

# MINUTE RECORD

## PAPILLION PLANNING COMMISSION MEETING MARCH 30, 2022

The Papillion Planning Commission met in open session at the Chrysalis Event Center at Papillion Landing on Wednesday, March 30, 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 Judy Emswiler, Jim Hrabik, John E. Robinson III, Leanne Sotak, and Wayne Wilson. Howard Carson and Raymond Keller Jr. were absent. Planning Director Mark Stursma, Assistant Planning Director Travis Gibbons, 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 March 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 Mr. Robinson III, 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 Mr. Thompson, to approve the February 23, 2022 minutes. Roll Call: Seven yeas, no nays. Motion carried.

### **PUBLIC HEARINGS**

**Special Use Permit Amendment** – A request to amend the Special Use Permit that allows Retirement Residential to amend the site plan and building elevation and increase the building height allowed for the “independent living” units on the eastern side of the property legally described as Lots 1 and 2, Summerfield Addition Replat 4, generally located at 740 Pinnacle Dr. The applicant is Point Development Company. (Avamere Senior Living SUP Amendment) **SUP-22-0001**

Chairwoman Hoch opened the public hearing.

Albert Castaneda, 25155 SW Parkway (Wilsonville, Oregon), stepped forward to represent the applicant. He summarized that the amendment to the Special Use Permit is needed to modify building heights on the property. He explained that the proposal asks that a three story building be permitted on the east side of the site. He added that to mitigate the impact on the neighborhood to the east, the buildings on the west side of the lot would be reduced to two stories in height. Mr. Castaneda added that the current market conditions show a demand for independent living,

therefore, the number of assisted living units would decrease, and the number of independent living unit will increase necessitating the change in building heights.

Kirk Sund, 500 Liberty Street Southeast (Salem, Oregon), stepped forward to represent the applicant. He asked staff to display the revised site plan and offered a brief overview of the project location. He reiterated the proposed changes in building heights, reassuring the public and the Planning Commission that building heights would be reduced adjacent to the existing residential neighborhood along Magnolia Drive. He explained that the windows for the independent living units mainly face north and south to mitigate any privacy concerns from the existing residential.

Mr. Sund stated that the main site entrance will access Pinnacle Drive, and Magnolia Drive will act as a secondary access point. He added that the proposed amendment eliminates one of the cottage style villa buildings, and reduces the height of retaining walls needed along Pinnacle Drive. Mr. Sund asked staff to display the proposed elevations and gave a brief overview of the changes.

Chairwoman Hoch called for proponents and opponents.

Kurt Boeckenhaur, 701 Pinnacle Drive, stepped forward to ask how the increased height would affect views from Pinnacle Drive.

Susan Fonyonga, 1023 Bryn Mawr Drive, stepped forward to express concerns about the potential increase in traffic. She also asked how the property would be graded due to the existing topography.

George Kyros, 1115 Creighton Road, stepped forward to ask how long the applicant anticipates construction will take. He also expressed concerns regarding when and where deliveries would be made, and what the applicant intends to do to mitigate truck traffic at the site.

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

Mr. Hrabik offered his support to the project stating that the community is in need of more residential facilities for seniors. He asked for clarification regarding the reduction of assisted living units. He asked the applicant to address Mr. Kyros' question regarding deliveries and suggested that the most noticeable traffic from the site would be due to deliveries. Mr. Sund stated that the reduction in assisted living units was partially due to the cost of fire safety measures needed for a three-story assisted living component. Mr. Hrabik expressed concerns that the applicant may be "cutting corners." Mr. Sund assured Mr. Hrabik that the fire safety system will be appropriately rated. Mr. Castaneda reiterated that the main reason for the change is market demand for independent senior living facilities.

Mr. Hrabik asked whether the applicant plans to direct deliveries to keep traffic off of Magnolia Drive. Mr. Castaneda stated that the applicant directs when, where, and how deliveries can be made. He added that the applicant will remain cognizant of the facility's impact to existing residential. Mr. Hrabik noted that during the Planning Commission hearing for the original Special Use Permit the applicant explained that emergency vehicles will most likely not enter and exit the

site with lights and sirens on unless there is an emergency. Mr. Sund pointed out that deliveries would be made on the northeast side of the site.

Mr. Wilson asked for clarification regarding the proposed building height change along Pinnacle Drive. Mr. Sund stated that the elevation of Pinnacle Drive is approximately 1132 feet, and the highest finished floor elevation is 1137 feet; therefore, the highest building on the site would be approximately five feet above Pinnacle Drive. He added that Pinnacle Drive has a ten foot grade change along the site. Chairwoman Hoch asked what the elevation of Magnolia Drive is along the site. Mr. Sund said that he is unsure, however, the buildings adjacent to Magnolia Drive would be approximately two and one-half stories above street level.

Ms. Sotak asked the applicant about plans for the landscape buffer along Magnolia Drive. Mr. Sund stated that he did not have the landscape plan available. Chairwoman Hoch clarified that the change request being considered is regarding building height; the landscape plan would have been approved with the original Special Use Permit. Mr. Sund assured Ms. Sotak that the required landscaping would be installed.

