HASTINGS PLANNING COMMISSION

MINUTES

April 18, 2016

A meeting of the Hastings Planning Commission was called to order by Chairman Keith Napier, Monday, April 18, 2016 at 4:00 p.m. in the City Building, 220 North Hastings Avenue, City Council Chambers, Hastings, Nebraska.

ROLL CALL	**STAFF**
Mr. Gaines	Mark Evans, Building Inspector
Mr. Stutte	Linda Waldron, Fire Prevention Officer
Mr. Hamelink	Dave Ptak, City Attorney
Mr. Rosenberg	Teri Schelkopf, Recording Secretary
Mr. Napier, Chairman	Joe Patterson, City Administrator & Interim DS Director
Mr. Kully, absent	Al Meyer, Hastings Utilities
Mr. Johnson	Lance A. Lang, City Planner
Mr. Hamburger	
Mrs. Shutt	

It was stated that a quorum was present.

The Pledge of Allegiance was recited by all present.

The Chair stated there is one change to the agenda. The application for Item 16-014, the public hearing for Conditional Use Permit for Myste Shryack and Jessica Burch to operate a daytime canine boarding facility, has been withdrawn at the request of the property owner. The Chair then asked for a motion to adopt the current agenda with Item 16-014 removed. It was moved by Mr. Kully, seconded by Mr. Stutte to adopt the current agenda.

VOTE – 8 - YES – Stutte, Gaines, 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 11, 2016, 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 and that said meeting is held in open session.

Mr. Hamelink entered the meeting at 4:02.

The Chair asked for a motion to approve the minutes from the March 21, 2016, meeting. It was moved by Mr. Gaines, seconded by Mr. Hamburger, to approve the minutes as circulated. The Chair asked for any comments or changes to the minutes.

There being none, the Chair asked for the vote.

VOTE – 9 - YES – Stutte, Gaines, Rosenberg, Hamelink, Napier, Shutt, Kully, Johnson, Hamburger

Motion carried unanimously.

The first item on the agenda was request number **16-008.** Conditional Use Permit – Request from Terry Diecker of Diecker Enterprises, to locate ship to shore storage containers on site to be used for self-service storage cubicles to be rented by the public, said storage containers to be located on Lots 1 and 2, Diecker Towers, the north 10' measured perpendicular to the centerline of a 20' strip of land adjacent to said Diecker Towers, all of Block 5, St. Joseph's Addition, the vacated alley in Block 5 and north half of vacated "A" Street, all in the City of Hastings, Adams County, Nebraska, or proposed Administrative Plat – Diecker Towers 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. Lang stated Mr. Diecker owns property directly north of Pat's Auto on South Denver Avenue. Recently one-half of "A" Street was vacated and went to Mr. Diecker and the other to Pat's Auto. Mr. Diecker owns additional property that abuts that vacated street. He is wanting to use ship to shore containers as self-service storage units with them arranged side by side, similar to a storage unit with a number of overhead doors. Staff has applied the code requirements for self-storage facilities which are allowed in the industrial districts. Staff is concerned about setting a precedent as this is the first time anyone has approached the City about using these types of containers for this purpose. In this case, Mr. Diecker's property is industrial and the area around it is industrial, so it is not a bad "fit." For the neighborhood. In other, more visible commercial areas that are zoned for industry the container storage may not fit into the character of the neighborhood as well.

In this case, Mr. Diecker is proposing 26 back-to-back, 80-foot wide by 20-foot long, 52 total storage units. Conditions include:

a. No container shall exceed twenty-two feet in the narrowest dimension or thirty-six feet in the widest dimension, or fourteen feet at the eave.
b. The containers shall not be stacked vertically.
c. All containers shall be painted a neutral earth tone color such as beige, tan, gray, or similar. All containers shall be painted the same color. Any graffiti that appears on the containers in the future shall be painted over in a timely manner to match the base color.
d. Per the zoning code, a Landscape Plan shall also be incorporated as part of the submittal. In this case, areas for landscaping are limited. Perhaps a couple of trees could be provided in the areas between the buildings and the property line.
e. A ten-foot (10') wide strip of Portland cement concrete shall run continuous abutting the containers on both the north and south sides.
f. All containers shall be anchored at the ground plane to a continuous footing a minimum of eight inches (8") in width, or equal approved by the City, along the front and rear edge of the containers.
g. No loading docks, either elevated or excavated.
h. No openings shall be cut into the container walls, including interior doors connecting one or more units inside and exterior doors or windows (other than the primary access door).
i. No off-premises advertising shall be allowed on, or attached to, said containers.

