

CITY OF HASTINGS, NEBRASKA MINUTES OF
PLANNING COMMISSION

Tuesday, November 14, 2023

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the Hastings Municipal Airport, 3300 W 12th St, Hastings NE.
on November 14, 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 Chuck Rosenberg, Michelle Lewis, Lou Kully, Ann Hinton, Shawn Rossi, and Greg Sinner.

2. Roll Call:

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

The following City Officials were present: City Attorney, Jesse Oswald; Director of Engineering, Lee Vrooman, Director of Development Services, Chad Bungler, Public Information Manager, Tony Herrman, Information Technology Director, Erik Nielsen, Utility IT Manager, Kirk Layton, Administrative Assistant, Melissa Woodard, City Clerk, Kim Jacobitz,

3. Pledge of Allegiance:

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

4. Motion to adopt the current agenda for November 14, 2023, Planning Commission Meeting.

Moved by Lou Kully to approve the current agenda. Seconded by Chuck Rosenberg. Ayes: Shawn Rossi, Ann Hinton, Greg Sinner, Lou Kully, Chuck Rosenberg, Michelle Lewis. Nays: None. Absent: Brian Hoffman, Jody Stutzman, Jacque Cranson, Rakesh Srivastava. The motion carried.

- 5. Public Notice-** The Public Notice was read into the record. - 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 City Library. Also, a current copy of the Nebraska Open Meetings Act is located on the wall of the Conference Room, which is accessible to members of the public.

6. Approval of Minutes:

a. Meeting of October 17, 2023

Chair Sinner would entertain a motion at this time for the approval of the Minutes of October 17, 2023.

Moved by Ann Hinton to approve the Minutes of October 17, 2023, of the Planning Commission Meeting. Seconded by Shawn Rossi. Ayes: Shawn Rossi, Ann Hinton, Greg Sinner, Lou Kully, Chuck Rosenberg, Michelle Lewis. Nays: None. The motion carried. Absent: Brian Hoffman, Jody Stutzman, Jacque Cranson, Rakesh Srivastava. (Brian Hoffman arrived at 4:04p.m.)

Chair Sinner would entertain a motion at this time for the approval of the Minutes of November 7, 2023.

. **b. Meeting of November 7, 2023.**

Moved by Chuck Rosenberg to approve the Minutes of November 7, 2023, of the Planning Commission. Meeting. Seconded by Michelle Lewis. Ayes: Shawn Rossi, Ann Hinton, Greg Sinner, Lou Kully, Chuck Rosenberg, Michelle Lewis, Brian Hoffman. Nays: None. The motion carried. Absent: Stutzman, Cranson, Srivastava.

7. **Special Order of Business:**

a. Presentation of One- and Six-Year Street Improvement Plan.

Lee Vrooman provided an overview of the city's One- and Six- year Street Improvement Plan and the upcoming projects for the 2023-2024 budget.

(Cranson arrived at 4:13pm)

Chair Sinner opened it up for Commissioners questions.

Chuck Rosenberg: Questioned why only North and South, not East and West turns and also asked for an update on the paving going on at the cemetery?

Lee Vrooman Explained the next phase was scheduled this past summer, however the contractor got busy, so it will be this Spring. The State looked at each of those intersections, and what they are doing now is what is warranted and will continue to monitor those as traffic increases.

8. **Unfinished Business:**

- a. **Continued Applications** – Skipped-None
- b. **Tabled Applications** – Skipped-None
- c. **Postponed Applications** – Skipped – 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.**

Chair Sinner opened the public hearing to provide the staff report summary for staff background and updates.

Chad Bunger provided a summary of this application and the staff report. He explained that in 2021 the owners were granted an amendment to an approved Conditional Use Permit (CUP) for a Neighborhood Assembly use that had 14 conditions of approval. This application is to amend the CUP to alter or eliminate some of those conditions. Specifically, the amendment is to amend Condition #4 which prohibited alcohol. With the use and Condition #11, which limited the hours of operation of the use from 8:00 a.m. to 6:30 p.m. the Amendment to Condition #4 is to allow consumption of alcohol to be within the barn that would be brought in by guests and limited to a small amount of alcohol. The Amendment to Condition #11 would extend the operation hours to 10:00 p.m. Chad Bunger provided a summary of the staff report and recommended that the amendment to Condition #4 be denied and Condition #11 be approved.

