

MINUTE RECORD

PAPILLION PLANNING COMMISSION MEETING FEBRUARY 23, 2022

The Papillion Planning Commission met in open session at the Chrysalis Event Center in Papillion Landing on Wednesday, February 23, 2022 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, Judy Emswiler, Jim Hrabik, Raymond Keller Jr., John E. Robinson III, and Herb Thompson. Jim Masters, Leanne Sotak, and Wayne Wilson were absent. Planning Director Mark Stursma, City Planner Michelle Romeo, Staff Engineer Derek Goff, and Assistant City Attorney Carla Heathershaw-Risko 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 Sarpy County Guide on February 11, 2022. 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 Council Chambers.

Approval of Agenda

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

Approval of the Planning Commission Minutes

Motion was made by Mr. Hrabik, seconded by Ms. Emswiler, to approve the January 26, 2022 minutes. Roll Call: Five yeas, no nays, two abstentions from Mr. Keller and Mr. Robinson III. Motion carried.

FINAL PLATS

Final Plat – A request for a Final Plat for the property legally described as part of the NW ¼ of the NE ¼ and part of the NE ¼ of the NE ¼ of Section 29, T14N, R12E of the 6th P.M., Sarpy County, NE, generally located on the SE corner of S 114th St and Cornhusker Rd. The applicant is Stone Creek Plaza, LLC. (Granite Falls North (Phase 4)) **FP-22-0001**

Chairwoman Hoch called for the applicant.

Doug Walter, 10909 Mill Valley Road, Suite 100 (Omaha), stepped forward to represent the applicant and offered to answer any questions.

Chairwoman Hoch called for discussion amongst the Commission.

With no further discussion, **Motion** was made by Mr. Keller, seconded by Ms. Emswiler, recommend approval of the Granite Falls North (Phase 4) Final Plat (FP-22-0001) because it is generally consistent with the Comprehensive Plan, 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

Preliminary Plat – A request for a Preliminary Plat for the property legally described as a tract of land located in part of the S1/2 of the NW1/4 of Section 1, excluding any right-of-way dedication needed for S 72nd Street, S 71st Street, and Ponderosa Drive, all located in T13N, R12E of the 6th P.M., Sarpy County, NE, generally located SE of S 72nd Street & Ponderosa Drive. The applicant is Papio Park, LLC. (Seventy Two Place South) **PP-21-0008**

Chairwoman Hoch opened the public hearing.

Jason Thiellen, 10909 Mill Valley Road, Suite 100 (Omaha), stepped forward to represent the applicant. He explained that the proposed plat spans the 70 acre parcel to the south of Seventy Two Place, and would be a continuation of the Seventy Two Place product. 156 single-family residential lots and two multiple-family residential/missing middle residential lots are proposed. Mr. Thiellen asked staff to display a master plan exhibit, and explained that a regional park is proposed in the area and 66th Street is proposed to be realigned. He stated that the applicant is confident he can address the contingencies in the Planning Commission Staff Report.

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

Mr. Carson asked staff whether the applicant's master plan was accurate in terms of the proposed regional park and alignment of 66th Street. He inquired about timing and financing for these improvements. Mr. Stursma explained that in order to achieve the proposed park, each parcel surrounding the area would need to dedicate a certain amount of acres to the park. He noted that it would be difficult to get the proposed high school to the south to dedicate land since they area already providing a public service. He added that the alignment of 66th Street around the proposed park makes it so there is not a major street separating the school and park sites. Mr. Stursma added that the timing of improvements would depend on how and when the surrounding parcels develop.

Mr. Carson asked why the applicant is not being asked to create a park within the development. Mr. Stursma reiterated that the surrounding parcels would contribute to the park once developed.

Ms. Emswiler noted that the applicant's master plan is conceptual in nature, and asked whether 66th Street might be improved with a direct north-south road. Mr. Stursma stated that if the park and 66th Street alignment shown in the applicant's master plan are approved, right-of-way would not be dedicated as a direct north-south roadway. He added that a direct north-south orientation would require right-of-way from Lienemann estate lots, and would not align with the proposed continuation of 66th Street through the proposed Oak Leaf project.

Chairwoman Hoch asked whether there would be direct access into the proposed high school site from this neighborhood. Mr. Thiellen answered in the affirmative.

Chairwoman Hoch asked whether a traffic signal improvement might be required on S 72nd Street to accommodate the development. Mr. Thiellen stated that a signal would be proposed at Ponderosa Drive.

Mr. Carson asked for clarification on Section III(D)(12) of the Planning Commission Staff Report regarding an inconsistency between the proposed street network on the northeast corner of this development and the southeast corner of Seventy Two Place. Mr. Stursma noted that one of the plats would need to be revised to fix the inconsistency.

