

## HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission was called to order by Chairman Keith Napier, Monday, April 20, 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, absent  
Mr. Rosenberg  
Mr. Napier, Chairman  
Ms. Shutt  
Ms. Kully  
Mr. Johnson  
Mr. Hamburger

### STAFF

Mark Evans, Building Inspector  
Linda Waldron, Fire Prevention Officer  
Al Meyer, Hastings Utilities  
Dave Ptak, City Attorney  
Teri Schelkopf, 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. Kully, seconded by Mr. Hamburger to adopt the current agenda.

**VOTE – 8 - YES –** Gaines, Stutte, Rosenberg, Napier, Shutt, Kully, 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 April 13, 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 March 16, 2015, minutes. It was moved by Mr. Hamburger to approve the minutes. Seconded by Ms. Shutt.

**VOTE – 8 - YES –** Gaines, Stutte, Rosenberg, Napier, Shutt, Kully, Johnson, Hamburger

The first item on the agenda under unfinished business was request number **15-011**. The item was tabled from the last Planning Commission meeting. The public hearing was never closed at that meeting. The applicant had been asked to provide additional information to resolve discrepancies in measurements, dimensions the lot, discrepancies between what is actually there and what was drawn and proposed. Staff had not received any communication from the applicant to resolve the issues. Staff recommendation on the application is to deny the application. The public hearing is still open.

The Chair asked if anyone 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 deny the application.

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

The Chair asked for further questions or discussion.

Mr. Kully questioned if staff had an issue with tabling the matter for an additional 30 days. Mr. Kully wanted to give the applicant the benefit of the doubt.

Mr. Evans stated it was not a terrible burden to staff. We will address it on the next agenda.

The Chair stated there is currently a motion to deny and a second.

Mr. Gaines questioned if this applicant already had this opportunity? That was the concern 30 days ago.

Mr. Evans concurred. The applicant was notified, a certified letter sent, and the letter did get signed for. It expressed those concerns and requested new information. Due has been given due notice and due process and the motion last meeting was to table the item. The Commission can either table it another 30 days, recommend denial and move the item on to City Council, that is okay.

Mr. Kully stated that location is an unsightly area and if someone wants to develop the property, I would like to see it done.

Mr. Ptak stated a Motion to Table is always in order and is not debatable and it would take precedence over the current motion.

Moved by Mr. Kully to table the matter for an additional 30 days and if the applicant does not answer any of the correspondence with staff, I suggest at our next meeting that we deny it and refer it on to Council. Seconded by Rosenberg.

**VOTE – YES – 5** Gaines, Stutte, Rosenberg, Shutt, Kully  
No – 3 - Napier, Hamburger, Johnson

The Motion to table passes. The Chair stated this application will be table until the next meeting.

The next item on the agenda was request number **15-013**. Application of the City of Hastings, Development Services Department, for a zoning change from C-3 - Commercial Business; CP-1 – Local Commercial Business Planned; R-1 Urban Single Family Residential district to R-1 – Urban Single Family Residential district; CP-O – Local Commercial Business Planned district for Lots 1-4 Anderson Second Subdivision.

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 a request from Development Services. It is on the line of a housekeeping matter, however, it would be taking care of a property that has been somewhat contentious in the neighborhood. Anderson Second Subdivision was replatted. It was an administrative plat and is contained in the packet. Mr. Anderson created four lots, and of the four lots, three will be zoned R-1. The commercial C-3 zoning district is going away entirely and that will make the billboards non-conforming. So, once those leases are up, to consider eliminating the billboards. Lot 3 was already under a Commercial Planned District designation. That lot boundary got shifted a little to make room for parking that was required by City Code. That allow the new building to shift to the west/northwest and accommodate the parking needs for that building. This will be a good move for the neighborhood, and gets rid of the potential for the C-3 in that area. The large lot, Lot 2, in the center, the City will take ownership of and that's a good thing as well. All in all, this is a good move for this area, and staff recommends approval.

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

Alan Anderson, 701 N. Shore Dr. We are before the Commission today because of the required sideyard setbacks. The building that was designed for this lot would not fit. Lot lines were shifted slightly to obtain the required parking. The front property line is staying the same, the sideyard moved slightly for parking. It also allows the nonconforming billboards to at some point, when the leases come due to possibly go away.

