

# MINUTE RECORD

## PAPILLION PLANNING COMMISSION MEETING AUGUST 29, 2018

The Papillion Planning Commission met in open session at the Papillion City Hall Council Chambers on Wednesday, August 29, 2018 at 7:00 PM. Chairwoman Rebecca Hoch called the meeting to order. Planning Assistant Andrea Blevins called the roll. Planning Commission members present were David Barker, Raymond Keller Jr., John E. Robinson III, Leanne Sotak, Judy Sunde, and Wayne Wilson. Howard Carson, Jim Masters, and Herb Thompson were absent. Planning Director Mark Stursma, Assistant City Attorney Amber Rupiper, Assistant Planning Director Travis Gibbons, 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 15, 2018. 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 Mr. Barker, 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. Keller, seconded by Ms. Sotak, to approve the July 25, 2018 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 part of the SE ¼ of Section 24, T14N, R11E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located on the NW corner of S 132<sup>nd</sup> Street and Cornhusker Road. The applicant is Tribedo, LLC (I-80 Logistics Hub) **FP-18-0006**

Larry Jobeun, 11440 W Center Road (Omaha), stepped forward to represent the applicant and offered to answer any questions that the Commission may have. He asserted that the Final Plat is consistent with the approved Preliminary Plat.

Chairwoman Hoch called for discussion amongst the Commission.

Ms. Sotak inquired as to the nature of the comments provided by Felsburg, Holt & Ullevig (FHU) regarding the Traffic Impact Study (TIS). Mr. Jobeun noted that the necessary right-of-way is being dedicated, and that there are not many off-site improvements contemplated. Mr. Stursma clarified that a revised TIS was submitted to the City after the Planning Commission Staff Report was published and distributed. Mr. Goff added that shoulders are contemplated along S 132<sup>nd</sup> Street for the left turning movements. He explained that FHU's comments regarding the TIS generally addressed signalization and improvements at the intersection of S 132<sup>nd</sup> Street and

Cornhusker Road. Mr. Goff recollected that Sarpy County might have provided comments regarding the improvement of Cornhusker Road to an urban section with curb, gutter, and storm sewer. Mr. Goff and Mr. Jobeun confirmed that the necessary revisions for the TIS were minor. Mr. Jobeun added that necessary public infrastructure would also be addressed in the Subdivision Agreement.

With no further discussion, **Motion** was made by Mr. Keller, seconded by Ms. Sunde, to recommend approval of the I-80 Logistics Hub Final Plat (FP-18-0006) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, and compliant with Subdivision and Zoning 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 the S ½ of the NE ¼ of Section 35, T14N, R11E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located on the NW corner of HWY 50 and Gold Coast Road. The applicant is Development Services Corporation. (R & R Commerce Park (Phase 2) **FP-18-0007**)

**Chairwoman Hoch noted that discussion and consideration of this item would occur after the Motion and Vote for the R & R Commerce Park Revised Preliminary Plat and Change of Zone.**

Upon completion of the Motion and Vote on the R & R Commerce Park Revised Preliminary Plat and Change of Zone, Chairwoman Hoch called for consideration of the R & R Commerce Park (Phase 2) Final Plat.

Larry Jobeun, 11440 W Center Road (Omaha), stepped forward to represent the applicant.

Chairwoman Hoch called for discussion amongst the Commission.

With no further discussion, **Motion** was made by Ms. Sunde, seconded by Mr. Barker, to recommend approval of the R & R Commerce Park (Phase 2) Final Plat (FP-18-0007) because it is generally consistent with the Comprehensive Plan as amended, compatible with adjacent uses, and compliant with Subdivision and Zoning Regulations, contingent upon the resolution of staff comments. Roll Call: Seven yeas, no nays. Motion carried.

**PUBLIC HEARINGS**

**Change of Zone** – A Change of Zone from Urban Family Residential (R-3) to Multiple Family Residential (R-4) for the property legally described as Lot 1, Mosaic Addition, generally located at 530 E 1<sup>st</sup> Street. The applicant is Mosaic. (Lot 1, Mosaic Addition) **CZ-18-0007**

Chairwoman Hoch opened the public hearing.

