

HASTINGS PLANNING COMMISSION

MINUTES

May 18, 2015

A meeting of the Hastings Planning Commission was called to order by Chairman Keith Napier, Monday, May 18, 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
Mr. Napier, Chairman
Ms. Shutt
Ms. 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
Lance A. Lang, City Planner

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. Stutte to adopt the current agenda.

VOTE – 8- YES – Gaines, Stutte, Hamelink, Rosenberg, 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 May 8, 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 April 20, 2015, minutes. It was moved by Mr. Johnson to approve the minutes. Seconded by Ms. Gaines.

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

Special Order of Business.

Mr. Ptak introduced Mr. Lance Lang. Mr. Ptak stated he comes to the City with a wealth of experience in the planning and zoning area. He was previously the City Planner in Kearney for over 20 years, is a registered Landscape Architect in the State of Nebraska, and lives near Minden. Mr. Lang will be working Mondays through Wednesdays.

Mr. Lang added he also worked in the private sector on the east coast and in Dallas, Texas, working for applicants, preparing plans, and making presentations. He stated he appreciated the opportunity to do some planning work in the City of Hastings.

The first item on the agenda under tabled business 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 3rd Avenue, Lots Two (2) and Three (3), Block (5); all situated in Davidson Addition to the City of Hastings, Adams County, Nebraska.

The Chair asked for a motion to bring that item from the table. It was moved by Mr. Gaines, seconded by Mr. Johnson.

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

The Chair asked Mr. Evans to give an update on this request. Mr. Evans stated this was heard in March by the Commission and the recommendation, because Mr. Poland was not present, and the site had some issues, was tabled at that point. A certified letter was sent to Mr. Poland explaining staff's concerns. Mr. Poland did receive the letter. The matter was again heard in April, and again the motion was to table to give Mr. Poland more time to respond. Mr. Lang sent a letter explaining staff's concerns, and he again did not respond. Hearsay in the community is that there is another buyer interested in that property.

The Chair asked Mr. Ptak if a new motion is in order. Mr. Ptak concurred. He further stated it might be appropriate to postpone this application for 30 or 60 days and if nothing is heard from the applicant, to simply ask staff to dismiss.

The Chair asked for a motion to postpone the application for 60 days. It was moved by Mr. Johnson, seconded by Mr. Hamelink.

The Chair asked for further questions or discussion.

Mr. Gaines commented on the additional 60 days. The Chair stated there would be no further action by the Commission other than asking staff to dismiss the application. The item will not be on the agenda again.

Mr. Hamelink commented this item will appear on the agenda in July unless the applicant wants it to be moved forward.

Mr. Ptak stated it would be automatically dismissed if there is no correspondence from the applicant within the 60 day period.

The Chair asked for further questions or discussion. There being none, the Chair asked for the vote.

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

Motion carried unanimously.

The Chair stated the application is postponed.

The next item on the agenda was request number **15-022**. Application of the City of Hastings, Development Services Department, to adopt a new Airport Zoning Map for the City of Hastings Municipal Airport reflecting updates to the hazard zones required by LB 140.

The legal notice was read into the record.

The Chair declared the public hearing open.

The Chair asked for comments from Staff.

Mr. Lang this item is in part a housekeeping issue because LB 140 was passed that changed the way the approach zones and hazard zones are administered, which include the zones to the side of the airport for turning and transitional movements as well as the approach zones for landing and takeoff. The existing code went back to the 1940's and with the increase in technology and the ability that the planes have, the legislature felt extending those zones out to a longer distance for instrument landings would be appropriate. The Nebraska Department of Aeronautics has revised the map that affects the Hastings Municipal Airport. This map would then be in compliance with the new regulations that were promulgated by LB 140.

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

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

The Chair asked for a motion to approve the application.

Moved by Mr. Johnson to approve 15-022. Seconded by Mr. Rosenberg.

The Chair asked for further questions or discussion.

Mr. Johnson asked if the restrictions related to the map are just height related, or if it also addressed anything about what can or cannot be built or done under that landing area?

Mr. Lang replied the underlying zoning is still in full force and effect. There may be some uses that are not allowed, but it would not be because of the zoning of the airport restrictions. The restrictions deal with the height of the approach zones. The further one gets out from the airport proper, the higher the limitation is. In closer, typical land uses that would cause concern include cell towers, tall buildings, or grain elevators. Land uses are still valid on the ground.

The Chair asked for further questions or discussion. There being none, the Chair asked for the vote.

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

Motion carried unanimously.

