

**DRAFT MINUTES  
PAPILLION PLANNING COMMISSION MEETING  
JULY 25, 2018**

The Papillion Planning Commission met in open session at the Papillion City Hall Council Chambers on Wednesday, July 25, 2018 at 7:00 PM. Vice Chairman John E. Robinson III called the meeting to order. Planning Assistant Andrea Blevins called the roll. Planning Commission members present were Howard Carson, Raymond Keller Jr., Jim Masters, Judy Sunde, and Wayne Wilson. Herb Thompson joined the Commission at 7:25 P.M. David Barker, Rebecca Hoch, and Leanne Sotak were absent. Planning Director Mark Stursma, Assistant City Attorney Amber Rupiper, and Staff Engineer Derek Goff were also present.

Vice Chairman Robinson III led those present in the Pledge of Allegiance.

Notice of the meeting was given in advance by publication in the Papillion Times on July 11, 2018. A copy of proof of publication is on file at the office of the City Clerk.

Vice Chairman Robinson III announced that a copy of the Open Meetings Act is posted in the City Council Chambers.

**Approval of Agenda**

**Motion** was made by Ms. Sunde, seconded by Mr. Masters, to approve the agenda as presented. Roll call: Six yeas, no nays. Motion carried.

**Approval of the Planning Commission Minutes**

**Motion** was made by Mr. Carson, seconded by Mr. Wilson, to approve the June 27, 2018 minutes. Roll Call: Five yeas, no nays, one abstention by Ms. Sunde. Motion carried.

**FINAL PLATS**

**Final Plat** – A Final Plat for the property legally described as that part of the N 1/2 of the SE 1/4, the S 1/2 of the NE 1/4, the NE 1/4 of the NE 1/4, of Section 24, T14N, R12E, and that part of the SW 1/4 of Section 19, T14N, R13E, all of the 6th P.M., Sarpy County, NE, generally located east of 66th Street and Centennial Road. The applicant is MBR Development, LLC. (Pioneer View (Phase 2)) **FP-18-0001**

Ken Pollard, 14710 W Dodge Road (Omaha), stepped forward to represent the applicant. He explained that this is the second and final phase of Pioneer View. This phase will allow for another connection from the subdivision to S 66<sup>th</sup> Street and a connection to the Eagle View subdivision. He reported that 102 single-family residential lots are proposed. He added that the subdivision will allow for connectivity between the area parks with trail systems running throughout the neighborhood.

Vice Chairman Robinson III called for discussion amongst the Commission.

Mr. Carson inquired as to the estimated sale price of homes within Pioneer View compared to adjacent subdivisions. Mr. Pollard estimated that the homes in Pioneer View would be valued at approximately \$376,000. He added that the developer has some purchase agreements for the

lots in phase one and the lots are averaging approximately \$79,000. He stated that he was unaware of the valuations in adjacent subdivisions.

With no further discussion, **Motion** was made by Mr. Keller, seconded by Mr. Carson, to recommend approval of the Pioneer View (Phase 2) Final Plat (FP-18-0001) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, and compliant with Subdivision and Zoning Regulations, contingent upon the resolution of staff comments. Roll Call: Six yeas, no nays. Motion carried.

**Final Plat** – A Final Plat for the property legally described as Lots 236, 237, and 238, Tara Heights, a subdivision in Sarpy County, NE, and Tax Lot A1B1C in the SE 1/4 of Section 23, T14N, R12E of the 6th P.M., Sarpy County, generally located NE of the intersection of N Washington St and Hogan Dr. The applicant is The Lund Company - Tanya Shapiro. (Tara Heights Replat One) **FP-18-0005**

***Vice Chairman Robinson III noted that discussion and consideration of this item would occur after the Motion and Vote for the Tara Height Replat One Preliminary Plat and Change of Zone.***

Upon completion of the Motion and Vote on the Tara Heights Replat One Preliminary Plat and Change of Zone, Vice Chairman Robinson III called for consideration of the Tara Height Replat One Final Plat.

