

HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission has been scheduled for Tuesday, February 20, 2024 at 4:00 PM at the Hastings Municipal Airport, 3300 W 12th St, Hastings NE 68901.

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 February 10, 2024. 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 for public review. Also, a current copy of the Nebraska Open Meetings Act is posted and accessible to members of the public.
6. Approval of Minutes
 - a. Meeting of November 14, 2023
 - b. Meeting of January 17, 2024
7. Special Order of Business
 - a. Election of Chairperson
 - b. Election of Vice Chairperson
8. Public Hearings.
 - a. **2024-697.** Public hearing for a change of zoning for property commonly addressed as 925 E. 42nd Street, Adams County, Nebraska, from A, Agricultural District to R-1A, Single Family Large Lot Residential District, and to amend the Official Zoning District Map.

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone property commonly addressed as 925 E. 42nd Street, Adams County, Nebraska, from A, Agricultural District to R-1A, Single Family Large Lot Residential District, and to amend the Official Zoning District Map.
9. Work Session
 - a. Update from the Hastings Community Redevelopment Authority
 - b. Discussion of Annexation Policy for the 2024 Comprehensive Plan Update
10. Reports
 - a. Committee Reports
 - b. Chairman Comments
 - c. Staff Reports

Adjourn

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

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING
COMMISSION WORKSESSION
Tuesday, JANUARY 16, 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 Street, Hastings NE.
on January 16, 2023.

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

The following City Officials were present: City Attorney, Jesse Oswald, Director of Engineering, Lee Vrooman, Chief Building Inspector, Kevin Kubo, City Fire Marshall, Anthony Murphy, Director of IT, Erik Nielsen.

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

Chair Sinner called for a motion to adopt the current agenda for the January 16, 2024, meeting. Moved by Hinton, seconded by Rosenberg to adopt the current agenda. Ayes: Brian Hoffman, Michelle Lewis, Shawn Rossi, Ann Hinton, Chuck Rosenberg, and Greg Sinner. Motion carried 6-0.

PUBLIC NOTICE - Official Notice of the Regular Meeting was published in the Hastings Tribune on Saturday, January 6, 2024. 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 for public review. Also, a current copy of the Nebraska Open Meetings Act is posted and accessible to members of the public.

DISCUSSION ITEMS

- a. **Training on meeting procedures and decision-making** led by Chad Bunker, Director of Development, City Attorney, Jesse Oswald. Chair Sinner allowed them to call on any staff and/or Commissioner they deemed necessary.
- 1. Bunker and Oswald spoke about providing training and discussion on meeting procedures, conflict of interest topics and ex-Parte communication, as they pertain to the work that the Planning Commission conducts. Bunker informed the Board that the staff will be experimenting with the possibility of taking online comments through an online engagement platform. This platform, Engage Hastings, should go live in February. More information is to come once the site goes live.

REPORTS

- a. **Committee Reports- None**
- b. **Chairman Comments** – Sinner and Oswald discuss the upcoming election for the

Commission Chair and Vice-Chair. Sinner, Oswald, and Bunker would talk prior to the meeting to discuss the nomination proceedings.

Sinner asked if City staff could provide an update on what projects are in the queue for public hearings. Bunker agreed that this could be provided, but noted that because of the current short application deadline, providing such an advanced update is challenging. However, Bunker said they

would work on updates, which will include the Comprehensive Plan, Zoning and Subdivision Regulation updates and other planning projects.

Sinner asked if the CRA would be willing to make a presentation on their work, including active TIF projects. Bunger would make the request.

Sinner asked Vrooman for an update on the Quiet Crossing Project. Work has not been assigned for the next round, as the contractor has decided to wait for the railroad to complete their work before the other work begins.

- c. **Staff Reports:** Kubo provided updates. On several major construction projects, including Heartwell Renewables, The Hastings Family YMCA, Justice Center, the South Burlington Avenue Dollar Tree, and Landmark.

Murphy stated the Risk Reduction Office has established a new program to work with businesses to better maintain and inspect fire safety systems, such as hood systems in commercial kitchens and fire suppression systems. Travis is taking his test for Fire Inspector One next month. He is a huge asset. In 2023, had five commercial fires, and have success stories of things Travis has seen and prevented. Found motels with unheated areas, prior to the freeze, so trying to locate those prior to damages happening. Finishing up annual report, more engagement, with downtown bars, occupant loads, and award the grant money as effectively as they can.

Sinner inquired about Murphy's Bar. Anthony Murphy stated the ball is completely in their court, contractors are a hot commodity, hard to get them, so many projects going on, last he knew they were waiting on an electrical contractor. Kubo believes waiting on a part for the elevator. Sprinklers also need to be checked. Murphy stated fortunate to have the inspectors we have, without them roof warranties would have been voided, several warranties would have been voided without the building department, their staff and Travis and the things they are finding in their inspections in long term impacts on the new projects not becoming money pits due to warranties being voided because of the way they were installed.

Kubo stated speaking of Education and Engagement we are going to order the 24 Codes for IBC-Building Codes, so once we get those in, the department will sit down and get those digested and do community engagement with contractors, other building inspectors. We will have events at the auditorium, and we will go over all the code changes for any contractors or public that want to show up, starting in June. We will have multiple events and discuss going from the 18 to 24 codes.

Sinner asked if any of the Commissioners had any questions? Hoffman asked Bunger by letting them know he applied to run for City Council, what is the procedure for going forward with the Commission of Board, if I could seek some advisement? He wanted the Commission to know as well. Rosenberg commented he was in the same position when he ran, and stated if Hoffman is elected, then he will have to step down from the Planning Commission.

Chair Sinner called for a motion to adjourn at 5:10 P.M. Moved by Brian Hoffman to adjourn, seconded by Chuck Rosenberg.

Chair

Department: Development Services

Staff Contact:

Planning Commission Meeting Date: 2/20/2024

File No: 2024-700

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:

Motion

Suggested motion:

Deadlines associated with action:

Department head comments:

Recommendation:

Department: Development Services
Staff Contact: Chad Bunger
Planning Commission Meeting Date: 2/20/2024
File No: 2024-697
Prepared By: Melissa Woodard, Administrative Assistant I

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing for a change of zoning for property commonly addressed as 925 E. 42nd Street, Adams County, Nebraska, from A, Agricultural District to R-1A, Single Family Large Lot Residential District, and to amend the Official Zoning District Map.

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone property commonly addressed as 925 E. 42nd Street, Adams County, Nebraska, from A, Agricultural District to R-1A, Single Family Large Lot Residential District, and to amend the Official Zoning District Map.

Names of People/Business affected by this action:

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

Why Planning Commission action is required:

Neb. Rev. Stat. 19-902 provides the city council shall receive the advice of the planning commission before taking definite action on any contemplated amendment, supplement, change, modification, or repeal, and no such regulation, restriction, or boundary shall become effective until after separate public hearings are held by both the planning commission and the city council in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be given by publication thereof in a legal newspaper in or of general circulation in such municipality at least one time ten days prior to such hearing.