The group then discussed that the event states it shuts down at 9:00 p.m. and will have one hour to be cleaned up and off site. Chuck Rosenberg suggested they could also get around this with BYOB and explained that, and said he hopes the Commission will realize they are trying to run their business.

Chair Sinner asked for those in favor of the application to come forward to provide comments for the hearing. No one spoke.

Chad Bunger noted the applicants were there.

Chair Sinner then asked for those opposed to the proposal to provide comments for the hearing.

Roger Duering came forward who lives at 880 East 26th Street. He was opposed to the permit. He had nothing against Joe and his wife running the tree farm. His concern was the alcohol in residential areas. As far as the hours go, no problems with it. It is an alcohol event in a residential area, as they do have school kids running around, it's been quiet for 17 years. He has had problems with people for luncheons. Has had friends who had to park down at his place. There are no lights down on 26th Street. Only lights are on Elm Street. Nothing from Elm to the East, all the way to Second Avenue. We amended certain hours, are we going to keep continuing to amend things for them? Don't like seeing this amendment keep coming up every two to three years.

Chair Sinner closed the public hearing.

Chuck Rosenberg requested that the motion be split into two motions: one on the alcohol and one on the hours.

Lou Kully brought up a third recommendation not proposed by the application.

The group then discussed when and how to bring up the third option Lou Kully wanted to discuss. Jesse Oswald gave his recommendation to start with a motion you can do one at a time, then in that discussion, bring up what it could be, then amend and go from there. That would be the best way without knowing what it is.

Chair Sinner entertained a motion to extend the hours for Amendment #1 from 8:00 a.m. to 10:00 p.m.

Moved by Chuck Rosenberg to approve the amendment to extend the hours to 10:00 p.m. for Pine Patch Second Subdivision. Seconded by Lou Kully. Ayes: Shawn Rossi, Ann Hinton, Greg Sinner, Lou Kully, Chuck Rosenberg, Ann Lewis, Brian Hoffman, Jacque Cranson. Nays None. The motion carried. Absent: Jody Stutzman, Rakesh Srivastava.

Chair opened for discussion.

Hoffman opened discussion why limiting it to 10:00p.m.

Chair Sinner opened for discussion for the Second Amendment, dealing with the consumption of alcohol during events at the neighborhood assembly use.

The Commission found ending the Neighborhood Assembly space at 9:00 p.m. for events and the limitations the Nebraska Liquor Commission places on private events where alcohol is consumed, should protect the surrounding properties from impacts from the conditional use. No further discussion.

Lou Kully moved to recommend approval of an amendment to the CUP to eliminate Condition #4 related to the consumption of alcohol with the Neighborhood Assembly for Pine Patch Second Subdivision with no conditions to the Mayor and City Council. Chuck Rosenberg seconded the motion. Ayes: Shawn Rossi, Ann Hinton, Greg Sinner, Lou Kully, Chuck Rosenberg, Ann Lewis, Brian Hoffman, Jacque Cranson. Nays: None. The motion carried. Absent: Jody Stutzman, Rakesh Srivastava.

Lou Kully brought up his third recommendation of the traffic on E. 26th Street and N. Elm and explained how he spoke to Mr. John Northrop, who owns the adjacent property and is part of the easement created with the 2021 CUP amendment to allow the secondary access during the Christmas tree season that limited the use of the driveway and easement. Lou Kully recommended eliminating the condition of approval related to this easement to allow year-round use to provide two means of access to the Neighborhood Assembly Use for greater safety.

The Commission and staff conferred to ensure that the amendment by Lou Kully could be handled. It was determined that the way the items were legally advertised, the suggested amendment could be considered by the Commission.

Moved by Lou Kully to Eliminate Condition Number Two, 2021 Conditional Use Permit for the use of the driveway of the Conditional Use Permit for Pine Patch Second Subdivision driveway use. Seconded by Chuck Rosenberg. Voice Vote. Ayes: Jacque Cranson, Shawn Rossi, Ann Hinton, Greg Sinner, Lou Kully, Ann Lewis, Brian Hoffman, Chuck Rosenberg. Nays: None. The motion carried. Absent: Jody Stutzman, Rakesh Srivastava.

