

## HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission was called to order by Chairman Keith Napier, Monday, March 16, 2015 at 4:00 p.m. in the City Building, 220 North Hastings Avenue, City Council Chambers, Hastings, Nebraska.

### ROLL CALL

Mr. Gaines,  
Mr. Stutte  
Mr. Hamelink  
Mr. Rosenberg - absent  
Mr. Napier, Chairman  
Ms. Shutt  
Ms. Kully, absent  
Mr. Johnson  
Mr. Hamburger

### STAFF

Mark Evans, Building Inspector  
Kent Gilbert, Fire Chief  
Al Meyer, Hastings Utilities  
Dave Ptak, City Attorney  
Teri Salmen, Recording Secretary  
Joe Patterson, City Administrator &  
Interim DS Director

It was stated that a quorum was present.

The Pledge of Allegiance was recited by all present.

The Chair asked for a motion to adopt the current agenda. It was moved by Mr. Hamelink, seconded by Mr. Hamburger to adopt the current agenda.

**VOTE – 7 - YES –** Gaines, Stutte, Hamelink, Napier, Shutt, Johnson, Hamburger

The Chair stated that the Open Meetings Act is posted on the southeast wall of the City Council Chambers and that prior to this meeting a notice was placed in the Hastings Tribune on March 5, 2015, that notice was posted in three public places, that each Planning Commission member received a copy of the proposed agenda and that an agenda for such meeting, kept continuously current, is available for public inspection.

Chair Napier asked for a motion to approve the February 23, 2015, minutes. It was moved by Mr. Gaines to approve the minutes. Seconded by Mr. Stutte.

**VOTE – 7 - YES –** Gaines, Stutte, Hamelink, Napier, Shutt, Johnson, Hamburger

The first order of special business was election of officers for 2015-2016. The Chair asked for nominations.

The Chair (Mr. Napier) asked for nominations for Chairman.

Mr. Rosenberg nominated Mr. Napier for Chairman.

Mr. Hamelink moved that nominations be closed.

The Chair declared Mr. Napier to continue as Chairman by acclamation.

The Chair (Mr. Napier) asked for nominations for Vice Chairman.

Mr. Gaines nominated Mr. Rosenberg for Vice Chairman. There being no further nominations for Vice Chairman, the Chair declared Mr. Rosenberg Vice Chairman by acclamation.

The Chair (Mr. Napier) asked for nominations for Member at Large.

Mr. Hamelink nominated Mr. Johnson for Member at Large. There being no further nominations for Member at Large, the Chair declared Dave Johnson Member at Large by acclamation.

The first item on the agenda was request number **15-006**. Application of the City of Hastings, Development Services Department, for a Comprehensive Plan Land Use Map Amendment from Urban Residential to Mixed Use Downtown for the properties located at 606 and 624 N Minnesota Ave.

The legal notice was read into the record.

The Chair declared the public hearing open.

The Chair asked for comments from Staff.

Mr. Evans stated this is an application for an amendment to the Comprehensive Land Use Plan to clear the way for the rezone of this same property. This application is only for the Comprehensive Land Use Plan and changing it to the Mixed Use Downtown designation.

The Chair asked if anyone would like to speak to the application.

Bob Wallace, 2825 N. Columbine, Hastings, Nebraska. His interest is in 624 N. Minnesota, the north end of the property. The property was zoned C-3 when purchased, however, the current rezone would be of a more restrictive nature. With the added restrictions, the value of the properties in the area could be affected.

The Chair asked if anyone else would like to speak to the application.

Mr. Evans pointed out that the area is currently zoned and used as C-3 Commercial. The Comprehensive Land Development Plan shows it as Urban Residential which would be a medium density residential. Clearly the Comp Plan is not in line with the current zoning of the property.

The Chair asked if anyone else would like to speak to the application.

There being no one, the chair declared the public hearing closed.

The Chair asked for a motion to approve.

Moved by Mr. Johnson to approve 15-006. Seconded by Mr. Hamburger.

The Chair asked for further questions or discussion.

There being none, the Chair asked for the vote.

**VOTE – 7 - YES –** Gaines, Stutte, Hamelink, Napier, Shutt, Johnson, Hamburger

Motion carried unanimously.

The next item on the agenda was request number **15-007**. Application of the City of Hastings, Development Services Department, for a zoning change from C-3 Commercial Business to C-O, Commercial Office for the properties located at 606 and 624 N Minnesota Avenue.

The legal notice was read into the record.

The Chair declared the public hearing open.

The Chair asked for comments from Staff.

Mr. Evans had no comments.

Mr. Ptak pointed out on page 2 of the report, the property has been used over the years as professional office type uses. At one time Dr. Yost owned the property and he had covenants on the properties that would have restricted the use to office space. At some point in time, due to a transfer of property, those restrictions were not transferred with the property and resulted in the higher density, C-3 uses, being utilized for this property. If it were to remain C-3, the potential of traffic or safety issues could result at that intersection. Office uses would not create traffic issues and it would be consistent with other properties in that neighborhood as far as that use. The trail acts as a buffer, it connects well with what is located to the south and makes consistent the way the property was intended to be utilized by Dr. Yost. We are trying to put the property back the way it was intended to be and be consistent with the Comprehensive Plan.