Joe Dethlefs, 10836 Old Mill Road (Omaha), stepped forward to represent the applicant.

Vice Chairman Robinson III called for discussion amongst the Commission.

With no further discussion, **Motion** was made by Mr. Keller, seconded by Mr. Wilson, to recommend approval of the Tara Heights Replat One Final Plat (FP-18-0005) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, and compliant with Subdivision and Zoning Regulations, contingent upon the resolution of staff comments. Roll Call: Six yeas, no nays. Motion carried.

## **PUBLIC HEARINGS**

**Preliminary Plat** – A Preliminary Plat for the property legally described as Lots 236, 237, and 238, Tara Heights, a subdivision in Sarpy County, NE, and Tax Lot A1B1C in the SE 1/4 of Section 23, T14N, R12E of the 6th P.M., said Sarpy County, generally located NE of the intersection of N Washington Street and Hogan Drive. The applicant is The Lund Company - Tanya Shapiro. (Tara Heights Replat One) **PP-18-0003**

Vice Chairman Robinson III opened the public hearing.

Joe Dethlefs, 10836 Old Mill Road (Omaha), stepped forward to represent the applicant. He explained that the proposal seeks to plat Lots 236, 237, and 238, Tara Heights and Tax Lot A1B1C into two lots. He stated that Lot 1 is proposed to be zoned as Community Commercial (CC), and Lot 2 is proposed to be zoned as Multiple-Family Residential (R-4). Mr. Dethlefs added that all necessary public improvements are existing.

Vice Chairman Robinson III called for proponents and opponents. Seeing no further public input, Vice Chairman Robinson III closed the public hearing and called for Commission Discussion.

Mr. Carson asked whether the project was related to the Special Use Permit for a Bucky's convenience store on the northeast corner of Hogan Drive and N Washington Street. Mr. Dethlefs explained that he has no knowledge of the Bucky's project. He expressed that the proposed platting is meant to bring a garage that services the apartment complex within the boundary of the apartment complex's property. Mr. Stursma added that the garage was intended to be included in the property when Tara Heights apartments were sold and that this plat is necessary to bring the garage within the correct property. He confirmed that the preliminary plat is not related to the Bucky's project.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Ms. Sunde, to recommend approval of the Tara Heights Replat One Preliminary Plat (PP-18-0003) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, and compliant with Subdivision and Zoning Regulations, contingent upon the resolution of staff comments. Roll Call: Six yeas, no nays. Motion carried.

**Change of Zone** – A Change of Zone from Community Commercial (CC) and Multiple-Family Residential (R-4) to Community Commercial (CC) and Multiple-Family Residential (R-4) for the property legally described as Lots 236, 237, and 238, Tara Heights, a subdivision in Sarpy County, NE, and Tax Lot A1B1C in the SE 1/4 of Section 23, T14N, R12E of the 6th P.M., said Sarpy County, generally located NE of the intersection of N Washington Street and Hogan Drive. The applicant is The Lund Company - Tanya Shapiro. (Tara Heights Replat One) **CZ-18-0002**

Vice Chairman Robinson III opened the public hearing.

Joe Dethlefs, 10836 Old Mill Road (Omaha), stepped forward to represent the applicant.

Vice Chairman Robinson III called for proponents and opponents. Seeing no further public input, Vice Chairman Robinson III closed the public hearing and called for Commission Discussion.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Mr. Masters, to recommend approval of the Tara Heights Replat One Change of Zone (CZ-18-0002) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, and compliant with Subdivision and Zoning Regulations, contingent upon the resolution of staff comments. Roll Call: Six yeas, no nays. Motion carried.