Aaron Andrud, 4980 S 118<sup>th</sup> Street (Omaha), stepped forward to represent the applicant.

Chairwoman Hoch called for proponents and opponents.

Charlene Marchand, 146 N Grandview Ave, stepped forward to express concerns about the use of the gravel access to 530 E 1<sup>st</sup> Street from Grandview Avenue. She expressed that the use of the property may cause more traffic on this gravel road, which is already used by the surrounding

neighborhood for access to and from E 1<sup>st</sup> Street. She added that this access is not in any condition to be driven on regularly.

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

Mr. Keller inquired to the proposed hours of operation. Mr. Andrud noted that drop off would be at 8:00 AM and pick up would be at or before 5:00 PM.

Mr. Andrud explained that the gravel access that Ms. Marchand referenced is not part of the Mosaic property. He suggested that Mosaic would like to block this access off at the edge of the property to keep people from using their driveway to access Grandview Avenue. He stated that use of this access point could create a safety risk for Mosaic's clients. He noted that Mosaic employees would not be using this access point.

Mr. Keller asked whether Mosaic would be permitted to block the gravel access. Ms. Sotak asked whether blocking the gravel access would create an access issue for emergency services. Mr. Andrud noted that he intended to use a chain to block the access which would not be locked. Mr. Goff noted that there are other places where private roads are blocked and emergency services typically have a key to access such locations. He added that there is not an easement providing public access through the lot; therefore, the use of said access to cut through to Grandview is not currently permitted and there was likely nothing to prevent Mosaic from blocking the access.

Mr. Keller asked whether there was traffic going utilizing the gravel access now even though Mosaic is not currently utilizing the building. Ms. Marchand noted that the facility has been closed since 2016; however, the public utilizes Mosaic's driveway and the gravel access to enter and exit the neighborhood via Grandview Avenue. Mr. Barker noted that commencing operations at the site may discourage the public from utilizing the gravel access. He asked whether a "Dead End" sign could be added to prevent the use of the gravel access. Mr. Goff confirmed that a "Dead End" sign at 2<sup>nd</sup> Street would likely be helpful.

Mr. Keller asked Mr. Andrud to show a picture of the aerial. Mr. Andrud disclosed Mosaic's property lines and indicated where the applicant intends to place a barricade to the gravel access.

Mr. Keller asked the applicant to expand on the proposed operations. Mr. Andrud explained that the facility would offer day services for adults with disabilities. He added that there is only one such facility located in Sarpy County currently, and there is a need for more. He noted that the building was previously utilized as a residential program for adults with disabilities; however, that program ended in 2016.

Ms. Sunde asked for clarification on why the gravel access onto the property exists. Mr. Stursma noted that the house to the west of the Mosaic property utilizes the gravel access to access his or her home. He added that the applicant has the right to barricade the access, as it extends onto private property. Mr. Goff noted that the gravel access was once utilized as a driveway for a home that was on the Mosaic property before it was redeveloped.

Chairwoman Hoch reminded the Commission that the Change of Zone was the only item currently being discussed.

Mr. Wilson asked why the Change of Zone was necessary. Mr. Stursma noted that the Day care services (adult) use type is not permitted under the current Urban Family Residential (R-3) zoning

district, however, is permitted with a Special Use Permit in the Multiple Family Residential (R-4) zoning district. Mr. Andrud explained that Day care center (adult) use types are typically located in commercial areas; however, placing such uses in residential areas is more beneficial for the clients.

With no further discussion, **Motion** was made by Mr. Robinson III, seconded by Mr. Barker, to recommend approval of the Lot 1, Mosaic Addition Change of Zone (CZ-18-0007) because it is generally consistent with the zoning and compatible with surrounding uses. Roll Call: Seven yeas, no nays. Motion carried.

**Special Use Permit** – A Special Use Permit to allow Day care services (adult) as a permitted use on the property legally described as Lot 1, Mosaic Addition, generally located at 530 E 1<sup>st</sup> Street. The applicant is Mosaic. (Lot1, Mosaic Addition) **SUP-18-0004**

Chairwoman Hoch opened the public hearing.

Aaron Andrud, 4980 S 118<sup>th</sup> Street (Omaha), stepped forward to represent the applicant. He reiterated that Sarpy County is lacking in adult day care services.

