampering economic growth. The lack of available housing may also cause frustration from existing residents who may not find the desired product for their current lifestyle and may choose to leave the community in search of housing that fits their needs.

Conversely, a housing market with high vacancy rates can be problematic for a community. High vacancy rates may place downward pressure on for-sale and rental housing. While lower-cost housing is advantageous for renters and home buyers, it can result in less operating income for rental housing and less ability to borrow against a home's equity, leading to deferred maintenance and improvements.

The 2021 5-year ACS estimates Hastings' overall vacancy rate is 8.1%. However, the effective vacancy rate is 3.7%. The effective vacancy rate excludes non-full-time housing units such as seasonal units, migrant housing and "other vacant units." The estimated for-sale vacancy rate is 1.1%, and the estimated rental vacancy rate is 9.4%. As a comparison, the Q2 2023 average for-sale

vacancy rate was 0.6% and the rental vacancy rate for the Midwest states was 6.9%.

The current rental vacancy rate is higher than expected and higher than the Midwest average. According to the 5-year ACS data, there was a 63% increase in the number of available rental properties between 2019 and 2020. This may be a result of COVID-19's impact on the 2020 census collection efforts or the temporary move to on-line classes at Hastings college and students on off-campus housing moving home.

Between 2020 and 2021 the Census indicates an increase of 4.4% in the number of available rental properties (379 in 2021). However, the number of available rental housing in 2021 (379 units) has nearly doubled since 2018 (168 units).

HOUSING AGE AND CONDITION

The housing stock in Hastings continues to age, and the share of older units is more than the state overall. As each year passes the housing stock ages, and if new units are not placed in service or existing units are not maintained or renovated, neighborhoods can deteriorate, leading to disinvestment and dissatisfaction.

As Table 2 illustrates, the number of housing units by year of construction. Over half of the structures constructed in Hastings were built before 1963, which is older than the overall state. Just over 11% of the housing in Hastings has been constructed in the past two decades.

Table 1. Hastings Population and Households

	Population	% Change	Households	% Change
2000	24,071		9,661	
2010	24,907	3.5%	10,110	4.6%
2020	25,152	1.0%	10,333	2.2%
2023*	25,144	0.0%	10,396	0.6%
2028*	25,139	0.0%	10,446	0.5%

Source: U.S. Census, *ESRI estimates

Table 2. Number of Units by Year Built

	Hastings		State of Nebraska	
	Units	Share	Units	Share
2020 or later	10	0.1%	1,412	0.2%
2010 to 2019	602	5.4%	62,939	7.5%
2000 to 2009	656	5.9%	95,309	11.3%
1990 to 1999	1,020	9.1%	95,299	11.3%
1980 to 1989	836	7.5%	79,856	9.5%
1970 to 1979	1,627	14.5%	132,047	15.7%
1960 to 1969	1,307	11.7%	92,043	10.9%
1950 to 1959	1,433	12.8%	78,353	9.3%
1940 to 1949	1,359	12.1%	39,443	4.7%
1939 or earlier	2,360	21.1%	164,101	19.5%
Total	11,210		840,802	
Median Year Built	1963		1973	

Source: 2021 ACS

Hastings has struggled to maintain the quality of its housing. As Table 4 illustrates, approximately 21.8% of the residential structures are considered below average by the Adams County Assessor's Office. This accounts for nearly 2,400 structures throughout the city. If properties are allowed to fall into disrepair either because the owner does not have the resources to maintain the structure or simply through neglect, properties can become highly dilapidated. At some point, if there is no intervention, it may cost more to rehabilitate the structure than is economically feasible and in many of those cases, these properties become abandoned.

HOUSING TYPE

A diverse variety of housing types within a community enables residents to more easily find housing that fits the current needs of their household. Hastings has a more diverse housing stock compared to the overall State of Nebraska. As Table 5 illustrates, 70% of Hastings' housing are single-family detached units, compared to 72% in the overall state.

"Missing middle" units are also better represented in Hastings compared to the overall state. Approximately 15% of Hastings housing meets the definition of Missing Middle Housing, compared to just under 9% within the entire state.

In addition to a variety of housing types, the diversity of bedrooms is equally important to ensure the housing stock is appropriate for the size of a community's families and households. The mix of bedroom diversity in Hastings is similar to the state overall as illustrated in Table 3.

Table 3. Number of Bedrooms

Bedrooms	Hastings		Nebraska	
	Units	Share	Units	Share
0	388	3.5%	17,445	2.1%
1	1,338	11.9%	90,706	10.8%
2	3,322	29.6%	212,612	25.3%
3	3,927	35.0%	305,356	36.3%
4	1,594	14.2%	159,293	18.9%
5 +	641	5.7%	55,390	6.6%
Total:	11,210		840,802	

Table 4. Residential Condition by Year Built

Residential Condition	Before 1900	1901-1919	1920-1939	1940-1959	1960-1989	1990-2010	After 2011	Total Structures	% Of Total
Very Poor	11	7	7	0	0	0	0	22	0.2%
Poor	41	61	27	15	73	21	0	238	2.2%
Below Average	334	450	526	458	267	97	5	2137	19.4%
Average	442	659	1158	1573	2275	875	240	7222	65.7%
Good	21	39	74	80	271	465	63	1013	9.2%
Very Good	12	4	13	6	229	23	16	303	2.8%
Excellent	1	4	3	4	2	0	50	64	0.6%
Total Structures	862	1224	1804	2137	3117	1481	374	10,999	

Source: Adams County Assessor's Office

Table 5. Existing Housing Type

	Hastings		State of Nebraska	
	Units	Share	Units	Share
Single-family, detached	7,866	70.2%	607,101	72.2%
Single-family, attached	360	3.2%	33,467	4.0%
Duplex	515	4.6%	16,113	1.9%
Tri- or Quadplex	906	8.1%	21,018	2.5%
5 to 9	379	3.4%	34,237	4.1%
10 to 19	110	1.0%	39,737	4.7%
20 to 49	312	2.8%	32,615	3.9%
50 or more	404	3.6%	30,068	3.6%
Mobile home	358	3.2%	26,242	3.1%
Boat, RV, van, etc.	0	0.0%	204	0.0%
Total	11,210		840,802	

Source: 2021 ACS

COST BURDEN AND AT-RISK HOUSEHOLDS

Other key factors to examine are those households at risk of entering into a housing crisis, becoming homeless, or due to income constraints not able to maintain their housing. The 2021 ACS poverty rate estimate for Hastings (15.1%) is slightly higher than the overall poverty rate in Nebraska (10.3%). Those households tend to be the highest risk for homelessness because they are living on the financial edge and may have issues of income, food and housing insecurity.

Table 6 illustrates the number of Hastings residents that may be at risk or have challenges finding appropriate housing. An estimated 2,640 households (25.8%) in Hastings contain at least one member with a disability. The disability may be mobility, sensory or cognitive.

As the population ages, the number of households with a person having a disability will likely continue to grow. There will likely be increased demand for additional in-home care and there will be a need to construct or renovate existing housing to be fully accessible or visitable.

A visitable home is one that can be lived in or visited by people who have trouble with steps

or who use wheelchairs or walkers. A house is considered visitable when it meets three basic requirements:

1. One zero-step entrance
2. Doors with 32 inches of clear passage space
3. One bathroom on the main floor accessible by wheelchair.

Efforts should be made to ensure new home construction and publicly funded renovation programs work toward increasing the number of visitable homes in Hastings. The additional cost to make these improvements is small, but will pay large dividends by extending the time a person can age in place and allow mobility-challenged individuals to visit friends and family.