With no further discussion, **Motion** was made by Mr. Hrabik, seconded by Mr. Robinson III, to recommend approval of Avamere Special Use Permit Amendment (SUP-22-0001) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, and compliant with Zoning regulations, contingent upon the resolution of staff comments. Roll Call: Seven yeas, no nays. Motion carried.

**Mixed Use Development Agreement Amendment** – A request to amend the Settlers Creek Mixed Use Development Agreement to allow Kennels as a permitted use on the properties legally described as Lot 2 and Outlot A, Settlers Creek Replat 2, Lots 1, 3, 4, 5, and 6 and Outlot A, Settlers Creek Replat 6, and Lots 1 and 2, Settlers Creek Replat 7, generally located on the NE corner of S 72nd St and Cornhusker Rd. The applicant is Lerner Company. (Settlers Creek MUDA Amendment) **MISC-22-0003**

Chairwoman Hoch opened the public hearing.

Michael Sands, 1700 Farnam Street, Suite 1500 (Omaha), stepped forward to represent the applicant. He explained that a potential tenant would like to open a dog spa/motel type use with an outdoor play area. He noted that the Pet Services use type does not allow for an outdoor component, therefore, the use would need to be classified as a Kennel use type. He added that the applicant is open to adding stipulations to how the outdoor component can be utilized.

Chairwoman Hoch called for proponents and opponents.

Aaron Shares, 6854 Greyson Drive, stepped forward to ask how many dogs would be permitted in the outside area and for what duration. He asked whether there is a plan for noise abatement.

Shane Rachuy, 6841 Park Crest Drive, stepped forward to assert that the existing businesses within the mixed use district already create a great deal of noise at all hours. He noted concerns regarding the potential for additional noise. He suggested that the truck movements at the site

could aggravate the dogs. Mr. Rachuy asked about the time-frame dogs would be permitted in the outside area.

Mr. Hrabik offered clarification on the proposed location of the facility, noting that the applicant is considering the building addressed as 9614 S 71<sup>st</sup> Plaza located adjacent to S 72<sup>nd</sup> Street. He noted that several of his neighbors believe that the applicant seeks to build a new facility on the open lot between Sam's Club and Hobby Lobby which is adjacent to Settlers Creek residential.

Kurt Boeckerhaur, 701 Pinnacle Drive, stepped forward and suggested that the use was inappropriate for the location. He does not support the outdoor component.

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

Mr. Hrabik asked the applicant where the outdoor area would be located. Mr. Sands stated that design work would be premature because the applicant does not want to invest in designs if the use will not be permitted. He reiterated that the applicant is open to stipulations being added the agreement that would limit location, duration of use, and define design criteria. He noted that staff is recommending that the outdoor component should be limited to a rear or side yard.

Mr. Hrabik inquired about the size of the boarding operation. Mr. Sund stated that he was unsure; however, the size would be limited to the space available in the building. He added that the outdoor component would be utilized as an exercise area only. Mr. Hrabik stated that there are at least two animal hospitals in the area that offer boarding services and have an outdoor component.

Mr. Hrabik asked whether the outdoor area would be screened. Mr. Sund answered in the affirmative.

Mr. Wilson expressed concerns about a blanket allowance of the Kennel use type in the mixed use district. Mr. Sands stated that the intended use is not a traditional Kennel use type, and that the use classification is a technicality due to the need for an outdoor component. Mr. Stursma explained why Kennels would need to be the permitted use versus the Pet Services use type. He reiterated the business's intent and assured Mr. Wilson that language could be added to the Mixed Use Development Agreement to limit the number of kennels allowed in the district, and limit the permitted hours of use for the outdoor component. He noted that the building orientation would isolate the outdoor component from other store fronts and that the location is not adjacent to existing residential uses.

Chairwoman Hoch suggested that staff create a new definition for the proposed use. Mr. Stursma stated that the permitted use can be clarified within the Mixed Use Development Agreement. He added that an ordinance amendment would take several months, therefore, amending the mixed use development agreement is the quickest path forward for the applicant.

Ms. Emswiler asked whether the size of the outdoor component would be limited. Mr. Stursma stated that the only viable location for the outdoor component is limited to approximately three or four parking stalls on the south side of the building. The size of the outdoor component is limited

due to site constraints. Mr. Hrabik asked for clarification on the constraints. Mr. Stursma explained that the site must maintain required parking counts, therefore, only a limited number of parking stalls may be eliminated. He added that sight lines must be maintained, and the outdoor component cannot impede the existing driveway access. He reiterated that the Mixed Use Development Agreement allows the City to customize regulations for the district.

With no further discussion, **Motion** was made by Mr. Hrabik, seconded by Mr. Robinson III, to recommend approval of Settlers Creek Mixed Use Development Agreement Amendment (MISC-22-0003) contingent upon the applicant agreeing to the conditions outlined in Section III, A, 4 of the Planning Commission Staff Report, and completing the Mixed Use Development Agreement amendment process. Roll Call: Seven yeas, no nays. Motion carried.

**OTHER BUSINESS**

Mr. Stursma stated that the April Planning Commission meeting will be held at City Hall.

With no further business to come before the Commission, **Motion** was made by Mr. Hrabik, seconded by Mr. Robinson III, to adjourn. The meeting adjourned by unanimous consent at 7:52 P.M.

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Rebecca Hoch, Chairwoman