Chairwoman Hoch called for proponents and opponents. Seeing no further public 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 Lot 1, Mosaic Addition Special Use Permit (SUP-18-0004) because it is generally consistent with the zoning and compatible with surrounding uses, contingent upon the applicant agreeing to the conditions outlined in the Planning Commission Staff Report. Roll Call: Seven yeas, no nays. Motion carried.

**Revised Preliminary Plat** – A Revised Preliminary Plat for the property legally described as a tract of land located in the S ½ of the NE ¼ of Section 35, T14N, R11E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located on the NW corner of HWY 50 and Gold Coast Road. The applicant is Development Services Corporation. (R & R Commerce Park) **PP-17-0002R**

Larry Jobeun, 11440 W Center Road (Omaha), stepped forward to represent the applicant. He explained that the revised preliminary plat enlarges the four lots by eliminating Outlot C on the west side of the development and shifting all of the lot lines approximately 100 feet to the west. He added that this adjustment shifts the alignment of S 146<sup>th</sup> Street to the west, thus requiring the revised preliminary plat. He added that this revision benefits R & R Commerce Park by creating larger lots, and benefits the property to the south because the alignment of S 146<sup>th</sup> Street no longer aligns with a drainage way.

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

Mr. Barker asked Mr. Jobeun to clarify which direction the lots are being shifted. Mr. Jobeun confirmed that the western lot lines are being shifted 100 feet to the west. Mr. Barker asked whether this would impact the proposed through streets. Mr. Jobeun noted that S 146<sup>th</sup> Street would still be a through street; however, it would be shifted to the west. Mr. Barker asked Mr. Jobeun to confirm whether the shift would impact S 150<sup>th</sup> Street. Mr. Jobeun noted that S 150<sup>th</sup> Street is contemplated for construction when the property to the west develops.

With no further discussion, **Motion** was made by Mr. Robinson III, seconded by Mr. Barker, to recommend approval of the R & R Commerce Park Revised Preliminary Plat (PP-17-0002R) because it is generally consistent with the Comprehensive Plan as amended, compatible with adjacent uses, and compliant with Subdivision and Zoning Regulations, contingent upon the resolution of staff comments. Roll Call: Seven yeas, no nays. Motion carried.

**Change of Zone** – A Change of Zone from Agricultural (AG) to Limited Industrial (LI) for the property legally described as a tract of land located in the S ½ of the NE ¼ of Section 35, T14N, R11E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located on the NW corner of HWY 50 and Gold Coast Road. The applicant is Development Services Corporation. (R & R Commerce Park (Phases 2 - 4) **CZ-18-0008**

Larry Jobeun, 11440 W Center Road (Omaha), stepped forward to represent the applicant. He explained that approval of the change of zone from Agricultural (AG) to Limited Industrial (LI) on the property was contingent upon each phase of the project being consistent with the original preliminary plat. A new change of zone is needed for the remaining phases of R & R Commerce Park because the Preliminary Plat is being revised. He added that the need for this application is a technicality.

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

Ms. Sunde asked staff to expound on the need for a change of zone. Mr. Stursma reflected that the need for the change of zone application is a technicality because of the need for a revised preliminary plat. He explained that the revised preliminary plat is necessary because the change in alignment of S 146<sup>th</sup> Street affects adjacent properties, and therefore needs to be amended through a public process. He added that the original change of zone is contingent upon consistency with the original preliminary plat approved by City Council; therefore, a revised preliminary plat requires a new change of zone for the remaining phases.

With no further discussion, **Motion** was made by Mr. Keller, seconded by Ms. Sunde, to recommend approval of the R & R Commerce Park (Phases 2 - 4) Change of Zone (CZ-18-0008) because it is generally consistent with the Comprehensive Plan as amended, compatible with adjacent uses, and compliant with Subdivision and Zoning Regulations, contingent upon the resolution of staff comments. Roll Call: Seven yeas, no nays. Motion carried.