The U.S. Department of Housing and Urban Development defines cost burdened households as those spending more than 30% of their household income on housing costs. Severely cost burdened households are those spending 50% or more of their household income on housing costs. Housing costs include mortgage or rent, and utilities.

As Table 7 illustrates, over 13.8% of Hastings households are cost burdened and an estimated 11.3% are severely cost burdened.

Table 6. At Risk Households

	Hastings	Share
2021 Households Below the Poverty Level	1,549	15.1%
2021 Households with 1+ Persons with a Disability	2,640	25.8%
2021 Population with a Disability	3,209	12.8%
Hearing Difficulty	1,028	4.1%
Vision Difficulty	603	2.4%
Cognitive Difficulty	1,211	5.2%
Ambulatory Difficulty	1,552	6.6%
Self-Care Difficulty	466	2.0%
Independent Living Difficulty	1,058	5.5%

Source: 2021 ACS

Table 7. Cost Burdened Households

Cost Burden	Owner Occupied	%	Renter Occupied	%	Total	%
Greater than 30% but less than or equal to 50%	665	10.4%	730	19.5%	1,395	13.8%
Greater than 50%	255	4.0%	895	23.9%	1,150	11.3%
Not Cost Burdened	5,460	85.4%	2,025	54.0%	7,485	73.8%
No Income	0	0.0%	95	2.5%	95	0.9%
Grand Total	6,390	100.0%	3,750	100.0%	10,140	100.0%

Source: 2016-2020 Comprehensive Housing Affordability Strategy (CHAS)

AFFORDABLE RENTAL HOUSING

Communities can have a mismatch, or gap, between the number of units with affordable rents, versus the number of households who can afford those rents without becoming cost burdened. Table 8 estimates the number of renter households living in units that are affordable to their respective household income cohort, compared to the number of units available which are affordable for that household.

The columns are the estimated number of rental units affordable to Hastings households by income range. For example, there are an estimated 544 rental units that are affordable to households earning less than 30% AMI.

The rows estimate the number of rental households within each income range. For example, there are an estimated 1,000 renter households who earn less than 30% AMI.

Of those households, only 245 live in units that have rents affordable to those earning less than 30% AMI, 505 live in housing with rents affordable to households making between 30% and 50% AMI, 180 live in housing affordable to households making between 50% and 80% AMI, and 70 live rental housing affordable to households making between 80% and to 100% AMI.

Taken as a whole, Table 8 illustrates there is a likely a need for approximately 456 units (1,000 - 544) with rents affordable for those who earn

Table 8. Affordable Rental Units by Household Income

Household Income	Occupied Units With Affordable Rents				
	Less than 30% AMI	30% AMI to 50% AMI	50% to 80% AMI	80% to 100% AMI	Total
Less than 30% AMI	245	505	180	70	1,000
30% AMI to 50% AMI	110	595	165	25	895
50% to 80% AMI	39	405	190	29	663
80% to 100% AMI	20	270	140	4	434
Greater than 100% AMI	130	190	380	60	760
Total	544	1,965	1,055	188	3,752

Source: 2016-2020 Comprehensive Housing Affordability Strategy (CHAS)

less than 30% AMI. Interestingly, an estimated 130 households earning more than 100% AMI are living in units affordable to those earning less than 30% AMI. There is likely demand for step-up rental housing, which could open up lower cost units for low- and moderate-income residents.

AFFORDABLE OWNERSHIP HOUSING

Similarly to renters, homeowners may be living in homes above or below what they can afford for their household income. Table 9 estimates the number of homeowners living in homes whose prices are affordable to their respective household income cohort.

As the table illustrates, an estimated 3,300 homeowners live in homes estimated to be affordable to households earning less than 50%

AMI. Approximately 1,410 of those owners earn more than 100% AMI, or well under what they might be able to afford.

The table also indicates there is likely demand for existing homeowners looking for "step-up" housing that is newer, and with more modern amenities. There are 3,665 households earning more than 100% AMI, and most are living in homes with estimated values that are significantly lower than they can afford.

Table 9. Affordable Ownership Units by Household Income

Household Income	Ownership Units With Affordable Prices				
	Less than 50% AMI	50% to 80% AMI	80% to 100% AMI	Greater than 100% AMI	Total
Less than 30% AMI	210	80	14	10	314
30% AMI to 50% AMI	505	110	35	60	710
50% to 80% AMI	655	170	45	25	895
80% to 100% AMI	520	215	35	30	800
Greater than 100% AMI	1,410	1,275	415	565	3,665
Total	3,300	1,850	544	690	6,384

Source: 2016-2020 Comprehensive Housing Affordability Strategy (CHAS)

EMPLOYMENT AND JOBS

The regional economy has a direct effect on the housing market. Job growth without the corresponding increase in housing units can create upward pressures on the housing market, leading to price inflation and dissatisfaction with the perceived value of neighborhoods. Existing homeowners during these periods of price escalation may see the upward movements of prices as a great return on their investment, while renters may see the opportunities for home ownership out of reach.

In addition, potential new residents may see high housing costs as a reason to look to other communities for employment. Conversely, if there is an economic downturn and a corresponding loss of jobs within the community, there may be downward pressures on the housing market pushing values lower because the demand has lessened. Homeowners may see this as a loss in their equity, while renter households may see this as an opportunity to move into homeownership because they were previously priced out.

Employment and jobs data for this study are derived from the Census Bureau's Local Employment Dynamics (LED) Partnership program. The LED program integrates existing data from state-supplied administrative records on workers and employers with existing censuses, surveys and other administrative records. This data provides insights into where residents within a community work, their earnings, basic demographics and industry sectors. The LED program also provides data on the types of jobs within a community and the characteristics of commuters who fill those jobs.

According to the 2020 LED, which is the most current data, there were 12,503 jobs in Hastings. Between 2012 and 2020, there was a slight decline of -9.3% in the number of jobs in Hastings. The decline in jobs was likely accelerated by the COVID-19 pandemic since the majority of job losses were in the retail and services sectors. See Table 11 on the next page.

The top five sectors with the largest growth in jobs between 2012 and 2020 included:

- Healthcare and Social Assistance (150)
- Construction (138)
- Public Administration (88)
- Manufacturing (77)
- Agriculture, Forestry, Fishing and Hunting (13)

The top five sectors with the largest loss in jobs between 2012 and 2020 included:

- Retail Trade (-371)
- Education Services (-368)
- Other Services (-276)
- Utilities (-230)*
- Accommodation and Food Service (-139)

* The decline in the Utilities sector is due to Hastings Power being integrated into the city organization.

Despite the -9.3% loss of jobs in Hastings, the number of employed residents remained relatively stable during that same period. In 2012, there were an estimated 11,410 employed residents, compared to 11,337 in 2020. This suggests that residents commuted to other locations as local employment declined. Table 10 illustrates the top five Hastings resident employment sectors.