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

Norm Sheets, 300 N. Shore Dr. Mr. Sheets asked for clarification on the zoning. He asked for a map showing lot numbers. Discussion ensued between Mr. Evans and Mr. Sheets. Mr. Sheets stated he would recommend to the Commission that the lots remain as it previously was platted.

Mr. Ptak pointed out that the lot in discussion is 19,586 sq. ft. The minimum lot size is 7,000 square feet. This lot is almost three times the minimum lot size. It is not a small lot by any means. It would not crowd a structure and has over 100 feet of frontage along North Shore Drive.

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

Dale Spilinek, 301 N. Shore Dr. Mr. Spilinek ask for clarification also. Discussion again ensued at the podium between Mr. Evans and Mr. Spilinek. After clarification, Mr. Spilinek stated that this plan looks to be acceptable.

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. Stutte to approve 15-013. Seconded by Mr. Kully.

The Chair asked for further questions or discussion.

There being none, the Chair asked for the vote.

**VOTE – 8 - YES –** Gaines, Stutte, Rosenberg, Napier, Shutt, Johnson, Hamburger

Motion carried unanimously.

The next item on the agenda was request number **15-014**. Application of the City of Hastings, Development Services Department, for a zoning change from I-1 - Light Industrial to C-2 – Central Business at Lots 11-20, Block 24, Original Town.

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 a request of Development Services to rezone the half block of Block 24, which is situated north of 1<sup>st</sup> Street between Denver and St. Joseph Avenues. There are four property owners , Alton Jackson, the CRA, Randy Chick and Susan Wolz. The request is to move from I-1, Light Industrial, to C-2, Central Business. That zoning is in harmony with the Comprehensive Land Use Plan and will allow apartments to be constructed on second floor of Alton Jackson building.

The Chair asked if anyone 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 15-014. Seconded by Mr. Johnson.

The Chair asked for further questions or discussion.

There being none, the Chair asked for the vote.

**VOTE – 8 - YES –** Gaines, Stutte, Rosenberg, Napier, Shutt, Kully, Johnson, Hamburger

Motion carried unanimously.

The next item on the agenda was request number **15-015**. Application of the City of Hastings, Development Services Department, to amend Chapter 28 of the Hastings City Code and adopt the 2012 International Building Code; 2012 International Residential Code, 2012 International Mechanical Code, 2012 International Existing Building Code and 2009 International Energy Conservation Code.

The legal notice was read into the record.

The Chair declared the public hearing open.

Mr. Evans stated this a request of Development Services to update the City's Building Codes. The State of Nebraska in the last session of the Legislature passed a bill adopting the 2012 I-Codes as the State

Building Code. The City last updated in 2010 with the 2009 I-Codes and now moving to the 2012 along with the State.

One point included in changes was the fire sprinkler provision in the residential code, allowing individual jurisdictions to delete the fire sprinkler requirement for one and two family dwellings. The International Energy Conservation Code is the 2009 and that is what the State has also adopted. The state is not recommending the 2012 at this time.

The Chair asked if anyone 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. Rosenberg to approve 15-015. Seconded by Mr. Johnson.

The Chair asked for further questions or discussion.

There being none, the Chair asked for the vote.

Mr. Stutte asked for clarification as to the motion. Would this motion for approval include what was recommended by the Board of Appeals to delete the door closure requirement, etc. ? Would that need to be included in the motion?

Mr. Evans replied he would appreciate a motion to recommend with the changes recommended by the Building Board of Appeals. They spent a lot of time working on the changes and that should not be overlooked.

Mr. Evans briefly went through the changes. Most of the changes pertained to the Residential Building Code. The door closure on the rated garage door is required by the current code. First, the Board recommended to delete the door closure requirement simply because most homeowners are going to prop that door open or disable to closure. It is an unnecessary expense. Second, the Board recommended for deletion was the fire sprinkler systems in single family and duplexes. Thirdly, was the fire protection of floors. If there is no sheetrock or ceiling installed on the basement side, the engineered I-joists or web trusses that are used burn through in 4-5 minutes. That is the average response time for a fire department. There were numerous fall-throughs for firefighters related to that item. The code requires installation of sheetrock, fire sprinkler system, or solid sawn lumber 2" x 10" or greater. The Board of Appeals recommended to leave that second as it was written. And fourth, the carbon monoxide detector requirement is new in this code cycle. Carbon monoxide detectors are required. The State passed a similar bill in the Legislature. The State is retroactive to the point of sale on real estate, change of tenant in rentals and new construction or the addition of fuel fired appliances where the building is all electric. The Board also recommend leaving that section as written in the Code.