j. Signs shall be limited to one ground pole sign at the entrance to the premises. Not more than thirty-two (32) square feet in area shall be permitted with a maximum height of ten feet (10').
k. All exterior lighting shall be sharp cut-off type to prevent off-site glare.
l. All storage on the premises shall be kept within an enclosed building (ie. within containers)
m. Applicant is responsible for pest or varmint control if the units attract any vermin to the site living under or around the units.
n. No commercial activity allowed, other than leasing of the storage units for storage.
o. Repair, reconditioning, and fabrication services prohibited.
    - Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline storage tank is prohibited within or outside any structure on a tract of land designated for a self-storage facility.
    - This provision shall be posted and be included in the tenant lease agreement.
p. Containers are limited to the quantity and to the location shown on the approved Site Plan, said Site Plan being made a part of this permit and kept on file at the Development Services Department of the City of Hastings.
q. An approved plan shall be valid for a period of twenty-four (24) months following the date of approval by the Council. If construction has not been started within said twenty-four-month period, the plan shall be null and void unless the time for start of construction has been extended by Council.

With these conditions attached, staff feels this is acceptable in this location and would allow Mr. Diecker to proceed.

Mr. Kully asked about trees?

Mr. Lang stated under the conditional use permit requirements for self-storage, it requires a landscape plan. This is a storage facility. In this instance there is not much room to do landscaping.

Mr. Kully stated most locations for storage units are very visible and landscaping is called for. This particular area is behind the Diecker Towers. If you were to drive by there now, it has not been taken care of for years. It would be difficult to put trees in because there are no water lines. He does not feel it is necessary.

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 on application 16-008, to include recommendations a through q as listed by Staff as part of the permit.

Moved by Mr. Hamelink to approve 16-008. Seconded by Mr. Kully.

The Chair asked for further questions or discussion.

Mr. Hamelink stated staff express concern about the precedent. If they are painted well, this site will fit fine. He asked Mr. Diecker if any of the conditions are of a concern.

Mr. Diecker nodded "no" from the audience.

Mr. Lang asked the Chair about the landscaping, then stated staff would work with Mr. Diecker.

Chair Napier replied Mr. Diecker does not have a concern with the requirement.

The Chair asked for further questions or discussion.

There being none, the Chair asked for the vote.

VOTE – 9 - YES – Stutte, Gaines, Hamelink, Rosenberg, Napier, Shutt, Kully, Johnson, Hamburger

Motion passed unanimously.

The next item on the agenda was request number **16-009.** Rezoning – Request from Dan Pauley, Attorney at Law, representing Indicator Land & Cattle, LLC. to rezone from R-1S Single Family Suburban to R-1A, Single Family Large Lot.

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 is a rezoning request. Staff is in support of the rezoning. Mr. Dan Pauley, attorney with Dunmire, Fisher and Hastings is representing his client today and may wish to speak on this item.

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

Mr. Dan Pauley, attorney with Dunmire, Fisher and Hastings representing Indicator Land and Cattle, which is owned by Dr. Tyler Adams stated that this is a residential farmstead that the Adams' plan to build their home on. It circles Thom Subdivision. It is currently zoned R-1S and the rezone request is to R-1A. The current zoning does not allow for row crop; secondly, the Adams family want to have a small number of cattle, possibly 10 or so, on this property, along with their residence. R-1A would allow these agriculturally related uses while R-1S does not.

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

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

The Chair asked for a motion.

It was moved by Mr. Rosenberg, seconded by Mr. Stutte, to approve 16-009.

The Chair asked for further questions or comments.

There being none, the Chair asked for the vote.

VOTE – 9 - YES – Stutte, Gaines, Hamelink, Rosenberg, Napier, Shutt, Kully, Johnson, Hamburger

Motion carried unanimously.

The next item on the agenda was request number **16-010.** Conditional Use Permit – Request from Chad Cassel, Pastor of Oasis Church, to conduct church services at the Imperial Mall, 3001 W. 12th St., #19.

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 is a request for a Conditional Use Permit. Pastor Chad Cassel with the Oasis Church is wanting to lease Bay #19 at the Imperial Mall. By code this is considered a neighborhood assembly use and requires a Conditional Use Permit. In speaking with the Pastor, the congregation is small, less than 20. The rental space is 1000 sq. ft. or so with a private bathroom, however, the bathroom is not handicap accessible. It was decided with a CUP approach we could come up with a condition to regulate the bathroom situation. Staff is recommending approval with a condition that at such time as the congregation of Oasis Church numbers 50 persons, the on-site bathroom must be upgraded to meet ADA requirements. The CUP shall be automatically renewed annually upon receipt by the City of a written request for renewal, including the current number of congregation numbers for the given year. The Clerk would send out a letter at renewal time requesting the numbers of their congregation.