Table 10. Top Five Resident Employment Sectors

	Jobs	Share
Health Care and Social Assistance	2,111	18.6%
Manufacturing	2,012	17.7%
Retail Trade	1,120	9.9%
Educational Services	986	8.7%
Accommodation and Food Service	956	8.4%

Source: U.S. Census 2020 LED Program

Table 11. Jobs in Hastings by Industry Sector

	2020		2016		2012		Change 2012-2020	
	Count	Share	Count	Share	Count	Share	Count	%
Agriculture, Forestry, Fishing and Hunting	43	0.3%	28	0.2%	30	0.2%	13	43.3%
Mining, Quarrying, and Oil and Gas Extraction	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Utilities	5	0.0%	231	1.7%	235	1.7%	-230	-97.9%
Construction	734	5.9%	698	5.1%	596	4.3%	138	23.2%
Manufacturing	2,337	18.7%	2,029	14.9%	2,260	16.4%	77	3.4%
Wholesale Trade	346	2.8%	435	3.2%	437	3.2%	-91	-20.8%
Retail Trade	1,346	10.8%	1,699	12.5%	1,717	12.5%	-371	-21.6%
Transportation and Warehousing	114	0.9%	158	1.2%	144	1.0%	-30	-20.8%
Information	99	0.8%	127	0.9%	133	1.0%	-34	-25.6%
Finance and Insurance	284	2.3%	310	2.3%	291	2.1%	-7	-2.4%
Real Estate and Rental and Leasing	79	0.6%	92	0.7%	100	0.7%	-21	-21.0%
Professional, Scientific, and Technical Services	315	2.5%	364	2.7%	375	2.7%	-60	-16.0%
Management of Companies and Enterprises	74	0.6%	75	0.6%	83	0.6%	-9	-10.8%
Administration & Support, Waste Management and Remediation	517	4.1%	411	3.0%	599	4.3%	-82	-13.7%
Educational Services	1,023	8.2%	1,365	10.0%	1,391	10.1%	-368	-26.5%
Health Care and Social Assistance	3,009	24.1%	3,201	23.5%	2,859	20.7%	150	5.2%
Arts, Entertainment, and Recreation	102	0.8%	136	1.0%	130	0.9%	-28	-21.5%
Accommodation and Food Services	1,108	8.9%	1,260	9.3%	1,247	9.0%	-139	-11.1%
Other Services (excluding Public Administration)	386	3.1%	529	3.9%	662	4.8%	-276	-41.7%
Public Administration	582	4.7%	468	3.4%	494	3.6%	88	17.8%
Total	12,503		13,616		13,783		-1,280	-9.3%

Source: U.S. Census 2020 LED Program



HOUSING MARKET ASSESSMENT



The demand for additional housing in Hastings is modest, and the need exists for both new ownership and rental housing units. The addition of new housing can be completed through new construction, or the substantial rehabilitation of units not currently on the market.

According to the 2021 5-year ACS, the current estimated rental vacancy rate is 9.43% and the estimated ownership vacancy rate is 1.42%. The overall effective vacancy rate is approximately 4.21%.

The effective vacancy rate is a measure of the actual number of vacant properties that are available for sale or rent. A healthy housing market should have an effective vacancy rate of between 5% and 7%. Below, we discuss the

potential housing demand and production needs to achieve an effective vacancy rate between 5% and 7%.

HASTINGS DEMAND ANALYSIS

The housing demand for Hastings is determined by four major elements: Current needs, projected household change, pent up demand, and commuter capture.

1. **Current Needs** are the net number of housing units needed to bring the housing market into a healthy vacancy rate. It is the difference between units needed and existing units that are for-sale or for rent.
2. **Projected Household Change** is the forecasted change in the number of households in Hastings. The five-year

projection indicates a small increase in housing units are expected.

3. **Commuter Capture** is the potential demand from those commuting into Hastings for work.
4. **Pent-Up Demand** is demand that exists within existing households whose housing situation is less than ideal. Pent-up demand is comprised of three main sources: those who are living in substandard conditions (overcrowding, poor condition, etc.), cost-burdened households looking for a more affordable housing alternative, and lastly those households who may be looking to "move up" to a more expensive home.
5. **Pipeline Projects** are housing projects that are currently underway or in the final planning stages and likely to move forward in the next 12 - 18 months.

As Table 12 illustrates, over the next five years Hastings' population is expected to remain relatively flat and may decrease to 25,139 persons, within 10,466 households. This is a relatively flat growth prediction when the margin of error is considered and the population may in fact increase slightly.

Based on the current homeownership and rental vacancy rates, and historic absorption rates of new housing units, this population projection may be low, and Hastings might increase in both households and population. However, this growth will likely be extremely modest and economic factors such as company expansion will be a key factor.

While the number of households is projected to increase slightly, the number of vacant units is projected to continue to increase. A rehabilitation incentive program should be an element of the housing strategy to decrease the growing number of vacant structures.

Table 14 illustrates current and projected estimated households by income range. The first two columns are the 2020 HUD Area Median Income ranges and associated incomes. In 2020, 25% of the households earn less than 30% AMI, and 35% earn more than 100% AMI. As the table indicates, much of the household growth will occur in households earning over 100% AMI. However, this can change based on inflationary pressures and changes in wages throughout the area.

Table 12. Current and Projected Housing Units by Tenure

	2020 Census		2023 Estimate		2028 Projection		2022 -2028
	Number	%	Number	%	Number	%	% Change
Population	25,152		25,144		25,139		0.0%
Total Housing Units	11,279	100.0%	11,504	100.0%	11,585	100.0%	0.7%
Occupied Units	10,333	91.6%	10,396	90.4%	10,446	90.2%	0.5%
Owner	6,451	63.3%	6,772	65.1%	6,914	66.2%	2.1%
Renter	3,882	37.6%	3,624	34.9%	3,532	33.8%	-2.6%
Vacant Units	946	8.4%	1,108	9.6%	1,139	9.8%	2.7%

Source: ESRI, Census

Table 13. Current Housing Needs

	Current Rates	Current Needs			Current Demand		
		Low vacancy	Average Vacancy	High Vacancy	Low vacancy	Average Vacancy	High Vacancy
Rental Vacancy Rate	9.43%	6%	8%	10%	6%	8%	10%
Ownership Vacancy Rate	1.42%	1.0%	1.5%	2%	1.0%	1.5%	2%
Effective Vacancy Rate	4.21%						
For Sale Units	96	68	102	135	-28	6	40
Rental Units	342	217	290	362	-124	-52	21
Total Available Units	438	285	392	498	-153	-46	60
Effective Vacancy Rate		3%	4%	5%			

Source: ESRI, CPI

Table 13 illustrates the current needs and demand based on existing estimated vacancy rates in Hastings. The rental housing vacancy rate is estimated to be 9.43% and the estimated homeowner vacancy rate is 1.42%.

Based on these rates, at any given time, there are approximately 96 for-sale units and 342 for-rent units available. The Current Needs columns illustrate the number of needed for sale or rental

units to satisfy the current needs by vacancy rate. In other words, it's the number of units that should currently be available in a healthy housing market.

The Current Demand columns illustrate the potential demand, which is calculated as (current needs - current supply). A positive number indicates demand for net new units, and negative number indicates a housing surplus. These needs are based on current vacancy rates.

Table 14. Median Income by Household

		Households				
Area Median Income Range		2020		2028		Change
0% - 30%	Less than \$26,200	2499	25%	2315	22%	-184
31% - 50%	\$26,201 - \$36,450	986	10%	712	7%	-274
51% - 80%	\$36,451 - \$58,300	1558	16%	1,543	15%	-15
81% - 100%	\$58,301 - \$72,900	1407	14%	1,013	10%	-394
101% - 150%	\$72,901 - \$109,350	1639	17%	2,150	21%	511
Greater than 150%	Greater than \$109,351	1752	18%	2,682	26%	930
	Total Households	9,841		10,415		574

Source: ESRI, CPI

Potential Housing Demand

There is high demand for new housing units in Hastings. Table 15 illustrates the estimated potential housing demand generated through current needs, pent up demand, and potential commuter capture.

There is an estimated potential demand for between 802 and 944 new housing units. Most of this demand is for rental housing, and it is important to note that a significant amount of demand is driven by the ability to attract existing commuters to Hastings

The demand for additional housing over the next five years is not anticipated to grow much more than the current demand, as illustrated in Table 16.

The ESRI population and household projections indicate relatively flat growth, thus the five-year housing demand projections are nearly identical to the current needs. These population projects are likely low given the current vacancy rates and historic growth. Additionally, a positive change in the employment base should induce housing demand above the current projections.