Type of action requested:

Motion

Suggested motion:

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone property commonly addressed as 925 E. 42nd Street, Adams County, Nebraska, from A, Agricultural District to R-1A, Single Family Large Lot Residential District, and to amend the Official Zoning District Map.

Deadlines associated with action:

The request to rezone will be heard at the City Council Regular meeting on March 11, 2024.

Department head comments:

Development Services staff has reviewed the application to rezone the property to R-1A, Single-Family Large Lot Residential District. The complete details of the staff review and recommendation are in the attached staff report.

Recommendation:

City staff recommends to the Planning Commission to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone property commonly addressed as 925 E. 42nd Street, Adams County, Nebraska, from A, Agricultural District to R-1A, Single Family Large Lot Residential District, and to amend the Official Zoning District Map.



City of Hastings Planning Commission

STAFF REPORT

Request to Rezone: A, Agriculture District to R-1A, Single-Family Large Lot Residential District

Case No. 2024-697

Applicant Indicator Land & Cattle, LLC

Property Location: 925 E. 42nd Street, Hastings, NE, Adams County
A tract of land located in the west half of Section 29, Township 8 North, Range 9 West of the 6th p.m., Adams County, Nebraska (See attached legal description)

Lot Size: Rezoning Site: 1.34 acres Parent Tract: 79.5 acres

Date of Public Hearing: February 20, 2024

Current Zoning A, Agricultural District

Adjacent Zoning: North: R-1A, Single-Family Large Lot Residential District
East: A District
South: A District and I-2, Heavy Industrial District
West: A District, R-3, Multiple-Family Residential District, C-3, Commercial District



DESCRIPTION OF REZONING REQUESTS: The applicants have requested to rezone approximately 1.34 acres of the 79.5-acre parent tract from A, Agricultural District to R-1A, Single-Family Large Lot Residential District. The rezoning site is associated with the land the applicant recently constructed their home on. The remaining portion of the parent tract remains A District.

The reason for the rezoning request is to allow for a future subdivision of the land to subdivide the home site from the rest of the farmland. The A District requires that individual lots be a minimum of 5 acres. The applicants do not wish to subdivide that amount of property from the ag land.

Both the farm ground and the home site gain access from E. 42nd Street via a gravel driveway.

The intent of the R-1A District is for urban and suburban single-family residential areas with low population densities where larger lots are desired and public sewer and water service may not be available. Structures and uses required to serve governmental, education, religious, non-commercial recreational, and other needs of such areas are permitted within such districts or are permissible as conditional uses subject to restrictions intended to preserve and protect their single-family residential character. (Sec. 34-203). The minimum lot area for the district is 20,000 square feet.

Property Description: The parent tract is 79.5 acres and the majority of it is row-crop farmland. In roughly the center of the tract is a home site where the applicants recently completed the home's construction. Both the agricultural land and the home site gain access from E. 42nd Street.

STANDARDS TO REZONE PROPERTY:

The provisions of [Article VIII](#) regulate the process of rezoning property within the City and its extraterritorial jurisdiction. The City Council, by recommendation from the City Planning Commission, will base its decision on the following:

- a) The existing use of the property, its physical and environmental characteristics, its zoning history, and its suitability for the zoning district it currently is within.

The majority of the property has historically been used for agriculture. The agricultural land has been recently used for row crops.

In 2022, the applicants built their single-family home. The home site sits approximately 1,500 feet north of the E. 42nd Street right-of-way. The home site is approximately 1.34 acres in area.

b) Conformity of the proposed change with the Comprehensive Plan.

The Future Land Use Map of the 2009 Imagine Hastings Comprehensive Plan shows the parent tract with a mix of land use categories. Along E. 42nd Street, the land use category is Commercial/Retail designation to take advantage of the proximity to U.S. Highway 81, the major highway, and the Bill Smith Softball Complex, a major tourist attraction to the City. The proposed rezoning is not within the commercial designated area.

The remaining portion of the parent tract, and the rezoning site, is designated as Suburban Residential. The comprehensive plan describes this land use category as: *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 proposed rezoning generally conforms to the comprehensive plan. Although the proposal is less dense (.74 dwelling units per acre) than envisioned by the 2009 plan (2 to 5 units per acre), it is still a residential use. The 2009 plan does not reflect the current realities of development in the City, as this area of the community has not developed as aggressively as originally anticipated.

Additionally, the proposed rezoning to a less intense residential zoning district would not preclude future developments on or near the site from developing to a denser residential use. If the current or future property owners choose to develop a residential subdivision on the parent property, that subdivision should not significantly conflict with the R-1A zoned property.

c) Adequacy of sewer, water, streets, and other needed facilities and services for permitted uses in the proposed zoning district.

The existing home uses a private water well and onsite sanitary service (septic system). The property is served by the City's electrical system.

All public infrastructure (potable water, sanitary sewer, electricity, and gas) is located in the E. 42nd Street right-of-way. The rezone site and parent property can be served by the existing infrastructure in the area.

The site gains access from a gravel driveway off E. 42nd Street, which is a public roadway. The roadway is maintained by the City from approximately Turner Avenue west to U.S. Highway 281. Adams County maintains the roadway eastward from Turner Avenue.

- d) The character of the neighborhood, including the zoning and uses of nearby property.

The neighborhood could be described as a transitional agricultural area, where the farmland is being developed over time due to its proximity to Hastings city limits. To the west of the site is a property in a similar situation with a large home site and agricultural, which is grassland for cattle grazing. To the north, east, and south is agricultural land, a large lot rural subdivision, and single-family homes on smaller acreages.

South of E. 42nd Street is property within the city limits. These sites include the Industrial Park North Subdivision which is currently being developed for a variety of industrial uses, and the Bill Smith Softball Complex.

The existing house matches the surrounding character and most of the uses of the surrounding neighborhood. The proposed rezoning is to accommodate a future administrative plat to subdivide the home site from the agricultural land.

- e) Compatibility of the proposed zoning district with nearby property.

As previously described, the proposed zoning district is intended to be for urban and suburban single-family residential areas with low population densities where larger lots are desired and public sewer and water service may not be available. The existing use matches the intent of the zoning district, as well as the surrounding properties, which can largely be described in a similar manner.

- f) Additional matters as might apply in individual cases. Not Applicable.