Following Commission discussion of the proposal, Chair Sinner asked for comments from the applicant.

Joe Kindig, 2520 N Elm Avenue, Hastings NE. Joe stated he was comfortable with the Commission's proposal to eliminate the condition of approval related to the easement. He has a good relationship with his neighbor, and this would improve safety and access to the Neighborhood Assembly.

The Commission and staff discussed the need for an updated easement and what happens if the property owner changes? Jesse Oswald stated that the easement runs with the land. Ann Hinton found the easement and read it aloud, there are no limitations. It says it is perpetual and shall run with the land for the benefit of Kindig or its successor's, heirs, or assigns. Chad Bunger stated if it's approved, they will work with the applicant to figure out the legalities.

Withdrawal of Motion: Moved by Lou Kully and Seconded by Chuck Rosenberg to approve the use of the Easement other than only for Christmas for the of the Conditional Use Permit for Pine Patch Second

Subdivision driveway use. Lou Kully withdrew his motion, Chuck Rosenberg withdrew his motion.

Chair Sinner would entertain a motion at this time for the approval to Eliminate Condition Number Two, 2021 Conditional Use Permit for the use of the driveway for Pine Patch Second Subdivision.

Moved by Lou Kully to Eliminate Condition Number Two, 2021 Conditional Use Permit for the use of the driveway of the Conditional Use Permit for Pine Patch Second Subdivision driveway use. Seconded by Chuck Rosenberg. Voice Vote. Ayes: Jacque Cranson, Shawn Rossi, Ann Hinton, Greg Sinner, Lou Kully, Ann Lewis, Brian Hoffman, Chuck Rosenberg. Nays: None. The motion carried. Absent: Jody Stutzman, Rakesh Srivastava.

a. 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

Area #2. Industrial Park North

Area #3. Industrial Park West Area

Chair Sinner suggested each area be considered separately.

Chad Bunger provided a summary of the staff report for Area #1, East 26th street and N. 2nd Avenue. City Staff recommends that it not be annexed, with the one exception of the city owned land for the expansion of the Parkview Cemetery.

Chair Sinner asked for public comments, with no comments, Chair Sinner closed the public hearing.

Chair Sinner would entertain a motion at this time to consider annexing all of Area #1, East 26th Street and N. 2nd Avenue, into the City Limits of Hastings, NE. Moved by Chuck Rosenberg to Annex all of Area #1 into the City Limits of Hastings NE. Seconded by Lou Kully. Chair Sinner asked for Commissioner comment.

Chuck Rosenberg discussed the reasoning behind their voting was properties are adjacent, contiguous to the city and as good planning, it makes sense to bring them into the community, they are already partaking of city services, even though some have flood plains, and some have agriculture in the back, you will see a lot of these will have future development, especially if annexed.

Brian Hoffman also stated that leaving donut holes is an opportunity for us to be vulnerable and when most of the utilities are found to be there, it causes confusion, causes issues for landowners to the East, North, South and West. We have heard from our Fire Marshall that creating these issues is a Fire and Police issue. Why would we not annex these properties? There are flood plains in the middle of town too.

Michelle Lewis inquired, are we looking at the Housing Plan Marvin Planning did next? She noticed they had this area highlighted as somewhere we should have higher density housing that we should zone for that, so obviously they see that's it's growing there, and they see it as a point of expansion also.

Chair Sinner-Opened Public Hearing for Industrial Park North #2

Chad Bunger provided a summary of the findings for Area #2. City staff are recommending that all of area #2 be annexed into the city limits.

Chair Sinner asked for public comments. With no comments the public hearing was closed, and he asked for Commissioner comments. There were none.

Chair Sinner Would entertain a motion at this time to consider annexing all of Area #2, Industrial Park North into the City Limits of Hastings, NE.