Table 15. Current Housing Demand

	Current Demand		
Effective Ownership Vacancy Rate	1.0%	1.5%	2%
New For Sale Units	-28	6	40
10% Substandard Ownership Units	14	14	14
5% COMMUTER CAPTURE	214	214	214
"STEP UP" DEMAND	71	71	71
PIPELINE PROJECTS	30	30	30
Potential Ownership Demand	240	203	237
Effective Rental Vacancy Rate	6%	8%	10%
New Rental Units	-124	-52	21
15% Cost Burdened Renters	244	244	244
10% Substandard Rental Units	15	15	15
10% Commuter Capture	428	428	428
Pipeline Projects			
Potential Rental Demand	562	634	707
Total Potential Demand	802	837	944

Source: CPI

Table 16. Future Demand - 2028

	2028 Demand		
Effective Ownership Vacancy Rate	1.5%	2.0%	2.5%
New For Sale Units	-27	8	42
10% Substandard Ownership Units	14	14	14
5% COMMUTER CAPTURE	214	214	214
"STEP UP" DEMAND	71	71	71
PIPELINE PROJECTS	30	30	30
Potential Ownership Demand	241	276	310
Effective Rental Vacancy Rate	6%	8%	10%
New Rental Units	-130	-59	11
15% Cost Burdened Renters	244	244	244
10% Substandard Rental Units	22	22	22
10% Commuter Capture	428	428	428
Pipeline Projects			
Potential Rental Demand	564	634	705
Total Potential Demand	805	910	1015

Source: CPI

Workforce Housing Needs

The previous section discussed the overall housing demand presently and in 2028. This section examines the portion of the demand focused on workforce and affordable housing.

Workforce housing demand is similar to the overall housing demand, but accounts for households in certain income ranges. Pent-up demand is limited to those households earning over 80% AMI. Commuter capture is limited to those workers earning more than \$3,333/month for owner occupied demand, and more than \$1,251/month for rental housing demand.

Table 17 and Table 18 illustrate the potential workforce housing demand. Table 17 is the current demand; while, Table 18 is the anticipated demand in 2028.

The current potential workforce housing demand, ranges from 160 total units to 373 total units. These numbers account for between 20% to 40% of the total housing demand in Hastings.

There are currently 30 housing units within two pipeline projects that meet the definition of workforce housing. There is lower demand in the rental side of the housing market.

By 2028, the estimated workforce housing demand remains unchanged. The potential housing demand is heavily influenced by the number of commuters working in Hastings.

Affordable Housing Needs

Affordable housing means residential dwelling units affordable to a household earning not more than eighty percent (80%) of the Area Median Income (AMI). In 2021, there were approximately 94,477 households who met this definition.

As discussed in the previous section, there are a significant number of cost burdened households, particularly rental households, and there is a lack of rental housing affordable to those make less than 30% AMI.

There are approximately 2,558 renter households earning 80% AMI or less, and there are approximately 3,564 rental units that are meet the definition of affordable housing. While there are technically enough affordable units compared to overall households, an estimated 755 extremely low-income households are living in non-affordable units.

The affordable rental housing gap is approximately 456 rental units targeted to those who earn less than 30% AMI. If additional affordable, or "step-up" units were developed, this may free up existing affordable units

Within the ownership market, there are approximately 1,919 homeowner households earning at or below 80% AMI. According to HUD estimates, within Hastings, there are approximately 5,150 occupied ownership units that are considered "affordable".

While technically there is no affordable housing "gap" in the ownership market, many focus group participants raised concerns about ongoing affordability due to high property taxes, and concerns about being able to age in place due to a lack of ADA accessible housing.

Given that nearly a quarter of Hasting's households have at least one person with a disability, efforts should be made to encourage accessible or visitable housing in all future developments, particularly those that receive public assistance.

Table 17. Current Workforce Housing Demand

Effective Ownership Vacancy Rate	Net Demand		
	1.0%	1.5%	2%
New For Sale Units	-28	6	40
10% Substandard Ownership Units (80% AMI)	5	5	5
5% COMMUTER CAPTURE (earning \$3,333+ / month)	87	87	87
"Step Up" Demand	95	95	95
Pipeline Projects	30	30	30
Total Ownership Demand	129	163	197
Effective Rental Vacancy Rate	6%	8%	10%
New Rental Units	-124	-52	21
15% Cost Burdened Renters	2	2	2
10% Substandard Rental Units	4	4	4
10% Commuter Capture (earning \$1,251+ / month)	150	150	150
Pipeline Projects	0	0	0
Total Rental Demand	31	103	176
Total Potential Demand	160	266	373

Source: CPI

Table 18. Future Workforce Housing Demand

Effective Ownership Vacancy Rate	Net Demand (2028)		
	1.0%	1.5%	2%
New For Sale Units	-27	8	42
10% Substandard Ownership Units (80% AMI)	5	5	5
5% COMMUTER CAPTURE (\$3,333+ / month)	87	87	87
"Step Up" Demand	95	95	95
Pipeline Projects	30	30	30
Total Ownership Demand	130	165	199
Effective Rental Vacancy Rate	6%	8%	10%
New Rental Units	-130	-59	11
15% Cost Burdened Renters	2	2	2
10% Substandard Rental Units	4	4	4
10% Commuter Capture (\$1,251+ / month)	150	150	150
Pipeline Projects	0	0	0
Total Rental Demand	25	96	167
Total Potential Demand	156	261	366

Source: CPI

HOUSING CHALLENGES, GOALS AND STRATEGIES



HOUSING CHALLENGES

The housing challenges faced in Hastings are not unique, and are found in one form or another across the Midwest and throughout the country. Housing production has not kept up with demand and most markets are tight which affects economic development, community prosperity and financial security for millions of residents.

Through analysis and focus group discussions, the biggest housing challenges within Hastings include:

- High cost burden for renter households
- Difficulty finding available housing
- Lack of housing type variety
- High development costs
- Quality of existing housing

ZONING FOR MISSING MIDDLE HOUSING

The map on page 22 and table 19 illustrates the major residential zoning districts where “missing middle” housing can be constructed under the current zoning regulations either by-right or through conditional approvals. Approximately 30% of the land in Hastings can currently accommodate missing middle housing.

Hastings should increase the number of districted where missing middle housing is either permitted by-right or conditionally permitted, including in the R-1 district, especially in areas with existing public utilities. Expanding missing middle housing to the R-1 district would enable this housing type throughout most of Hastings as illustrated on page 23.