**Preliminary Plat** – A Preliminary Plat for the property legally described as a tract of land located in part of the NE 1/4 of Section 29 along with part of the NW 1/4 of Section 28, and all of Outlot A, Granite Lake, a subdivision located in said Section 28, all located in T14N, R12E of the 6th P.M., Sarpy County, NE, generally located SE of 114th Street and Cornhusker Road. The applicant is Stone Creek Plaza, LLC. (Granite Falls North (Phases 3 - 5)) **PP-18-0005**

Mark Westergard, 10909 Mill Valley Road (Omaha), stepped forward to represent the applicant. He explained that this proposal is a continuation of the Granite Falls, Granite Lake, and Granite Falls North developments north of Highway 370 developed by Jerry Torczon. He displayed a composite drawing of the aforementioned area. He added that Richland Homes is the homebuilder within Granite Falls North. He advised that phases three through five propose 213 single-family residential lots over 84 acres. He detailed that the projected price range of the homes is between \$290,000 and \$320,000.

Mr. Westergard summarized that infrastructure improvements will include, but not be limited to: the construction of two additional lanes on S 114<sup>th</sup> Street, improvement of Cornhusker Road to the east of S 114<sup>th</sup> Street, an outfall sewer connection to the north (being completed with phase two of Granite Falls North), and a public trail along the OPPD corridor within the development which will complete the trail connection between Cornhusker Road and Highway 370.

Mr. Westergard added that the applicant does not have any issues with the contingencies listed in the Planning Commission Staff Report.

Vice Chairman Robinson III called for proponents and opponents. Seeing no further public input, Vice Chairman Robinson III closed the public hearing and called for Commission Discussion.

Mr. Masters offered his support to the project.

Mr. Keller asked for clarification on the timing of construction for dam site WP-7. Mr. Stursma explained that the design is completed for WP-7, and the NRD intends to go to bid this year. He added that there is a potential to see construction on WP-7 as early as 2019.

With no further discussion, **Motion** was made by Mr. Keller, seconded by Ms. Sunde, to recommend approval of the Granite Falls North (Phases 3 – 5) Preliminary Plat (PP-18-0005) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, and compliant with Subdivision and Zoning Regulations, contingent upon the resolution of staff comments. Roll Call: Six yeas, no nays. Motion carried.

**Change of Zone** – A Change of Zone from Agricultural (AG) to Single-Family Residential (Medium Density) (R-2) for the property legally described as a tract of land located in part of the NE 1/4 of Section 29 along with part of the NW 1/4 of Section 28, and all of Outlot A, Granite Lake, a subdivision located in said Section 28, all located in T14N, R12E of the 6th P.M., Sarpy County, NE, generally located SE of 114th Street and Cornhusker Road. The applicant is Stone Creek Plaza, LLC. (Granite Falls North (Phases 3 - 5)) **CZ-18-0004**

Mark Westergard, 10909 Mill Valley Road (Omaha), stepped forward to represent the applicant.

Vice Chairman Robinson III called for proponents and opponents. Seeing no further public input, Vice Chairman Robinson III closed the public hearing and called for Commission Discussion.

With no further discussion, **Motion** was made by Mr. Keller, seconded by Mr. Carson, to recommend approval of the Granite Falls North (Phases 3 – 5) Change of Zone (CZ-18-0004) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, and compliant with Subdivision and Zoning Regulations, contingent upon the resolution of staff comments. Roll Call: Six yeas, no nays. Motion carried.

**Preliminary Plat** – A Preliminary Plat for the property legally described as a tract of land located in part of Tax Lot 4, a tax lot located in the SE 1/4 of Section 1, T13N, R12E of the 6th P.M., Sarpy County, NE, generally located at 12501 S 72nd St. The applicant is BHHS Ambassador Real Estate. (Sentinel) **PP-18-0004**

Vice Chairman Robinson III recognized that the applicant and staff have requested that this agenda item be continued to a later date when the applicant and staff are ready to present it.

Vice Chairman Robinson III called for proponents.

Kyle Vohl, 10909 Mill Valley Road (Omaha), stepped forward to represent the applicant. He explained that the applicant has requested a continuance to allow more time to address the comments provided by staff. He added that the applicant intends to meet with emergency services to discuss the best means of access for the site. He noted that the current layout may change before the project is brought back before the Planning Commission.

