

MINUTE RECORD

PAPILLION PLANNING COMMISSION MEETING APRIL 26, 2023

The Papillion Planning Commission met in open session at the Papillion City Hall Council Chambers on Wednesday, April 26, 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., Wayne Wilson, Leanne Sotak and Herb Thompson. Alternate member Heather Bernady was not required to attend. Planning Director Travis Gibbons, Senior Planner Michelle Romeo, Planner I Kevin Pflager, Deputy City Engineer Derek Goff, and City Attorney Alan Thelen 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 April 5, 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. Keller, seconded by Mr. Robinson III, to approve the agenda as presented. Roll call: Nine yeas, no nays. Motion carried.

Approval of the Planning Commission Minutes

Motion was made by Mr. Keller, seconded by Mr. Hrabik, to approve the March 29, 2023 minutes. Roll Call: Nine yeas, no nays. Motion carried.

FINAL PLATS

Final Plat – A request for a Final Plat for the property legally described as part of NW 1/4 of Section 4, T13N, R12E of the 6th P.M., Sarpy County, NE, generally located on the SW corner of Turkey Road and Schram Road. The applicant is Celebrity Homes. (Schram 108 – Phase 2) **FP-23-0005**

Chairwoman Hoch called for the applicant.

Mark Johnson, Fullenkamp, Johnson, Jobeun, and Beller, 11440 West Center Rd, stepped forward to represent the applicant. He offered to answer any questions.

Mr. Carson inquired about the projected lot cost as it related to housing affordability. Mr. Johnson explained that Celebrity does not typically sell individual lots since they build the home. He noted that the average house price would be \$375,000.

With no further discussion, **Motion** was made by Mr. Keller, seconded by Mr. Robinson III, to recommend approval of the Schram 108 (Phase 2) (FP-23-0005) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, compliant with Zoning and Subdivision Regulations. Roll Call: Nine yeas, no nays. Motion carried.

PUBLIC HEARINGS

Change of Zone – A request for a Change of Zone for the property Lot 1 and 2, Commerce Business Centre Replat Eight together with the part of Lot 2, Commerce Business Center Replat Seven generally located at 15350 Shepard St. The applicant is 88 Tactical. (Commerce Business Centre Replat Eight) – **CZ-23-0001**

Chairwoman Hoch opened the public hearing.

Trevor Veskrna with TD2 stepped forward to represent the applicant. He noted that Harold Caine with 88 Tactical was also present. Mr. Veskrna advised that the 88 Tactical change of zone was previously presented at the February Planning Commission meeting. He explained that 88 Tactical wants to purchase a portion of property next to 88 Tactical to expand parking area, so they are requesting approval of a revised Change of Zone application.

Chairwoman Hoch called for proponents and opponents.

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

With no further discussion, **Motion** was made by Mr. Hrabik, seconded by Mr. Robinson III, to recommend approval of the 88 Tactical (CZ-23-0001) 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: Nine yeas, No nays. Motion carried.

Access Management - Ordinance Amendment – A request to amend Chapter 170 (Subdivision of Land), Article V (Subdivision Design Standards) to provide access management and subdivision through route regulations. The Planning Department currently uses the access management policies for the City of Omaha and Sarpy County as a guide for making recommendations related to access management. Based upon input from the development community, staff is recommending that such policies be incorporated into Chapter 170 to ensure consistent application of the access management regulations. The applicant is City of Papillion. **TC-23-0001**

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

Senior Planner Michelle Romeo, 122 E 3rd Street, provided an overview of the proposed amendment to the Subdivision Ordinance. She noted that the proposed access management policies are consistent with current practice and with policies used by Sarpy County and the City of Omaha. She advised that the access management policies will provide for public safety. Ms. Romeo explained the intent of requiring through routes within a subdivision. She noted that the through route regulations can be adjusted to address site constraints such as topography.

Chairwoman Hoch called for proponents and opponents.

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

Mr. Wilson questioned whether the new regulations would add more red tape for development.

Ms. Romeo explained that the City is already recommending that development comply with the access management and through route rules during the development process. She noted that this will codify the current practice into the Subdivision Regulations.

Mr. Keller questioned how the ordinance amendment would impact development. Ms. Romeo advised that adding the access management and through route requirements to the Subdivision Ordinance will give information to developers up front so they can include the requirements in the initial subdivision design. She also noted that adding the regulations to the Subdivision Ordinance will provide developers with a waiver process that can be used to address site specific constraints such as topography.

Mr. Hrabik asked whether the proposed ordinance amendment would require the alignment of streets. Ms. Romeo confirmed that the regulations will require that streets either be aligned or appropriately offset if alignment is not feasible.

Mr. Thompson questioned whether the proper use of roundabouts is addressed in the driver's manual. Chairwoman Hoch noted that Mr. Thompson's question was not applicable to the agenda item.

With no further discussion, **Motion** was made by Mr. Keller, seconded by Mr. Robinson III, to recommend approval of the Access Management – Ordinance Amendment (TC-23-0001) 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: Nine yeas, no nays. Motion carried.