AREAS CURRENTLY ZONED FOR MISSING MIDDLE HOUSING

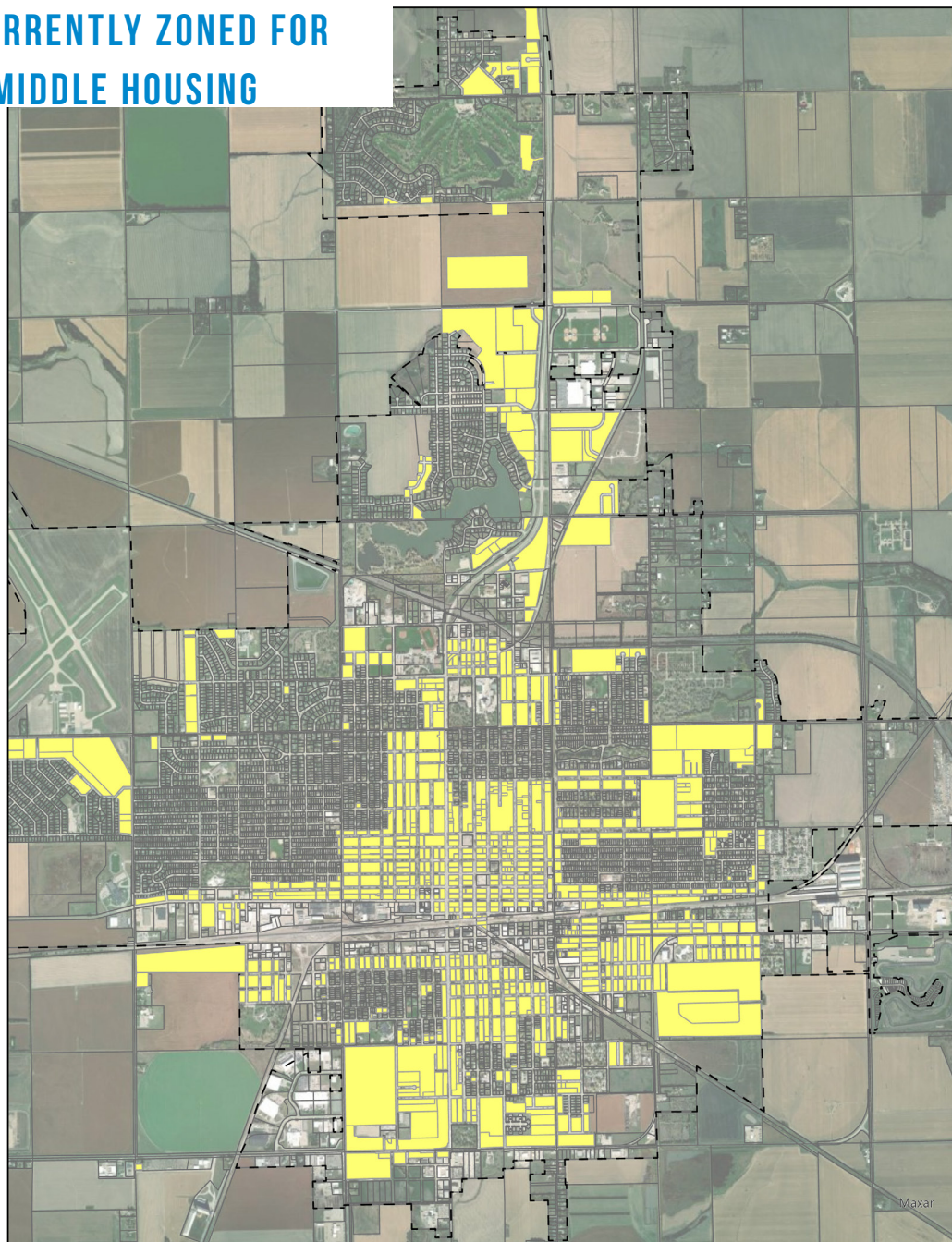
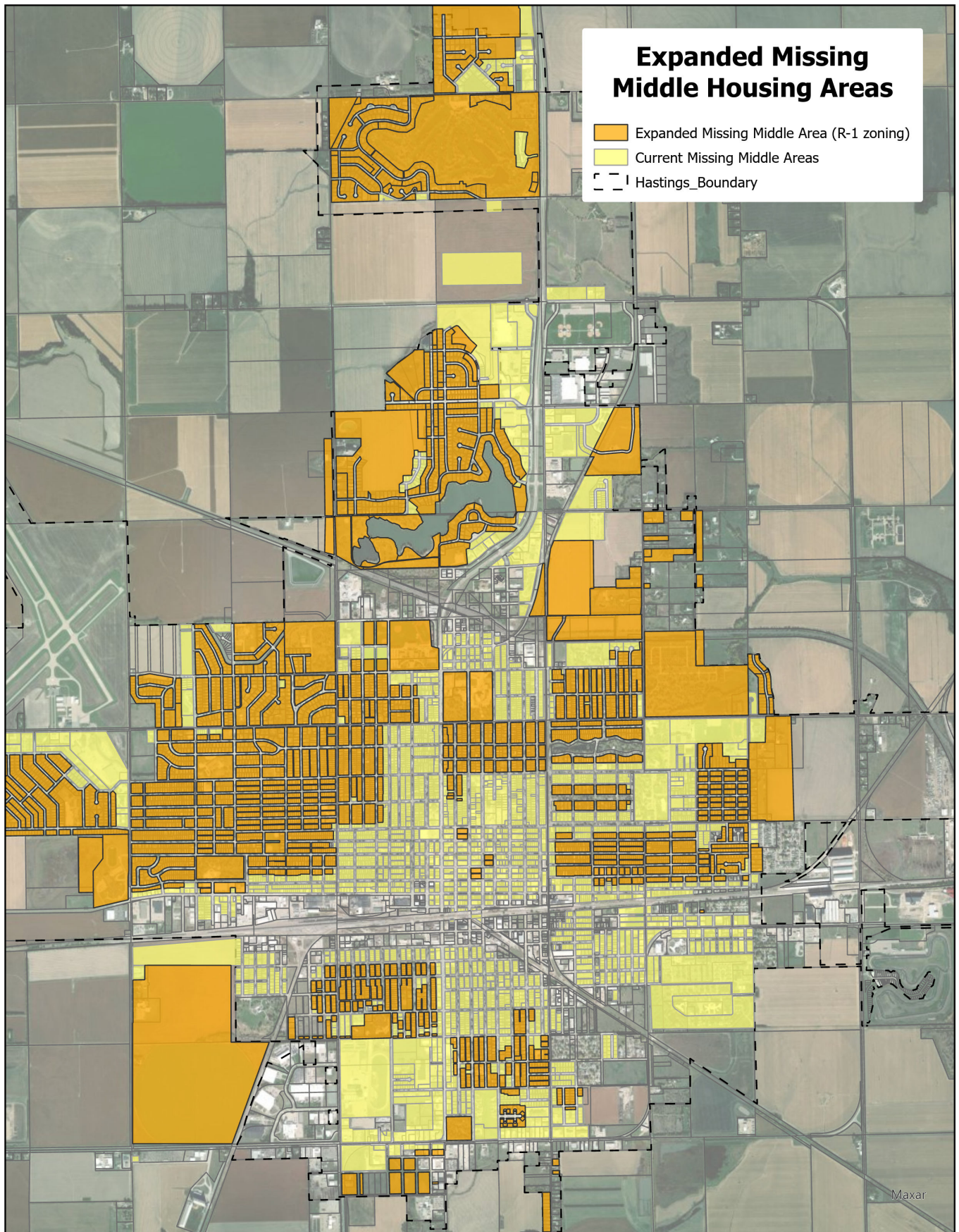


Table 19. Missing Middle Zoned Land

District	Acres	Share	District	Acres	Share
R-2 Mixed-density Neighborhood District	1,358.3	14%	C-1 Local Business District	123.8	1.28%
R-3 Multiple-Family Residential District	647.8	6.7%	C-2 Central Business District	91.3	0.94%
R-4 Urban Neighborhood District	0.4	0.001%	C-3 Commercial District	540.8	5.59%
C-0 Commercial Office Non-Retail District	43.4	0.45%	CMP - Institutional Campus	23.2	0.24%
Source: Hastings / CPI					



HOUSING GOALS AND STRATEGIES

The housing challenges Hastings faces are not new and have taken decades to manifest themselves. The strategies outlined in this study should be re-evaluated on a regular basis to ensure resident needs are being met and the implementation of this plan is being carried out by all stakeholders in the development arena.

It should also be noted that economic cycles will play an impact in the housing market, and those cycles are often out of the control of local leaders and housing advocates and developers. .