Moved by Ann Hinton to consider annexing all of Area #2, Industrial Park North, into the City Limits of Hastings, NE. Seconded by Chuck Rosenburg. Voice Vote. Ayes: Jacque Cranson, Shawn Rossi, Ann Hinton, Greg Sinner, Lou Kully. Chuck Rosenberg, Michelle Lewis, Brian Hoffman. Nays: None. The motion carried. Absent: Jody Stutzman, Rakesh Srivastava.

Chair Sinner opened the public hearing to all of Area #3, Industrial Park West Area.

Chad Bunger provided a summary of the staff findings for this area and recommends that the Commission recommend approval for Area #3 to be annexed into the city.

Chair Sinner opened the meeting for public comments. With no one speaking, Chair Sinner closed the public hearing and asked for Commissioner comments.

Chair Sinner would entertain a motion at this time to consider annexing all of Area #3 Industrial Park West Area into the City Limits of Hastings, NE.

Moved by Lou Kully to consider annexing all of Area #3, Industrial Park West Area into the City Limits of Hastings, NE. Seconded by Michelle Lewis. Voice Call. Ayes: Jacque Cranson, Shawn Rossi, Ann Hinton, Greg Sinner, Lou Kully, Chuck Rosenberg, Michelle Lewis, Brian Hoffman. Nays: None. The motion carried. Absent: Jody Stutzman, Rakesh Srivastava.

b. #2023-674. Approval of accepting the City of Hastings Affordable Housing Plan prepared by Marvin Planning Consultants and Community Planning Insights.

Chad Bunger provided an overview of the Affordable Housing Plan and recommend that the Commission recommend to the Mayor and City Council to adopt it.

No one from the public spoke on this item.

Chair Sinner closed the public hearing and asked for Commission comments. There were none.

Chair Sinner would entertain a motion at this time to consider approval of accepting the City of Hastings Affordable Housing Plan for recommendation to the City Council.

Moved by Chuck Rosenberg to Approve accepting the City of Hasting Affordable Housing.

Plan for recommendation to the City Council. Seconded by Jacque Cranson. Voice Vote. Ayes: Jacque Cranson, Ann Hinton, Greg Sinner, Lou Kully, Chuck Rosenberg, Michelle Lewis, Brian Hoffman. Nays: None. The motion carried. Absent: Shawn Rossi, Jody Stutzman, Rakesh Srivastava. (Shawn Rossi left the meeting)

10. **Subdivisions:**

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

Chad Bunker provided an overview of the proposed subdivision and recommended approval of the Preliminary/Final Plat.

Chair Sinner would entertain a motion at this time to consider approval of the Preliminary/Final Plat of Vandeventer Subdivision.

Moved by Ann Hinton to Approve accepting the Preliminary/Final Plat of Vandeventer Subdivision. Seconded by Lou Kully. Voice Vote. Ayes: Jacque Cranson, Ann Hinton, Greg Sinner, Lou Kully, Chuck Rosenberg, Michelle Lewis, Brian Hoffman. Nays: None. The motion carried. Absent: Shawn Rossi, Jody Stutzman, Rakesh Srivastava.

11. **Reports:**

a. Committee Reports.

None

b. Chairman Comments.

None

c. Staff Reports.

Chad Bunker discussed construction season wrapping up. Kevin Kubo- Chief Building Inspector wanted him to mention the county jail is wrapping up in a week or two. The YMCA pool area was given clearance and opened last week. The breezeway between the hospital and their medical building is finishing up and getting completed by next week. Introduced our new City Planner, Ember Batelaan, from the private sector.

Chair Sinner invited Ember to come to the podium and introduce herself.

Ember Batelaan-City Planner stated she started a few weeks ago and before that worked in Lincoln, as a Community and Regional Planner in the Private Sector. Chair Sinner told her it was obvious she enjoys what she does, and we look forward to working with her and getting to know her.

Chair Sinner would entertain a motion to adjourn.

Moved by Jacque Cranson to Adjourn. Seconded by Brian Hoffman. Voice Vote. Ayes: Jacque Cranson, Ann Hinton, Greg Sinner, Lou Kully, Chuck Rosenberg, Michelle Lewis, Brian Hoffman. Nays: None. The motion carried. Absent: Shawn Rossi, Jody Stutzman, Rakesh Srivastava.

Adjourned at 5:44 p.m.

Greg Sinner, Chairman