

**DRAFT MINUTES
PAPILLION PLANNING COMMISSION MEETING
FEBRUARY 24, 2021**

The Papillion Planning Commission met in open and public session on Wednesday, February 24, 2021 at 7:00 PM via Zoom Video Conference pursuant to Executive Order 20-36 issued by Governor Ricketts on November 25, 2020 as extended by Executive Order 21-02 on January 11, 2021. 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, Herb Thompson, and Wayne Wilson. Jim Masters was absent. Alternate member Leanne Sotak was not required to attend. Planning Director Mark Stursma, City Planner Michelle Romeo, Assistant City Attorney Carla Heathershaw Risko, 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 February 10, 2021. 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 on the City's website www.papillion.org.

Approval of Agenda

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

Approval of the Planning Commission Minutes

Motion was made by Mr. Robinson III, seconded by Mr. Thompson, to approve the January 27, 2021 minutes. Roll Call: Seven yeas, no nays, one abstention from Mr. Keller. Motion carried.

PUBLIC HEARINGS

Preliminary Plat – A request for a Preliminary Plat for the property legally described as Tax Lot 7C in the NE ¼ of Section 28, together with that part of Tax Lot 14B1 in the NW ¼ of Section 27, both in T14N, R12E of the 6th P.M., Sarpy County, NE, generally located E of S 96th St and Cornhusker Rd. The applicant is Bellino Harrison St Property, LLC. (Bellino at Cornhusker) **PP-20-0004**

Chairwoman Hoch opened the public hearing.

Pat Sullivan, 1246 Golden Gate Drive, stepped forward to represent the applicant. Mr. Sullivan explained that the concept for this development is unique to Papillion in that it will create a live/work environment with multiple-family units above commercial uses with primarily underground parking facilities. He noted that the end number of multiple-family units versus commercial units is conceptual. Mr. Sullivan asked for the site plan and elevations to be displayed. He stated that the applicant is confident that the contingencies listed in the Planning Commission Staff Report can be resolved.

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

Mr. Hrabik expressed concerns regarding traffic generation from the project and access along S 96th Street. He asked whether a Traffic Impact Study had been performed at this location. Mr. Sullivan stated that many traffic studies have been performed along this corridor, and the area is anticipated to develop with a higher density per the Comprehensive Plan. He affirmed that the current design of S 96th St anticipates a higher volume of traffic. He added that the project is meant to create a walkable community for this development and the surrounding neighborhoods.

Mr. Hrabik expressed additional concerns regarding additional traffic on Lincoln Street. Mr. Sullivan stated that he anticipates that most traffic from the site will be north and south on S 96th Street. Joe Dethlefs, 10836 Old Mill Road (Omaha), stepped forward as a representative of the applicant and stated turn lanes from S 96th Street into the site are anticipated. He confirmed that there is no direct connection from this project to Lincoln Street. Finally, Mr. Dethlefs added that traffic signals are anticipated at Osprey Lane when warranted.

Mr. Keller asked the developer to provide more information regarding the proposed commercial portions of the project. Mr. Sullivan explained that the first floor of the building proposed on Lot 1 will largely be occupied by compatible commercial uses such as laundry, limited food sales, or restaurants. He added that Lots 2-4 are anticipated to be multiple-family residential only, and that Lots 5-6 may include additional commercial uses on the first floor depending on demand. He stated that Lot 7 will likely be the clubhouse for the multiple-family units.

Chairwoman Hoch inquired to the type of units proposed. Mr. Sullivan stated that there would be one and two bedroom units with underground parking and elevators.

Ms. Emswiler offered her support to the project.

Chairwoman Hoch asked whether the permitted uses list would be adjusted. Mr. Sullivan stated that the developer will work with the City to create an appropriate list that allows for some flexibility on Lots 5-6.

Mr. Robinson III offered his support for the project and inquired which public improvements the developer is requesting City funding for. Mr. Sullivan stated that the applicant considered developing the site as a Sanitary and Improvement District (SID), noting that he would like to avoid doing so as this prevents annexation and can be burdensome in the long run. He stated that the applicant is willing to agree to immediate annexation, which would allow the City to collect sales taxes from construction and property tax. He stated that in exchange the developer is asking for financial assistance with some of the public improvements. He anticipated that such contributions would be paid back to the City within ten years with tax revenue from the project.