**Preliminary Plat** – A Preliminary Plat for the property legally described as a replatting of Lot 1, Seibold Acres, a subdivision, as surveyed, platted and recorded in Sarpy County, NE, together with Tax Lots 3 and 4 in the S ½ of the SW ¼ of Section 32, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located NW of S 114<sup>th</sup> Street and Schram Road. The applicant is Pinecrest Homes, LLC. (Ashbury Creek 2) **PP-18-0006**

Pat Hillyer, 14710 W Dodge Road, Suite 100 (Omaha), stepped forward to represent the applicant. He stated that Ashbury Creek 2 is a single-family residential project located on the northwest corner of S 114<sup>th</sup> Street and Schram Road just south of Ashbury Creek. He explained that this project is being proposed by a different developer and will develop with a different product. He added that the project is proposed to develop as 190 single family lots.

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

Ms. Sotak noted that the proposed lots in Ashbury Creek 2 are smaller than those in Ashbury Creek, and asked Mr. Hillyer to talk about the proposed average square footage and valuation of the proposed homes. Mr. Hillyer stated that the average lot size proposed in Ashbury Creek 2 is 75 feet by 130 feet versus an average of 85 feet by 130 feet in Ashbury Creek. He added that the valuation of homes in Ashbury Creek is approximately \$25,000 more than those proposed in Ashbury Creek 2. Mr. Hillyer specified that the product in Ashbury Creek 2 will be built by Pinecrest Homes, and the square footage will be comparable to the homes being built in Granite Lake.

Mr. Keller inquired about proposed park space, green space, and trail connections. Mr. Hillyer explained that the proposed outlots on the north end of the development will continue the greenspace and park area found in phase two of Ashbury Creek. He detailed that this development will include trail connections to the south to Schram Road as well as trail along Schram Road.

Mr. Barker noted that the development seems overly dense. Mr. Hillyer explained that the proposed density is 2.7 units per acre, which is lower than what is required. Mr. Stursma noted that the plat that was provided with the Planning Commission Staff Report makes it difficult to see the proposed greenspace within the development because the contour lines are included. The contour lines skew the property lines somewhat. He echoed that there is a continuation of the Ashbury Creek park proposed as well as trail connections through greenspace to Schram Road. He added that there is also a significant amount of open space/park adjacent to the proposed subdivision and to the north. He identified that an elementary school is planned in the proposed subdivision to the west.

Mr. Barker asked whether the proposed school would likely be built prior to the development of this subdivision. He expressed concerns about whether the school system could handle the rapid residential growth in Papillion. Mr. Hillyer explained that the applicant would like to start grading and public improvements at the site in 2019, but he could not speak to the timeline of the proposed school. Mr. Stursma added that the proposed school is anticipated to be constructed and open by 2020.

Ms. Sunde asked whether the lot sized are comparable to those in Southern Pointe to the east. Mr. Hillyer and Mr. Stursma stated that they were unsure, but believed that the lots in Southern Pointe were smaller than those proposed in Ashbury Creek 2. Mr. Stursma added that a mix of lot sizes and price points in housing in the same area allows for greater housing diversity and variety.

Ms. Sunde asked whether it was common to require that a Homeowner's Association be established for the compulsory maintenance of outlots. Mr. Stursma stated that this was common because the City does not want to fund the maintenance of neighborhood specific outlot uses such as detention basins and drainage ways upon annexation.

Mr. Keller asked staff to display an aerial of the project.

Mr. Keller asked about the price point of the homes. He also asked whether price point was relevant to the Planning Commission in general. Mr. Stursma noted that asking the price point of the proposed homes without clarification on why said information is pertinent has the potential to send the wrong message. He added that valuation is important when looking at the financial feasibility of a subdivision. Mr. Keller asked if the Planning Commission should consider whether housing options exist in Papillion for people in a multitude of income ranges. Mr. Stursma stated

that it is important for the Planning Commission to look at the City as a whole, and that this will be an important question when looking at the update of the Comprehensive Plan.

Mr. Wilson asked when S 120<sup>th</sup> Street will be constructed from Ashbury Farm to Schram Road. Mr. Stursma explained that the project to the west of this development will be responsible for the construction of S 120<sup>th</sup> Street. He stated that he was unsure when said construction will occur.

Ms. Sotak noted that this development may help speed up the process for public improvements needed in the area, including a traffic signal at S 114<sup>th</sup> Street and Highway 370.

