

## HASTINGS PLANNING COMMISSION

### MINUTES

September 21, 2015

A meeting of the Hastings Planning Commission was called to order by Chairman Keith Napier, Monday, September 21, 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  
Mr. Kully  
Mr. Johnson, absent  
Mr. Hamburger  
Mrs. Shutt

#### STAFF

Mark Evans, Building Inspector  
Linda Waldron, Fire Prevention Officer  
Dave Ptak, City Attorney  
Teri Schelkopf, Recording Secretary/City Clerk  
Joe Patterson, City Administrator &  
Interim DS Director  
Al Meyer, Hastings Utilities  
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. Gaines to adopt the current agenda.

**VOTE – 8- YES –** Gaines, Stutte, Hamelink, Rosenberg, Napier, Kully, Shutt, 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 September 11, 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.

The Chair asked for comments or changes to the minutes of the July 20, 2015, meeting.

There being none, the Chair asked for a motion to approve the minutes of the July 20, 2015, meeting.

It was moved by Mr. Rosenberg to approve the minutes. Seconded by Mr. Hamburger.

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

The first item on the agenda was request number **15-033**. Application of Bryce Bares of Galaxy Ventures II, L.L.C. for requested approval of a Revised Development Plan to amend Planned District CP-2, Central Business District with a Planned District Overlay, property described as Lot 2, Burlington North

Subdivision, said property located at 708 North Burlington Avenue. The proposed amendment is for a restaurant with sit-down, carry-out, and drive-thru service.

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 that this property has quite a bit of history. Staff has meet with the applicant and discussed the project. The original Development Plan for this site was prepared when the two bank buildings were constructed several years ago. The original plan called for an office building on the subject property. There was discussion at that time to restrict development to non-retail office use without drive thru services. However, it is important to understand that when the City Council rezoned the property to C-2, Central Business District with a "P", Planned District Overlay, the zoning became, in fact, retail commercial CP-2. Once a particular zoning is in place, any use that is allowed by right within that particular zoning district is allowable, and use of the property cannot be restricted. C-2 allows restaurants, drive-thrus, and other commercial retail uses as well as office buildings.

However, the "P" designation does provide an extra layer of review by Planning Commission and City Council meaning that the project requires development plans to address site development issues such as site layout, access, circulation, building appearance and construction materials, landscaping, lighting, etc. The development plan process can be used to define exactly what the building will look like, and to address concerns that may arise. For example, the Commission or Council can request additional landscaping, or construction of a buffering fence as part of the "P" process to better screen the project from neighbors.

The proposed project requires a new development plan because the proposed use of the property has changed substantially from the original office building to a proposed restaurant. A 2,500 square foot Dunkin Donuts restaurant is proposed with sit-down, take-out, and drive thru service. The site is very shallow having been originally platted as residential lots along Burlington Avenue. It is difficult to develop this site given the shallow depth, but the architects and designers have managed to show everything required including more than adequate vehicle stacking, a Landscape Plan and a proposed seven-foot tall privacy fence constructed of vinyl PVC along the east property line next to the residential houses. Also because of the shallow depth and configuration of this lot and the two bank lots, there are two shared access and ingress-egress easements, one north, one south, with the two banks, that allow the traffic from any of the three businesses to traverse across each other's property. The copies of the easement agreements the City has received are not signed and executed, but will need to be prior to City Council.

Also, a unique situation associated with this project has to do with restrictive covenants. City government does not generally get involved with covenants because they are a private contract between the developer and whoever will occupy the buildings. In this case, a fourth lot is owned by the Hastings CRA reserved for a future right turn lane, if needed. Since this lot is owned by a City entity an amended declaration of covenants is included in the packet which will need to be signed by the Mayor upon review and approval by City Council.

