

**CITY OF PAPILLION
MAYOR AND CITY COUNCIL REPORT
MARCH 5, 2019 AGENDA**

Subject:	Type:	Submitted By:
Approval of ORD #1831 to amend Chapter 205 (Zoning Ordinance), Article XXII having to do with MU Mixed Use District. The applicant is the City of Papillion. (Mixed Use District Ordinance Amendment).	Ordinance #1831 (2 nd Reading/ Public Hearing)	Mark A. Stursma, AICP Planning Director

SYNOPSIS

This is a request to amend Chapter 205 (Zoning Ordinance), Article XXII having to do with MU Mixed Use District. The intent of the ordinance amendment is to clarify the procedures for the creation of a Mixed Use District, the adoption of a Mixed Use Development Agreement, and the amendment of an existing Mixed Use Development Agreement.

The proposed ordinance amendment refines the procedures for the creation of a Mixed Use District and the adoption of a corresponding Mixed Use Development Agreement based on the two most common methods currently utilized in Papillion. Those two methods are:

- A. Adoption of a Mixed Use Development Agreement in conjunction with adoption of the third reading of a Change of Zone ordinance.
- B. Adoption of a Mixed Use Development Agreement at a later date such that the Mixed Use Development Agreement will not be considered with the third reading of a Change of Zone ordinance.

It should be noted that Article XXII currently contemplates a third method for allowing development of individual projects within a Mixed Use District without an adopted Mixed Use Development Agreement. This method allows for the approval of a special use permit in lieu of the adoption of a Mixed Use Development Agreement. To date, this option has not been exercised for any existing Mixed Use District. Staff is proposing to eliminate this method because it conflicts with the purpose of creating a Mixed Use District.

Mixed Use Zoning is an important tool that supports the execution of the vision of the Comprehensive Plan by facilitating the City's promotion of integrated, quality, mixed use development within areas identified as mixed use within the future land use plan. The proposed amendments will increase transparency of process and thus further assure compliance with all state regulations.

FISCAL IMPACT

Not applicable.

RECOMMENDATION

Approval.

On 01/30/19, the Planning Commission unanimously recommended approval of Ordinance #1831.

ATTACHMENTS:

- Ordinance #1831
- Legislative Tracked Changes
- 01/30/19 Planning Commission Staff Report
- 01/30/19 Planning Commission Minutes

ORDINANCE NO. 1831

AN ORDINANCE TO AMEND ARTICLE XXII (MU MIXED USE DISTRICT) OF CHAPTER 205 OF THE PAPILLION MUNICIPAL CODE, HAVING TO DO WITH THE MU MIXED USE DISTRICT.

WHEREAS, the City Council of the City of Papillion has received a recommendation from the Papillion Planning Commission concerning the proposed changes and additions as set forth in this Ordinance.

BE IT ORDAINED by the Mayor and City Council of the City of Papillion, Nebraska, as follows:

Section 1. That Article XXII, MU Mixed Use District, of Chapter 205 Zoning be rescinded in its entirety and replaced to read as follows:

ARTICLE XXII. MU Mixed Use District

§ 205-121. Purpose.

The MU Mixed Use District is intended to accommodate projects that combine several compatible land uses into an integrated development. The MU District may also be used to predesignate parts of the city that are appropriate for a mixture of residential, civic, office, commercial, transportation, or industrial uses. The district permits mixing residential areas with workplaces and services. Development in the MU District must accommodate diverse transportation systems, including pedestrian and bicycle movement, and integrate them with surrounding environments.

§ 205-122. Permitted uses.

- A. Ordinance to define use types permitted. An ordinance establishing an MU District shall define the use types permitted within its boundaries; provided, however, that reference to a Mixed Use Development Agreement is acceptable to meet this requirement so long as said ordinance provides that the establishment of such MU District shall not be effective until such time that the City Council approves a Mixed Use Development Agreement.
- B. Use categories. Each MU District should contain use types within at least two use categories. Use categories include residential, civic, office, commercial, transportation, and industrial uses. No single use category should account for more than 80% of the building area or net developable land area of an MU District. Net developable land area includes the land area of a development excluding dedicated public streets, private streets, or other dedicated public land.

§ 205-123. Site development regulations.

- A. Ordinance to define site development regulators. An ordinance establishing an MU District shall define the site development regulations applicable within its boundaries; provided, however, that reference to a Mixed Use Development Agreement is acceptable to meet this requirement so long as the ordinance to establish the MU District restricts establishment of the MU District until such time that the City Council approves a corresponding Mixed Use Development Agreement.