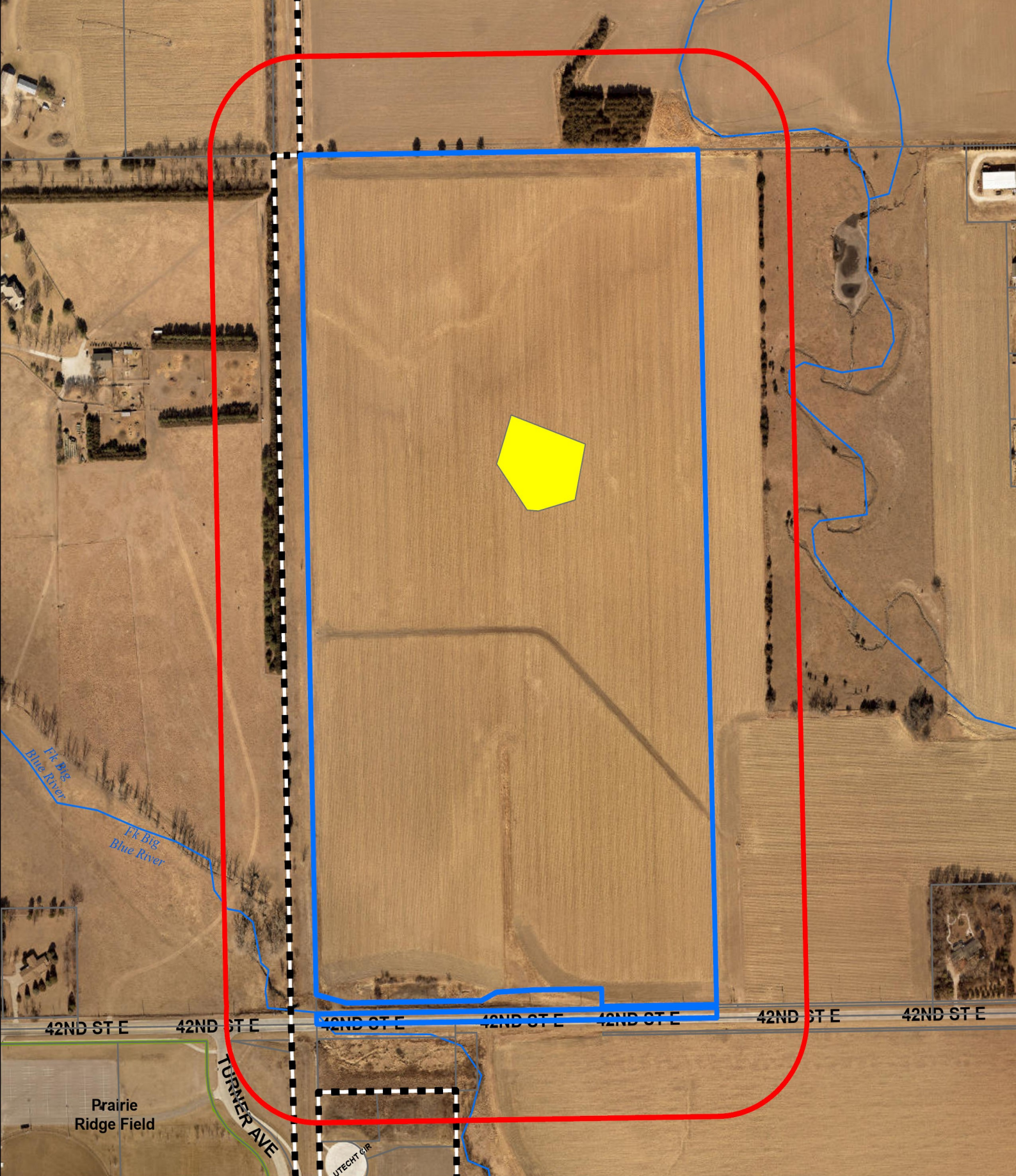
STAFF COMMENTS: City staff recommends to the Planning Commission to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone property commonly addressed as 925 E. 42nd Street, Adams County, Nebraska, from A, Agricultural District to R-1A, Single Family Large Lot Residential District, and to amend the Official Zoning District Map.

PREPARED BY: Chad Bunger

DATE: February 12, 2024

ATTACHMENTS:

1. Aerial Map of Rezoning Site and Surrounding Area
2. Rezone Location Plat
3. Rezoning Legal Description
4. 2009 Comprehensive Plan Future Land Use Map
5. Staff Summary Presentation



925 E 42nd Street Rezone to R-1A District



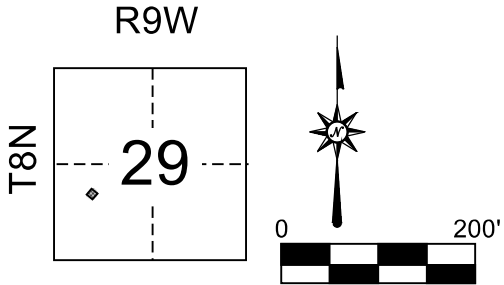
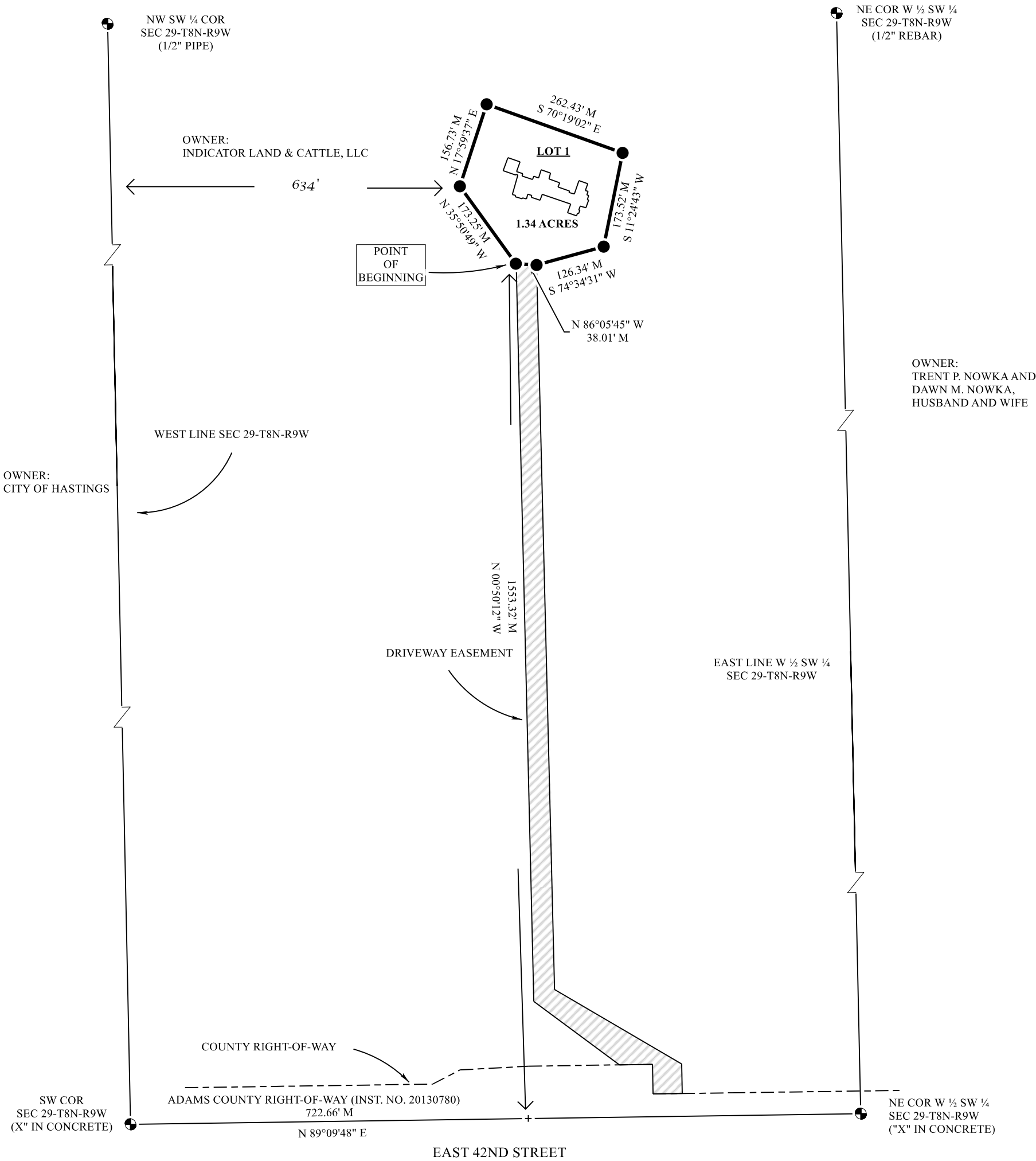
-  Proposed Rezoning Area
-  300 ft Notification Area
-  Parent Tract
-  City Limits