The City has received some phone calls and letters from interested people expressing concerns and opposition to the proposed development and there are several people in the audience that will probably want to speak to this project. In terms of impact to the neighbors, the plan proposes some mitigating factors. A seven-foot tall PVC fence is proposed along the east property line. This is what the developer has offered for a buffer. If the neighbors have different ideas, there was discussion in the original development plan of soliciting input from the neighbors and perhaps that is a valid approach here as well. The City will leave that up to the developer and neighbors, but keep in mind that the proposed PVC fence is similar to the existing fence at the north end of this project constructed by the bank, and therefore, one would assume acceptable. Also, a Landscape Plan has been submitted. You will see in the staff report there are a couple of comments regarding it. Due to the shallow nature of the site, a typical commercial landscape plan with street trees and parking lot trees is not possible. There is a fairly wide strip of landscape area between the drive thru lane and the parking lot with enough room to add a couple of large deciduous canopy trees. These types of trees are always preferable as they make a more profound statement, provide shade, etc. Two can be added and the ornamental pears can remain. They should be two-inch caliper at the time of planting. The location of the trash enclosure is shown but there is no landscaping around it. Even though trash dumpsters are generally enclosed by some type of masonry or wood enclosure, over time they tend to get beat up and start looking poorly. The landscaping helps to screen the enclosure. Evergreen shrubs that stay green year round work well. A mixture of evergreen and deciduous shrubs looks nice. Please show landscaping around enclosure.

Another comment on the Landscape Plan which I failed to put in the staff report but feel is important has to do with the upright evergreen trees proposed along the east property line to screen the residences. The trees that were chosen, Hetzii Junipers, are a good choice because they are evergreen, they grow compact and upright and do not spread as they mature like an Austrian Pine or Blue Spruce would grow into the drive thru lane or proposed fence. However, because they are so columnar they need to be planted closer together to achieve the buffering effect and therefore this means more trees. The addition of two more trees to the grouping of three on the north and south end as well as a grouping of three more worked in between the middle two groupings of three is appropriate. This means a total of seven (7) additional Hetzii Juniper.

Some people are concerned with the noise generated by speakers at the menu board and/or the drive-thru window when fast food restaurants are located next to residential houses. There is some information in the packet about this issue. The Db level of noise represented in the information provided is that of normal conversation. The output level of the speakers is adjustable as well. An outdoor lighting plan is included which shows downcast sharp cut-off fixtures to avoid light pollution for the neighbors. It is unclear if any additional lighting on building walls or at the pick-up window are proposed?

The building itself is primarily brick construction with colorful awnings and accents typical of commercial development. A color rendering of the proposed building is included in the packet. A monument sign is proposed as opposed to a pole sign. The monument sign is preferable because it is less intrusive, low to the ground and features the same brick that is proposed for the building.

Utilities to serve the site are in place and available, drainage patterns are established since this is an area where virtually all the surrounding land is developed to urban standards.

City Planner concluded; this is a summary of some of the key issues, I would be glad to answer any questions the Commission may have.

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

Bryce Bares, 16379 Cheyenne Road, Omaha, NE stated that he is with Galaxy Ventures II, L.L.C., the developer of this property, and he is very excited about coming to Hastings. His company owns several other stores in the region and they always maintain ownership and operation responsibilities for their stores and plan to at Hastings as well. He is glad to see all the people in attendance that have input concerning the project. He would like to hear their thoughts and answer their questions. He wants this development to be a good neighbor and a great addition to the City of Hastings. Mr. Bares was surprised this morning when representatives from the Bank of Doniphan, the neighboring bank to the north, contacted him with concerns about the project. Mr. Bares said, unfortunately, this request will likely be tabled to provide time to work things out with the bank. Bank officials told him they were not aware of the proposed restaurant until a few days ago and did not have chance to adequately review the plans. Also, they have not signed the shared north access and ingress-egress agreement. Apparently, they are concerned that the drive-thru traffic from the donut shop exiting through their property will interfere with the functioning of their bank drive thru and customer parking.

Mr. Bares continued to describe the project and then asked for any questions?