§ 205-124. Applications for adoption of MU District and related applications.

- A. Application requirements. Applications for the adoption of a Mixed Use Development Agreement shall contain at a minimum the following information:
- (1) A detailed site map, including:
 - (a) A boundary survey.
 - (b) Site dimensions.
 - (c) Contour lines at no greater than five-foot intervals.
 - (d) Adjacent public rights-of-way, transportation routes, and pedestrian or bicycle systems.
 - (e) Description of adjacent land uses.
 - (f) Utility service to the site and easements through the site.
 - (g) Description of other site features, including drainage, soils, or other considerations that may affect development.
 - (2) A development plan, including:
 - (a) A site layout, including the location of proposed buildings, parking facilities, open space, and other facilities.
 - (b) Location, capacity, and conceptual design of parking facilities.
 - (c) Description of the use of individual buildings.

- (d) Schematic location and design of open space on the site, including a landscaping plan.
 - (e) Vehicular and pedestrian circulation plan, including relationship to external transportation systems.
 - (f) Grading plans.
 - (g) Proposed sewer and utility improvements.
 - (h) Location of all proposed signage.
- (3) Specific proposed site development regulations for the MU District, including:
- (a) Site area for housing unit (square feet), if housing is proposed.
 - (b) Minimum lot area.
 - (c) Minimum lot width.
 - (d) Front, interior side, street side, and rear yard setbacks.
 - (d) Maximum height.
 - (e) Maximum building and impervious coverage.
 - (f) Maximum amount of total parking located in street yard.
 - (g) Minimum depth of open space adjacent to street right-of-way line.
- (4) Specific proposed design guidelines for the MU District, including:
- (a) Schematic building elevations and sections if required to describe the project.
 - (b) Building materials and color palettes.
 - (d) Design standards applicable to the project.
 - (e) Size and type of all proposed signage; and a sign budget.
- (5) The specific use types permitted for the MU District.

- (6) The base zoning district for the MU District.
- (7) A traffic impact analysis, if required by the city.
- B. File format for applications. Any application for: (i) a Mixed Use Development Agreement or (ii) a major amendment to a Mixed Use Development Agreement shall include an editable draft agreement (in Microsoft Word format, unless otherwise approved by the Planning Director). Attachments, such as maps and illustrations, may be provided as separate files in any digitally reproducible format approved by the Planning Director.

§ 205-125. Adoption of MU District and related applications.

- A. Methods for approval. The methods for approval of the adoption an MU District and the construction of individual projects within said MU District shall include City Council approval of an ordinance to establish an MU District in conjunction with one of the following actions:
 - (1) City Council approval of Mixed Use Development Agreement in conjunction with City Council approval of an ordinance to establish an MU District.
 - (2) City Council approval of a Mixed Use Development Agreement at a separate date that is later than City Council approval of an ordinance to establish an MU District.
- B. Review by Planning Commission and City Council required. The Planning Commission and City Council shall review and evaluate each application for the adoption of: (i) an ordinance establishing an MU Mixed Use District, (ii) a Mixed Use Development Agreement, or (iii) a major amendment to a Mixed Use Development Agreement. The city may impose reasonable conditions as deemed necessary to ensure that projects within an MU District are compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety, and welfare of the community.
- C. Public hearing at Planning Commission. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application for the adoption of: (i) an ordinance establishing an MU Mixed Use District, (ii) a Mixed Use Development Agreement, or (iii) a major amendment to a Mixed Use Development Agreement.

- D. Planning Commission. The Planning Commission may recommend amendments for each application for the adoption of: (i) an ordinance establishing an MU Mixed Use District, (ii) a Mixed Use Development Agreement, or (iii) a major amendment to a Mixed Use Development Agreement.
- E. Recommendation of Planning Commission. The recommendation of the Planning Commission, after the requisite public hearing, shall be transmitted to the City Council for final action.
- F. Public hearing at City Council. The City Council, after proper notice, shall hold a public hearing and act upon: (i) any ordinance establishing an MU Mixed Use District, (ii) any resolution to adopt a Mixed Use Development Agreement, or (iii) any resolution for a major amendment to a Mixed Use Development Agreement. Proper notice shall mean the same notice established for any other zoning amendment.
- G. Adoption method for Mixed Use Development Agreements. The adoption of a Mixed Use Development Agreement shall be by resolution.
- H. Approval by majority of City Council. A favorable simple majority of those elected or appointed to City Council shall be required for approval of: (i) any ordinance establishing an MU Mixed Use District, (ii) any resolution to adopt a Mixed Use Development Agreement, or (iii) any resolution for a major amendment to a Mixed Use Development Agreement.
- I. Mixed Use Development Agreement required. Any approval by City Council of an ordinance establishing an MU District shall be contingent upon the approval by City Council of a corresponding Mixed Use Development Agreement.