0 175 350 700 Feet

A horizontal scale bar with markings at 0, 175, 350, and 700 feet.

REZONING LOCATION PLAT

LOCATED IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 29,
TOWNSHIP 8 NORTH, RANGE 9 WEST OF THE 6TH P.M.,
ADAMS COUNTY, NEBRASKA



NOTE: ALL BEARINGS ARE ASSUMED

LEGEND	
●	SET PLASTIC CAP (LS-448) ON 1/2" REBAR
⊙	CORNER FOUND
M	MEASURED DISTANCE
R	RECORD DISTANCE
+	CALCULATED CORNER - NOT MONUMENTED

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

FILE NAME ADAMS COUNTY SEC 29-T8N-R9W (ADAMS SURVEY)		
SCALE 200 Ft/In	DATE 02-02-2024	DRAWN BY T. KRUEGER
JOB KLS-23146	FIELD WORK TK	SHEET 1 OF 1

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE WEST HALF OF THE SECTION 29, TOWNSHIP 8 NORTH, RANGE 9 WEST OF THE 6TH P.M., ADAMS COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 29; THENCE N89°09'48"E (ASSUMED BEARING) ON THE SOUTH LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 29, A DISTANCE OF 722.66 FEET; THENCE N00°50'12"W, PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 1553.32 FEET TO THE POINT OF BEGINNING; THENCE N35°50'49"W, A DISTANCE OF 153.25 FEET; THENCE N17°59'37"E, A DISTANCE OF 156.73 FEET; THENCE S70°19'02"E, A DISTANCE OF 262.43 FEET; THENCE S11°24'43"W, A DISTANCE OF 173.52 FEET; THENCE S74°34'31"W, A DISTANCE OF 126.34 FEET; THENCE N86°05'45"W, A DISTANCE OF 38.01 FEET TO THE POINT OF BEGINNING CONTAINING 1.34 ACRES, MORE OR LESS.