The Chair asked if anyone would like to speak to the application.

Phyllis Salyards, 606 N. Minnesota. She and her husband practiced medicine for 34 years. It was built just before coming to town. Dr. Yost owned the property and was quite adamant that he did not want high density in the area and he engineered a covenant so it had to be used for medically related business. It has always been zoned Industrial, and no one knows how it came to be zoned C-3. The uses that could go in there could be less than desirable. She reiterated that it is important that it be restored to C-O.

Michele Bever, Executive Director, South Heartland District Health Department, 606 N. Minnesota, Suite 2. Ms. Bever stated the Board of Health is supportive of the proposed zoning change to C-O. The intent when the Board of Health purchased their offices, was that the building was offices in nature.

The Chair asked if anyone else would like to speak to the application.

There being no one, the chair declared the public hearing closed.

The Chair asked for a motion to approve.

Moved by Mr. Hamburger to approve 15-007. Seconded by Mr. Hamelink.

The Chair asked for further questions or discussion.

Mr. Hamburger stated that this is a use that it was originally intended.

Mr. Gaines went on record as stating it is the best use going forward.

The Chair pointed out that Mr. Wallace stated he would not want a less than desirable C-3 business at that location, however, the zoning goes with the property. If the property was sold, the City would be exactly in the same position where there would be no way to prevent that type of business at that location. It is the Planning Commission's responsibility to protect the integrity of the neighborhoods and good urban planning. This rezone does support that.

The Chair asked for further questions or discussion.

There being none, the Chair asked for the vote.

**VOTE – 7 - YES – Gaines, Stutte, Hamelink, Napier, Shutt, Johnson, Hamburger**

Motion carried unanimously.

The next item on the agenda was request number **15-011**. Application of Lowell Poland for a Conditional Use Permit to allow self-storage units at the NW corner of E. South St. and 3<sup>rd</sup> Avenue, Lots Two (2) and Three (3), Block (5); all situated in Davidson Addition to the City of Hastings, Adams County, Nebraska.

The legal notice was read into the record.

The Chair declared the public hearing open.

Mr. Evans stated Steadfast Storage LLC, Mr. Lowell Poland, is applying for four storage units. Staff has some concerns regarding the site. The site plan depicts how the units will be situated, however, the State of Nebraska recently shared with the City a plan for the widening of South Street along that corridor. Some minor additional right-of-way taking will likely occur along that portion of South Street/Highway 6 abutting the subject property. Mr. Poland is showing a setback of 10' from South Street/Highway 6. If any additional right-of-way was taken, it would render that side of the building unusable. This information was provided to Mr. Poland, he is not in attendance today, to speak to the application. Staff would recommend denial of the current plan and remand it back to Mr. Poland for revisions, either smaller buildings or reduce the number of buildings by one. His plan is too aggressive or dense for that site. There is not enough room for a vehicle to turn on the south. Staff recommends it either be sent back to Mr. Poland for revisions or outright denied.

The Chair questioned if the Commission denied the application, the applicant would have to start over completely.

Mr. Evans stated the Commission could make a recommendation to Council to deny it and it would move forward to City Council and either deny or approve the application. In the alternative, the Commission could ask the applicant to come back with a revised plan for the April meeting.

Mr. Ptak commented the Commission should table the item, bring it back automatically at the April meeting and give Mr. Evans time to contact Mr. Poland to redo a more favorable design layout because of the potential widening of Hwy. 6. The City certainly wants to be friendly to people who want to invest in the community, but on the other hand we don't want to create an issue with the State of Nebraska Department of Roads.

The Chair asked for a motion to table the application.

Moved by Mr. Gaines to table 15-011. Seconded by Mr. Hamburger.

The Chair asked for further questions or discussion.

There being none, the Chair asked for the vote.

**VOTE – 7 - YES – Gaines, Stutte, Hamelink, Napier, Shutt, Johnson, Hamburger**

Motion carried unanimously.

The next item on the agenda was request number **15-010**. Application of Hastings College for preliminary/final plat approval of Hastings College First Subdivision.

Mr. Evans stated this is a new subdivision, previously unplatted ground. It will clear the way for a new dormitory project, clears up fire separation issues, access issues, and dedicates a portion of right-of-way for streets.

The Chair asked for a motion to approve.

Moved by Mr. Gaines to approve 15-010. Seconded by Mr. Johnson.

The Chair asked for further questions or discussion.

There being none, the Chair asked for the vote.

**VOTE – 7 - YES –** Gaines, Stutte, Hamelink, Napier, Shutt, Johnson, Hamburger

Motion carried unanimously.

The ad hoc committee did not meet in March and probably will meet in April.

The Chair asked for comments from Staff.

There were none.

The Chair asked for a motion to adjourn.

Moved by Mr. Stutte. Seconded by Ms. Hamburger.

The Chair asked for the vote.

**VOTE – 7 - YES –** Gaines, Stutte, Hamelink, Napier, Shutt, Johnson, Hamburger

Motion carried unanimously.

  
Chairman