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

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

The Chair asked for a motion.

It was moved by Mr. Hamburger, seconded by Mr. Kully, to approve 16-010 as presented.

The Chair asked for further questions or comments.

There being none, the Chair asked for the vote.

VOTE – 9 - YES – Stutte, Gaines, Hamelink, Rosenberg, Napier, Shutt, Kully, Johnson, Hamburger

Motion carried unanimously.

The next item on the agenda was request number **16-011.** CRA Plan Modification - Request from Randal Chick, Director of the Community Redevelopment Authority of the City of Hastings for review of consistency with the Hastings Comprehensive Plan and request for approval of Plan Modification #3.15.16 to Redevelopment Area #1 (THOAR, LLC Redevelopment Project).

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 is a CRA request for a Modification for Redevelopment Area 1. It is the former Old Market Firearms Building a/k/a Block 27 Lofts. 3000 sq. ft. of first floor commercial space and four- one bedroom / one bath second floor apartments. This funding request will be for façade, sidewalk, and landscaping improvements at $450,000.00. As with all CRA projects, the city strives to improve the neighborhood, remove blight, create employment opportunities and add living quarters downtown. The Planning Commission's involvement the compliance and conformance with the comprehensive plan and the overall development vision of the city is important and staff feels it is in compliance with that vision and that plan.

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

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

The Chair asked for a motion.

It was moved by Mr. Kully, seconded by Mr. Hamelink, to approve 16-011.

The Chair asked for further questions or comments.

There being none, the Chair asked for the vote.

VOTE – 9 - YES – Stutte, Gaines, Hamelink, Rosenberg, Napier, Shutt, Kully, Johnson, Hamburger

Motion carried unanimously.

The next item on the agenda was request number **16-012.** CRA Plan Modification – Request from Randal Chick, Director of the Community Redevelopment Authority of the City of Hastings for review of consistency with the Hastings Comprehensive Plan and request for approval of Plan Modification #6 to Redevelopment Area #IV-Hastings West (On Top, LLC Redevelopment Project).

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 also is a Redevelopment Plan Modification for the CRA. This is an industrial site. It is vacant and is on the WG Pauley Lumber site. On Top, LLC is proposing two 3,750 sq. ft. industrial buildings be built at this location. The CRA's involvement will be to reroute water service and drain lines. Estimated project cost is $370,000.00. The CRA board approved the Modification to both Plans at their meeting on March 15, 2016. This project would not achievable without the assistance of the CRA. It will remove blight and create employment opportunities and improve the neighborhood. The Plan does comply with the vision for development in the city; the comprehensive plan and with state law. Staff recommends approval.

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

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

The Chair asked for a motion.

It was moved by Mr. Gaines, seconded by Mr. Hamburger, to approve 16-012

The Chair asked for further questions or comments.

There being none, the Chair asked for the vote.

VOTE – 9 - YES – Stutte, Gaines, Hamelink, Rosenberg, Napier, Shutt, Kully, Johnson, Hamburger

Motion carried unanimously.

The next item on the agenda was request number **16-013.** Conditional Use Permit - Request from Faith Lutheran Church to amend their Conditional Use Permit to expand their parking at 837 Chestnut Avenue.

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 Faith Lutheran Church on Chestnut Avenue recently purchased residential properties to the west of the church. The church has submitted a proposed layout for a new parking lot. The church also has a parking agreement with Hawthorne Elementary School to use 59 parking spaces during peak times of school activity. This would bring the church into compliance with the required 159 spaces required. They will erect a new fence along the west property line to deal with headlight glare. This is an amendment to the existing CUP.

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

John Schudel. Neighbors immediately to the west. He stated they would like a 6' privacy fence and the timeline is long than anticipated. Now it is a muddy mess. He would like to see grass sown so it's not so muddy.

Mr. Lang did have a conversation with the applicant regarding seeding that area in the interim, i.e. rye grass. That can certainly be inserted as a condition. A privacy fence is proposed.

The Chair asked for a timeline for the fence.

Mr. Lang stated that the fence should be erected immediately or as soon as practical to provide that protection and the grass be established.

Eilene Saathoff. Member of Faith Lutheran Church, serves on the Board of Trustees and on the Vision Committee. The church does understand the neighbors' concerns. It was discussed about the

possibility of a layer of gravel for the summer as an alternative to the grass. Regarding the fence, we need to establish grade for proper drainage prior to erecting the fence.

