

# MINUTE RECORD

## PAPILLION PLANNING COMMISSION MEETING

JULY 29, 2020

The Papillion Planning Commission met in open session at the Papillion City Hall Council Chambers on Wednesday, July 29, 2020 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, Jim Hrabik, Raymond Keller Jr., Jim Masters, John E. Robinson III, and Leanne Sotak. Judy Emswiler, Herb Thompson, and Wayne Wilson were absent. Assistant Planning Director Travis Gibbons, City Attorney Alan Thelen, 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 July 15, 2020. 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.

### **Approval of Agenda**

**Motion** was made by Mr. Robinson III, seconded by Ms. Sotak, to approve the agenda as presented. Roll call: Seven yeas, no nays. Motion passes.

### **Approval of the Planning Commission Minutes**

**Motion** was made by Mr. Robinson III, seconded by Mr. Masters, to approve the June 24, 2020 minutes. Roll Call: Seven yeas, no nays. Motion carried.

### **FINAL PLATS**

**Final Plat** - A Final 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 120<sup>th</sup> Street and Schram Road. The applicant is Ashbury Hills Development, LLC. (Ashbury Hills (Phase 2)) **FP-20-0005**

**Consideration of this item occurred after the Motion and Vote for the Ashbury Hills (Phases 2 – 5) Revised Preliminary Plat and Change of Zone, and the Ashbury Hills Mixed Use Development Agreement Amendment.**

Upon completion of the Motion and Vote for the Ashbury Hills Mixed Use Development Agreement Amendment, Chairwoman Hoch called for consideration of the Ashbury Hills (Phase 2) Final Plat.

Jason Thiellen, 10909 Mill Valley Road, Suite 100 (Omaha), stepped forward to represent the applicant. He did not offer further testimony on this item.

Chairwoman Hoch called for discussion amongst the Commission.

With no further discussion, **Motion** was made by Mr. Robinson III, seconded by Mr. Hrabik, to recommend approval of the Ashbury Hills (Phase 2) Final Plat (FP-20-0005) because it is generally consistent with the Comprehensive Plan and the Future Land Use Map as amended, compatibility to adjacent uses, and compliant with Zoning regulations; provided that the necessary modifications are added to the amendment to the Ashbury Hills Mixed Use Development Agreement and such amendment is approved by City Council; and compliance with the Subdivision regulations, contingent upon the resolution of staff comments. Roll Call: Seven yeas, no nays. Motion carried.

**Final Plat** - A Final Plat for the property legally described as a tract of land located in part of the NW 1/4 of the NW 1/4 and part of the NE 1/4 of the NW 1/4, located in Section 1, T13N, R12E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located on the SE corner of 72<sup>nd</sup> Street and Schram Road. The applicant is Papio Park, LLC. (Seventy Two Place) **FP-20-0006**

Larry Jobeun, 11440 W Center Road, Suite C (Omaha), stepped forward to represent the applicant. He stated that the applicant is unsure how to resolve contingency number two in the Planning Commission Staff Report, however, he is willing to do what is necessary to resolve that comment.

Chairwoman Hoch called for discussion amongst the Commission.

With no further discussion, **Motion** was made by Mr. Robinson III, seconded by Mr. Masters, to recommend approval of the Seventy Two Place Final Plat (FP-20-0006) because the request is generally consistent with the Comprehensive Plan, generally consistent with the Preliminary Plat conditionally approved by City Council, compatible with adjacent uses, and compliant with the Zoning and Subdivision regulations, contingent upon the resolution of staff comments. Roll Call: Nine Seven yeas, no nays. Motion carried.