The other I-Codes, the Board did not recommend changes. The significant changes were more in keeping up with technology and changes in practice or having a large impact of construction costs in the city.

Mr. Kully questioned whether the deletion of the residential sprinkler system was based on cost.

Mr. Evans replied there is a perception in the community that it is a cost. It is an added cost to install the sprinkler system and the backflow prevention requirement. The RPZ is expensive. Also, just another level of government that was being brought forward. In talking with builders and the Board of Appeals, nobody wants to install sprinklers. There is also concern with leaking and the water damage. That is the direction if heard from the Board and the community.

Chair Napier asked Staff's recommendation is approval as presented. The presentation includes the Board of Appeals recommendation?

Mr. Evans concurred.

Chair Napier asked if Staff wanted a separate motion to include those recommendations or since they are included in the presentation and the Commission's motion is to approve as presented, are we good?

Mr. Evans concurred. As presented and includes the Board of Appeals recommendations.

Mr. Ptak stated one could ask the movant, and the second, if they would offer an accepted change to that to include not only those codes, but the recommendations of the Building Board of Appeals.

Mr. Rosenberg concurred.

Chair Napier stated the motion and second are in agreement with the inclusion of those recommended changes from the Board of Appeals.

The Chair asked for further questions or discussion.

There being none, the Chair asked for the vote.

**VOTE – 8 - YES –** Gaines, Stutte, Rosenberg, Napier, Shutt, Kully, Johnson, Hamburger

Motion carried unanimously.

The next item on the agenda was request number **15-017**. Application of the City of Hastings, Development Services Department, to amend Chapter 29 of the Hastings City Code and adopt the 2014 National Electric Code.

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 a request of Development Services to adopt the 2014 National Electric Code. Several archaic references were deleted. Three sections were added. 29-116 to add ufer ground requirement. 29-117 to add limitations on springloaded devices. 29-118 to require bonding of all new or reworked metallic raceways. 29-201 was amended to clarify permit requirements for existing buildings and fixture replacement. 29-304 to allow three apprentices to work under one master. 29-

315 to require nonresident contractors to provide a list of all their employees on the job. Staff recommends approval with those changes.

The Chair asked if anyone 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 as presented.

Moved by Mr. Kully to approve 15-017 as presented. Seconded by Mr. Gaines.

The Chair asked for further questions or discussion.

There being none, the Chair asked for the vote.

**VOTE – 8 - YES –** Gaines, Stutte, Rosenberg, Napier, Shutt, Kully, Johnson, Hamburger

Motion carried unanimously.

The next item on the agenda was request number **15-018**. Application of the City of Hastings, Development Services Department, to amend Chapter 40 of the Hastings City Code and adopt the 2012 International Property Maintenance Code.

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 a request of Development Services to adopt the 2012 International Property Maintenance Code. It is a separate request as it is in a separate chapter. There were no significant changes in the 2012 Property Maintenance Code other than the carbon monoxide provisions were carried forward from the International Residential Code. Staff recommends approval.

The Chair asked if anyone 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. Gaines to approve 15-018. Seconded by Mr. Shutt.

The Chair asked for further questions or discussion.

There being none, the Chair asked for the vote.

**VOTE – 8 - YES –** Gaines, Stutte, Rosenberg, Napier, Shutt, Kully, Johnson, Hamburger

Motion carried unanimously.

The next item on the agenda was request number **15-021**. Application of the City of Hastings, Development Services Department, to amend Section 34-602 of the Hastings City Code to reduce the width threshold for non-conforming lots.

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 a request of Development Services. Staff and Administration have talked about reducing the difficulty in transferring some of the narrower lots when point of sale comes for real estate and appraisers are looking at these lots more closely in underwriting and some loans were not getting approved because of our nonconforming section. We created the R-5 zoning district to try to remedy the problem, and while it created a solution in the long term, the short term was it took 60-90 days to get a rezone through and a real estate transaction was pending for the period of time. Staff decided to change the nonconforming section to allow an existing lot of record 45 feet instead of the previous 50 feet. Staff feels that statistically this should take care of most of the nonconforming lots that are getting transferred.