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

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

The Chair asked for a motion.

It was moved by Mr. Hamelink, seconded by Mr. Rosenberg, to approve 16-013.

The Chair asked for further questions or comments.

The Chair asked Mr. Lang about the gravel, would that be acceptable as far as the code is concerned?

Mr. Lang stated that the gravel idea was discussed but staff does not support gravel. "Temporary" gravel parking has a tendency to become permanent gravel surfacing. The area needs to be planted to grass. Grass would look nicer. And be less expensive to install.

Mr. Kully referred to T-Dance and allowed her to rock part of her lot. But that was commercial and in other residential areas we ask that they put down sod or grass.

The Chair concurred. T-Dance was an industrial zone.

Mr. Hamelink stated the issue before the Commission is whether we should allow that area to be used for parking. That is a good idea. The other issue is it is unsightly. First, if we allow parking, a fence is appropriate.

Ms. Saathoff said the fence would be erected as soon as grade can be established. This needs to go to council. We want to have the parking lot completed in a year.

Mr. Patterson sat in on a meeting with the church on this project. The gravel parking lot was discussed and staff's recommendation was to look at the grass. Temporary gravel parking lots become more permanent gravel parking lots. We want to keep the church focused. Staff does not want the gravel recommended to the council.

Mr. Lang stated conditions can be added to move onto council. One, that the area be put into grass and two, that the fence be erected, and the whole project needs to be done in a year.

Mr. Hamelink asked if the current condition of the parking lot was a code violation.

Mr. Ptak stated when you have a construction site, the concern is that any drainage or silt doesn't find its way into the streets which ends up in the storm sewer. It is good to have a cover crop on anything that isn't going to be constructed immediately or at least a silt fence installed.

Mr. Hamburger suggested the Commission require the grass seeding. If you put the fence in now, probably going to tear it out by doing all the grading. Sod/seeding done now, and it can't be used for a parking lot, put the fence in when you do the parking lot.

The Chair stated the Commission will add the recommendation that the existing space be seeded with so type of cover, that the privacy fence be erected at the time the parking lot is constructed.

Mr. Hamelink stated bringing the lot to grade and seeding at this time is appropriate, and that it not be used for parking until it is paved. The year's timeline is lengthy but if we have a late spring, or exceptionally wet spring, I think we should recommend a completion date of June 1, 2017.

The Chair reiterated the motion that the Commission approve the amendment to the Conditional Use Permit that the existing area be brought to grade, seeded with a cover crop, that construction be completed by fall of 2017 and that a 6' privacy fence be constructed in conjunction and concurrent with the parking lot.

The Chair asked for further questions or comments.

There being none, the Chair asked for the vote.

VOTE – 9 - YES – Stutte, Gaines, Hamelink, Rosenberg, Napier, Shutt, Kully, Johnson, Hamburger

Motion carried unanimously.

The next item on the agenda was request number **16-015.** Rezoning – Request from Clifford F. Mesner, Mesner Development Company, to rezone property between 12th and 14th Streets on 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. Lang stated there is two parts to this application. First is a rezone from CP-3 to RP-3 which is multi-family district, and secondly it is a planned development district. To bring the development into line with the proposed use, it needs to be rezoned to RP-3 to accommodate 14 duplex buildings, two units per building, 28 total living units for low and moderate income seniors.

A complete Development Plan package was submitted including a Site Plan, Landscape Plan, Floorplans and Architectural Elevations of all four sides of the proposed duplexes.

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

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

The Chair asked for a motion.

It was moved by Mr. Gaines, seconded by Mr. Kully, to approve 16-015.

The Chair asked for further questions or comments.

There being none, the Chair asked for the vote.

VOTE – 9 - YES – Stutte, Gaines, Hamelink, Rosenberg, Napier, Shutt, Kully, Johnson, Hamburger

Motion carried unanimously.

The Ad Hoc Committee did meet in April. Then a meeting was held with the Combined Services Committee. The Ad Hoc Committee share some ideas for the North 281 corridor. All in attendance agreed that there is a desire to move forward with some planning in that corridor.

There being no other discussion, the Chair asked for a motion to adjourn.

Moved by Mr. Kully, seconded by Mr. Rosenberg.

The Chair asked for the vote.

VOTE – 9 - YES – Stutte, Gaines, Hamelink, Rosenberg, Napier, Shutt, Kully, Johnson, Hamburger

Motion carried unanimously.

Chairman