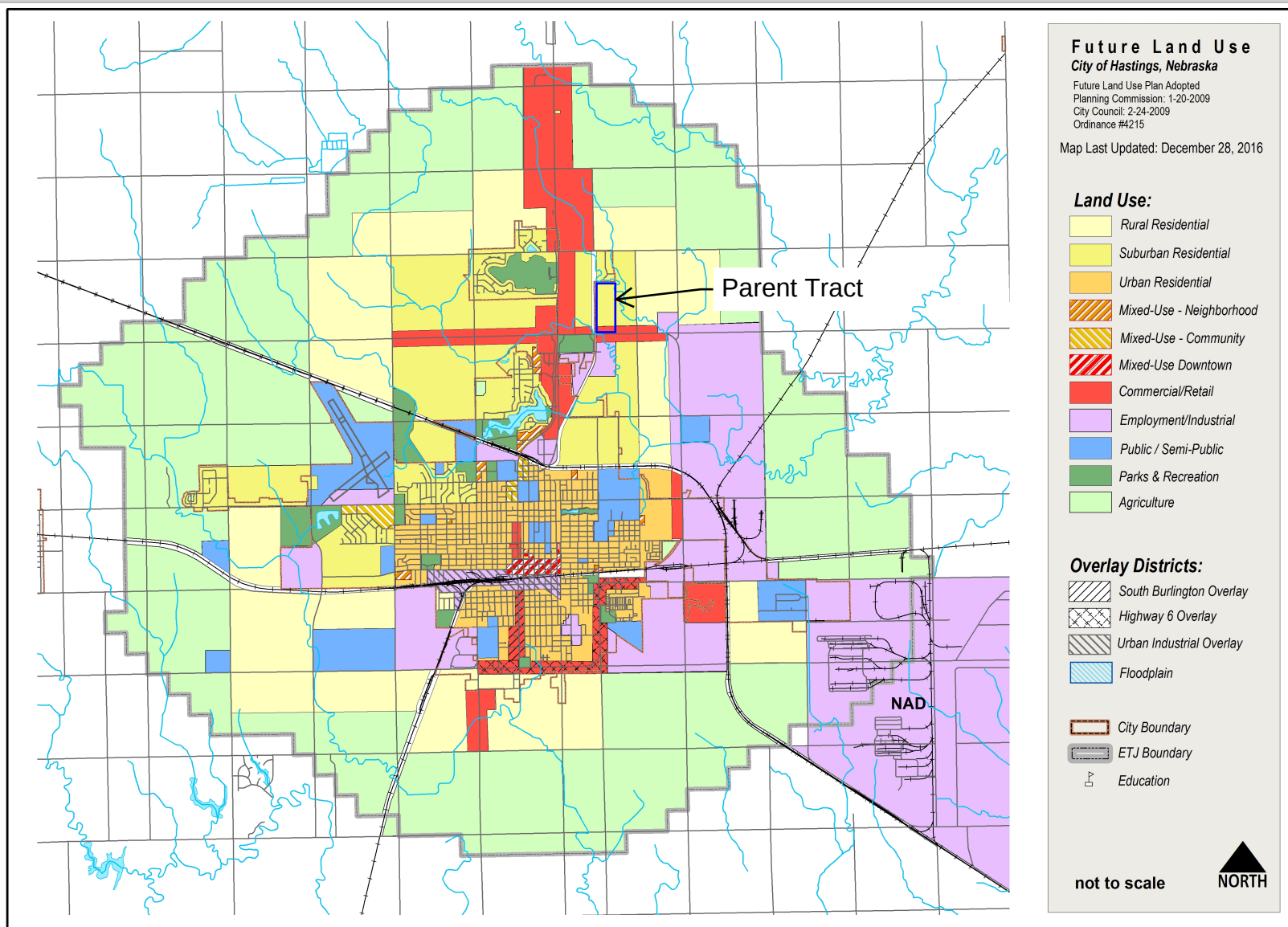
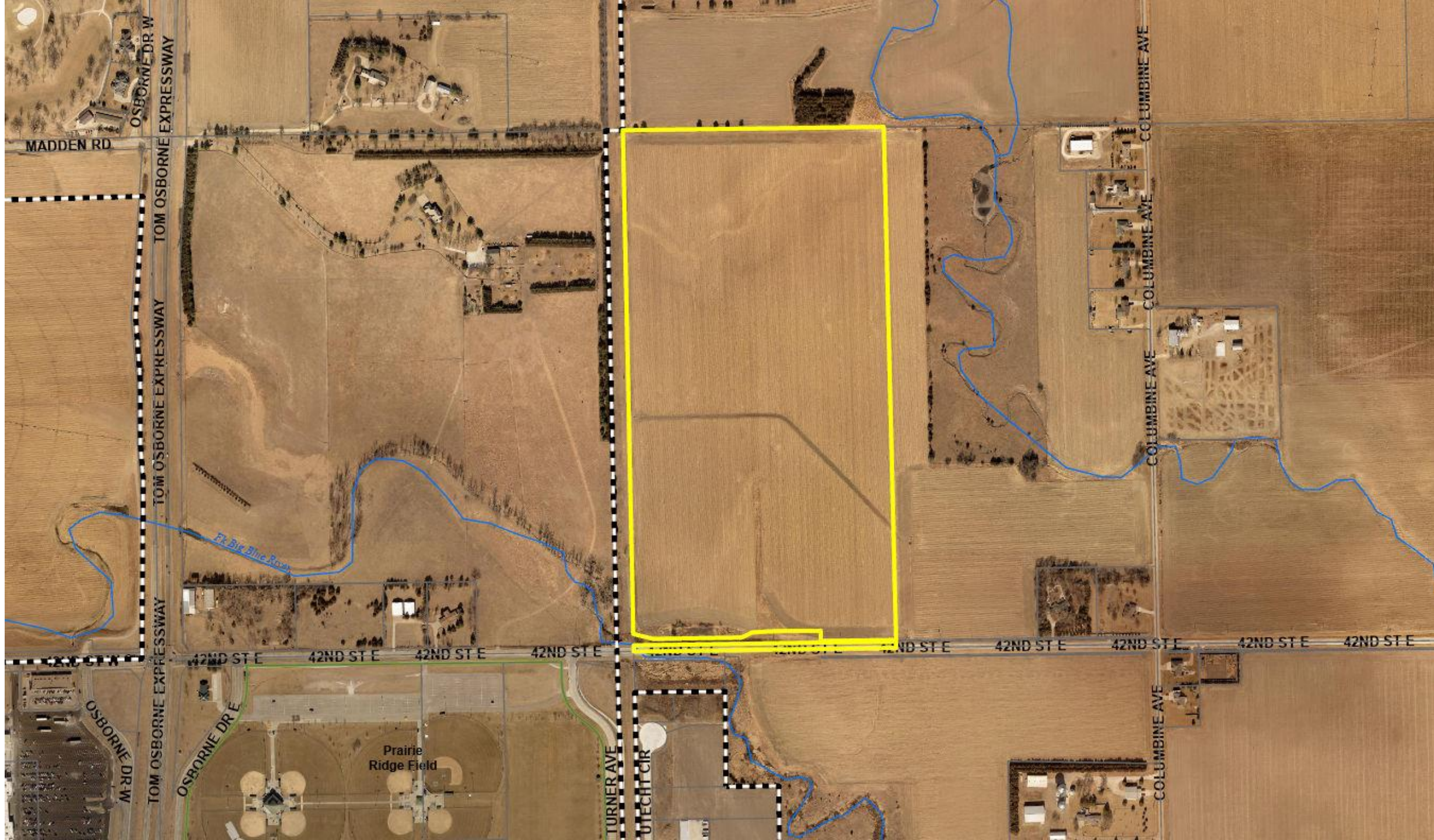