The goals of the strategy recommendations are to facilitate the transition to a balanced housing market that supports the needs of Hastings' households at all stages of their lives.

Goal #1: Increase the number and types of housing units to meet the needs of Hastings' current and future residents.

Outcomes:

- **Residents have access to a variety of housing options:**
 - Missing Middle housing will account for 20% of the housing types, up from 15.9% today.
- **Working households have access to housing that meets their budget**
 - 20% of new housing construction meets the definition of "Workforce housing".
- **Vacancy rates will reflect a healthy housing market**
 - Homeownership vacancy rates will be between 1.0% and 1.5%.
 - Rental vacancy rates will be between 6% and 8%, down from 9.43% today.

Strategies:

1. Prioritize public funding for projects that incorporate affordable, missing middle and/or workforce housing.
 - 1,1 - Consider performance requirements as a

condition for TIF approval such as a minimum set-aside requirement for affordable or workforce housing units.

1.2 - Incorporate missing middle housing in a portion of Rural Workforce Housing Fund applications.

1.3 - Waive building permit and tap fees for affordable housing projects which are restricted to those earning less than 80% AMI.

2. Explore creating a Community Land Trust

2.1 - Community Land Trusts are designed to ensure the long-term affordability of housing within a particular development. A community land trust is a development where the underlaying land is owned, typically, by a trust or community non-profit whose mission is to create affordable housing. The home buyer owns the improvement and is usually granted a long-term lease that is at least the term of the mortgage or 99 years. The key distinction is there is a deed restriction or restrictive covenant running with the land, thus, ensuring affordability by limiting the income of the subsequent home buyers, thus ensuring long-term affordability.

The Land Trust is established to enforce the restrictions, which are civil matters and not under the jurisdiction of the City or County. In lieu of establishing a single-purpose entity for administration of the trust, that function could be carried out by a local Community Development Corporation.

3. Explore Shared Risk Loan Pools for higher-risk workforce and affordable housing projects

Many communities have recently funded targeted shared-risk loan pools that are used to spread the risk in emerging markets. The concept revolves around a loan fund that is seeded through contributions by local banks, businesses, or federal programs such as the Community Development Financial Institutions Fund (CDFI Fund).

Shared risk pools are designed to invest in all types of housing, not just single-family for-sale housing. The loan fund can invest in

various housing projects as determined by a governing board. The investment capital would be structured as patient capital that is in a subordinate position to the primary debt. **This is not a grant.** The purpose of the investment is to lower the amount of primary debt the project needs to service, thus making the project more financially feasible. When a project is refinanced, in the future, the fund would recoup its investment. Alternatively, the fund could be the primary lender and each investor in the fund would only risk a pro-rata share of the investment.

4. **Revise zoning regulations to encourage housing variety and affordability.**

While the zoning code does permit missing middle housing in some residentially zoned districts, those districts should be expanded.

Hastings should explore encouraging affordable or missing middle housing by amending the code to:

1. Permit townhouses in R-1 and R-2 districts where public utilities exist.
2. Eliminate residential height restrictions for principal structures.
3. Permit higher-density missing middle housing (triplex and quads) under certain conditions such as:
 - Infill lots in the R-1 and R-2 districts
 - When within 1/2 to 1-mile of an existing elementary or middle school
4. Eliminate residential parking requirements, or reduce parking requirements for units with two or fewer bedrooms to 1 space per unit.

Goal #2: Improve and preserve existing affordable housing.

Outcomes:

- Existing affordable housing will remain affordable for the most vulnerable residents.
- The overall quality of housing in Hastings will improve

Strategies:

1. **Target redevelopment strategies toward vacant and abandoned properties.**

The 2021 ACS indicates that of the 922 vacant units, 267 (28.9%) are "vacant-other". These units are neither for sale, or for rent, are likely abandoned structures, and can quickly become dilapidated which may lead to neighborhood deterioration and loss of confidence by area residents. These structures can also be rehabilitated and placed in service if the deterioration is not too far along, and should be prioritized as part of any neighborhood revitalization effort.

2. **Target CDBG funds toward property improvement for low and moderate income residents.**

Many low- and moderate-income residents, particularly seniors, struggle to maintain their homes due to rising costs. Additionally, many older homes are not designed for those who may become physically disabled.

3. **Develop programs to promote the private renovation of vacant homes. Encourage the promotion of existing programs such as FHA 203K loans.**

A FHA 203K loan combines the cost of the initial purchase plus the cost of renovations or expansions into one loan product that is insured by FHA. This unique loan product is particularly well suited for those interested in purchasing a vacant house, or one needing substantial renovations. The benefit of the loan product is the interest rates are fixed, and the loan amount is based on the current purchase price, plus the cost of the improvements. The program also protects lenders by allowing them to have the loan insured before the condition and value of the property may offer adequate security.

Despite the benefits, this loan product is not well utilized throughout Nebraska. Only one Nebraska lender has originated a 203(k) loan in the past 12 months:

- Castle & Cooke Mortgage, LLC - Blair

The FHA 203K loan product could be a very useful tool for those who wish to purchase and rehabilitate a home in Hastings. Since the program has not been utilized here, there will be a learning curve for all parties involved.

Goal #3 Reduce development costs where possible.

Outcomes:

- **The amount of housing that meets the definition of "workforce housing" will increase.**

Strategies:

1. Explore partnerships with the Nebraska Manufactured Housing Association to work with local housing manufactures to develop a palette of neighborhood context sensitive home plans that can be constructed on infill lots;

Today's modular and manufactured housing factories can modify almost any set of plans and home design to be constructed in an off-site manufacturing facility. Designs can be contemporary or modern. All of the pictures on this page are examples of modular homes constructed in Indiana.

One of the many concerns expressed was the high cost of construction and lack of quality subcontractors. Modular and manufactured housing (industrialized units) can help bridge this gap. Typically, there are two types of industrialized housing products: modular housing, which is constructed using a state adopted building code, and manufactured housing, which is constructed using a HUD approved building code. For the purposes of this report we will use the generic term "industrialized housing" to refer to both.

Generally speaking, industrialized housing can cost between 10% - 20% less than conventional site-built housing, and depending on the type of product, can be



more energy-efficient than conventionally constructed housing.

Note however, the customization options are significantly limited, so this is probably not a product for the upper-end price points, but is a good option for entry-level and moderately priced new construction.

2. Proactively extend public utilities to reduce the costs of development and encourage development in appropriate areas.

The cost of extending water and sewer utilities is expensive and significantly adds to the cost of developing land. The city could proactively finance and extend the main lines which would 1) reduce development costs, and 2) actively direct where development will occur in a more planned and orderly manner.



3. Evaluate and streamline trade licensing requirements and processes.
Builders expressed frustration that Hastings, and Grand Island had different licensing requirements for plumbers, which reduced the pool of plumbers willing to work in Hastings. Efforts should be undertaken to review local building codes to reduce barriers where possible.

Goal #4 Improve household stability

Outcomes:

- **The number of severely cost burdened renters are reduced**
- **Very low income households are appropriately housed and the risk of homelessness is reduced**

Strategies:

1. Work with existing subsidized housing owners to ensure their properties are well maintained and the affordable units are preserved.
Within Hastings, there are approximately 421 subsidized units within 11 non-public housing developments that serve very low income residents and / or persons with disabilities. These developments provide housing for some of the most vulnerable populations and should be preserved.
2. Work with affordable housing developers to

create additional rental housing for very-low income families.

The affordable rental housing gap is approximately 456 rental units targeted to those who earn less than 30% AMI. These households tend to be large families with one wage-earner and may be on the edge of homelessness.

Affordable housing projects seeking public assistance should have a portion of their units targeted toward this income cohort.