Mr. Hrabik asked whether the proposed regional park would be funded by contributions from the City, surrounding SID's, and Papillion La Vista Schools. Mr. Stursma stated that he could not guarantee which entities would contribute to the park. He added that the City will continue to work with the proper entities.

Mr. Hrabik asked what would happen if the SIDs do not want to take on the contribution cost in the future. Larry Jobeun, 11440 W Center Road #C (Omaha), stated that the future contribution would be outlined in the subdivision agreement as a pre-planned expense.

With no further discussion, **Motion** was made by Mr. Hrabik, seconded by Mr. Robinson III, to recommend approval of Seventy Two Place Preliminary Plat (PP-21-0008) because it is generally consistent with the Comprehensive Plan as amended by CPA-22-0001, compatibility with adjacent uses, and compliance with the Zoning and Subdivision regulations, contingent upon the resolution of staff comments. Roll Call: Seven yeas, no nays. Motion carried.

Change of Zone – A request for a Change of Zone from AG Agricultural to R-4 Multiple-Family Residential for the property legally described as a tract of land located in part of the S1/2 of the NW1/4 of Section 1, excluding any right-of-way dedication needed for S 72nd Street, S 71st Street, and Ponderosa Drive, all located in T13N, R12E of the 6th P.M., Sarpy County, NE, generally located SE of S 72nd Street & Ponderosa Drive. The applicant is Papio Park, LLC. (Seventy Two Place South) **CZ-21-0011**

Chairwoman Hoch opened the public hearing.

Jason Thiellen, 10909 Mill Valley Road, Suite 100 (Omaha), stepped forward to represent the applicant and asked that the testimony for the Preliminary Plat be carried over to this item.

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

With no further discussion, **Motion** was made by Mr. Robinson III, seconded by Mr. Hrabik, to recommend approval of Seventy Two Place Change of Zone (CZ-21-0011) because it is generally consistent with the Comprehensive Plan as amended by CPA-22-0001, compatibility with adjacent uses, and compliance with the Zoning and Subdivision regulations, contingent upon the resolution of staff comments. Roll Call: Seven yeas, no nays. Motion carried.

Preliminary Plat – A request for a Preliminary Plat for the property legally described as Tax Lot 9, and also Tax Lot 1B, and also Tax Lot 2, all being tax lots located in the SE ¼ of the NE ¼, and also the SW ¼ of the NE ¼, and also the NE ¼ of the SE ¼, and also the SW ¼ of the SE ¼, and also the NW ¼ of the SE ¼, all located in Section 3, T13N, R12E of the 6th P.M., Sarpy County, NE, generally located SW of S 84th Street & Schram Road. The applicant is Richland Homes, LLC. (Shadow Creek) **PP-22-0001**

Chairwoman Hoch opened the public hearing.

Chairwoman Hoch announced that written public comment regarding this project has been received from Jimm Murray, 802 Summit Ridge Drive, and John Rathfon, 702 Summit Ridge Drive). She acknowledged that copies of such comment were provided to the Planning Commission.

Mark Westergard, 10909 Mill Valley Road, Suite 100 (Omaha), stepped forward to represent the applicant. He stated that the proposed development spans approximately 121 acres southwest of S 84th Street and Schram Road. 268 single-family residential lots and one multiple-family residential/missing middle lot are proposed. He added that typical lot size within the development would be between 64 and 80 feet wide, and 125 to 130 feet in length. He added that the project is flanked on the western side by S 90th Street right-of-way already dedicated by Summit Ridge, noting that this development would dedicate the other half of 90th Street right-of-way along its border. He suggested that 84th Street right-of-way along the eastern side of the development is largely improved already.

Mr. Westergard stated the multiple-family residential/missing middle lot consists of a 13 acre parcel that is proposed to develop as a single-family attached use.

Mr. Westergard explained that the applicant is requesting R-4 Multiple-Family Residential zoning because this allows some flexibility regarding the buildable area of a lot.

Mr. Westergard noted that 90th Street would be improved from Schram Road to Summit Ridge Drive with the first phase of the project. He added that Summit Ridge have an obligation to cost share on 90th Street improvements. He suggested that the continuation of S 90th Street will benefit the Summit Ridge subdivision by providing another major access to Schram Road.

Mr. Westergard explained that Hubbell Realty and BHI Companies are collaborating on this project. BHI Companies intends to build on the northern half of the property, and Hubbell Companies plan to build on the southern half.

Mr. Westergard stated that the applicant intends to provide a neighborhood park with trail along the existing railroad right-of-way. He added that a natural trail is proposed within the OPPD easement that bisects the property. He explained that the meeting point of the two trails provides a logical place for a park.

Mr. Westergard stated that Shadow Creek would be developed with a gravity sewer system. He stated that the infrastructure needed to provide this system would also make it possible for Summit Ridge to remove their lift station, and connect to the gravity sewer.