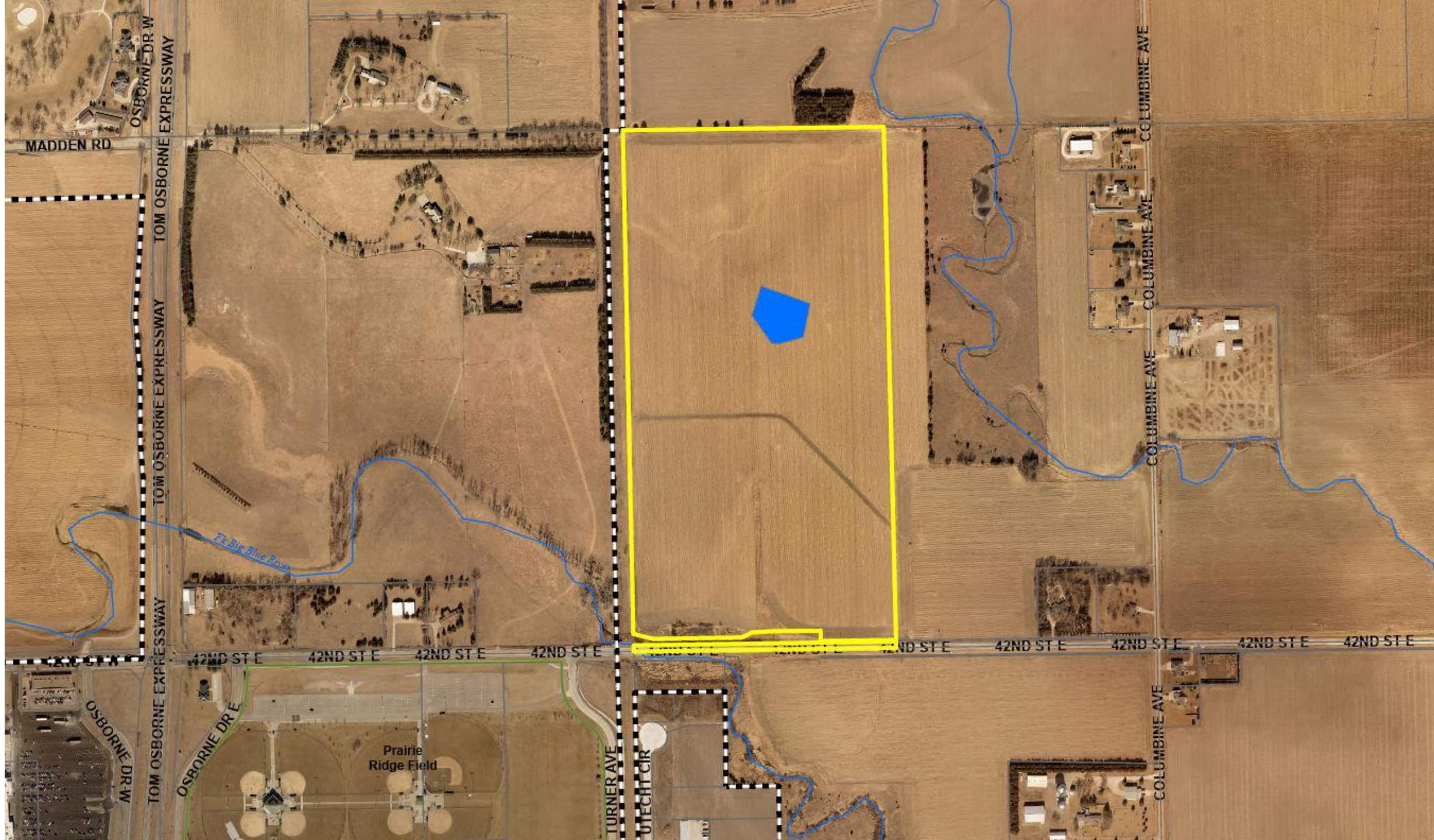
Figure 2.2: Future Land Use Plan

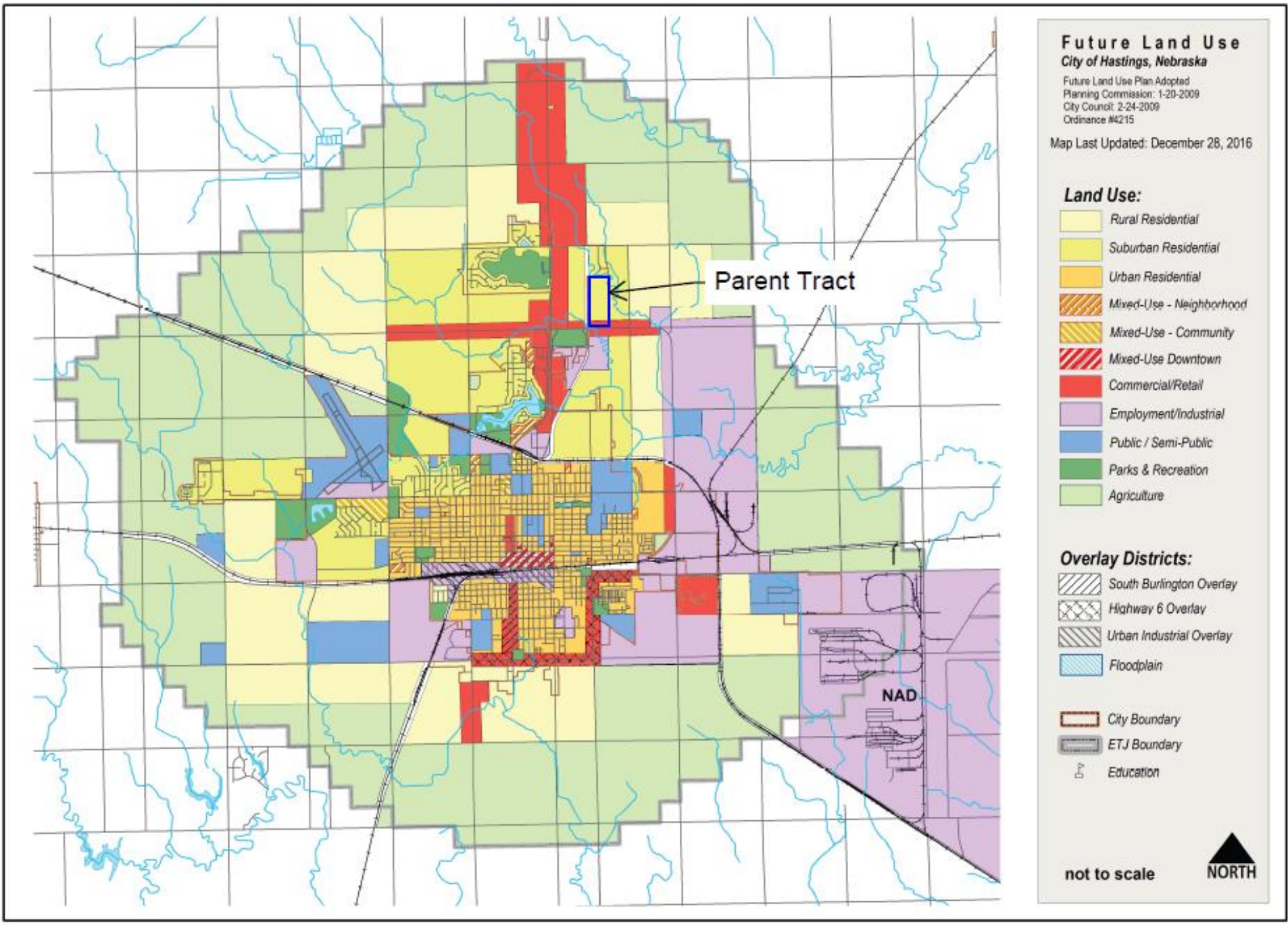


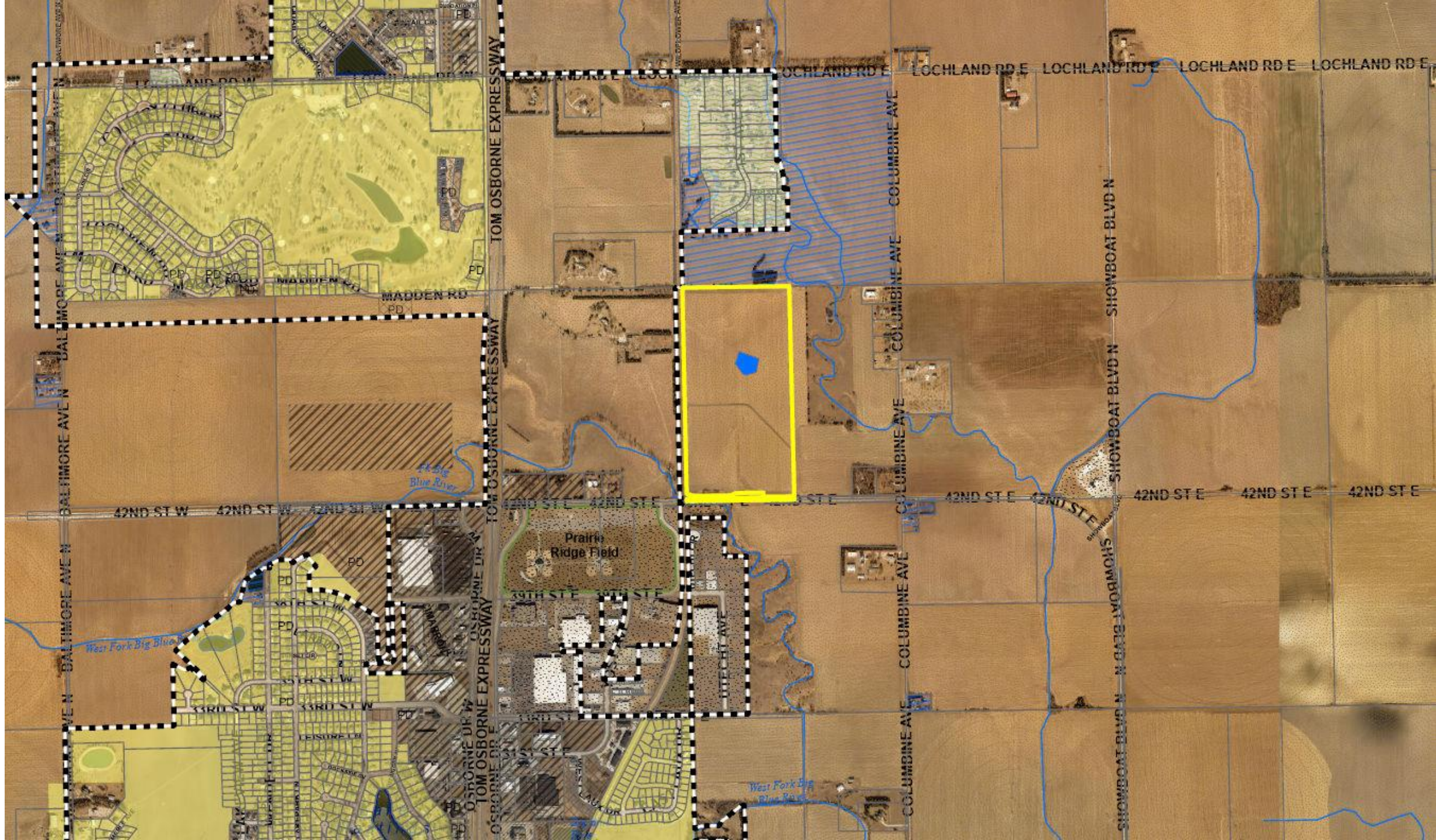


File No.	2024-697
Project	Public hearing for a change of zoning for property commonly addressed as 925 E. 42nd Street, Adams County, Nebraska, from A, Agricultural District to R-1A, Single Family Large Lot Residential District, and to amend the Official Zoning District Map.
Applicant	Indicator Land & Cattle, LLC









Staff Findings Summary

- The request generally conforms with the 2009 Comprehensive Plan
- Adequate public infrastructure is available in the area to serve the development. The new, existing home is currently on private water and sanitary sewer systems.
- The zoning and existing and potential uses are in character with the surrounding neighborhood.
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Staff Recommendation

