

**DRAFT MINUTES  
PAPILLION PLANNING COMMISSION MEETING  
JANUARY 29, 2020**

The Papillion Planning Commission met in open session at the Papillion City Hall Council Chambers on Wednesday, January 29, 2020 at 7:00 PM. Chairwoman Rebecca Hoch called the meeting to order. Planning Assistant Andrea Blevins called the roll. Planning Commission members present were Howard Carson, Jim Hrabik, John E. Robinson III, Leanne Sotak, and Wayne Wilson. Raymond Keller Jr., Jim Masters, and Herb Thompson were absent. Judy Emswiler joined the Commission at 7:02 P.M. Planning Director Mark Stursma, Assistant City Attorney Carla Heathershaw Risko, City Planner Michelle Romeo, and Staff Engineer Derek Goff were also present.

Chairwoman Hoch led those present in the Pledge of Allegiance.

Notice of the meeting was given in advance by publication in the Papillion Times on January 15, 2020. A copy of proof of publication is on file at the office of the City Clerk.

Chairwoman Hoch announced that a copy of the Open Meetings Act is posted in the City Council Chambers.

**Approval of Agenda**

**Motion** was made by Mr. Robinson III, seconded by Mr. Hrabik, to approve the agenda as presented. Roll call: Six yeas, no nays. Motion passes.

**Approval of the Planning Commission Minutes**

**Motion** was made by Mr. Robinson III, seconded by Ms. Sotak, to approve the December 18, 2020 minutes. Roll Call: Six yeas, no nays. Motion carried.

**FINAL PLATS**

**Final Plat** – A request for a Final Plat for the property legally described as a replat of Lots 1-2 and Outlots "A" and "B", R&R Commerce Park Replat One, a platted and recorded subdivision and a tract of land located in the SE 1/4 of the NE 1/4 of Section 35, T14N, R11E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located on the NW corner of HWY 50 and Gold Coast Road. The applicant is Development Services Corp. (R&R Commerce Park Replat Two) **FP-19-0015**

Larry Jobeun, 11440 W Center Road, Suite C (Omaha), stepped forward to represent the applicant. He summarized that the request includes the third phase of R&R Commerce Park, which is consistent with the revised Preliminary Plat.

Chairwoman Hoch called for discussion amongst the Commission.

With no further discussion, **Motion** was made by Mr. Robinson III, seconded by Ms. Sotak, to recommend approval of the R&R Commerce Park Replat Two Final Plat (FP-19-0015) because it is generally consistent with the Comprehensive Plan as amended, compatible with adjacent uses, and compliant with Zoning and Subdivision regulations, contingent upon the resolution of staff comments. Roll Call: Seven yeas, no nays. Motion carried.

## **PUBLIC HEARINGS**

**Mixed Use Development Agreement** – A request to adopt a Mixed Use Development Agreement for the property legally described as Lot 1, Shadow Lake Replat 2, generally located SW of S 72<sup>nd</sup> St and Ponderosa Drive. The applicant is Sheltering Tree, Inc. (Sheltering Tree)  
**MISC-19-0034**

Chairwoman Hoch opened the public hearing.

Denise Gehringer, PO Box 4990 (Omaha), stepped forward to represent the applicant. She explained that Sheltering Tree provides independent living facilities for individuals with developmental or intellectual disabilities. She added that many of the individuals that she seeks to serve already live in the community as the Papillion La Vista School District has a wide array of programs and services for such individuals.

Ms. Gehringer explained that Sheltering Tree operates two local facilities in Bellevue and Benson, and noted that the Bellevue location is currently seeking an expansion due to its success. She added that the facilities are built without debt with the help of grants and other funding sources. She gave a brief history of Sheltering Tree as an organization.

Ms. Gehringer stated that resident safety is high priority for the organization as they offer supportive housing with 24 hour supervision from live-in resident advisors. She offered a brief overview of the function of such resident advisors. She added that Seldin Company manages the facilities.

Chairwoman Hoch called for proponents and opponents. Seeing no further input, Chairwoman Hoch closed the public hearing and called for Commission Discussion.

Mr. Hrabik asked whether the parking lot complies with the required fire turnaround requirements. Mr. Goff answered in the affirmative.

Mr. Carson asked whether the engineers had a site elevation plan. He asked whether the height of the building would interfere with the electric lines that are over the site. Dustin Henson with Thompson Dreessen & Dornier, Inc., 10836 Old Mill Road (Omaha), stated that he did not have a site elevation plan but did not anticipate that there would be any interference with power lines.

Mr. Carson asked about pedestrian access at the site. Ms. Gehringer stated that the walking distance to Shadow Lake Towne Center would not be an issue for most residents. She added that residents served by Sheltering Tree may also receive transportation by other means. She noted that access to nearby entertainment and employment for residents was a key component in choosing this site.

Mr. Carson asked whether any of the residents would be placed at Sheltering Tree by court order. Ms. Gehringer explained that Sheltering Tree is not designed to support individuals with aggression issues or mental health related illnesses. She summarized that all residents are vetted prior to moving into the facility.