§ 205-126. Amendment procedure.

- A. Minor amendment. The Planning Director is authorized at his/her discretion to approve minor amendments to an approved Mixed Use Development Agreement, provided that:
 - (1) A written request, amendment application, and fee are filed with the Planning Director, along with information specifying the exact nature of the proposed minor amendment.
 - (2) The Planning Director determines that the minor amendment is consistent with the provisions of this article.

- (3) The Planning Director determines that the minor amendment does not alter the approved use types permitted within the MU District or the site development regulations of the MU District.
 - (4) The Planning Director determines that the minor amendment does not materially alter any aspects of the development plan, including traffic circulation, mixture of use types, and physical design.
- B. Major amendment. Any amendment to an approved Mixed Use Development Agreement not conforming to the provisions of § 205-126(A) shall constitute a major amendment that City Council is authorized to approve, provided that:
- (1) A written request, application amendment, and fee are filed with the Planning Director along with information specifying the exact nature of the major amendment.
 - (2) The Planning Commission and City Council shall review and evaluate each application for a major amendment to an approved Mixed Use Development Agreement.
 - (3) The Planning Commission, after proper notice, shall hold a public hearing and act upon each application for the adoption of a major amendment to an approved Mixed Use Development Agreement.
 - (4) The Planning Commission may recommend amendments for each application for the adoption of a major amendment to an approved Mixed Use Development Agreement.
 - (5) The recommendation of the Planning Commission, after the requisite public hearing, shall be transmitted to the City Council for final action.
 - (6) The City Council, after proper notice, shall hold a public hearing and act upon any resolution to adopt a major amendment to an approved Mixed Use Development Agreement.
 - (7) The adoption of a major amendment to an approved Mixed Use Development Agreement shall be by resolution.
 - (8) A favorable simple majority of those elected or appointed to City Council shall be required for approval of any resolution to adopt a major amendment to an approved Mixed Use Development Agreement.

§ 205-127. Building permits within MU District.

- A. Approval required before building permit. Prior to the issuance of any building permits or other authorization, all projects in the MU District shall receive approval by the City Council through the adoption of a Mixed Use Development Agreement.
- B. Compliance required. The city shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within an MU District unless it is in compliance with the approved Mixed Use Development Agreement, including any approved minor or major amendments.

Section 2. That all previous sections and provisions of the Papillion Zoning Code amended herein or that are in conflict with the provisions of this Ordinance should be and the same are hereby replaced.

Section 3. Effective Date. This Ordinance shall be in full force and effect fifteen (15) days after its passage. The City Clerk is directed to effectuate the publishing of this Ordinance for at least one (1) week in a newspaper in general circulation within the City of Papillion, which publication must take place within fifteen days of the passage of this Ordinance by the City Council. The City Clerk shall cause this Ordinance to be published in book or pamphlet form. That this Ordinance shall have the same force and effect as though it had been published at large.

That a copy of said Ordinance shall be filed for use and examination by the public in the office of the City Clerk.

PASSED AND APPROVED this ____ day of _____, 2019.

CITY OF PAPIILLION,

DAVID P. BLACK, MAYOR

Attest:

NICOLE BROWN, City Clerk

(SEAL)

Planning Commission: 01/30/2019

City Council:

First Reading: 02/19/2019

Second Reading: 03/05/2019

Third Reading:

**CITY OF PAPILLION
PLANNING COMMISSION
STAFF REPORT**

JANUARY 30, 2019 AGENDA

**MIXED USE DISTRICT
ORDINANCE AMENDMENT
TC-19-0002**

I. GENERAL INFORMATION

A. APPLICANT:

City of Papillion

B. REQUESTED ACTION:

Approval of ORD #1831 to amend Chapter 205 (Zoning Ordinance), Article XXII having to do with MU Mixed Use District.