The next item on the agenda was request number **15-023**. Application of Ryan Karr and Brian Nauert of Hastings Self Storage for a zoning change from C-2 Central Business District to C-3 – Commercial

Business District, for proposed self-storage units at the corner of Burlington and H Street, Lots 3-6, South Burlington Subdivision, Hastings, Nebraska.

The legal notice was read into the record.

The Chair declared the public hearing open.

The Chair asked for comments from Staff.

Mr. Lang stated this property requires rezoning because self-storage use is not an allowable use in the existing zone C-2. It is allowed in C-3, so a C-3 rezone has been requested. Self-storage units also require a conditional use permit (CUP). Therefore, the applicants have also requested approval of a CUP. In terms of the proposed use itself, the site is in a mixed use area, including vacant commercial property to the east, developed commercial to the north, multi-family residential across "H" Street to the south and duplexes to the west. There is no single family zoning adjacent to the site. The environment is mixed use in nature. The request for self-storage is reasonable, however, there are some issues with the site layout. Two alternatives, Option A and B have been submitted. On Option A proposed separation between buildings is only 26 feet while 30 feet is required by code. The south building is only 10' from the street property line, with 28 overhead doors facing "H" Street only 10' back from the property line. The building is 280' long. Mr. Lang stated it would be better to have the building set back to allow for landscaping and fencing. There is not enough room to allow for vehicles to maneuver without using the public right-of-way. The site plan also shows the applicant would like to pave out to the curb which would eliminate landscaping. The street access points, one each at the east and west ends of the site, are only 15 feet wide which is tight. The inside radius of the access is encroached upon by the building location so that it is not possible to drive straight forward without "jogging" around the building. If the south building is moved north appropriately to allow for adequate maneuvering room to access the south facing doors, the building will likely be too shallow to have access on both sides.

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

Brian Nauert, 1018 Lochview Drive, Hastings, NE. Mr. Nauert agreed with some of staff's concerns. He stated one unit could be removed from the end so the street access would work better. The 10' setback is what the code requires and that's what we were planning. We could go with 11' on "H" and 30' in between. He also referred to other storage site in town regarding setbacks, use of right-of-ways (alleys), streets to unload. The back side will have a buffer with some landscaping, trees and bushes. On the front side, we can concrete the whole 10'-11'. He also discussed the need for storage unit in Hastings.

Brian Karr, 1622 ½ Boyce, Hastings, NE. He asked if the Commission had questions for him.

The Chair stated if the Commission has questions, Mr. Karr would be allowed to come back up.

Mr. Karr reiterated what Mr. Nauert said. The building will not be shoddy. It will be appealing. The applicants are willing to work on the landscaping and open for ideas. The turning radius can be changed and entry points moved to line up with straight access to rear units. A unit on each end can be removed to allow better access.

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

There being none, the Chair asked for a motion to approve the rezone.

Moved by Mr. Hamelink to approve 15-023. Seconded by Mr. Rosenberg.

The Chair asked for further questions or discussion.

There being none, the Chair asked for the vote.

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

Motion carried unanimously.

The next item on the agenda was request number **15-024**. Application of Ryan Karr and Brian Nauert of Hastings Self Storage for a Conditional Use Permit to allow self-storage units at the corner of Burlington and H Street, Lots 3-6, South Burlington Subdivision, Hastings, Nebraska.

The legal notice was read into the record.

The Chair declared the public hearing open.

The Chair stated Mr. Lang's comments earlier pertained also to the Conditional Use Permit.

Mr. Lang stated he understood the need for storage units and there are probably sites around town where there are units that set close to the street. The city does not want traffic encroaching on the right-of-way so my suggestion is to allow staff to work with the applicants to come to an agreeable solution and bring the conditional use permit application back next month.

The Chair asked if the applicants had anything further to speak to.

Mr. Nauert stated if the 30 days is necessary for the application to proceed, they would do so.

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

Mr. Ptak pointed out a code section that the Commission needs to be aware of. Section 34-404.9(e)(II). This section deals with landscaping. It states "Landscaping shall be provided in the areas outside the fences between the fence and the property line." This would include all four sides which would really make it difficult on the "H" Street side because the landscaping, which is a requirement need to be between the fence and the property line, which would not allow it to be utilized on the right-of-way. It is not that Mr. Lang is against the project, there might well be a better layout that could accomplish everyone's interests that would allow this to go forward. Mr. Ptak asked both the applicant and the commission to consider postponing this until June to work out a site plan that would be beneficial to both.

The Chair questioned whether the site plan is a required element of the application for the Conditional Use, correct? Yes, staff concurred. And if the current site plan is not acceptable, then we need to work through those issues.