The Mayor and Council also asked Development Services and staff to find a solution. Staff recommends approval.

The Chair asked if anyone 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 15-021. Seconded by Mr. Kully.

The Chair asked for further questions or discussion.

Chair Napier asked will the City go back and remove the R-5.

Mr. Evans concurred. Remove the R-5 and initiate the request to move those R-5's back to their base zoning district at no cost to the property owners.

The Chair asked for further questions and discussion.

There being none, the Chair asked for the vote.

**VOTE – 8 - YES –** Gaines, Stutte, Rosenberg, Napier, Shutt, Kully, Johnson, Hamburger

Motion carried unanimously.

The next item on the agenda was request number **15-019**. Application of the City of Hastings, Development Services Department, for preliminary/final plat approval of proposed Tree Forest Addition.

Mr. Ptak excused himself from the meeting to attend the council worksession.

Mr. Evans stated this is a large, one-lot subdivision. It is property owned by Hastings Utilities. They will be putting in rail line to add some stacking distance for the power plant for the train cars. They are platting it to an addition to the City. This is the application for that plat and staff recommends approval. In addition, there is no dedication of public right-of-way.

The Chair asked for a motion to approve.

Moved by Mr. Rosenberg to approve 15-019. Seconded by Mr. Johnson.

The Chair asked for further questions or discussion.

There being none, the Chair asked for the vote.

**VOTE – 8 - YES –** Gaines, Stutte, Rosenberg, Napier, Shutt, Kully, Johnson, Hamburger

Motion carried unanimously.

The next item on the agenda was request number **15-012**. Application of the City of Hastings, Development Services Department, to bring proposed Tree Forest Addition into the corporate limits of the City of Hastings.

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 request is to bring the plat into the city under a separate action. The Commission has recommended approval of the plat and now bringing that item into the city limits. Staff recommends approval.

The Chair asked if anyone 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 15-012. Seconded by Mr. Gaines.

The Chair asked for further questions or discussion.

There being none, the Chair asked for the vote.

**VOTE – 8 - YES –** Gaines, Stutte, Rosenberg, Napier, Shutt, Kully, Johnson, Hamburger

Motion carried unanimously.

The next item on the agenda was request number **15-020**. Application of the Patrick Randolph for final plat approval of Skye Loch 15<sup>th</sup> Subdivision.

Mr. Evans stated this is one of the last pieces in the Skye Loch Subdivision. It was preliminaried in 2000. This is on a cul-de-sac, meets the city minimums and city requirements for lot width and right-of-way. Staff recommends approval.

The Chair asked for a motion to approve.

Moved by Mr. Kully to approve 15-020. Seconded by Mr. Shutt.

The Chair asked for further questions or discussion.

There being none, the Chair asked for the vote.

**VOTE – 8 - YES –** Gaines, Stutte, Rosenberg, Napier, Shutt, Kully, Johnson, Hamburger

Motion carried unanimously.

The ad hoc committee did not meet. The committee is hoping to meet in May.

Mr. Evans commented staff did have a meeting with one of the property owners on the 281 corridor of a large tract. He encouraged the ad hoc committee to convene and make some progress forward. It looks like long term development that might happen on that corridor. The developers have retained a planning consultant to initiate some concept drawings in that area. This is within the 2-mile zoning jurisdiction.

The Chair asked for comments from Staff.

Mr. Evans stated the City has hired Lance Lang. He was the planner in Kearney for 22 years. He is working part-time 3 days a week, Monday-Wednesday. He has written a number of these case summaries. He has a lot of experience and he is a licensed landscape architect, bringing a different skill set to the position.

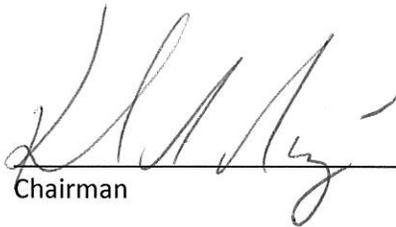
The Chair asked for a motion to adjourn.

Moved by Mr. Kully. Seconded by Mr. Gaines.

The Chair asked for the vote.

**VOTE – 8 - YES –** Gaines, Stutte, Rosenberg, Napier, Kully, Shutt, Johnson, Hamburger

Motion carried unanimously.



Chairman