

# MINUTE RECORD

## PAPILLION PLANNING COMMISSION MEETING MARCH 29, 2023

The Papillion Planning Commission met in open session at the Papillion City Hall Council Chambers on Wednesday, March 29, 2023 at 7:00 PM. Chairwoman Rebecca Hoch called the meeting to order. Planning & Legal Clerk Tarja Koistila called the roll. Planning Commission members present were Howard Carson, Michael Erdman, Jim Hrabik, John E. Robinson III, Raymond Keller Jr., and Wayne Wilson. Leanne Sotak and Herb Thompson were absent. Alternate member Heather Bernady was not required to attend. Planning Director Travis Gibbons, Senior Planner Michelle Romeo, Planner I Kevin Pflager, 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 Times on March 15 and 24, 2023. Copies of proof of publication are 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. Carson, 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. Robinson III, seconded by Mr. Keller, to approve the February 22, 2023 minutes. Roll Call: Seven yeas, no nays. Motion carried.

### **FINAL PLATS**

**Final Plat** – A request for a Final Plat for the property legally described a tract of land located in part of Tax Lot 31 of Section 26, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located at E 3<sup>rd</sup> Street and American Parkway. The applicant is City of Papillion. (Papillion Business & Technology Park) **FP-23-0004**

Chairwoman Hoch stated that the Papillion Business & Technology Park Final Plat will be heard after the Papillion Business & Technology Park Preliminary Plat.

After Planning Commission consideration of the Papillion Business & Technology Park Preliminary Plat for Lots 12 – 14, Chairwoman Hoch stated that this is not a public hearing and called for Commission Discussion.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Mr. Hrabik, to recommend approval of the Papillion Business & Technology Park for Lots 12 – 14 (FP-23-0004) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses,

compliant with Zoning and Subdivision Regulations. Roll Call: Seven yeas, no nays. Motion carried.

## **PUBLIC HEARINGS**

**Change of Zone** – A request for a Change of Zone for the property legally described Lot 205, Founders Ridge generally located SW of S 126<sup>th</sup> Street and HWY 370. The applicant is Carlson Consulting Engineers. (Founders Ridge – Senior Living) – **CZ-23-0003**

Chairwoman Hoch opened the public hearing.

Mike Dedman, 7068 Ledgestone Commons, Bartlett TN stepped forward to represent the applicant. Mr. Dedman stated will complete all revisions and he is available for any questions.

Chairwoman Hoch called for proponents and opponents.

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

Mr. Erdman questioned the timeline of streets being completed. Mr. Dedman stated the SID's public improvement plans are currently going through the City's approval process.

Mr. Carson asked about the specifics of senior housing versus the average apartment building.

Mr. Ryan Durant, 1110 N Skyline Dr, stepped forward to represent the applicant. Mr. Durant stated the development will be for residents that are 55+. Each unit will be two bedrooms with one bath. He stated there will be activities geared toward senior citizens.

Mr. Hrabik asked why Papillion is more appealing than Omaha for this project. Mr. Durant stated that Sarpy County is the fastest growing County. He noted that Omaha usually gets the financing for these types of projects; however, they were able to obtain funding for this project.

With no further discussion, **Motion** was made by Mr. Hrabik, seconded by Mr. Carson, to recommend approval of the Founders Ridge (CZ-23-0003) 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.

**Preliminary Plat** – A request for a Preliminary Plat for the property legally described a tract of land located in part of Tax Lot 31 of Section 26, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located on E 3<sup>rd</sup> Street and American Parkway. The applicant is City of Papillion. (Papillion Business & Technology Park) **PP-23-0002**

Chairwoman Hoch opened the public hearing.

Travis Gibbons, Planning Director, 122 E Third St, stepped forward to represent the applicant. Mr. Gibbons stated that the City is platting this area for future economic development, with no zoning changes and that he is available for any questions. He indicated that E 3<sup>rd</sup> Street is not proposed to be improved with this phase of platting.

Chairwoman Hoch called for proponents and opponents.

Ms. Denene Turner, 919 Aberdeen Drive, questioned whether she, as a resident, would have any input as to who can build on Lots 12 – 14. Chairwoman Hoch responded that is not the process if the developer/builder meets the zoning requirements that are already in place. Ms. Romeo reiterated this is not being rezoned, and that it is being platted for future economic development.

Mr. Mike Jones, 1007 Wicklow Road, asked about the squared off area to the north within Lot 14. Ms. Romeo explained that the City is platting Lot 14 as a single lot to provide flexibility for how that lot is marketed for development and potentially replatted in the future.

Mr. Larry Shotkoski, 13218 12<sup>th</sup> Street, Plattsmouth stepped forward as a neighboring landlord asked about the development of the slope area within Lot 14. Mr. Gibbons stated that the slope area could be used to offset impervious coverage requirements when Lot 14 is developed, or it could be platted as an outlot in the future.

Seeing no public input, Chairwoman Hoch closed the public hearing and called for Commission Discussion or a Motion to continue the request.

Chairwoman Hoch called for proponents and opponents.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Mr. Hrabik, to recommend approval of the Papillion Business & Technology Park Preliminary Plat for Lots 12 - 14 (PP-23-0002) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, compliant with Zoning and Subdivision Regulations. Roll Call: Seven yeas, no nays. Motion carried.