Bob Parker, 726 Eastside Blvd., Hastings, NE. Mr. Parker stated he was representing the Bank of Doniphan. He went on the record as the Bank of Doniphan is opposed to the application.

Jeanette DeWalt, 747 N. Lincoln Ave., Hastings, NE. Jeanette distributed a letter to the Commission expressing she and her husband's concerns regarding the project. She stated the original plan was an office or similar space and not a drive-thru restaurant. They are not opposed to development, just the location is not ideal.

Jeanette also distributed a letter from Joyce and Mike Nelson, 741 N. Lincoln, Hastings, NE. They were concerned about the change in zoning on the property in question. They were also of the understanding that there would never be a restaurant at this location.

Greg Sinner, 345 Sunset Dr., Doniphan, NE. Greg stated he owns 739 N. Lincoln Ave., which contains rental property and a storage building. The proposed development site is built up with fill and water drains into his lot. We have had several intense rain storms this year and it is a real concern. He is afraid the development of this site will make the water problem worse. He is also concerned about the noise at the drive-thru window and the menu board as his rental house is very close to the drive-thru. Also, lighting is a concern to adjacent property owners on Lincoln. The plans show downward lighting on the light poles. What about security lighting on the building? These drive-thru businesses are always lit up, especially at the pick-up window. He stated opposition to the project at this location; however, as a business man himself, he is not opposed to development in Hastings.

Elizabeth Spilinek, 1119 N. Denver Ave., Hastings, NE. Elizabeth represents the Hastings Historical Society and distributed a map indicating the Central Hastings Historic District which this property is included in that district. She was concerned if the development as proposed would maintain the integrity of the historic district?

Rich Reimers, 811 N. Lincoln Ave., Hastings, NE. Mr. Reimers stated he did not know that the property had been rezoned recently. He also commented that there are no such retail businesses being proposed from "A" Street to 14<sup>th</sup> Street and he would like to keep it that way.

Bryce Bares again spoke regarding the concerns and issues of the neighborhood. In terms of drainage he said the project will actually improve the drainage since the proposed paving and curbing will catch the water and take it away to drainage inlets.

The type of lighting on the building will be canned lights under the eaves so light will not shine out on the neighbors. Also, in terms of the building and this development, the last three projects that he has constructed with Dunkin Donuts have complied with enhanced "Green" environmental standards similar to a program more people are probably familiar with called LEED Certification.

Conflicts with neighboring property owners will be minimal as compared to other drive-thru restaurants because most of the peak business is in the morning between 7:00 a.m. and pretty well done by 10:00 a.m. In fact, business hours for the store are limited to 6:00 a.m. to 7:00 p.m. so the potential for evening conflicts is also greatly reduced.

He also stated that a bank or office building might not be feasible because of the depth of the lot and this is probably why the lot has remained undeveloped for so long.

Mr. Bares asked that the meeting be tabled so that he may discuss and work out the issues that are now at hand.

James Nemetz, 725 N. Lincoln, Hastings, NE. He also asked that the matter be tabled.

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.

Moved by Mr. Kully to table 15-033. Seconded by Mr. Hamelink.

The Chair then asked the City Attorney for clarification on tabling, continuing, or postponing the matter.

Dave Ptak, City Attorney, stated that postponing the matter would automatically bring the matter back at the next meeting or also give the applicant the option to postpone to a later date while tabling would be indefinite.

Mr. Kully withdrew his motion to table, and Mr. Hamelink withdrew his second.

Mr. Kully then moved to postpone 15-033. Seconded by Mr. Hamelink.

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, Kully, Shutt, Hamburger**

Motion carried unanimously.

The next item on the agenda was request number **15-030**. Bobbie Pettit, Community Planner and Project Manager for South Central Economic Development District to present a Public Draft of the Joint Land Use Study of the Greenlief Training Site.