With no further discussion, **Motion** was made by Mr. Keller, seconded by Ms. Sotak, to recommend approval of the Ashbury Creek 2 Preliminary Plat (PP-18-0006) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, and compliant with Subdivision and Zoning Regulations, contingent upon the resolution of staff comments. Roll Call: Seven yeas, no nays. Motion carried.

**Change of Zone** – A Change of Zone from Agricultural (AG) to Multiple-Family Residential (R-4) for the property legally described as a replatting of Lot 1, Seibold Acres, a subdivision, as surveyed, platted and recorded in Sarpy County, NE, together with Tax Lots 3 and 4 in the S ½ of the SW ¼ of Section 32, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located NW of S 114<sup>th</sup> Street and Schram Road. The applicant is Pinecrest Homes, LLC. (Ashbury Creek 2) **CZ-18-0006**

Pat Hillyer, 14710 W Dodge Road, Suite 100 (Omaha), stepped forward to represent the applicant. He noted that the SID attorney, Pat Sullivan was also present.

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

With no further discussion, **Motion** was made by Mr. Robinson III, seconded by Mr. Keller, to recommend approval of the Ashbury Creek 2 Change of Zone (CZ-18-0006) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, and compliant with Subdivision and Zoning Regulations, contingent upon the resolution of staff comments. Roll Call: Seven yeas, no nays. Motion carried.

**Community Redevelopment Plan: Downtown Papillion** – To consider a Redevelopment Plan for the Redevelopment Area that was declared substandard and blighted by the Mayor and City Council of the City of Papillion on May 1, 2018 with Resolution No. R18-0071. The Redevelopment Area Boundary is comprised of approximately 4.5 acres and generally described as having a northern boundary of Jackson Street from 4th Street to Adams Street, having a southern boundary running parallel to 2nd Street beginning at the center of Block 17 west to the Papillion Creek corridor, having a western boundary that is the Papillion Creek corridor, having an eastern boundary of Adams Street from Jackson Street to approximately 175' south of 2nd Street, and a segment of 2nd Street extending from Adams Street to 84th Street, all of which is more precisely depicted on the map attached to Resolution R18-0071 as Exhibit A and available for public inspection at the office of the City Clerk. The applicant is the Limited Community Redevelopment Authority (LCRA) of the City of Papillion. **MISC-18-0010**

Mayor David Black, 122 E 3<sup>rd</sup> Street, stepped forward to represent the City. He explained that Tax Increment Financing (TIF) is a very common tool used to promote redevelopment across

Nebraska; however, TIF has never been used in Papillion. He recognized that the Limited Community Redevelopment Authority (LCRA) established the process for utilizing TIF. He noted that older infrastructure is more expensive to redevelop, and TIF incentivizes such redevelopment. He added that establishing a Redevelopment Area enables the use of TIF, but does not require the use of TIF or redevelopment.

Mayor Black noted that the LCRA has been established. He explained that the Planning Commission offers its recommendation to the LCRA, which then offers its recommendation to the City Council regarding the Redevelopment Plan.

Mayor Black explained that the former Public Works shop (Parcel Numbers 010303952 and 010604480), the current Recreation Department office (145 W 2<sup>nd</sup> Street), and the downtown Fire Station (146 N Adams Street) are included in the City properties that are a part of the Redevelopment Area. Mayor Black noted that the Public Works shop is ready to sell; however, the Recreation Department office building would not be sold until the community center opens, nor would the Fire Station be sold until a new location was procured and built.

Mayor Black stated that the City's focus is on the redevelopment of City owned property; however, the City desires to extend the opportunity to utilize TIF to the adjacent private landowners if he or she so chooses.

Mayor Black explained that if City Council approves the proposed Redevelopment Plan, such approval will enable the City to submit a Request for Proposal (RFP) to the development community for the City owned properties. Interested developers will ideally present a phased project that contemplates the use of the Recreation Department office building and Fire Department at a later time because the former Public Works site will be the only property immediately for sale.

Mayor Black noted that there has already been much interest in the City owned property from the development community. He added that platting and rezoning will likely need to be established prior to the redevelopment of these lots.