**Final Plat** - A Final Plat for the property legally described as Lots 142 – 150, and 174 – 203, SumTur Crossing, generally located SE of S 114<sup>th</sup> Street and Schram Road. The applicant is Boyer Young Equities XVIII – Sumter Crossing, LLC. (SumTur Crossing Replat 2) **FP-20-0005**

**Consideration of this item occurred after the Motion and Vote for the SumTur Crossing Replat 2 Change of Zone.**

Upon completion of the Motion and Vote for the SumTur Crossing Replat 2 Change of Zone, Chairwoman Hoch called for consideration of the SumTur Crossing Replat 2 Final Plat.

Larry Jobeun, 11440 W Center Road, Suite C (Omaha), stepped forward to represent the applicant. He did not offer further testimony on this item.

Chairwoman Hoch called for discussion amongst the Commission.

With no further discussion, **Motion** was made by Mr. Hrabik, seconded by Mr. Carson, to recommend approval of the SumTur Crossing Replat 2 Final Plat (FP-20-0005) because it is generally consistent with the Comprehensive Plan, general consistency with the Preliminary Plat approved by City Council, compatibility to 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

**Revised Preliminary Plat** - A Revised Preliminary Plat (for Phases 2 – 5) for the property legally described as a tract of land being part of the SE ¼ of Section 31, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located NW of 120<sup>th</sup> Street and Schram Road. The applicant is Ashbury Hills Development, LLC. (Ashbury Hills (Phases 2 – 5)) **PP-17-0011R**

Chairwoman Hoch opened the public hearing.

Jason Thiellen, 10909 Mill Valley Road, Suite 100 (Omaha), stepped forward to represent the applicant. He displayed a map of the project and described the general location. He explained that the request encompasses the second phase of the 160 acre Ashbury Hills project, and noted that the phasing plan had changed since the last iteration.

Mr. Thiellen described that the applicant proposes to convert Outlot K into a Mixed Use residential component to add “missing middle” housing to the development. He displayed a site plan of the proposed reconfiguration, and noted that 25 townhome units and 20 attached single-family residential units are proposed to be marketed as “workforce housing.” Mr. Thiellen added that the applicant has requested an amendment to the Mixed Use Development Agreement to adjust the site regulators for this portion.

Mr. Thiellen communicated that the applicant was confident that he could address the contingencies outlined 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.

Mr. Carson asked the applicant to clarify the proposed setbacks for the Mixed Use housing. Mr. Thiellen stated the proposed setbacks are as follows: 25’ front yard setback; 5’ interior side yard setback; and 15’ rear yard setback. Mr. Carson asked for clarification on the location of parking. Mr. Thiellen showed the proposed parking on the site plan. Mr. Carson asked whether the applicant had elevations for the proposed housing. Mr. Thiellen stated that he did not have elevations with him; however, the elevations are consistent with those already approved with the Mixed Use Development Agreement.

Mr. Carson asked about the varying price points within the development. Mr. Thiellen explained that the missing middle housing would likely be valued around \$200,000 to \$210,000; the detached single-family product south of Gold Coast Road would range in valuation from \$250,000 to \$350,000, and the detached single-family product north of Gold Coast Road would be consistent with home values in Ashbury Farm.

With no further discussion, **Motion** was made by Mr. Robinson III, seconded by Mr. Hrabik, to recommend approval of the Ashbury Hills (Phases 2 – 5) Revised Preliminary Plat (PP-17-0011R) because it is generally consistent with the Comprehensive Plan and the Future Land Use Map as amended, compatibility to adjacent uses, and compliant with Zoning regulations; provided that the necessary modifications are added to the amendment to the Ashbury Hills Mixed Use Development Agreement and such amendment is approved by City Council; and compliance with the Subdivision regulations, contingent upon the resolution of staff comments. Roll Call: Seven yeas, no nays. Motion carried.

**Change of Zone** - A Change of Zone from AG Agricultural to R-4 Multiple-Family Residential and MU Mixed Use (for Phases 2 – 5) for the property legally described as a tract of land being part of the SE ¼ of Section 31, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located NW of 120<sup>th</sup> Street and Schram Road. The applicant is Ashbury Hills Development, LLC. (Ashbury Hills (Phases 2 – 5)) **CZ-20-0006**

Chairwoman Hoch opened the public hearing.