Mr. Nauert questioned the fence requirement. He stated most storage units in Hastings are not fenced in, and most do not have landscaping. A fence would not look real presentable.

Mr. Ptak offer in subsection (e)(1), provides for a fence when it abuts a residentially zoned area, and there is residential zoning across the street.

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

Mr. Karr asked “abuts residential” across “H” Street?

Mr. Ptak stated abutting any residential district. This is one of the requirements.

Mr. Karr asked is residential the same as multi-family.

Mr. Ptak concurred. Multi-family residential is a type of residential zoning.

Mr. Karr asked if a street is not a buffer?

The Chair replied no. The Chair explained residential zoning and a residential use, either would require the fencing. In some places in town, there are buildings that are being used as housing, that may be sited on a commercially or industrially zoned piece of land but the use is residential. The land along 2nd Street where the railroad is located is all zoned industrial at Eastside Blvd.

Mr. Hamburger stated cars backing in on “H” and cars shining their lights into the houses on “H” Street would be the reason for the fence.

The Chair asked for further questions or discussion.

There being none, the Chair asked for a motion. Mr. Rosenberg moved to table the application, seconded by Mr. Johnson.

The Chair asked for further questions or discussion.

Mr. Gaines went on record as stating the application has issues that need to be resolved. He concurred with the postponement.

Mr. Johnson agreed there is a need for storage units, however, there are issues which need to be worked out which will allow the applicant to move forward with the project.

The Chair also agreed that staff would work with the application and come to a site plan that will meet the code and meet the applicant’s needs.

The Chair asked the vote to table Application 15-024 to the June meeting.

VOTE – 8 - YES – Gaines, Stutte, Hamelink, Rosenberg, Napier, Shutt, 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 define development rights and allowable uses for non-conforming lots.

The Chair asked for further questions or discussion.

The legal notice was read into the record.

The Chair declared the public hearing open.

The Chair asked for comments from Staff.

Mr. Lang stated this application was proposed at the April meeting. Since that meeting, staff has had internal discussions and felt perhaps there is a better solution than what was presented last month. The issue is the city has lots that are recorded of record at the Register of Deeds office that do not meet current zoning standards for width or lot area. The minimum lot width for residential under the current code is 70 feet. Previously an R-5 district was created that allowed 50 foot wide lots to be developed to address the smaller non-conforming lots of record. We then encountered persons with 48 foot lots, and 46 foot lots, etc. So the proposal to strike R-5 and change the language in the non-conforming section 34-602 was proposed. After discussion, staff feels a better solution would be based on the reasoning that since these are pre-existing lots of record and were legal at one time, any of those lots should be buildable as long as all the other development requirements for that zoning district could be met. Setbacks and off-street parking for example. There are two options based on this approach. In the first option any use allowed by the base zoning district could be pursued, while in option 2 use of these small lots would be restricted to R-1, single-family type housing regardless of the underlying zone. Does the Commission want to restrict the nonconforming lots outright to be residential use only, or for any use as long as the standards are met? The attached diagram of potential commercial development shows by the time you are able to get enough off street parking, setback and landscaping, it becomes difficult to build on a small lot. It is self-governing either way.

Mr. Ptak stated after the Commission met and recommended going down from 50 Feet of lot width to 45 feet we had a 42 foot lot come to the office. That is the problem with a number, there is always an exception.

The Chair stated for clarification Option 1 is only allowing the use of the zoning, so if it's a commercial lot, but too small, it can be developed commercially, but probably limited as to what can be done, if it's residential, a house could be built. With Option 2 residential properties could be used to infill in a commercial district.

Mr. Lang concurred. In some cases, the lot may not be buildable for either, but in that situation perhaps there is another adjacent lot to be combined. This approach seems to be fair and equitable as it recognizes any lot of record may be developable if all other code requirements are met, but it does not draw a line and rely on a magic number like 45 feet.

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

There being none, the Chair asked for a motion.

Moved by Mr. Hamelink to approve 15-021 using what is referred to as Option 1 which would allow lots to be developed with any use allowed by the regulations for the district as long as all other code requirements can be met. Seconded by Mr. Hamburger.

The Chair asked for further questions or discussion.

Mr. Hamelink stated he was open to amending that motion if we feel it necessary, but thought it would self-regulate. He liked the idea it will allow for infill and allow for the development of non-conforming lots.

There being none, the Chair asked for the vote.

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

Motion carried unanimously for Option 1.

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

The Chair asked for comments from Staff.

The Chair asked for a motion to adjourn.

Moved by Mr. Johnson. Seconded by Mr. Hamburger.

The Chair asked for the vote.

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

Motion carried unanimously.

Keith A. Napier

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Chairman