Mayor Black suggested that there has been some misinformation circulating to the private property owners within the Redevelopment Area leading such owners to believe that they being forced out of their property by the City. He presumed that such information was likely coming from commercial real estate agents. Mayor Black reassured the Commission and the public that the City would not be forcing any private property owner to sell his or her property for redevelopment, and that the City was simply making TIF available to said property owners in the event that he or she was willing to sell to a redeveloper.

Chairwoman Hoch called for proponents and opponents.

Tilmer Stone, 9304 Gertrude Street (La Vista), stepped forward and stated that he owns many of the privately owned properties within the Redevelopment Area. He noted that Mayor Black is correct about the misinformation that has been circulating. He indicated that real estate agents and the public have approached him and his tenants under the assumption that the City would force him to sell his properties.

Mr. Stone asked the City to clarify the statement on page five of the Redevelopment Plan regarding the requirement that the Redevelopment Plan contains information regarding the proposed methods of acquisition and preparation of the Redevelopment Area. He indicated that



this statement caused confusion with the statement that the City would not attempt to acquire the privately owned properties. He asked the City to explain whether it would seek eminent domain if a redeveloper brings forward a plan for the entire Redevelopment Area and the property owner does not wish to sell.

Gene Pfahl, 245 S Washington Street, stepped forward to explain that downtown business owners had similar concerns while the City was considering the Downtown chapter of the Comprehensive Plan. He added that the City reassured him at that time that his property was not in jeopardy. He added that the Downtown Business Association was created around that time, and encouraged these property owners to join. He offered his support of the Redevelopment Plan.

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

Mayor Black reassured the Commission and the public that the City is willing to prevent misinformation regarding this plan in any way that it can. He added that the City has no intent to utilize eminent domain to “take over” private property, nor does it plan to force any private property owner to sell. He reiterated that the City owned land would be sold to private entities for redevelopment. He added that should a private property owner within the Redevelopment Area choose to sell his or her property, the redeveloper would have the option to utilize TIF, if desired.

Ms. Rupiper explained that the Redevelopment Plan is meant to serve as the framework for an RFP in which developers will present identified projects and concepts for the Redevelopment Area. She added the Community Development Law requires amendments to the Redevelopment Plan each time a developer seeks to utilize TIF to redevelop the area or a portion thereof. She noted that a portion of said amendment would require a cost benefit analysis to show the City what the costs of redevelopment would be, and the cost of acquisition of land encompasses a portion of said cost. She added that the methods of acquisition allowed by Community Development Law are flexible and could include leases. Ms. Rupiper recapped that the City purposely stated in the Redevelopment Plan that it does not intend to acquire the privately owned parcels of land to put potential developers on notice of its intention.

Mr. Stursma added that the bullet point regarding acquisition that raised concern with Mr. Stone includes language that is required by State statute to be included in the Redevelopment Plan. He echoed the statements of Mayor Black and Ms. Rupiper stating that the City has clearly spelled out in the Redevelopment Plan that it does not intend to acquire privately owned property within the Redevelopment Area. He explained that the risk of the City utilizing eminent domain on the privately owned properties for redevelopment is very low, as City has historically only used eminent domain for right-of-way dedication and public utility easements.

Mr. Wilson noted that he also owns a business downtown and reflected Mr. Pfahl’s assertion that the City is upfront about redevelopment.

Ms. Sunde offered her support of the Redevelopment Plan.

Mr. Wilson asked whether TIF would affect the property taxes for the businesses within the Redevelopment Area. Mr. Stursma noted that it should have no effect on existing businesses; however, it will create an opportunity for redevelopment projects to utilize TIF funding to pay down the costs of redevelopment. Ms. Rupiper noted that the tax benefit created by TIF is limited to a fifteen-year duration.

Chairwoman Hoch commended the City for the depth of information and transparency provided in the Redevelopment Plan.

Ms. Sotak asked whether any of the private landowners have expressed interest in selling his or her property. Mayor Black noted that he could not answer the question and would not speculate. He added that he only speaks to possible developers regarding City owned land.

Mr. Keller offered his support of the Redevelopment Plan.

Ms. Rupiper provided clarification that any motion would need to be made to the LCRA rather than City Council. Ms. Sunde and Mr. Keller asked for further clarification. Ms. Rupiper obliged.