Mr. Westergard stated that the property currently falls within the Springfield Platteview School District; however, the applicant has petitioned to be moved to the Papillion La Vista School District.

Mr. Westergard stated that grading on the site would not begin until at least Fall 2022. He added that the first building permits would likely be submitted some time in 2023 or 2024, and that 90th Street right-of-way would likely be constructed in 2023 with the other necessary public improvements.

Chairwoman Hoch called for proponents and opponents.

Mike Norris, 2425 Corn Drive, stepped forward to express concerns regarding the multiple-family residential zoning designation and the possibility of the larger lot being developed as apartments. He expressed concerns regarding the intersection of S 84th Street and Corn Drive noting that the development will impact traffic at that intersection. He suggested that the proposed park is not consistent with the Parks Plan, and expressed concerns regarding tree mitigation.

Beth Norris, 2425 Corn Drive, stepped forward to express concerns regarding the additional traffic load the development will bring to the area with specific concerns regarding the intersection of S 84th Street and Corn Drive. She suggested that there is already a dangerous amount of traffic at this intersection and a traffic signal may already be warranted. She inquired as to where construction equipment will access the site. She provided some data regarding traffic accidents at intersections in Sarpy County, noting that her son was involved in a fatal car accident at an intersection. She suggested that the applicant is trying to “cut corners” regarding the neighborhood park and public safety.

Robert Conn, 2311 S River Rock Drive, stepped forward to express concerns regarding the additional traffic that will be created at the intersection of S 84th Street and Corn Drive. He asked for clarification on the dedicated public right-of-way for S 90th Street abutting Summit Ridge. He expressed concerns about the possibility of the development being split between two SIDs. He noted that the proposed trail in the old railroad right-of-way would have some low spots, and asked whether lighting would be provided.

Gwyn Jarrett, 8901 Schram Road, inquired about the price range of the proposed single-family residential home. She asked how many residential units are planned for the multiple-family residential lot. She asked whether there would be a requirement for a certain percentage of lots or units to provide for affordable housing. She expressed concerns about stormwater detention and management.

Gabriel Schlueter, 2416 S River Rock Drive, and expressed concerns about the validity of a traffic study when the extra cars are not present. She suggested that traffic through the surrounding developments would depend on which schools this neighborhood would attend. She communicated concerns about the (small) size of the proposed park and greenspace. She implied that the OPPD easement may not be the best location for a playground because of possible EMF exposure. Ms. Schlueter inquired about the timing of sidewalk improvements. She generally disagrees with the R-4 Multiple-Family Residential Zoning request, and stated that there should be more detail regarding the development of the lot reserved for missing middle housing. She

advocated that the applicant provide more information prior to a Planning Commission vote on the application.

Marvin Leaders, 13901 Schram Road, stepped forward to express concerns regarding stormwater runoff/management. He inquired about the location of the proposed sewer lines.

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

Mr. Westergard stated that the applicant has no intent of developing the 13 acre missing middle parcel as traditional multi-family. He added that the applicant will continue to work with the City to find the best solution for that parcel. He implied that the proposed location of the park is the City's preferred location. He stated that he was unsure whether the trail would be lit. He added that sidewalk and trail improvements along S 90th Street would be completed with the public improvements.

In regards to drainage and stormwater runoff, Mr. Westergard referred to the Drainage Study. He added that there are existing culverts under the railroad right-of-way that are currently only rated to handle a 10 – 25 year storm event. He added that the applicant intends to work with the property owner to the south to resolve the issue.

Mr. Westergard stated that the Hubbell homes will be similar to those in SumTur Crossing with a price range of \$370,000 - \$500,000. He added that the BHI Companies product would be similar to the homes in Shadow Lake and Granite Lake with a price range of \$450,000 - \$700,000.

Mr. Hrabik indicated that S 90th Street should be installed prior to construction equipment being brought to the site in order to mitigate traffic.

Mr. Carson asked whether the construction of S 90th Street from Summit Ridge Drive to Schram Road would be a day one improvement. He asked what entity has the authority to warrant a traffic signal at S 84th Street and Corn Drive. Mr. Goff stated that he believe the traffic signal would fall under City purview. He added that Traffic Impact Studies provide a conceptual projection for added traffic, and the City's consultant tends to be conservative in reviewing the studies. He suggested that grading the site will not produce a lot of traffic, and that it is likely inevitable that the initial construction traffic will access the site from S 84th Street.

Chairwoman Hoch asked for clarification regarding the existing easement for S 90th Street adjacent to Summit Ridge. Mr. Goff stated that half of the necessary right-of-way was dedicated by Summit Ridge when it was platted. He noted that the other half would be dedicated by Shadow Creek.

