

**DRAFT MINUTES  
PAPILLION PLANNING COMMISSION MEETING  
AUGUST 26, 2020**

The Papillion Planning Commission met in open session at the Papillion City Hall Council Chambers on Wednesday, August 26, 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 Wayne Wilson. Judy Emswiler and Herb Thompson were absent. Alternate member Leanne Sotak was not required to attend. Planning Director Mark Stursma, 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 August 12, 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. Masters, seconded by Mr. Robinson III, 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. Carson seconded by Mr. Hrabik, to approve the July 29, 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 located in the S 1/2 of the NE 1/4 of Section 35, T14N, R11E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located NW of HWY 50 and Gold Coast Road. The applicant is Development Services Corp. (R & R Commerce Park (Phase 4) **FP-20-0008**

**Chairwoman Hoch noted that the applicant requested a continuance on this item.**

With no further discussion, **Motion** was made by Mr. Hrabik, seconded by Mr. Keller, to continue consideration of the R & R Commerce Park (Phase 4) Final Plat (FP-20-0008) to a future Planning Commission meeting date to be determined by the applicant and staff. Roll Call: Seven yeas, no nays. Motion carried.

**PUBLIC HEARINGS**

**Mixed Use Development Agreement** - A request for the rescission and replacement of the Mixed Use Development Agreement for the property legally described as Lots 1 and 2, Gold Coast Heights Replat 1, generally located on the SW corner of HWY 370 and S Washington Street. The applicant is TX Papillion, LLC. (Gold Coast Heights Replat 1 Mixed Use Development Agreement) **MISC-20-0013**

Chairwoman Hoch opened the public hearing.

Pat Sullivan, 1246 Golden Gate Drive, stepped forward to represent the applicant. He explained that a Tommy's Express Car Wash wishes to locate on Lot 1, Gold Coast Heights Replat 1. He stated that this lot was previously purchased by CVS Pharmacy who executed a Mixed Use Development Agreement with the intention of developing the property. He affirmed that CVS decided not to build at this location after they partnered with Target. He declared that the current Mixed Use Development Agreement needed to be rescinded and replaced because it was largely specific to CVS.

Mr. Sullivan described that access would be provided to Lot 1 via a right-in/right-out drive on S Washington Street and a southern full access connection to Bristol Street. He offered a brief overview of Tommy's Express business model, regional locations, and displayed the proposed elevations. He noted that the applicant is willing to work with the City regarding acceptable building materials.

Chairwoman Hoch called for proponents and opponents.

Kevin Lanning, 14005 Industrial Road, stepped forward as a representative of Storage Mart to express concerns regarding the proposed Bristol Street access, fencing along the shared property line, and the proposed construction schedule.

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

Mr. Masters asked the applicant to address Mr. Lanning's questions. Mr. Sullivan confirmed that he has been working with general council for Storage Mart throughout the process adding that such negotiations must not have disseminated throughout the organization. He expressed that Storage Mart's access would be improved and that an agreement already exists for fencing along the shared lot line.

Mr. Keller asked whether the project might create an issue of traffic stacking on S Washington Street. Mr. Sullivan stated that the entrance to the car was is designed for stacking with three lanes dedicated for the queue. He displayed the site plan.

Mr. Keller asked whether Tommy's Express would be a touchless car wash. Mr. Sullivan stated that it is a soft brush car wash.

Mr. Wilson asked whether there would be a buffer to the west. Mr. Sullivan expressed that much of the required landscaping has already been installed by Storage Mart. He added that any additional buffer will meet code.

Mr. Keller asked the applicant to anticipate which access point would be used most frequently. Mr. Sullivan anticipated that most visitors would utilize the right-in/right-out on S Washington Street noting that eastbound traffic would be the most likely to utilize the Bristol Street access point.

Mr. Keller asked the representative from Storage Mart approximately how many visitors the business averages daily. Mr. Lanning stated that Storage Mart averages 35 to 40 visits per day.

He added that the facility has limited parking, and the proposed drive modifications would eliminate two parking spaces.

Mr. Carson asked whether anything would be done to mitigate the noise from the dryers and vacuum cleaners for the McDonald's drive-thru. Mr. Sullivan stated that there would likely be some landscape buffering, but he did not anticipate that the facility would be obtrusively loud.

Mr. Carson noted that the Highway Overlay District prohibits free-standing car washes, and asked staff to explain why an exception would be made for this project. Mr. Stursma stated that the prohibition of free-standing car washes has been in code for many years. He noted that many of these facilities have evolved and are more attractive than the car washes that were being built at the time of the adoption of said prohibition. He explained that the adoption of a Mixed Use Development Agreement for the site allows the applicant and the City to supersede that portion of the code while controlling the design and other concerns. Mr. Stursma stated that it is appropriate to consider a free-standing car wash at this location.