Jason Thiellen, 10909 Mill Valley Road, Suite 100 (Omaha), stepped forward to represent the applicant. He did not offer further testimony on this item.

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. Keller, seconded by Ms. Sotak, to recommend approval of the Ashbury Hills (Phases 2 – 5) Change of Zone (CZ-20-0006) because it is generally consistent with the Comprehensive Plan and the Future Land Use Map as amended, compatibility to adjacent uses, and compliant with Zoning regulations; provided that the necessary modifications are added to the amendment to the Ashbury Hills Mixed Use Development Agreement and such amendment is approved by City Council; and compliance with the Subdivision regulations, contingent upon the resolution of staff comments. Roll Call: Seven yeas, no nays. Motion carried

**Mixed Use Development Agreement Amendment** - A Mixed Use Development Agreement Amendment for the property legally described as a tract of land being part of the SE ¼ of Section 31, T14, R12E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located NW of 120<sup>th</sup> Street and Schram Road. The applicant is Ashbury Hills Development, LLC. (Ashbury Hills) **MISC-20-0010**

Chairwoman Hoch opened the public hearing.

Jason Thiellen, 10909 Mill Valley Road, Suite 100 (Omaha), stepped forward to represent the applicant. He did not offer further testimony on this item.

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. Robinson III, to recommend approval of the Ashbury Hills Mixed Use Development Agreement Amendment (MISC-20-0010) because it is generally consistent with the Comprehensive Plan and the Future Land Use Map as amended, compatibility to adjacent uses, and compliant with Zoning regulations; provided that the necessary modifications are added to the amendment to the Ashbury Hills Mixed Use Development Agreement and such amendment is approved by City Council; and compliance with the Subdivision regulations, contingent upon the resolution of staff comments. Roll Call: Seven yeas, no nays. Motion carried

**Change of Zone** - A Change of Zone from R-2 Single-Family Residential (Medium Density) to R-4 Multiple Family Residential for the property legally described as Lots 142 – 150, and 174 – 203, SumTur Crossing, generally located SE of S 114<sup>th</sup> Street and Schram Road. The applicant is Boyer Young Equities XVIII – Sumter Crossing, LLC. (SumTur Crossing Replat 2) **CZ-20-0008**

Chairwoman Hoch opened the public hearing.

Larry Jobeun, 11440 W Center Road, Suite C (Omaha), stepped forward to represent the applicant. He offered a brief overview of the project location and noted that the replat would create an additional ten lots. He explained that the applicant wanted a transitional product between the traditional single-family homes and the villa product on the southwest corner of the development. He noted that the applicant is requesting a change of zone from R-2 Single-Family Residential (Medium Density) to R-4 Multiple Family Residential for the replat lots. He confirmed that the overall development would maintain low density.

Mr. Jobeun communicated that two products are proposed within the replat, which include a ranch style home proposed to be between 1,500 to 1,800 square feet in size, ranging between \$250,000 and \$300,000 in valuation; and a two-story style home proposed to be between 2,000 to 2,500 square feet in size, ranging between \$275,000 and \$325,000 in valuation.

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

Mr. Masters asked why the developer decided to make this change. Mr. Jobeun explicated that the developer wished to increase overall development density and provide homes at a lower price point.

With no further discussion, **Motion** was made by Mr. Robinson III, seconded by Mr. Hrabik, to recommend approval of the SumTur Crossing Replat 2 Change of Zone (CZ-20-0008) because it is generally consistent with the Comprehensive Plan, general consistency with the Preliminary Plat approved by City Council, compatibility to adjacent uses, and compliant with Zoning and Subdivision regulations, contingent upon the resolution of staff comments. Roll Call: Seven yeas, no nays. Motion carried.