Vice Chairman Robinson III noted that if the public hearing for this item is continued, that members of the public would be given an opportunity to express their concerns at future public hearings.

Seeing no further public input, Vice Chairman Robinson III left the public hearing open and called for Commission Discussion.

With no further discussion, **Motion** was made by Mr. Keller, seconded by Mr. Carson, to continue the public hearing for the Sentinel Preliminary Plat (PP-18-0004) to a later date when the applicant and staff are ready to present it. Roll Call: Seven yeas, no nays. Motion carried.

**Change of Zone** – A Change of Zone from Agricultural (AG) to Multiple-Family Residential (R-4) for the property legally described as a tract of land located in part of Tax Lot 4, a tax lot located in the SE 1/4 of Section 1, T13N, R12E of the 6th P.M., Sarpy County, NE, generally located at 12501 S 72nd St. The applicant is BHHS Ambassador Real Estate. (Sentinel) **CZ-18-0001**

Vice Chairman Robinson III recognized that the applicant and staff have requested that this agenda item be continued to a later date when the applicant and staff are ready to present it.

Vice Chairman Robinson III called for proponents and opponents.

Jim O'Con, 12705 S 70<sup>th</sup> Street, stepped forward to express concerns regarding the proposed connections from Sentinel through the existing Lienemann's Subdivision No. 1, Lienemann's Subdivision No. 2, Lienemann's Subdivision No. 3, and Lienemann's Subdivision No. 4 (hereinafter referenced as "Lienemann's Subdivision") to the south. He explained that such connections would negatively affect S 70<sup>th</sup> Street, S 67<sup>th</sup> Street, and the Capehart Road frontage within the aforementioned subdivision. Mr. O'Con asserted that allowing access from a higher density neighborhood into Lienemann's Subdivision would destroy the character of the neighborhood, as it is currently insulated from exterior traffic. He expressed that the neighborhood does not believe that the proposed Multiple-Family Residential (R-4) zoning is consistent with the Rural Residential Estates (RE) zoning that exists in Lienemann's Subdivision. He further expressed concerns regarding the proposed Lots 228 and 229, Sentinel, which would take access to said lots from the interior roads in Lienemann's Subdivision.

Mr. Keller noted for the public that the Planning Commission does not have a formal staff report for the project; therefore, his knowledge of the project is very limited. He added that there would be future public hearings regarding the project.

Mr. Masters asked staff to clarify the notice that staff will provide of future public hearings. Mr. Stursma explained that procedurally the City does not have to advertise for a public hearing that has been continued, as the public hearing has already been advertised. That being said, the Planning Department does advertise for continued hearings as practice.

Greg Gonzalez, 12506 S 70<sup>th</sup> Street, stepped forward to request that the applicant consider meeting with the residents of Lienemann's Subdivision prior to the next public hearing to address the potential effect of the proposed subdivision on the existing Lienemann's Subdivision. He expressed similar concerns to Mr. O'Con regarding access and the incompatibility of Multiple-Family Residential (R-4) zoning. He added that the roads within Lienemann's Subdivision are unimproved which poses a public safety risk with the proposed access to the north. He questioned how the Sentinel development could affect the existing well and septic systems in Lienemann's Subdivision, as well as the potential for erosion issues.

Kyle Vohl, 10909 Mill Valley Road (Omaha), stepped forward to represent the applicant. He explained that the development is being proposed as single-family residential, and that no multiple-family uses are proposed. He added that the applicant does intend to hold a neighborhood meeting with the residents of Lienemann's Subdivision; however, the applicant would like to meet with local emergency services regarding access prior to holding a neighborhood meeting.

Seeing no further public input, Vice Chairman Robinson III left the public hearing open and called for Commission Discussion.