Regarding access, Mr. Sullivan stated that the Lot 1 is contractually obligated to construct the Bristol Street access, and noted that the applicant is making a concession to Storage Mart in regards to the configuration of said access.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Mr. Hrabik, to recommend approval of the Rescission and Replacement of the Gold Coast Heights Replat 1 Mixed Use Development Agreement (MISC-20-0013) because it is generally consistent with the Comprehensive Plan, compatibility to adjacent uses and the desire for a mixed use corridor along Highway 370, contingent upon the resolution of staff comments. Roll Call: Seven yeas, no nays. Motion carried.

**Special Use Permit** – A request for a Special Use Permit to allow Custom Manufacturing as a principal use and authorize the construction of a two vehicle parking facility within the Downtown Overlay District pursuant to § 205-118(A)(6) for the property legally described as the South 60' of Lot 7, Block 33, Beadles Addition excluding right-of-way, generally located at 527 N Washington Street. The applicant is KhaTu Erlbacher. (Rx Solutions Compounding Pharmacy) **SUP-20-0005**

Chairwoman Hoch opened the public hearing.

Shawn and KhaTu Erlbacher, 12704 S 71<sup>st</sup> Street, stepped forward as the applicants. Mr. Erlbacher summarized that he has been a pharmacist for 25 years, and Mrs. Erlbacher has been a pharmacist for 20 years. He offered a summary of their career and noted that in 2013, he and Mrs. Erlbacher opened their Compounding Pharmacy in Papillion, currently located at 1225 Golden Gate Drive.

He noted that he and his wife purchased 527 N Washington Street and are in the process of modifying the structure to house their business. He stated that the business would operate Monday – Friday from 8:30 AM to 4:30 PM. He described that the business creates specialty suspensions, creams, capsules, and etc., by prescription only, for humans and animals. He added that most of their business is mail order, with very little walk-in traffic. Mrs. Erlbacher explained that walk-in's are by appointment only, and that the business does not have a front end component.

Mr. Erlbacher explained that the bedrooms in the home are in the process of being converted into a lab and an office, and that the kitchen and living room would remain.

Chairwoman Hoch called for proponents and opponents.

Lori Dover, 526 N Jefferson Street, stepped forward to express concerns regarding medical waste and traffic at the site. She noted that she demolished the house that was previously on this lot; however, she is considering building another home.

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

Mr. Keller asked Ms. Dover to clarify the location of her property. Ms. Dover explained that her property backs up to the Erlbacher's property. Mr. Masters asked for confirmation that the lot was currently empty. Ms. Dover answered in the affirmative.

Mr. Keller asked the applicant to explain how they dispose of medical waste. Mr. Erlbacher stated that the business utilizes bulk chemicals that are precisely weighed, noting that the entire amount is utilized in the final product. He stated that because of the precision required, there is little to no medical waste. He confirmed that any medical waste would be disposed of properly.

Mr. Keller asked the applicant to estimate how much traffic the use would generate. Mrs. Erlbacher explained that she receives deliveries from FedEx or UPS once to twice a week. She added that she takes outgoing products to a shipping facility, and that pick-ups are by appointment only because the end product is made to order.

Mr. Masters asked the applicants why they chose this location. Mrs. Erlbacher explained that she is a parishioner at St. Columbkille and has students at the school, she noted that the proximity to both the church and the school were important to her. Mr. Erlbacher added that they purchased the property from St. Columbkille.

With no further discussion, **Motion** was made by Mr. Keller, seconded by Mr. Hrabik, to recommend approval of the 527 N Washington Street Special Use Permit (SUP-20-0005) because it is generally consistent with the Comprehensive Plan, compatibility to adjacent uses, and compliant with Zoning regulations, contingent upon the resolution of staff comments and City Council approval of Ordinance No. 1891. Roll Call: Seven yeas, no nays. Motion carried

Mr. Masters offered a suggestion that applicants communicate with his or her neighbors prior to public meetings.

**Ratification of Quarantine Actions** - A request to ratify all actions made during Planning Commission meetings held remotely pursuant to Executive Order No. 20-03, signed by Governor Ricketts on March 17, 2020.

Chairwoman Hoch noted that this item does not require a public hearing. She clarified that the purpose of this action is to ensure that all actions taken via Zoom Meeting are ratified.

Chairwoman Hoch called for Commission Discussion.

With no further discussion, **Motion** was made by Mr. Hrabik, seconded by Mr. Wilson, to ratify all Motions and Votes made during the Planning Commission Meetings on April 29, 2020; May 27, 2020; and June 24, 2020, as listed in the memo dated August 26, 2020. 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. Robinson III, to adjourn. The meeting adjourned by unanimous consent at 7:44 P.M.

CITY OF PAPILLION

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Rebecca Hoch, Chairwoman