Chairwoman Hoch noted that the property currently sits lower than S 96th Street and is in the floodplain. She asked what the view would be for the lowest level of apartments facing S 96th Street. Mr. Sullivan noted that the units on Lot 1 would be well above grade, as the first floor of the building would be comprised of underground parking, the second floor (above grade) would

largely be reserved for commercial uses, and multiple-family residential would begin on the third floor higher than the road. Mr. Dethlefs added that the view for the buildings proposed to be developed exclusively as multiple-family residential would be at or slightly above S 96th Street.

Chairwoman Hoch asked how floodwaters are anticipated to impact the underground parking and whether there is a plan to mitigate contaminants from vehicles in case of a flood event. Mr. Dethlefs explained that the garages are meant to be flooded, and that the applicant is working with the P-MRNRD to fine tune the design. He noted that the design includes flood valves to release the water as flood levels decrease. He noted that the garages will include storm drains that may filter the contaminants and that overland flow will be filtered by the vegetative areas on the site and along the creek.

Chairwoman Hoch asked how floodwaters would be released from the garages. Mr. Dethlefs explained that there will be storm sewer inlets in the garage and outside. He added that two underground systems are contemplated to discharge waters into Walnut Creek and the Papillion Creek after being filtered. Doug Dreessen, 10836 Old Mill Road (Omaha), added that the water in the garage would be metered out at a slower rate and would not bypass to the creek. He noted that this water would receive more treatment than typical surface runoff.

Mr. Thompson inquired about the prices of the apartments. Joe Chase, 501 Olson Drive, explained that the rent would be slightly higher than Lux 96 and Axis at Lincoln Way as this property would offer more amenities to justify the price, adding that the units will be larger with larger balconies and covered parking. He established that the property would be managed by Lund Company.

Mr., Hrabik asked about the elevation of the underground parking. Mr. Dethlefs stated that the garages would be twelve to fourteen feet below S 96th Street.

Mr. Hrabik asked staff to weigh in on his concerns about traffic. Derek Goff stated that the project will only access a four-lane arterial to prevent overwhelming the surrounding neighborhoods. He added that Cornhusker Road will eventually extend west to S 120th Street, and will act as a collector for the area. Mr. Stursma noted that S 96th Street was designed to handle the load of additional development and that development is needed to pay for road improvements. He added that the project directly accesses S 96th Street, which is an arterial.

Mr. Carson offered his support of the project. He asked how many residential units are anticipated in comparison to Lux 96 and Axis at Lincoln Way. Mr. Sullivan and Mr. Chase stated that 600 multiple-family residential units are anticipated on the subject property. He added that Axis anticipates 200-300 units, and Lux 96 will have just under 400 units with the completion of its final phase.

Mr. Carson referenced the request to reduce the setbacks for building four on Lot 2 to zero feet and asked how close such building would be to the trail. Mr. Dethlefs stated that the trail is located approximately fifty feet from the property line. Mr. Carson asked whether the trees lining the creek on the east side of the property would remain. Mr. Dethlefs answered in the affirmative and added that a three-to-one setback buffer exists along the creek to allow for necessary improvements.

Mr. Carson asked whether there is a timeline for widening Portal Road. Mr. Goff stated that the City is looking for funding for this project. He added that Lincoln Road is improved to its maximum, and is designed to slow down traffic.

With no further discussion, **Motion** was made by Mr. Thompson, seconded by Mr. Hrabik, to recommend approval of the Bellino at Cornhusker Preliminary Plat (PP-20-0004) because it is consistent with the proposed Comprehensive Plan update, compatible with adjacent uses, and compliant with Zoning and Subdivision Regulations, contingent upon the resolution of staff comments. Roll call: Eight yeas, no nays. Motion carried.

Change of Zone – A request for a Change of Zone from AG Agricultural to MU Mixed Use for the property legally described as Tax Lot 7C in the NE ¼ of Section 28, together with that part of Tax Lot 14B1 in the NW ¼ of Section 27, both in T14N, R12E of the 6th P.M., Sarpy County, NE, generally located E of S 96th St and Cornhusker Rd. The applicant is Bellino Harrison St Property, LLC. (Bellino at Cornhusker) **CZ-20-0009**

Chairwoman Hoch called for proponents and opponents.