The Chair asked for staff comments. Mr. Lang stated that South Central Economic Development District has been preparing a land use study for the military base known as the Greenlief Training Site approximately seven miles southeast of Hastings on the county line with roughly half of the 3,700 acre site is in Adams County and the other in Clay County. The purpose of the study is to identify land uses on surrounding lands that may affect the operations on the base and conversely operations on the base that may affect surrounding properties and make recommendations to mitigate these impacts. The land use relationships are especially important as communities and uses surrounding the site continue to grow and evolve over time. Several opportunities for public input were part of the process such as workshops, public meetings, and distribution of public outreach materials. Representatives for a task force were identified from several communities in the region, including Hastings, with the City Engineer involved in the process. The City of Hastings also assisted with providing data and GIS mapping services for the study. The presentation today is to allow the Commission an opportunity to review the findings and recommendations of the study as they relate to long term land use and planning goals and objectives of the City.

At first consideration, it may seem that the Greenlief site is far removed from Hastings at some seven miles distant, however, state law provides for First Class Cities such as Hastings to enact zoning and land use controls in the extra-territorial jurisdiction extending two miles beyond the corporate limits. As the City continues to grow to the southeast the issues presented in the report will become more and more valid, even if many years down the road.

Ms. Pettit distributed a summary handout of the study and thanked the Commission for the opportunity to present the results. She explained some of the history of the site and the ongoing and long-term importance of maintaining the site and its operations for the benefit of public health, safety and welfare. She stressed the key role of coordination and communication between entities as land uses evolve over time. The approach to the study is based in large part on analyzing and manipulating "compatibility factors." Prime considerations include; Energy Development, Land/Air/Sea Spaces, Land Use, Light and Glare, Noise, Safety, and Vertical Obstructions. Maps depicting the establishment of key areas on the site and surrounding properties known as "Military Compatibility Areas" are included on the handout. She explained the need for all entities involved to be supportive of the Training Site and the possible need for future zoning modifications to accommodate the site.

The Chair asked for questions and discussion.

There being none, the Chair asked for a motion.

Moved by Mr. Gaines to support the Greenlief Training Site Joint Land Use Study. Seconded by Mr. Stutte.

The Chair asked for the vote.

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

Motion carried unanimously.

The next item on the agenda was request number **15-034**. Application from Randal Chick, Director of the Community Redevelopment Authority of the City of Hastings for review of consistency with the Hastings Comprehensive Plan and requested approval of plan modification to the Redevelopment Plan for CRA Area # 5. Said modification proposes façade improvements, landscaping, and other public improvements for an existing building located at 937-947 South Burlington Avenue.

The Chair asked for staff comments. Mr. Lang stated Mr. Randy Chick, Director of the CRA is present and can provide better details of the proposal before us, but basically this is a requested modification to an existing redevelopment plan in CRA area number 5. The property in question is known as the Brickhouse Lounge. The owners have been working on the property and making improvements. This plan modification will allow for further site improvements including façade upgrades, landscaping, concrete work, and other public improvements.

Mr. Lang stated that interestingly, this property is located in the South Burlington Overlay District, an overlay district that was created in the past with the intent on creating urban redevelopment standards to address issues and opportunities unique to the South Burlington corridor. At this time, the corridor overlay is a “placeholder” in the zoning ordinance with a section reserved but no work has yet been started on this overlay concept. Projects like the Brickhouse Lounge improvements may spur interest in further redevelopment of the area and become a catalyst for the South Burlington Corridor Overlay District.

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

Randy Chick, Director, Community Redevelopment Authority, Hastings, NE. Mr. Chick explained the project and that the new owners of the properties were remodeling the Brickhouse Lounge, expanding a deck to the south and new facades and concrete work at both locations.

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

Doug Ruhter, 937 N. Burlington, Ave., Hastings, NE. Mr. Ruhter stated he and his wife were the new owners of the Brickhouse Lounge. He discussed the improvement they had made and were intending to make on the facades and parking lots of both properties.

The Chair asked if there was anyone else that would like to speak in favor of the application.

There being none, the Chair asked if anyone would like to speak against the application.

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

The Chair asked for a motion.