Implementation Matrix			
Public Policy Action Items	Partners	Funding	Timeframe
Goal #1: Increase the number and types of housing units to meet the needs of Hastings's current and future residents			
1. Prioritize public funding for projects that incorporate affordable, missing middle and/or workforce housing.	1, 2, 3, 4	1, 3	1 to 3 years
1.1 - Consider performance requirements as a condition for TIF approval such as a minimum set-aside requirement for affordable or workforce housing units.	1, 4	3	1 to 3 years
1.2 - Incorporate missing middle housing in a portion of Rural Workforce Housing Fund applications.	1, 3, 4	1, 3	1 to 3 years
1.3 - Waive building permit and tap fees for affordable housing projects which are restricted to those earning less than 80% AMI.	1	7	1 to 3 years
2. Explore creating a Community Land Trust	1, 3, 4	1, 4, 5	3 to 5 years
3. Explore Shared Risk Loan Pools for higher-risk workforce and affordable housing projects	1, 5	4, 5	3 to 5 years
4. Revise zoning regulations to encourage housing variety and affordability.	1	7	1 to 3 years
4.1 - Permit townhouses in R-1 and R-2 districts where public utilities exist.	1	7	1 year
4.2 - Eliminate residential height restrictions for principal structures.	1	7	1 year
4.3 - Conditionally permit higher-density missing middle housing (triplex and quads) under certain conditions such as: • Infill lots in the R-1 and R-2 districts • When within 1/2 to 1-mile of an existing elementary or middle school	1	7	1 to 3 years
4.4 - Eliminate residential parking requirements, or reduce parking requirements for units with two or fewer bedrooms to 1 space per unit.	1	7	1 to 3 years

Organization:

1. Hastings
2. Adams County
3. Hastings Economic Development Corporation (HEDC)
4. Hastings CRA
5. Local Developers / Home Builders

Incentive Sources:

1. General Funds
2. Bonding
3. TIF
4. Grants
5. Private Funds
6. Sales Tax/Occupational Tax
7. Non-monetary

Implementation Matrix			
Public Policy Action Items	Partners	Funding	Timeframe
Goal #2: Improve and preserve existing affordable housing.			
1. Target redevelopment strategies toward vacant and abandoned properties.	1, 4, 5	1, 2, 3, 4, 5	1 to 3 years
2. Target CDBG funds toward property improvement for low and moderate income residents.	1	4	1 to 3 years
3. Develop programs to promote the private renovation of vacant homes. Encourage the promotion of existing programs such as FHA 203K loans.	1, 5	5	1 to 3 years
Goal #3 Reduce development costs where possible.			
1. Explore partnerships with the Nebraska Manufactured Housing Association to work with local housing manufactures to develop a palette of neighborhood context sensitive home plans that can be constructed on infill lots;	1, 3, 5	1, 4, 5	3 to 5 years
2. Proactively extend public utilities to reduce the costs of development and encourage development in appropriate areas.	1	1, 2, 3, 4	3 to 5 years
3. Evaluate and streamline trade licensing requirements and processes.	1	7	1 to 3 years
Goal #4 Improve household stability			
1. Work with existing subsidized housing owners to ensure their properties are well maintained and the affordable units are preserved.	1, 2, 5	3, 4, 5	5 or more years
2. Work with affordable housing developers to create additional rental housing for very-low income families.	1, 3, 5	1, 3, 4, 7	3 to 5 years

Organization:

1. Hastings
2. Adams County
3. Hastings Economic Development Corporation (HEDC)
4. Hastings CRA
5. Local Developers / Home Builders

Incentive Sources:

1. General Funds
2. Bonding
3. TIF
4. Grants
5. Private Funds
6. Sales Tax/Occupational Tax
7. Non-monetary



Department: Development Services
Staff Contact: Chad Bunger
Planning Commission Meeting Date: 11/14/2023
File No: 2023-639
Prepared By: Chad Bunger, Director of Development Services

AGENDA ITEM SUMMARY SHEET

Description of Item:

Preliminary/Final Plat for Vandeventer Subdivision of a tract of land located in the Southwest Quarter of Section 8, Township 7 North, Range 10 West of the 6th P.M. 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:

Motion to recommend approval of a Preliminary/Final Plat for Vandeventer Subdivision, in Adams County, Nebraska.

Deadlines associated with action:

The preliminary/final plat will be heard at the City Council Regular meeting on December 11, 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.

More details of the subdivision can be found in the attached staff memorandum.

Recommendation:

Staff recommends a motion to recommend approval of the Preliminary/Final Plat for Vandeventer Subdivision.

City of Hastings Planning Commission



STAFF REPORT

Final Plat:	Preliminary/Final Plat of Vandeventer Subdivision
File No.	2023-639
Applicant	Lori Vandeventer Revocable Trust, Lori Vandeventer, Trustee
Property Location:	6470 W. DLD Road, generally located approximately 1,325 feet east of the intersection of N. Osage Avenue and W. DLD Road
Lot Size:	11.61 acres
Date of Commission Meeting:	November 14, 2023
Zoning	County A, Agricultural District
Adjacent Zoning:	North: County A District
	East: County A District
	South: County A District
	West: County A District



Figure 1: Site Aerial

SECTION AND REQUIREMENT OF HASTINGS CODE OF ORDINANCE CONSIDERATION OF A FINAL PLAT:

- **Sec. 38-201. – Approval of subdivision plats**
- **Sec. 38-203. – Final Plat:** describes intent and submittal requirements.
- **Chapter 28, Article III. – Planning and Community Design Standards:** describes various plat, lot, and site design requirements.
- **Chapter 28, Article IV. – Engineering and Technical Standards:** describes technical standards of public infrastructure and other improvements.

DESCRIPTION OF FINAL PLAT REQUESTED: The subject parcel was created by a deed, with a metes and bounds description in 2002. The deed created a parcel that was approximately 726 feet deep (North to South) and 660 wide (West to East). The parcel encompassed roughly 6.17 acres as part of the farmstead and the remaining 4.90 acres of farmland.

The application is requesting a Preliminary/Final Plat to subdivide the 6.17-acre farmstead aware from the remaining agricultural land. This land will then be deeded to the owners of the adjacent agricultural land, Vandeventer Farms, LP.

Because the land has previously been unplatted, a Preliminary/Final Plat is required to achieve the subdivision.

Property Description: The property is a generally flat tract of ground used as a farmstead. On the property is a large home with an attached garage, two agricultural buildings, and livestock pens. The home is connected to private, on-site water and septic systems. No public water or sanitary sewer utilities are present in the area to connect.

CONSIDERATIONS OF THE FINAL PLAT:

Subsection 38-201(1). – Approval of subdivision plats states No plat of or instruments effecting the subdivision of real property shall be recorded or have any force and effect unless the same be approved by the City Council, subject however, to the exceptions set forth in [Section 34-106](#) of this code. The City Council shall hold no public meeting, nor take any action upon any plat or instrument effecting a subdivision until it has received the recommendation of the Hastings Planning Commission.

City staff review the following topics to ensure that the proposed final plat conforms to the minimum standards of Chapter 28, Article III. – Planning and Community Design Standards and Chapter 38, Article IV. – Engineering and Technical Standards and to provide a recommendation to City of Hastings Planning Commission and Hastings City Council.

The City staff and Development Review Committee, which includes County officials, have reviewed the proposed Preliminary/Final Plat and have determined that the design meets the minimum requirements of Chapter 38 – Subdivisions of the City's Code of Ordinance.

STAFF COMMENTS: Staff recommends the Planning Commission **APPROVE** the **Preliminary/Final Plat of Vandeventer Subdivision**, Adams County, Nebraska, with the following conditions:

1. The remaining agricultural land associated with the deeded parcel must be deeded to the adjacent agricultural landowner along with the filing of this Preliminary/Final Plat.