Joe Dethlefs, 10836 Old Mill Road (Omaha), stepped forward to represent the applicant and offered to answer any additional questions.

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

With no further discussion, **Motion** was made by Mr. Hrabik, seconded by Mr. Carson, to recommend approval of the Bellino at Cornhusker Change of Zone (CZ-20-0009) because it is consistent with the proposed Comprehensive Plan update, compatible with adjacent uses, and compliant with Zoning and Subdivision Regulations, contingent upon the resolution of staff comments. Roll call: Eight yeas, no nays. Motion carried.

Preliminary Plat – A request for a Preliminary Plat for the property legally described as part of the NW ¼ of Section 4, T13N, R12E of the 6th P.M., Sarpy County, NE, generally located SW corner of Turkey Rd & Schram Rd. The applicant is Celebrity Homes. (Schram 108) **PP-21-0001**

Chairwoman Hoch opened the public hearing.

Mark Johnson, 11440 W Center Road, Suite C (Omaha), stepped forward to represent the applicant and asked staff to display the site plan. He explained that the property is proposed to develop as 267 single-family residential lots over approximately 86 acres. Seven outlots are proposed with four being reserved for storm water detention and one lot each designated for greenspace, a trail connection, and an OPPD utility easement. He added that two existing houses on the property will be removed. Mr. Johnson confirmed that access to the development would be provided at S 108th Street and Turkey Road.

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

Mr. Wilson asked whether the applicant foresees any issues in addressing the contingencies within the Planning Commission Staff Report, particularly regarding grading. Mr. Johnson stated that the applicant is confident that the contingencies can be addressed. John Coolidge, 14710 W Dodge Road (Omaha), stepped forward to represent the applicant and explained that access to the site via Turkey Road is challenged by the portion of the Walnut Creek on the east side of the development. He stated that Turkey Road needed to be shifted to the west to avoid grading on adjacent properties, however, the applicant believes it can meet the grading requirements.

Mr. Keller asked what the interior side yard setback is for the development. Mr. Johnson stated that all setbacks are consistent with R-4 Multiple-Family Residential.

Mr. Carson inquired about the target buyer and price point in the development. Mr. Johnson stated that the average valuation would be approximately \$325,000 marketed to young families. Mr. Hrabik asserted that Celebrity Homes have changed their homes in recent years to a higher end product. Mr. Johnson added that these are designer homes, rather than starter homes. Ms. Emswiler asked what the approximate price range is for a starter home in the metro area. Mr. Johnson projected that starter homes on the market are averaging \$225,000.

With no further discussion, **Motion** was made by Mr. Hrabik, seconded by Ms. Emswiler, to recommend approval of the Schram 108 Preliminary Plat (PP-21-0001) because it is 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: Eight 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 part of the NW ¼ of Section 4, T13N, R12E of the 6th P.M., Sarpy County, NE, generally located SW corner of Turkey Rd & Schram Rd. The applicant is Celebrity Homes. (Schram 108) **CZ-21-0001**

Chairwoman Hoch opened the public hearing.

Mark Johnson, 11440 W Center Road, Suite C (Omaha), stepped forward to represent the applicant and offered to answer any additional questions.

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

Mr. Wilson asked which schools this subdivision will likely impact most. Mr. Johnson stated that he was unsure. Chairwoman Hoch indicated that Ashbury Elementary, Patriot Elementary, Liberty Middle School, and Papillion-La Vista South High School are the closest.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Mr. Hrabik, to recommend approval of the Schram 108 Change of Zone (CZ-21-0001) because it is 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: Eight yeas, no nays. Motion carried.

Change of Zone - A request for a Change of Zone from GC General Commercial to MU Mixed Use for the property legally described as Lots 2 and 3, Huntington Park East Replat 1, generally located at 767 and 785 Olson Dr. The applicant is City+Ventures. (767 and 785 Olson Dr) **CZ-21-0002**

Chairwoman Hoch opened the public hearing.