With no further discussion, **Motion** was made by Mr. Keller, seconded by Mr. Carson, to continue the public hearing for the Sentinel Change of Zone (CZ-18-0001) to a later date when the applicant and staff are ready to present it. Roll Call: Seven yeas, no nays. Motion carried.

**Preliminary Plat** – A Preliminary Plat for the property legally described as a tract of land being part of the SE 1/4 of Section 31, T14N, R12E of the 6th P.M., Sarpy County, NE, generally located NW of S 120th St and Schram Road. The applicant is Ashbury Hills Development, LLC. (Ashbury Hills) **PP-17-0011**

Ms. Rupiper recognized that the public hearing for this item was previously closed at the April 25, 2018 Planning Commission, therefore, there would not be a public hearing on this item. She added that there have been changes to the Preliminary Plat since the public hearing was closed, therefore, the Vice Chairman would call for the applicant to explain the revisions to the Preliminary Plat, and then call for proponents and opponents to speak regarding the revisions. She noted that any public comment that was provided at the previous public hearings would be provided to City Council at the appropriate time.

Vice Chairman Robinson III called for the applicant to address the revisions that were made to the Preliminary Plat.

Larry Jobeun, 11440 W Center Road (Omaha), stepped forward to represent the applicant. He explained that the original Preliminary Plat proposed 292 single-family residential lots, which has been reduced to 267 single-family residential lots. He added that there are still three proposed sizes of lots; however, the number of proposed lots in each category have changed as follows: the larger lots (averaging 105 feet in width and 150 feet in depth) along the northern end of the development were reduced from 50 to 47 lots; the mid-size lots (averaging 90 feet in width and 130 feet in depth) have been reduced from 79 to 48 lots; the smaller lots (averaging 70 feet in width and 125 feet in depth) were increased from 163 lots to 172 lots; and the multi-family housing proposed within the Mixed Use (MU) zoning areas decreased from 167 units to 107 units. He also explained that a ten-acre portion of the project (proposed Lot 303) is now anticipated to develop as a school site. He explained that Outlot H is now being dedicated as park space.

Mr. Jobeun confirmed that the proposed density is consistent with the future land use designation of Low and Medium Density Residential.

Mr. Masters asked about the proposed home prices within the development. Mr. Jobeun explained that the larger lots are anticipated to be valued between \$600,000 and \$800,000; the mid-range lots are anticipated to be valued between \$400,000 and \$600,000; and the smaller lots are anticipated to be valued between \$275,000 and \$400,000.

Mr. Keller noted that there are a substantial number of contingencies listed in the Planning Commission Staff Report. Mr. Jobeun summarized that the bulk of the aforementioned comments stem from technical deficiencies that the applicant is confident can be resolved.

Mr. Carson mirrored Mr. Keller's concerns regarding the number of contingencies listed in the Planning Commission Staff Report. He asked whether the proposed school site has the potential to cause any negative impact on the financial feasibility of the project. Mr. Jobeun explained that the school district would assist in paying for public infrastructure. He added that the school site would likely increase the absorption of the surrounding lots. He summarized that the addition of the school site is helpful to the development of this project.

Mr. Masters asked the applicant to explain his plan if the school district decides not to purchase Lot 303. Mr. Jobeun affirmed that the applicant is confident that the school district will ultimately move forward with this site.

Vice Chairman Robinson III called for proponents and opponents to speak to the revisions to the Preliminary Plat.

Jeff Stearnes, 12313 Slayton Street, stepped forward to commend the applicant for his willingness to work with the neighbors in Ashbury Farm to create a development that is amenable to the adjacent subdivision. He offered his support of the project due to the proposed lower density, additional park space, trail system, school site addition, and street layout improvements.

Vice Chairman Robinson III called for discussion amongst the Commission.

Mr. Masters commended the applicant and the neighbors in Ashbury Farm for their collaborative efforts.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Ms. Sunde, to recommend approval of the Ashbury Hills Preliminary Plat (PP-17-0011) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, and compliant with Subdivision and Zoning Regulations, contingent upon the resolution of staff comments. Roll Call: Seven yeas, no nays. Motion carried.