**Property Maintenance Code** – A request to amend Papillion Municipal Code Chapter 100, currently entitled “Buildings, Unsafe”, to be amended to be entitled “Property Maintenance”; to adopt the International Property Maintenance Code, 2018 Edition, with local amendments; to adopt procedures for enforcement and appeal; to repeal Chapter 89 entitled “Brush, Grass And Weeds” and Chapter 137 entitled “Nuisances”; to amend Chapter 9 and Sections 92-1 and 92-9 to define the Code Official and to provide for a Board of Appeals; to move Section 137-4 regarding plastic bags to new Section 125-24; to amend Chapter 184 now to be entitled “Abandoned Vehicles”; to amend Chapter 206 to include references to nuisances under Chapter 100; to repeal the amended sections as previously enacted; and to provide for an effective date. The applicant is City of Papillion. **MISC-23-0006**

Chairwoman Hoch opened the public hearing and called for the applicant.

Mark Stursma, Deputy Administrator of Community Development, 122 E Third St, stepped forward to represent the applicant. Mr. Stursma stated that the intent of this code is to ensure public health, safety, and welfare. He also stated the City will use a complaint driven approach instead of instigating an annual inspection process. Mr. Stursma stated that a large portion of the Property Maintenance Code is to hold landlords accountable for their rental properties and keep rental properties safe and up to code. He also that stated this version of the Property Maintenance Code was approved by the Public Safety Committee on February 7<sup>th</sup>.

Mr. Brad Sojka, Chief Building Official, 122 E Third St, stepped forward to represent the applicant. Mr. Sojka provided an overview of the proposed ordinance amendments. He stated that the key point is to update Chapter 100 dealing with unsafe buildings to be the Property Maintenance Code. He also stated that there will be a Board of Appeals that will hear Appeals related to the Property Maintenance Code and other adopted Building Codes.

Chairwoman Hoch called for proponents.

Ms. Lu Ann Kluch, City Councilmember, 1320 Scott Rd, stated that she started working on this project over two years ago. Ms. Kluch advocated for the adoption of a property maintenance code to ensure that the community and where people live are safe.

Chairwoman Hoch called for opponents.

Mr. Michael Tiedeman, 101 Summerset Drive, read the 4<sup>th</sup> Amendment of the Constitution. He read an excerpt from the Property Maintenance Code that authorizes the code official to enter a household if there is reasonable cause. He asserted that the Property Maintenance Code is a government overreach.

Chairwoman Hoch asked for input from Deputy Attorney Carla Heathershaw-Risko. Ms. Heathershaw-Risko stated that the code official would be allowed to enter property if the owner, or renter, granted them access, and if access was not granted, then a warrant would need to be obtained from the court.

Ms. Loreen Reynante, 1108 Parc Drive asserted that the Property Maintenance Code is a government overreach. She also stated that she does not believe the City will be able to make the landlords take care of their properties. Ms. Reynante asserted that the Property Maintenance Code will serve the City well. She requested that Mr. Erdman recuse himself due to his prior testimony at City Council about adopting a property maintenance code.

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

Mr. Erdman addressed his past testimony at City Council to advocate for adopting a property maintenance code. He explained that a property maintenance code is needed due to the decline of some of our older neighborhoods due to there not being any protections from homeowner's associations or covenants. He provided examples of landlord owned properties that are in decline because the landlord has not maintained the property. Mr. Erdman asserted that the Property Maintenance Code will hold landlords accountable for their properties. He advocated for the adoption of the Property Maintenance Code.

Mr. Carson asked whether the Property Maintenance Code will include regulations for feral cats. Mr. Stursma stated that the Property Maintenance Code does not address feral cats. He explained how the City works with the Humane Society in regard to animal complaints.

Mr. Hrabik noted concern about a resident possibly running a home business using Amazon as their driveway is often filled with boxes. Based upon his experience with Code Enforcement, he

questioned whether the new Property Maintenance Code can better address his concern. Mr. Stursma stated home occupations are regulated by Chapter 205 Zoning.

Mr. Keller asked how many Code Enforcement complaints are received in one year, how many complaints are resolved, and how many are not resolved. Mr. Sojka stated that 385 complaints were submitted in 2022, and they closed out 375. He stated that most people are willing to work with the City.

Mr. Wilson questioned the nature of the majority of the complaints. Mr. Sojka stated that 74% were nuisances, which would typically be covered under the Property Maintenance Code. The next two highest categories were tree/shrub maintenance and overgrown grass complaints.

Mr. Wilson asked how the submitted complaints were resolved without the Property Maintenance Code. Mr. Sojka stated they successfully addressed most of the complaints; however, some complaints were closed with no action taken because the City does not have a property maintenance code in place.

Mr. Heathershaw-Risko stated that in the past the City had multiple procedures as to how to handle Code Enforcement issues based upon the code. She stated that having a Property Maintenance Code in place makes it easier not only for the staff in the City, but also for the citizens as they will have a clear understanding of the City's expectations.

Mr. Robinson III thanked the City staff for their hard work preparing the Property Maintenance Code.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Mr. Hrabik, to recommend approval of the Property Maintenance Code (MISC-23-0006) because it is consistent with Neb Rev. Stat. § 18-1720 and § 18-132 and with the vision and goals of the Comprehensive Plan. Roll Call: Seven yeas, no nays. Motion carried.

### **OTHER BUSINESS**

Mr. Gibbons introduced new employee, Kevin Pflager – Planner I.

With no further business to come before the Commission, **Motion** was made by Mr. Hrabik, seconded by Mr. Robinson III, to adjourn. Roll call: Seven yeas, No nays. Motion passes. The meeting adjourned by unanimous consent at 8:11 P.M.

CITY OF PAPILLION

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Rebecca Hoch, Chairwoman