Ordinance #1992 – A request to annex certain Real Estate to the City of Papillion, Nebraska legally described as all of Outlot D, North Shore, together with all of Outlot E, Schewe Farms, together with all of S 123rd Street lying within said Schewe Farms, together with parts of Lincoln Road, Ballpark Way, S 126th Street and S 120th Street lying within said Schewe Farms, together with Lots 1, 3, 6 and 7 and Outlot A, Generations, together with all of Ballpark Way, S 123rd Street, S 125th Street and Cumberland Drive lying within said Generations, together with all of Lots 1, 2 and 3, Generations Replat 1 also known as **Tract A (Part 1)** - Outlot D, North Shore: **Tract A (Part 2)** - Outlot E, Schewe Farms: **Tract A (Part 3)**: Lots 1, 3, 6 and 7 and Outlot A Generations and **Tract A (Part 4)** – Lots 1-3 Generations Replat 1. The applicant is The City of Papillion. **MISC-23-0008** (2023 Annexation No. 2)

Chairwoman Hoch opened the public hearing and called for the applicant. Ms. Hoch noted that we received written comment from John Kuehl, D.A. Davidson Co., 450 Regency Parkway Ste 400 (Omaha).

Planning Director Travis Gibbons provided an overview of 2023 Annexation No. 2. He explained that it is a partial annexation of SID 290 and SID 292, which will allow the City to annex part of the Generations Mixed Use District. He noted that the annexation will include the proposed Generations entertainment district, which will be similar to the Haymarket in Lincoln and the Capital District in Omaha. Mr. Gibbons explained that state law requires an entertainment district to be in city limits. He provided an explanation of the regulations for a partial annexation. Mr. Gibbons advised that Planning Commission is the first of many steps that will be required for the annexation. He reminded the Commission that their role is to consider whether the proposed annexation is appropriate based on the Comprehensive Plan and the anticipated growth area for the City. He indicated that the fiscal considerations will be addressed at City Council, which is the next step in the process. Mr. Gibbons explained that the annexation will require approvals at the bankruptcy court (due to SID 290's annexation) and the District Court (due to the partial annexation of SID 290 and SID 292). He asked for the Commission's support to move the proposed annexation forward to City Council.

Chairwoman Hoch called for proponents and opponents.

John Bachman, Pansing, Hogan, Ernst & Bachman LLP, 10250 Regency Cir, stepped forward on behalf of SID 290. He noted that Generations is located within SID 290. He indicated that he was not speaking in favor or opposition to the proposed annexation. He explained that his concern relates to SID 290's fiscal standing related to the Chapter 9 bankruptcy. Mr. Bachman noted that SID 290's creditors need to be part of the fiscal discussion for the annexation. He noted that he looks forward to working with the City on the annexation.

Seeing or hearing no further public input, Chairwoman Hoch closed the public hearing and called for Commission discussion. She reminded the Commission that fiscal part of the annexation is under City Council's purview while the Planning Commission's role is to address growth.

Mr. Hrabik inquired whether 2023 Annexation No. 2 would be like the partial annexation of the Settlers Creek Mixed Use District. Mr. Gibbons confirmed that it would be a similar process. He noted that the proposed annexation is based on projected revenue rather than actual revenue, which was how the Settlers Creek annexation was evaluated.

Mr. Hrabik inquired about the timing for the 2023 Annexation No. 2. Mr. Gibbons advised that the ordinance is anticipated to be heard at City Council on 5/2/23, 5/16/23, and 6/6/23. He explained that the proposed financial terms of the annexation would be presented to the bankruptcy court and the District Court if City Council approves the annexation.

Mr. Hrabik asked whether the City was part of bankruptcy. Mr. Thelen explained that the City was not part of the bankruptcy; however, the annexation will need to be approved by the bankruptcy court.

Mr. Keller expressed support for an entertainment district by Werner Park.

With no further discussion, **Motion** was made by Mr. Hrabik, seconded by Mr. Robinson III, to recommend approval of Version #2 of Ordinance #1992 (MISC-23-0008) because it is consistent

with the Comprehensive Plan, compatible with adjacent uses, and compliant with Zoning Regulations, contingent upon the resolution of staff comments. Roll Call: Nine yeas, No nays. Motion carried.

Ordinance #1993 – A request to change the official Zoning Map of the City of Papillion in accordance with Section 205-32 of the Papillion Municipal Code to adopt a Zoning Map and to apply existing or future zoning regulations, property use regulations, building ordinances, electrical ordinances, plumbing ordinances, and all other regulatory ordinances of the City of Papillion pursuant to Neb. Rev. Stat. §16-901. The applicant is the City of Papillion. (Revise Zoning Map for 2023 Annexation No. 2) **MISC-23-0009**

Chairwoman Hoch opened the public hearing and called for the applicant. Ms. Hoch noted that we received written comment from John Kuehl, D.A. Davidson Co., 450 Regency Pkwy Ste 400.

Planning Director Travis Gibbons explained that the ordinance will update the zoning map to add the annexation area.

Chairwoman Hoch called for proponents and opponents.

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

Mr. Carson requested clarification on how the bankruptcy works with respect to the annexation. Chairwoman Hoch noted that Mr. Carson's question was not applicable to the agenda item.

With no further discussion, **Motion** was made by Mr. Hrabik, seconded by Mr. Robinson III, to recommend approval of Ordinance No 1993 (MISC-23-0009) because it is consistent with the Comprehensive Plan, compatible with adjacent uses, and compliant with Zoning Regulations, contingent upon the resolution of staff comments. Roll Call: Nine yeas, No nays. Motion carried.

OTHER BUSINESS

Mr. Gibbons advised there will be no May Planning Commission meeting.

With no further business to come before the Commission, **Motion** was made by Mr. Hrabik, seconded by Mr. Robinson III, to adjourn. Roll call: Nine yeas, No nays. Motion passes. The meeting adjourned by unanimous consent at 7:28 P.M.

CITY OF PAPILLION

Rebecca Hoch, Chairwoman