PREPARED BY: Chad Bunger, AICP, CFM, Director of Development Services

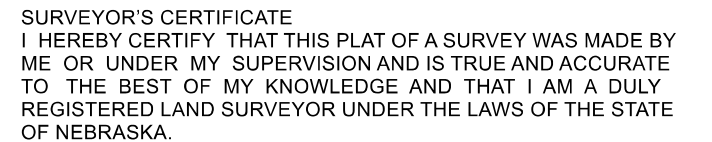
DATE: November 3, 2023

ATTACHMENTS:

1. Preliminary/Final Plat of Vandeventer Subdivision
2. 2002 Deed creating the current parcel.

PRELIMINARY/FINAL PLAT
LOCATED IN SOUTHWEST QUARTER OF SECTION 8,
TOWNSHIP 7 NORTH, RANGE 10 WEST OF THE 6TH P.M.,
WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF HASTINGS,
ADAMS COUNTY, NEBRASKA

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. 31001C0175C
EFFECTIVE 7/05/2018.



A TRACT OF LAND LOCATED IN THE EAST HALF OF THE SOUTHWEST QUARTER (E ½ SW ¼) OF SECTION 8, TOWNSHIP 7 NORTH, RANGE 10 WEST OF THE 6TH P.M., WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 8; THENCE N88°13'25"E (ASSUMED BEARING) ON THE SOUTH LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING; THENCE N01°51'22"W, A DISTANCE OF 726.15 FEET; THENCE N88°09'09"E, A DISTANCE OF 50.76 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 1800.00 FEET; THENCE SOUTHEASTERLY ON SAID CURVE, THE CHORD OF WHICH BEARS S47°28'30"E, AN ARC DISTANCE OF 860.67 FEET; THENCE S01°51'08"E, A DISTANCE OF 130.81 FEET TO THE SOUTH LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 8; THENCE S88°13'25"W, ON SAID SOUTH LINE, A DISTANCE OF 660.03 FEET TO THE POINT OF BEGINNING CONTAINING 6.17 ACRES, MORE OR LESS, INCLUDING 0.50 ACRES, MORE OR LESS, OF COUNTY ROAD EASEMENT.

FILE NAME VANDEVENTER SUB, SEC 8-T7N-R10W, ADAMS CO.		
SCALE 200 Ft/In	DATE 10-16-2023	DRAWN BY T. KRUEGER
JOB KLS-23105	FIELD WORK TK	SHEET 1 OF 2

NOTE: ALL BEARINGS ARE ASSUMED

LEGEND	
	CORNER FOUND (5/8" REBAR)
	SET PLASTIC CAP (LS-448) ON 1/2" REBAR
	NOT MONUMENTED
	CRUSHED ROCK
	CONCRETE

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

VANDEVENTER SUBDIVISION
PRELIMINARY/FINAL PLAT
LOCATED IN SOUTHWEST QUARTER OF SECTION 8,
TOWNSHIP 7 NORTH, RANGE 10 WEST OF THE 6TH P.M.,
WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF HASTINGS,
ADAMS COUNTY, NEBRASKA

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENT, THAT LORI VANDEVENTER, TRUSTEE OF THE LORI VANDEVENTER REVOCABLE TRUST 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 VANDEVENTER SUBDIVISION, WITHIN THE EXTRATERRITORIAL JURISDICTION OF 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 OWNER(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_____

LORI VANDEVENTER, TRUSTEE OF THE
LORI VANDEVENTER REVOCABLE TRUST

ACKNOWLEDGEMENT

STATE OF NEBRASKA)
) SS
COUNTY OF ADAMS)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 20_____
BY LORI VANDEVENTER, TRUSTEE OF THE LORI VANDEVENTER REVOCABLE TRUST

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

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_____.

LORI VANDEVENTER, TRUSTEE
OF THE LORI VANDEVENTER REVOCABLE TRUST

CITY ENGINEER'S APPROVAL

THIS PLAT OF VANDEVENTER SUBDIVISION, WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA HAS BEEN RECEIVED AND REVIEWED BY ME AND IS IN COMPLIANCE WITH THE PROVISIONS OF CHAPTER 38-204(3) 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 VANDEVENTER SUBDIVISION, WITHIN THE EXTRATERRITORIAL JURISDICTION OF 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 VANDEVENTER SUBDIVISION, WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA IS HEREBY APPROVED THIS _____ DAY OF _____, 20_____.

MAYOR

CLERK

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

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

FILE NAME VANDEVENTER SUB, SEC 8-T7N-R10W, ADAMS CO.		
SCALE 200 Ft/In	DATE 10-16-2023	DRAWN BY T. KRUEGER
JOB KLS-23105	FIELD WORK TK	SHEET 2 OF 2

FILED BY

Ann - Prairie
Title

20023209

RETURN TO Hastings StateHastings 1668901 Bank

FEE

5.50

PAID

#46705
(H.S.B.)NUM 8-7-10RD. COMP X MH 11:33COMPARE AKSCADAS 2-21 AD OK MH

ADAMS COUNTY, NE.

FILED

INST. NO. **20023209**

'02 JUN 18 AM 10 18

Jamie D Johnson

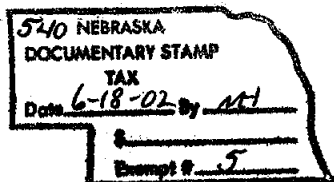
REGISTER OF DEEDS

12/19/1999 07:27

4023871338

PAT MOYLAN

PAGE 01

**20023209**

WARRANTY DEED

JANE VANDEVENTER, a single widowed woman, Grantor, in consideration of ONE DOLLAR (\$1.00) and other valuable consideration received from grantees, does grant, bargain, sell, convey and confirm unto JON C. VANDEVENTER and LORI L. VANDEVENTER, husband and wife, as joint tenants with right of survivorship, Grantees, the following described real property (as defined in Neb. Rev. Stat. Section 76-201):

A tract of land in the East Half of the Southwest Quarter (E1/2 of SW1/4) of Section 8, Township 7 North, Range 10 West of the 6th P.M., Adams County, Nebraska, more particularly described as follows:

Referring to the Southwest Corner of the East Half of the Southwest Quarter (E1/2 of SW1/4) of Section 8, Township 7 North, Range 10 West of the 6th P.M., Adams County, Nebraska; Thence N 90°00'00" E (assumed bearing) along the South line of said Southwest Quarter (SW1/4) a distance of 33.00 feet to the TRUE POINT OF BEGINNING. Thence N 00°00'00" E a distance of 726.00 feet; Thence N 90°00'00" E a distance of 660.00 feet; Thence S 00°00'00" W a distance of 726.00 feet to a point on the South line of said Southwest Quarter (SW1/4); Thence N 90°00'00" W along said South line a distance of 660.00 feet to the True Point of Beginning. Containing a calculated Area of 11.00 Acres more or less of which 0.50 Acres fall in the Public Road Right-of-Way on the South thereof.

Grantor covenants with Grantees that Grantor:

- (1) is lawfully seised of such real estate and that it is free from encumbrances, except easements, restrictions, covenants and/or reservations of record, if any, and public roads;
- (2) has legal power and lawful authority to convey the same; and
- (3) warrants and will defend the title to the real estate against the lawful claims of all persons.

Dated May 30, 2002.Jane Vandeventer
Jane Vandeventer

STATE OF NEBRASKA, County of Douglas :

The foregoing instrument was acknowledged before me on May 30, 2002, by Jane Vandeventer, a single widowed woman.

Dixie L. Kiscoan Notary Public