

MINUTE RECORD

PAPILLION PLANNING COMMISSION MEETING APRIL 24, 2019

The Papillion Planning Commission met in open session at the Papillion City Hall Council Chambers on Wednesday, April 24, 2019 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, Raymond Keller Jr., John E. Robinson III, Judy Sunde, and Wayne Wilson. David Barker, Jim Masters, Leanne Sotak, and Herb Thompson were absent. Planning Director Mark Stursma, City Attorney Karla Rupiper, 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 April 10, 2019. 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.

Chairwoman Hoch noted that the displays for the voting software is malfunctioning, and votes are not able to be visually displayed in Chambers. As such, voting is performed via roll call.

Approval of Agenda

Motion was made by Mr. Robinson III, seconded by Mr. Carson, 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. Robinson III, seconded by Mr. Carson, to approve the March 27, 2019 minutes. Roll Call: Six yeas, no nays. Motion carried.

FINAL PLATS

Final Plat – A Final Plat for the property legally described as Lot 72, North Shore Commercial, a subdivision located in part of the NE ¼ of the SW ¼ of the SE ¼ of Section 30, T14N, R12E of the 6th P.M., Sarpy County, NE, generally located on the NW corner of S 126th St and HWY 370. The applicant is BHI Development, Inc. (North Shore Commercial Replat 1) **FP-19-0006**

Kyle Haase, 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.

Mr. Keller asked whether the applicant was confident that he could address the contingencies listed in the Planning Commission Staff Report. Mr. Haase answered in the affirmative.

With no further discussion, **Motion** was made by Mr. Robinson III, seconded by Ms. Sunde, to recommend approval of the North Shore Commercial Replat 1 Final Plat (FP-19-0006) 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: Six yeas, no nays. Motion carried.

Final Plat – A Final Plat for the property legally described as part of the SW ¼ of Section 6, T13N, R13E of the 6th P.M., Sarpy County, NE, generally located at 5651 Maas Rd. The applicant is Martin Stepanek. (Stepanek Farms) **FP-19-0007**

Chairwoman Hoch noted that consideration of this item would occur after the Motion and Vote for the Stepanek Farms Preliminary Plat.

Upon completion of the Motion and Vote on the Stepanek Farms Change of Zone, Chairwoman Hoch called for consideration of the Stepanek Farms Final Plat.

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

Chairwoman Hoch called for discussion amongst the Commission.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Mr. Wilson, to recommend approval of the Stepanek Farms Final Plat (FP-19-0007) 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: Six yeas, no nays. Motion carried.

Final Plat – A Final Plat for the property legally described as Lot 1, Seibold Acres, a subdivision as surveyed, platted and recorded in Sarpy County, NE, together with Tax Lot 4 and part of Tax Lot 3 in the S ½ of the SW ¼ of Section 32, T14N, R12E of the 6th P.M., Sarpy County, NE, generally located on the NW corner of 114th St & Schram Rd. The applicant is Stone Creek Plaza, LLC. (Ashbury Creek 2) **FP-19-0008**

Pat Hillyer, 14710 W. Dodge Road (Omaha), stepped forward to represent the applicant. He explained that this application contemplates the first phase of Ashbury Creek 2. He noted that Ashbury Creek 2 will utilize a separate Sanitary and Improvement District (SID) from Ashbury Creek. Mr. Hillyer confirmed that the applicant is confident he can address the contingencies noted in the Planning Commission Staff Report.

Chairwoman Hoch called for discussion amongst the Commission.

With no further discussion, **Motion** was made by Mr. Robinson III, seconded by Mr. Carson, to recommend approval of the Ashbury Creek 2 Final Plat (FP-19-0008) 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: Six yeas, no nays. Motion carried.

PUBLIC HEARINGS

Special Use Permit – A Special Use Permit to allow Automotive rental and sales as a permitted use on the property legally described as Lot 3 and the E 50' of Lot 4, Pink Industrial Park, generally located at 12054 Roberts Rd. The applicant is Ulises Garcia. (Superior EuroWorks) **SUP-19-0003**

Chairwoman Hoch opened the public hearing.

The applicant was not present.

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 staff to summarize the request. Mr. Stursma explained that the applicant operates an automotive repair use and would like to sell cars as an accessory use. He noted that state requirements for a dealer's license include ten designated parking stalls for display vehicles. Mr. Stursma added that the contingencies listed within the Planning Commission Staff Report are largely related to building permit and fire code deficiencies, and clarified that the Special Use Permit would be conditioned on addressing said contingencies. Mr. Carson offered his support.

Mr. Keller indicated that he was not comfortable supporting approval without the applicant present.

Mr. Wilson asked whether the applicant was working to resolve the contingencies. Ms. Romeo confirmed that the applicant has been working to address contingencies related to the Fire Prevention Office and the Building Department.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Ms. Sunde, to recommend approval of the Superior EuroWorks Special Use Permit (SUP-19-0003) because the proposed land use is generally consistent with the zoning and the surrounding uses, contingent upon the resolution of staff comments. Roll Call: Four yeas, two nays by Keller and Hoch. Motion fails, therefore, the recommendation is denial.

Comprehensive Plan Amendment - A Comprehensive Plan Amendment to change the Future Land Use Map designation from Low Density Residential to a mix of Low Density Residential and Medium Density Residential and to modify the Parks Plan to eliminate a public park for the property legally described as a tract of land being part of Tax Lot 4, a tax lot located in the NW ¼ of Section 5, T13N, R12E of the 6th P.M., Sarpy County, NE, generally located on the SW corner of S 114th Street and Schram Road. The applicant is Felker Family Farms, LLC. (Ashbury Heights) **CPA-19-0002**

Chairwoman Hoch acknowledged that the applicant withdrew the application for this agenda item; therefore, no action is required.