With no further discussion, **Motion** was made by Mr. Robinson III, seconded by Mr. Keller, to recommend to the Limited Community Redevelopment Authority (LCRA) that the proposed Downtown Papillion Redevelopment Plan submitted by the LCRA conforms with the City's Comprehensive Plan and should be approved by the City Council pursuant to the Nebraska Community Development Law; accordingly, the staff report for MISC-18-0010, including all attachments thereto, and a draft of the corresponding minutes from this August 29, 2018 Planning Commission meeting shall be submitted by staff to the LCRA as the Planning Commission's written recommendations required by the Nebraska Community Development Law. Roll Call: Seven yeas, no nays. Motion carried.

**Ordinance No. 1817 – Floor Area Ratio Amendment** – An ordinance to amend Section 205-11 of Article II (Development Definitions); Section 205-39 of Article IV (Zoning District Regulations); Section 205-43 of Article V (AG Agricultural District); Section 205-47 of Article VI (RE Residential Estates District); Section 205-51 of Article VII (R-1 Single-Family Residential (Low-Density)); Section 205-56 of Article VIII (R-2 Single-Family Residential (Medium Density)); Section 205-61 of Article IX (R-3 Urban Family Residential); Section 205-66 of Article X (R-4 Multiple Family Residential); Section 205-71 of Article XI (MH Mobile Home Residential District); Section 205-78 of Article XII (O Office District); Section 205-83 of Article XIII (LC Limited Commercial District); Section 205-89 of Article XIV (CC Community Commercial District); Section 205-94 of Article XV (GC General Commercial District); Section 205-98 of Article XVI (CBD Central Business District); Section 205-103 of Article XVII (LI Limited Industrial District); Section 205-107 of Article XVIII (GI General Industrial District); Section 205-123(B)(3)(b) of Article XXII (MU Mixed Use District); Section 205-132(F)(2) and Section 134(K)(3) of Article XXIII (PUD Planned Unit Development Overlay District); and Section 205-301 of Article XL (Administration and Procedures), all of Chapter 205 of the Papillion Municipal Code, to remove all references to Floor Area Ratio. The applicant is the City of Papillion. (Floor Area Ratio Ordinance Amendment) **TC-18-0002**

Mark Stursma, 122 E 3<sup>rd</sup> Street, stepped forward to represent the applicant. He explained that the proposed amendment is meant to eliminate a component of the zoning code that does not add value and has historically created issues for developers. He explained that Floor Area Ratio is a common tool used in zoning; however, it is not as useful for suburban development. He explained that Floor Area Ratio sets a minimum or maximum floor area that can be constructed based on the size of a lot. He explained that Floor Area Ratio does not often apply to the type of development typically proposed in Papillion; however, there have been a few instances where a developer has proposed a multi-story project that exceeded the Floor Area Ratio, but otherwise met City criteria for development.

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

Mr. Wilson asked whether all of the referenced sections would be deleted from the code. Mr. Stursma clarified that only the references to Floor Area Ratio therein would be deleted; however, Floor Area Ratio is referenced multiple times in the code.

With no further discussion, **Motion** was made by Ms. Sunde, seconded by Ms. Sotak, to recommend approval of the Ordinance No. 1817 – Floor Area Ratio Amendment (TC-18-0002). Roll Call: Seven yeas, no nays. Motion carried.

### **OTHER BUSINESS**

Ms. Rupiper reminded the Commission of the upcoming NPZA Metro Division Workshop of September 14, 2018. She and Mr. Stursma encouraged the Commission to attend.

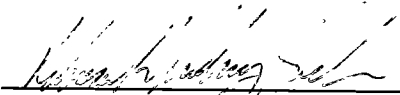
Mr. Stursma informed the Commission of an upcoming Housing Affordability Design Lab.

Mr. Robinson III thanked staff for their work on the Urban Design Tour that was held on August 11, 2018.

Mr. Keller recognized his students who attended the meeting. Landon Jewell and Zach Martin introduced themselves.

With no further business to come before the Commission, **Motion** was made by Mr. Keller, seconded by Mr. Barker, to adjourn. The meeting adjourned by unanimous consent at 8:50 PM.

CITY OF PAPILLION

  
Rebecca Hoch, Chairwoman