Moved by Mr. Kully to approve 15-034. Seconded by Mr. Rosenberg.

The Chair asked for the vote.

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

Motion carried unanimously.

The next item on the agenda was request number **15-029**. Application from Chris Johnson and Chris Wissing of Johnson Imperial Home Company, Owner and Applicant, to subdivide property zoned R-1 and located generally south of 64<sup>th</sup> Street and west of State Highway 281 and Osborne Drive West (frontage road). The Preliminary Plat consisting of 41 single-family residential lots, one large commercial lot and two large common area lots is located north of Fox Run Street while the Final Plat for Lochland Meadows Number 10 is located south of Fox Run Street except for Lot 1, Block 4 and Lots 1 thru 4, Block 3 which are on the north side of Fox Run Street.

The Chair asked for staff comments.

Mr. Lang stated that there are actually two parts to this agenda item. The first is a Revised Preliminary Plat for Lochland Meadows for the area north of Fox Run Street over to the western boundary and extending up to the north boundary which will be 64<sup>th</sup> Street when it is extended west someday. The land area is about 65 acres and there are 41 single-family residential lots, one large commercial lot, and two common open space outlots shown on this plat. It is in substantial conformance with previously approved Preliminary Plats from the past. The common space lots have a twenty-foot wide access easement platted and for the time being will continue to be farmed. As more and more houses are built at some point in the future the surrounding homeowners will decide what to do with these common open spaces and a Homeowners' Association will be formed for ongoing maintenance.

Also included is a Final Plat for Lochland Meadows Subdivision Number 10 consisting of 20 single family residential lots on 13 acres. These lots are located in the city limits and water and sewer is available to them. The developer would like to extend water and sewer by improvement districts next spring and begin construction. This subdivision request has been expedited to the City Council meeting next Monday because the developer would like to get going on design and creation of the improvement districts. This is a straight-forward residential subdivision with nice size lots. The developer, Johnson Imperial Home Company, has built a lot of quality homes in this neighborhood and needs to open up some more lots for construction. Staff recommends approval of both the Preliminary Plat and Final Plat for this project.

Developer Chris Johnson said he appreciates Staff help with this development and it is nice to see the new faces, they have been good to work with.

The Chair asked for a motion to approve the Revised Preliminary Plat.

Moved by Mr. Kully to approve 15-029. Seconded by Mr. Hamburger.

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, Kully, Shutt, Hamburger**

Motion carried unanimously.

The Chair asked for a motion to approve the Final Plat of Lochland Meadows Subdivision Number 10.

Moved by Mr. Hamelink to approve 15-029. Seconded by Mr. Kully.

The Chair asked for questions or discussion.

There being none, the Chair asked for the vote.

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

Motion carried unanimously.

The next item on the agenda was request number **15-026**. Application from Jesse Hurt, representing applicant Gavilon Group, L.L.C. and Owner Susan Hartman, for a one lot subdivision in the two-mile E.T. J. containing 1.09 acres to accommodate a proposed railroad spur on property zoned I-2, Heavy Industrial District, located in the Southeast Quarter of Section Fourteen (14), Township Seven (7) North, Range Nine (9) West of the Sixth Principal Meridian in Adams County, Nebraska, 5265 East "J" Street.

The Chair asked for staff comments.

Mr. Lang stated this agenda item has been continued to the October Planning Commission meeting at the request of the applicant.

The Chair stated the ad hoc committee for the 281 Highway Corridor did not meet this month. Mr. Lang and Dave Ptak stated they would meet with Judy Mignery and try to get back on track.

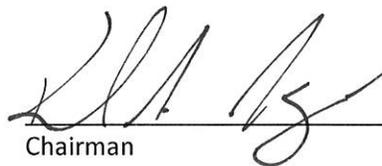
The Chair asked for a motion to adjourn.

Moved by Mr. Rosenberg, seconded by Mr. Shutt.

The Chair asked for the vote.

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

Motion carried unanimously.

  
Chairman