Mr. Thompson expressed sympathy for the Norris' family's loss. He added that the Planning Commission recognizes a need for public safety. He asked for clarification regarding the R-4 zoning request. He asked whether there would be a certain percentage of affordable housing available in the subdivision. Mr. Westergard answered that the proposed housing would be market-rate. He explained that the R-4 zoning designation offers more buildable area on a lot.

Chairwoman Hoch asked staff how density is calculated. Mr. Stursma offered a brief overview. Chairwoman Hoch asked whether the lower density of the single-family residential would mitigate the overall density of the development. Mr. Stursma answered in the affirmative stating that the overall density is low.

Ms. Emswiler asked for clarification regarding the improvement of S 90th Street. Mr. Westergard stated that S 90th Street would be improved from Schram Road to Summit Ridge Drive with phase one public improvements. He noted that cross connections into the Summit Ridge neighborhood would be made as the other phases are constructed.

Chairwoman Hoch asked why the applicant is considering two separate SIDs. Mr. Westergard stated that the timing of build out for either developer may not be the same.

Chairwoman Hoch asked about the purpose of the proposed Outlot D. Mr. Westergard stated that Outlot D would contain a sanitary sewer connection, and that there would be an easement there regardless of the outlot.

Mr. Carson asked which streets would go through once the property to the north develops.

Chairwoman Hoch asked staff whether a temporary signal could be installed at the intersection of S 84th Street and Corn Drive. Mr. Goff noted that it is not typical install such improvements until warranted.

Chairwoman Hoch stated that she has concerns about traffic on S 84th Street. She added that the integration of parks within a power easement is common and a good use of uninhabitable space. She asked staff whether the City lights its existing trails. Mr. Stursma stated that he is only aware of lights in tunnel underpasses. Mr. Westergard stated that the applicant will know more about the necessary public improvements once the traffic study is complete.

Mr. Hrabik questioned the validity of traffic impact studies. He reiterated that he believes S 90th Street should be installed prior to any other activity on the site. He asked if gravel is an option if the applicant will not pave until later. Mr. Goff stated that rock would not be allowed, noting the staff would work with the applicant regarding S 90th Street.

Chairwoman Hoch suggested that the Planning Commission cannot mandate a traffic signal, but can recommend that the City Council make a signal a condition of the final plat.

Mr. Keller stated that he was uncomfortable recommending approval of an application with so many contingencies. Mr. Stursma noted that the Planning Department changed its process within the past few years, and the applicants do not typically get an opportunity to revise deficiencies prior to Planning Commission. Mr. Keller, Mr. Carson, and Mr. Hrabik advocated for a change in the process that would allow applicants to make revisions prior to Planning Commission.

Chairwoman Hoch offered a few options in regards to the type of motion to be made.

Ms. Emswiler and Mr. Robinson III offered support to the project.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Ms. Emswiler, to recommend approval of the Shadow Creek Preliminary Plat (PP-22-0001) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, and compliant with the Zoning and Subdivision Regulations, contingent upon the resolution of staff comments. Roll Call: Six yeas, one nay by Mr. Hrabik. Motion carried.

Change of Zone – A request for a Change of Zone from AG Agricultural to R-4 Multiple-Family Residential for the property legally described as Tax Lot 9, and also Tax Lot 1B, and also Tax Lot 2, all being tax lots located in the SE ¼ of the NE ¼, and also the SW ¼ of the NE ¼, and also the NE ¼ of the SE ¼, and also the SW ¼ of the SE ¼, and also the NW ¼ of the SE ¼, all located in Section 3, T13N, R12E of the 6th P.M., Sarpy County, NE, generally located SW of S 84th Street & Schram Road. The applicant is Richland Homes, LLC. (Shadow Creek) **CZ-22-0001**

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Mark Westergard, 10909 Mill Valley Road, Suite 100 (Omaha), stepped forward to represent the applicant.

Chairwoman Hoch called for proponents and opponents.

Robert Conn, 2311 S River Rock Drive, and asked about the notices that were mailed to property owners within 300 feet of the site. He suggested that notices be sent to the entire Summit Ridge subdivision.

Gabriel Schlueter, 2416 S River Rock Drive, stepped forward to reiterate her opposition to the R-4 zoning designation.

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

With no further discussion, **Motion** was made by Mr. Carson, seconded by Mr. Robinson III, to recommend approval of the Shadow Creek Change of Zone (PP-22-0001) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, and compliant with the Zoning and Subdivision Regulations, contingent upon the resolution of staff comments. Roll Call: Six yeas, one nay by Mr. Hrabik. Motion carried.

OTHER BUSINESS

Mr. Stursma gave an update on the City Hall renovation.

With no further business to come before the Commission, **Motion** was made by Mr. Keller, seconded by Mr. Hrabik, to adjourn. The meeting adjourned by unanimous consent at 9:27 P.M.

CITY OF PAPILLION



Rebecca Hoch, Chairwoman