**Comprehensive Plan Amendment** - A Comprehensive Plan Amendment to amend the Future Land Use Map for the Southwest Sub-Area. The Sub-Area has a northern boundary of Schram Road and I-80, an eastern boundary of HWY 50, a southern boundary of Platteview Road, and a western boundary of S 192<sup>nd</sup> Street. The applicant is the City of Papillion. (Southwest Sub-Area FLU Map Amendment) **CPA-20-0001**

Chairwoman Hoch opened the public hearing.

Mayor, David P. Black, 122 E 3<sup>rd</sup> Street, stepped forward to represent the applicant. He offered a handout to the Planning Commission that included maps from several Comprehensive Plan Amendments in or near the Southwest Sub-Area. He offered an overview of the purpose of the Comprehensive Plan and the Future Land Use Map, noting that the current Papillion Comprehensive Plan was adopted in 2002, and there have been 28 amendments to such plan since its adoption.

Mayor Black gave an overview of the following amendments to the Future Land Use Map: #R16-0192 (HWY 50 and HWY 370 Sub-Area); #R17-0100 (Crossroads Commerce Park FKA R & R Commerce Park); #R17-0192 (156<sup>th</sup> St and Capehart Rd Sub-Area); #R18-0184 (Schram & HWY 50); and #R19-0044 (Sarpy County Power Park West Addition). He advocated that these amendments emphasize the long recognized need for a business park along the I-80 corridor south of HWY 370.

Mayor Black displayed a map of the boundaries established by the Gretna Boundary Agreement and explained that the City has long had a goal of having a presence at the anticipated I-80 interchange near S 192<sup>nd</sup> Street. He noted that the proposed interchange will offer businesses looking to relocate to the Omaha metro an appealing midpoint between the Omaha and Lincoln labor markets. He noted that the proposed plan contemplates housing within the sub-area to support the anticipated businesses.

Mayor Black stated that the City is currently working on the adoption of a new Comprehensive Plan, noting that public input on the plan emphasized that the existing park systems make Papillion unique. He explained that the park system is contemplated to continue through the sub-area. He added that the topography of the area also offers an opportunity to add a meandering ridgeline boulevard, noting that the location of such boulevard is conceptual.

Finally, Mayor Black mentioned that the Omaha Public Power District (OPPD) is currently completing site selection for a solar farm and natural gas plant in Sarpy County. He explained that the sub-area map will provide context to the development expectations if such facilities are requested within Papillion's jurisdiction.

Chairwoman Hoch called for proponents and opponents. She noted that public comment was received in writing from Carrie Duffy, 408 Hillside Avenue (Yutan, NE) on behalf of Roger Langpaul, 1753 S 49<sup>th</sup> Street (West Des Moines, IA).

Carrie Duffy, 408 Hillside Avenue (Yutan, NE), stepped forward on behalf of Schewe Farms, Inc. an owner of property within the sub-area. She expressed concerns with the proposed roadway system shown on the sub-area map. She expressed that the ridgeline boulevard is not conducive for industrial traffic. She stated that the boulevard bisects the Schewe Farms, Inc. property, which may devalue the property. She stated that the boulevard may raise concerns for potential developers.

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

Mr. Keller contemplated that the boulevard location was conceptual, therefore, subject to change, but may make developers leery. He asked whether there is a path to annex new development in this area. Mr. Gibbons stated that the ridgeline boulevard is conceptual in nature, but was proposed in the current location because of topography. He explained that the design may be modified when the new Comprehensive Plan is adopted. He added that current City limits extends to Sarpy County Power Park West in this area, therefore, the majority of the sub-area falls within the City's extraterritorial jurisdiction but is not contiguous to existing city limits.

Mr. Masters noted that industrial traffic would likely stay on the regional transit corridors, making the proposed ridgeline boulevard more attractive to personal vehicle traffic. Mayor Black reiterated that the ridgeline boulevard design is conceptual and offered local examples where this design is used. He noted that the meandering boulevard is a newer concept in development, and may concern some developers until they are educated on the advantages of this design.