Mr. Carson asked for a timeline for sidewalk along S 72<sup>nd</sup> Street from the site to Shadow Lake Towne Center. Mr. Goff and Mr. Stursma noted that a pedestrian connection to Shadow Lake Towne Center already exists along Lakeview Drive. They added that a trail along S 72<sup>nd</sup> Street is forthcoming, however, the timeline for such improvement is unknown.

Chairwoman Hoch asked whether most residents would be single or married. She noted that the units would be quite small for a couple. Ms. Gehringer noted that Sheltering Tree abides by the Fair Housing Act; however, most residents at their existing facilities are single.

Mr. Hrabik asked whether the buildings would contain a fire sprinkler system. Mr. Stursma answered in the affirmative.

With no further discussion, **Motion** was made by Mr. Robinson III, seconded by Mr. Carson, to recommend approval of the Mixed Use Development Agreement for Sheltering Tree (MISC-19-0034) because it is generally consistent with the Comprehensive Plan as amended, compatible with adjacent uses, and compliant with Zoning regulations, contingent upon the resolution of staff comments. Roll Call: Seven yeas, no nays. Motion carried.

**Preliminary Plat & Change of Zone** – A Preliminary Plat and Change of Zone from AG Agricultural to LI Limited Industrial for the property legally described as the NE ¼ of Section 3, T13N, R11E of the 6th P.M., Sarpy County, NE, generally located SW of S 156th St and Schram Rd. The applicant is DAMMM Land, LLC. (TJ2 Industrial Park) **PP-19-0008; CZ-19-0009**

**Chairwoman Hoch noted that the applicant withdrew its applications, therefore, no action is required from the Planning Commission.**

**Ordinance No. 1867** – A request to amend § 205-11 of Article II (Development Definitions), § 205-18 of Article III (Use Types), and Table 205-38 of Article IV (Zoning District Regulations) all of Chapter 205 of the Papillion Zoning Ordinance having to do with Alternative Energy Production Services, Solar Energy Systems, and Utilities. The applicant is the City of Papillion. (Solar Energy Amendment) **TC-20-0001**

Chairwoman Hoch opened the public hearing.

Mark Stursma, 122 E 3<sup>rd</sup> Street, stepped forward to represent the applicant. He summarized that the City anticipates that there is potential for large scale solar energy facilities developing in Sarpy County; however, the current zoning regulations regarding Solar Energy Systems are geared toward solar energy as an accessory use. He noted that the City is worried that the current regulations may be misconstrued to permit a large scale solar energy system by right. He stated that the amendment would require a Special Use Permit for Alternative energy production devices in AG Agricultural, RE Rural Residential Estates, and LI Limited Industrial zones, where they are currently permitted by right. He justified that this would give the City an opportunity to mitigate any negative effects of such facilities. Mr. Stursma added that the amendment will also add definitions for “Passive Solar Energy System”, “Solar Collector”, and “Solar Energy System (SES)”, which come directly from Nebraska statute.

Chairwoman Hoch called for proponents and opponents. Seeing no further public input, Chairwoman Hoch closed the public hearing and called for Commission Discussion.

Mr. Carson asked how the City determines what is considered a large scale solar installation. Mr. Stursma explained that the determination is made based on the primary use of the property. He provided examples. Mr. Stursma added that the definition of “Utility” is also proposed to be amended.

Mr. Carson noted that there was a recent article in the Omaha World Herald regarding a public utility looking to construct a 3,000 plus acre solar power facility in Sarpy County. He asked whether

such a facility would be tax exempt. Mr. Stursma noted that such entities have certain rights; however, he is unsure whether such a facility would be tax exempt. He noted that a Special Use Permit would be needed to construct such a facility should the proposed zoning amendment be approved.

Chairwoman Hoch stated that she would like to promote alternative energy sources, and is hesitant to create barriers for the construction of such utilities. Mr. Stursma noted that the amendment is relatively permissive.

Mr. Hrabik noted the OPPD recently built a twenty acre solar farm near Fort Calhoun.

Ms. Emswiler asked whether the City had conversations with public interest groups such as Nebraska for Solar regarding this amendment. Mr. Stursma stated that he did not believe the City contacted such organizations, but did follow the required notification methods for an amendment to the Zoning Ordinance. He added that the amendment is not meant to discourage solar energy.

Mr. Hrabik asked whether City code addresses wind power sources. Mr. Stursma answered in the affirmative.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Mr. Hrabik, to recommend approval of Ordinance No. 1867 – Solar Energy Amendment (TC-20-0001) because of consistency with Neb. Rev. Stat. § 19-901 and Neb. Rev. Stat. §§ 66-904 through 66-906. Roll Call: Seven yeas, no nays. Motion carried.

#### **OTHER BUSINESS**

Mr. Stursma reminded the Commission of the upcoming NPZA Conference.

With no further business to come before the Commission, **Motion** was made by Mr. Hrabik, seconded by Mr. Wilson, to adjourn. The meeting adjourned by unanimous consent at 7:38 P.M.

CITY OF PAPIILLION

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Rebecca Hoch, Chairwoman