**Change of Zone** – A Change of Zone from Agricultural (AG) to Multiple-Family Residential (R-4) and Mixed Use (MU) for the property legally described as a tract of land being part of the SE 1/4 of Section 31, T14N, R12E of the 6th P.M., Sarpy County, NE, generally located NW of 120th Street and Schram Road. The applicant is Ashbury Hills Development, LLC. (Ashbury Hills) **CZ-17-0014**

Larry Jobeun, 11440 W Center Road (Omaha), stepped forward to represent the applicant. He reiterated that the multiple-family residential portion of the proposed development decreased substantially since the project was last in front of the Planning Commission. He noted that the

proposed school site (Lot 303) would fall within the Multiple-Family Residential (R-4) zoning district.

Mr. Carson asked how the proposed anticipated total taxable valuation of land and improvements is calculated. He noted that the Preliminary Plat application shows the anticipated total taxable valuation for this project as \$22,799,170 for the land and \$91,196,680 for improvements. Mr. Jobeun explained that the costs for improvements encompasses all public infrastructure, which includes but is not limited to the following: improvements to S 126<sup>th</sup> Street from Founders Ridge to Schram Road; improvements to Schram Road along the project frontage; improvements to all other internal streets including S 120<sup>th</sup> Street and Gold Coast Road; and a sixteen inch water line along Schram Road. Mr. Jobeun affirmed that Kuehl Capital foresees that this project is fiscally feasible.

Mr. Jobeun pointed out that the Mixed Use (MU) area in the southwest portion of the project proposed to develop as self-storage and soccer fields.

Vice Chairman Robinson III called for proponents and opponents. Seeing no further public input, Vice Chairman Robinson III closed the public hearing and called for Commission Discussion.

Mr. Wilson asked whether school is a permitted use in the proposed R-4 zoning district. Mr. Stursma answered in the affirmative.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Mr. Masters, to recommend approval of the Ashbury Hills Change of Zone (CZ-17-0014) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, and compliant with Subdivision and Zoning Regulations, contingent upon the resolution of staff comments. Roll Call: Seven yeas, no nays. Motion carried.

**Comprehensive Plan Amendment** – A Change of Zone from Agricultural (AG) to Multiple-Family Residential (R-4) and Mixed Use (MU) for the property legally described as a tract of land being part of the SE 1/4 of Section 31, T14N, R12E of the 6th P.M., Sarpy County, NE, generally located NW of 120th Street and Schram Road. The applicant is Ashbury Hills Development, LLC. (Ashbury Hills) **CPA-18-0001**

Larry Jobeun, 11440 W Center Road (Omaha), stepped forward to represent the applicant. Mr. Jobeun noted that the applicant should provide certain exhibits to staff as a part of this application. Mr. Stursma thanked the applicant for submitting the Comprehensive Plan Amendment application although it was not required. He suggested that a map connected to an existing Comprehensive Plan Amendment needed to be referenced.

Vice Chairman Robinson III called for proponents and opponents. Seeing no further public input, Vice Chairman Robinson III closed the public hearing and called for Commission Discussion.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Mr. Keller, to recommend approval of the Ashbury Hills Comprehensive Plan Amendment (CPA-18-0001) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, and compliant with Subdivision and Zoning Regulations, contingent upon the resolution of staff comments. Roll Call: Seven yeas, no nays. Motion carried.

**OTHER BUSINESS**

Mr. Stursma informed the Commission that there would be an Urban Design Tour on Saturday, August 11, 2018 as a part of the pending Comprehensive Plan update.

With no further business to come before the Commission, **Motion** was made by Ms. Sunde, seconded by Mr. Thompson, to adjourn. The meeting adjourned by unanimous consent at 8:21 PM.

CITY OF PAPILLION

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Rebecca Hoch, Chairwoman