Mr. Masters asked whether the change in business operations due to COVID-19 may have an impact on the build out of a business park. Mayor Black offered an overview of the types of businesses he anticipates this location would attract.

Mr. Keller asked for clarity on the purpose of the ridgeline boulevard. Mr. Gibbons noted that the pending Comprehensive Plan contemplates mixed use nodes and residential that would be served by the boulevard. He stated that the boulevard would offer alternate transportation routes from the regional transit corridor for local traffic. He anticipated that the transit corridors would be more attractive to truck traffic.

Mr. Hrabik asked why the parks are not located closer to the ridgeline boulevard. Mr. Gibbons noted that the proposed parks locations were determined based on topography. He added that the parks would likely be walkable from nearby mixed use nodes or residential.

Mr. Carson asked whether the boulevard design would be similar to the design of Schram Road south of Shadow Lake Towne Center. Mr. Gibbons stated that the design would be defined in the Comprehensive Plan.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Mr. Hrabik, to recommend approval of the Southwest Sub-Area FLU Map Comprehensive Plan Amendment (CPA-20-0001) because the proposal is compliant with State Statute; generally consistency with the current Future Land Use Map, as previously amended; generally consistent with the goals of the Comprehensive Plan; and consistent with the existing development pattern established within the Southwest Sub-Area. Roll Call: Seven yeas, no nays. Motion carried.

**Text Change** - An ordinance to amend Table 205-38 of Article IV (Zoning District Regulations) of Chapter 205 of the Papillion Zoning Ordinance to allow Custom Manufacturing in the LC Limited Commercial by special use permit. The applicant is the City of Papillion. (Custom Manufacturing Amendment) **TC-20-0003**

Chairwoman Hoch opened the public hearing.

Travis Gibbons, 122 E 3<sup>rd</sup> Street, stepped forward to represent the applicant. He explained that the proposed text change seeks to allow Custom Manufacturing uses in the LC Limited Commercial District with a Special Use Permit. He described that this change came about because a compounding pharmacy is attempting to relocate to a former residence that is zoned LC Limited Commercial. The City would allow the use as a home based business or home occupation; however, the state will not license the business if a person resides in the structure.

Mr. Gibbons identified that allowing Custom Manufacturing within the LC District with a Special Use Permit will give boutique businesses an opportunity to locate in the Downtown area, and function as a neighborhood commercial use. He provided examples of businesses that would fall into this use type that would be a good fit if similarly situation such as candle makers, jewelry makers, small scale wood workers, etc.

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

Mr. Carson asked staff to clarify whether allowing Custom Manufacturing by Special Use Permit in the LC District would require such businesses to complete a public process to operate. Mr. Gibbons answered in the affirmative.

Chairwoman Hoch asked where LC Zoning would be commonplace in a residential neighborhood. Mr. Gibbons explained that there are several properties situated in or near the Downtown Overlay District that appear to be residential in nature, but are zoned LC.

Mr. Masters asked staff to define a “compounding pharmacy.” Mr. Gibbons explained that compounding pharmacies mix medications and/or raw ingredients to create custom or tailored medications to meet the needs of individual patients.

With no further discussion, **Motion** was made by Mr. Keller, seconded by Ms. Sotak, to recommend approval of the Custom Manufacturing Amendment (TC-20-0003) because the proposal is consistent with Neb. Rev. Stat. § 19-901; and compatible with the purpose of the Limited Commercial District. Roll Call: Seven yeas, no nays. Motion carried.

**OTHER BUSINESS**

With no further business to come before the Commission, **Motion** was made by Mr. Hrabik, seconded by Mr. Carson, to adjourn. The meeting adjourned by unanimous consent at 8:24 P.M.

CITY OF PAPIILLION



Rebecca Hoch, Chairwoman