Nate Burnett, 601 Old Cheney Road (Lincoln), stepped forward to represent the applicant. He explained that the applicant wishes to build a tunnel car wash on the norther portion of the subject property recognizing that freestanding car washes are prohibited within the Highway Overlay District (HOD). He explained that the use may be allowed by rezoning the property to MU Mixed Use, and working with staff on an acceptable design. He added that the southern portion of the property is proposed to develop as higher density apartments.

Adam Ramaekers, 222 S 15th Street (Omaha), stepped forward to represent the applicant. He explained that the site is challenging to develop due to its sloping grade. He emphasized that the multiple-family residential use will support Shadow Lake Towne Center. Mr. Ramaekers asserted that the MU Mixed Use zoning being requested allows the applicant some flexibility regarding use of the site, and the applicant understands that design will be vital. He stated that the applicant will work with the Fire Marshal to address his concerns.

Chairwoman Hoch called for proponents and opponents.

John Aulner, 21912 Hillandale Drive (Elkhorn), stepped forward as the owner of the adjacent property addressed as 713 Olson Drive. He explained that his property is currently developed as a traditional car wash, and asserted that he believes that the City would never allow another car wash in the HOD. He expressed opposition to the project.

Bill Black, 3363 S 220th Street (Omaha), stepped forward as the owner of the subject property noting that he has had a lot of interest in the site; however, the applicant is the first developer to move forward with entitlements. He affirmed that this project will be good for the surrounding businesses including Shadow Lake Towne Center. He suggested that this type of car wash is needed along the Highway 370 corridor, and that it has the potential to increase business to Mr. Aulner's property for those customers wishing to utilize a traditional power wash.

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

Chairwoman Hoch asked staff to discuss the prohibition of free-standing carwashes within the HOD. Mr. Stursma stated that free-standing car washes are prohibited within the HOD; however, the City has used MU Mixed Use zoning to supersede the underlying HOD restriction. He asserted that MU zoning is not used as a blanket variance because there is an expectation that the base zoning standards will be maintained or increased. The design is expected to be better as not to undermine the intent of the zoning ordinance.

Mr. Carson encouraged the applicant to be mindful of the building design as the property is prominent along the HWY 370 corridor. He asked what the applicant will do to mitigate noise from

the car wash to adjacent residential uses. Mr. Ramaekers stated that the applicant intends to make the property look nice and will work with staff on the building materials. He explained that noise from the dryers will be mitigated through the design of the building.

Mr. Hrabik expressed concerns regarding traffic on Olson Drive. Mr. Burnett stated that because the property is already zoned commercially it is likely that higher traffic generation was anticipated. He added that peak times for the apartments and the car wash uses are typically different. Mr. Ramaekers added that car wash hours would not exceed 8:00 A.M. to 8:00 P.M. and stated that car wash peak times are typically after school drop off, after lunch, and after school pick-up, and apartment peak times are typically before 8:00 A.M. and after 5:00 P.M.

Mr. Wilson asked whether the applicant reached out to the owners of neighboring properties regarding their proposal. Mr. Burnett and Mr. Ramaekers did not.

Chairwoman Hoch asked staff whether there are other projects within the HOD that have utilized MU zoning to supersede the HOD regulations. Mr. Stursma stated that the proposed Tommy Wash on the southwest corner of S 84th Street and HWY 370 is very similar. He noted that Shadow Lake Towne Center is also zoned MU, and that higher design standards were required for both projects.

Mr. Wilson asked whether existing businesses went under due to superseding certain HOD restrictions with MU zoning. Mr. Stursma stated that he did not have any data to that effect.

With no further discussion, **Motion** was made by Mr. Robinson III, seconded by Mr. Hrabik, to recommend approval of the Olson Drive Change of Zone (CZ-21-0002) because it is generally consistent with the Comprehensive Plan and compatible with adjacent uses and the desire for a mixed use corridor along Highway 370, contingent upon the resolution of staff comments. Roll call: Seven yeas, one nay by Mr. Wilson. Motion carried.

OTHER BUSINESS

Mr. Stursma discussed upcoming training that is available to the Commission.

With no further business to come before the Commission, **Motion** was made by Mr. Hrabik, seconded by Mr. Thompson, to adjourn. The meeting adjourned by unanimous consent at 8:55 P.M.

CITY OF PAPILLION

Rebecca Hoch, Chairwoman