Preliminary Plat – A Preliminary Plat for the property legally described as part of the SW ¼ of Section 6, T13N, R13E of the 6th P.M., Sarpy County, NE, generally located at 5651 Maas Rd. The applicant is Martin Stepanek. (Stepanek Farms) **PP-19-0003**

Chairwoman Hoch opened the public hearing.

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

Chairwoman Hoch called for proponents and opponents.

Jeffrey Witt, 5901 Hilltop Street, stepped forward to assert that this application should have no effect on his right to raise hogs at 5901 Hilltop Street. He provided an overview of past and current farming and logging activities on the property.

Mr. Carson and Mr. Keller asked for clarification as to where Mr. Witt's property is located in relation to the plat. Chairwoman Hoch, Mr. Stursma, and Ms. Romeo confirmed that while the Preliminary Plat does not encompass Mr. Witt's property, his lot is shown as Tax Lot J on the plat to show proximity because it is immediately adjacent to the property being platted.

Mr. Stursma clarified that the proposed plat creates four lots (Lot 1 & 2, and Outlots A & B).

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

Ms. Sunde asked the applicant to explain what his proposal. Mr. Dethlefs displayed the plat and showed the Commission the proposed subdivision of Tax Lots E, P, D1A, and 5. He explained that the proposed outlots will remain agricultural in nature, however, Lots 1 and 2 are proposed to be rezoned to RE Rural Residential Estates. He noted that there is no foreseeable development for the proposed outlots.

Mr. Carson asked staff to confirm whether the proposal changes zoning for Mr. Witt's property. Mr. Stursma confirmed that the change of zone and preliminary plat applications do not encompass Mr. Witt's property.

With no further discussion, **Motion** was made by Mr. Robinson III, seconded by Mr. Carson, to recommend approval of the Stepanek Farms Preliminary Plat (PP-19-0003) because the request 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: Six yeas, no nays. Motion carried.

Change of Zone – A Change of Zone from AG Agricultural to RE Rural Residential Estates for the property legally described as part of the SW ¼ of Section 6, T13N, R13E of the 6th P.M., Sarpy County, NE, generally located at 5651 Maas Rd. The applicant is Martin Stepanek. (Stepanek Farms) **CZ-19-0003**

Chairwoman Hoch opened the public hearing.

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

Chairwoman Hoch called for proponents and opponents.

Sandra Stepanek, 5651 Maas Road, stepped forward to express opposition to the City's requirement for the applicant to enter into a Subdivision Agreement that contemplates the future need for public improvements including, but not limited to, connection to water and sewer once available. She suggested that this requirement makes it impracticable for her to gift land to her daughters so they can build homes on the land.

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

Mr. Keller thanked Mrs. Stepanek for her input, and noted that the Planning Commission is only considering whether the change of zone from AG Agricultural to RE Rural Residential Estates is appropriate. Mr. Stursma added that the discussion of public improvements is related to the Subdivision Agreement, which is required when unplatted land is subdivided.

Ms. Sunde asked whether the applicant could place two homes on their property as it sits today. Mr. Stursma noted that the application received proposed the replatting of the land. He added that he would have to look into whether the second home would be permitted without platting.

Mr. Keller asked whether City Council could waive the need for sewer and water connections for this subdivision. Mr. Stursma stated that City Council does not have the authority to waive a zoning requirement unless it amends the zoning ordinance. He added City Council has the authority to waive Subdivision Regulations and fees.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Mr. Keller, to recommend approval of the Stepanek Farms Change of Zone (CZ-19-0003) because the request 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: Six yeas, no nays. Motion carried.

Preliminary Plat – A Preliminary Plat for the property legally described as Tax Lot 10 located in Section 35, T14N, R11E of the 6th P.M., Sarpy County, NE, generally located SW of S 150th Street and Shepard Street. The applicant is BHI Investment Co. (Corn's 3rd Addition) **PP-19-0004**

Chairwoman Hoch recognized that staff has requested that this agenda item be continued to a later date when the applicant and staff are ready to present it. Mr. Stursma confirmed that the applicant was amenable to the continuance.

Chairwoman Hoch called for proponents and opponents.

Mike Homa, 13616 California Street (Omaha), stepped forward as a representative of the adjacent R & R Commerce Park to support the continuance.

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

With no further discussion, **Motion** was made by Mr. Keller, seconded by Ms. Sunde, to continue the public hearing for the Corn's 3rd Addition Preliminary Plat (PP-19-0004) to a later date when the applicant and staff are ready to present it. Roll Call: Six yeas, nays. Motion carried.

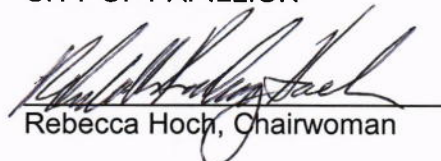
OTHER BUSINESS

Mr. Stursma discussed a change in the review process for new applications.

Mrs. Rupiper announced Assistant City Attorney Amber Rupiper's resignation and her own pending retirement.

With no further business to come before the Commission, **Motion** was made by Mr. Keller, seconded by Mr. Wilson, to adjourn. The meeting adjourned by unanimous consent at 7:53 P.M.

CITY OF PAPILLION



Rebecca Hoch, Chairwoman