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HASTINGS

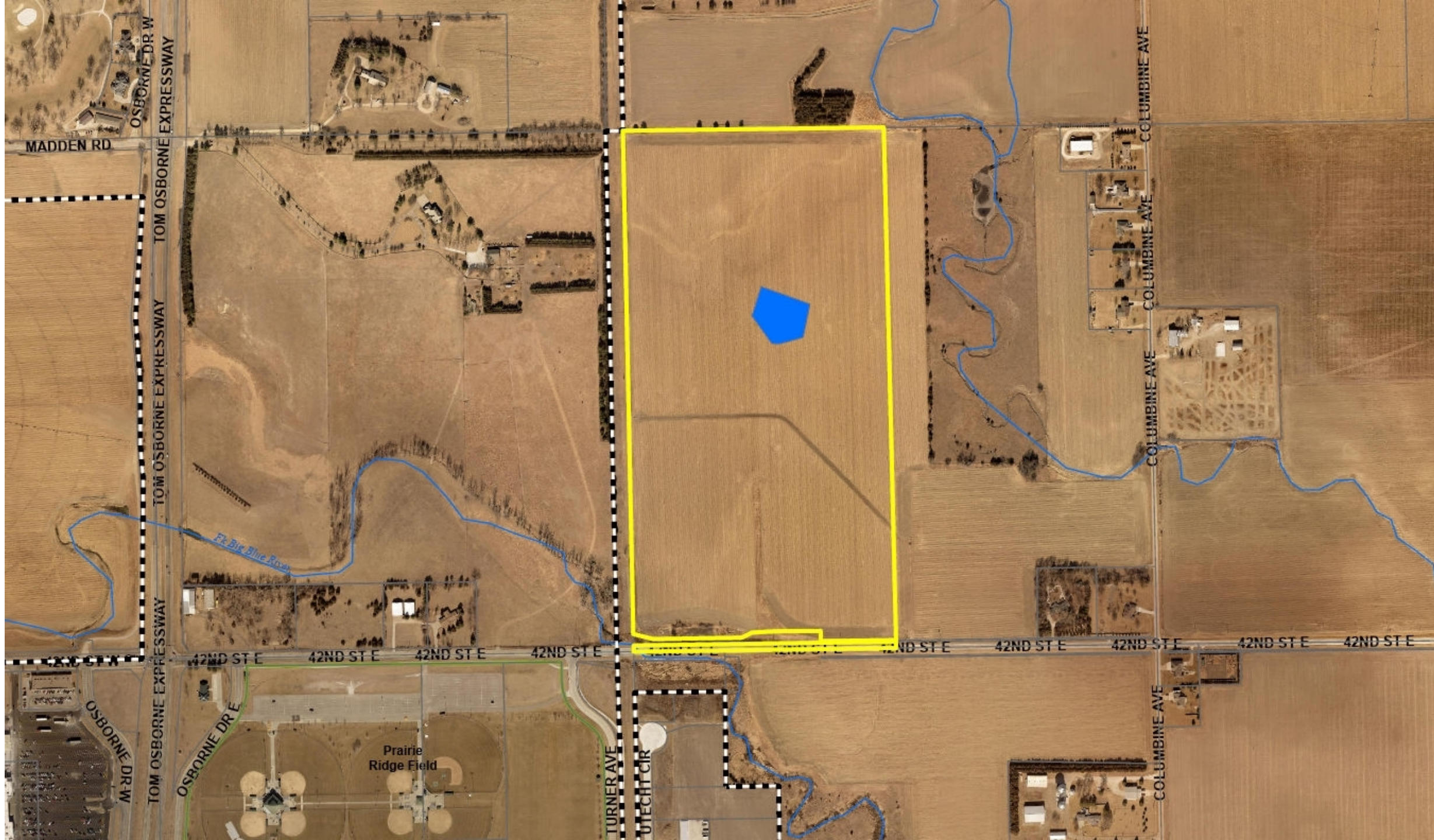
Nebraska

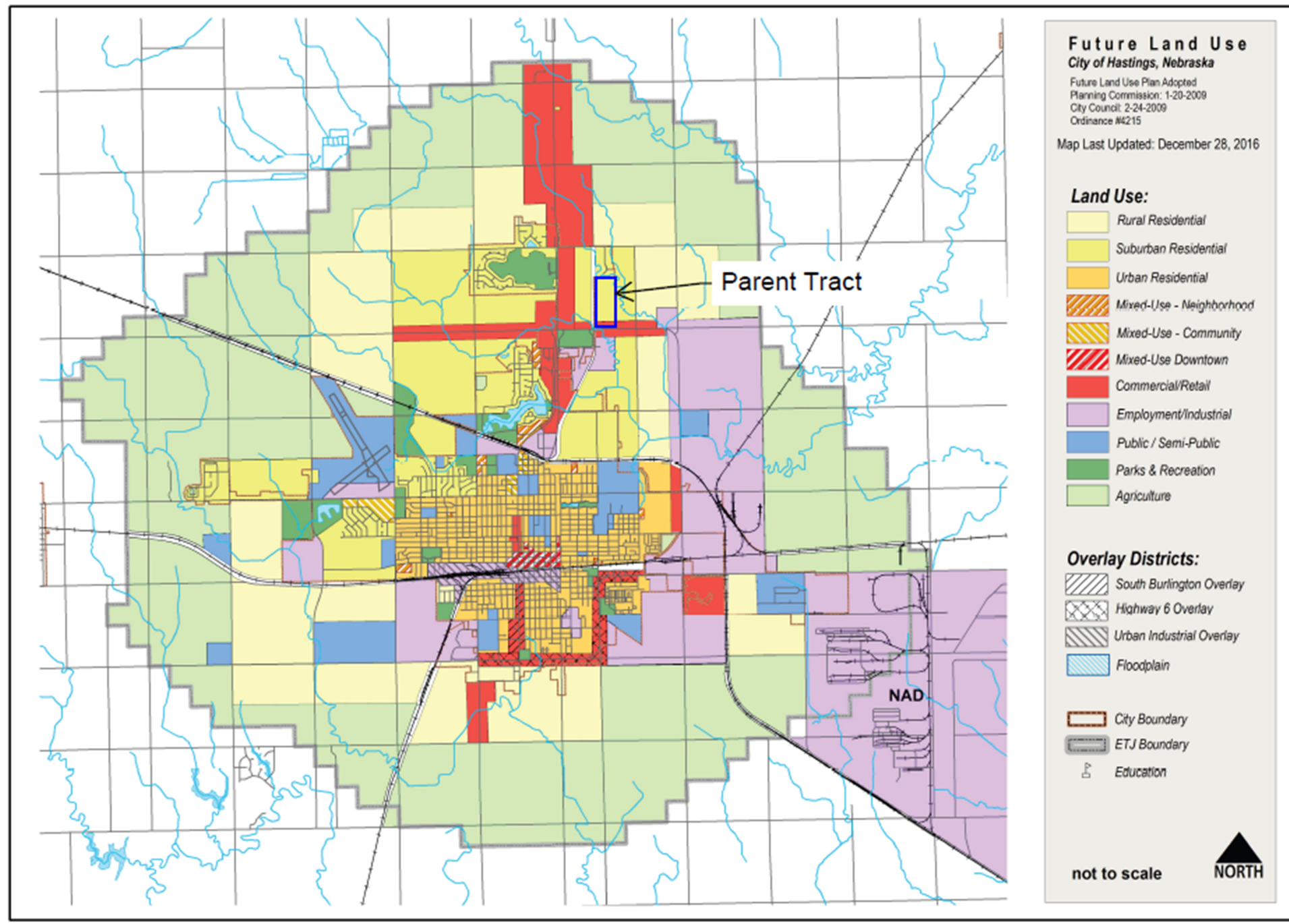


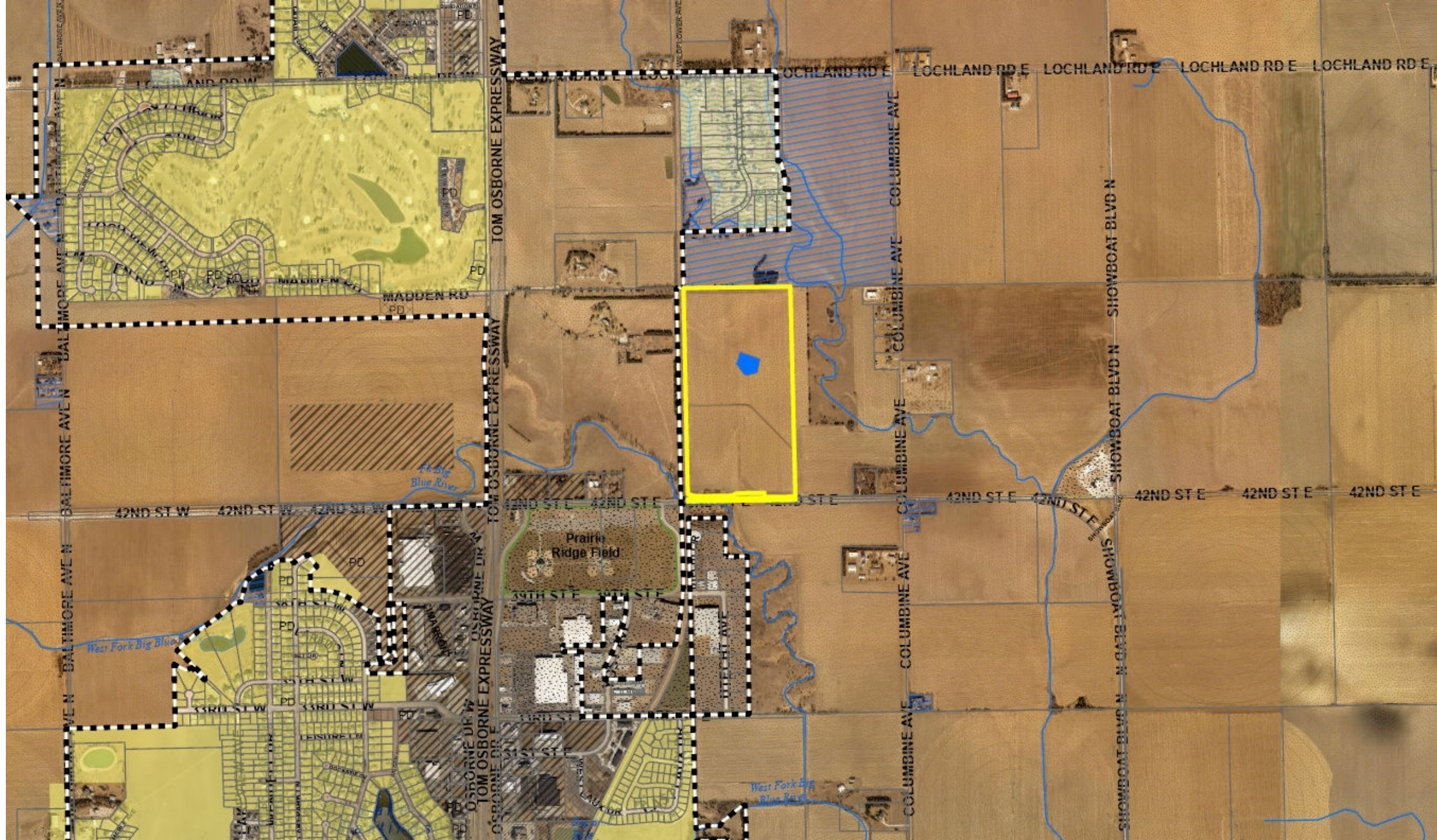


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HASTINGS

Nebraska