II. ANALYSIS

A. STAFF COMMENTS:

1. The intent of the ordinance amendment is to clarify the procedures for the creation of a Mixed Use District, the adoption of a Mixed Use Development Agreement, and the amendment of an existing Mixed Use Development Agreement.
2. The proposed ordinance amendment refines the procedures for the creation of a Mixed Use District and the adoption of a corresponding Mixed Use Development Agreement based on the two most common methods currently utilized in Papillion. Those two methods are:
 - a) Adoption of a Mixed Use Development Agreement in conjunction with adoption of the third reading of a Change of Zone ordinance.
 - i) Applicant submits a Change of Zone application and a Mixed Use Development Agreement application. The Mixed Use Development Agreement application must identify the permitted uses, site development regulators, and design criteria.
 - ii) Planning Commission holds a public hearing in which the body specifically considers the Change of Zone and the Mixed Use Development Agreement components (i.e. permitted uses, site development regulators, and design criteria).
 - iii) Planning Commission makes a recommendation to City Council on the Change of Zone application and the Mixed Use Development Agreement components (i.e. permitted uses, site development regulators, and design criteria).
 - iv) City Council hears the introduction of the Change of Zone ordinance.
 - v) City Council holds a public hearing in which the body specifically considers the Change of Zone ordinance and the

- Mixed Use Development Agreement components (i.e. permitted uses, site development regulators, and design criteria).
- vi) City Council votes on the Change of Zone ordinance in conjunction with the City Council vote on the resolution to adopt the Mixed Use Development Agreement.
- b)** Adoption of a Mixed Use Development Agreement at a later date such that the Mixed Use Development Agreement will not be considered with the third reading of a Change of Zone ordinance.
- i) Applicant submits a Change of Zone application. It is noted that the applicant intends to submit an application for the Mixed Use Development Agreement in the future after City Council approves the Change of Zone.
 - ii) Planning Commission holds a public hearing in which the body specifically considers the Change of Zone.
 - iii) Planning Commission makes a recommendation to City Council on the Change of Zone application.
 - iv) City Council hears the introduction of the Change of Zone ordinance. The Change of Zone ordinance indicates that the rezoning to MU does not go into effect until a Mixed Use Development Agreement is approved by City Council. (This effectively means that a Final Plat cannot be approved for an MU zoned lot until the Mixed Use Development Agreement is approved by City Council.)
 - v) City Council holds a public hearing in which the body specifically considers the Change of Zone ordinance.
 - vi) City Council votes on the Change of Zone ordinance.
 - vii) Applicant submits a Mixed Use Development Agreement application that identifies the permitted uses, site development regulators, and design criteria.
 - viii) Planning Commission holds a public hearing in which the body specifically considers the Mixed Use Development Agreement application and its components (i.e. permitted uses, site development regulators, and design criteria).
 - ix) Planning Commission makes a recommendation to City Council on the Mixed Use Development Agreement application and its components (i.e. permitted uses, site development regulators, and design criteria).
 - x) City Council holds a public hearing in which the body specifically considers the Mixed Use Development Agreement and votes on the adoption of said agreement.
- 3.** It should be noted that Article XXII currently contemplates a third method for allowing development of individual projects within a Mixed Use District without an adopted Mixed Use Development Agreement. This method allows for the approval of a special use permit in lieu of the adoption of a Mixed Use Development Agreement. To date, this option has not been exercised for any existing Mixed Use District. Staff is proposing to eliminate this method because it conflicts with the purpose of creating a Mixed Use District. Pursuant to § 205-121, a

Mixed Use District is intended to create integrated development. Allowing single lots within a Mixed Use District to develop through the issuance of a Special Use Permit defeats this intention. An encompassing Mixed Use Development Agreement that sets forth a cohesive vision for the site is a better tool to achieve integrated development.

4. As part of the update, the application submittal requirements for a Mixed Use Development Agreement are proposed to be revised to request the regulators that would typically appear within the site development regulations table for the typical base zoning districts that underlie Mixed Use zoning.
5. Currently, Article XXII identifies a detailed procedure for how minor amendments to a Mixed Use Development Agreement are to be adopted; however, a less detailed procedure is identified for a major amendment, which requires consideration at Planning Commission and City Council. Staff drafted a detailed procedure for major amendments that is consistent with current practice for how such amendments are processed by the Planning Department.
6. Pursuant to Neb Rev. Stat. § 19-904, public hearings at Planning Commission and City Council are required for the adoption of zoning regulations. Given that a Mixed Use Development Agreement is essentially zoning by contract in that it establishes the zoning regulation for a particular Mixed Use District, public hearings are required at Planning Commission and City Council prior to the adoption of said agreement. By practice, the City has endeavored to meet this requirement through the public hearings held as part of the consideration of a Change of Zone ordinance. Article XXII needs to be amended to acknowledge that a Mixed Use Development Agreement requires a public hearing process. Accordingly, the proposed ordinance amendment requires that public hearings be held at both Planning Commission and City Council for the consideration of a Mixed Use Development Agreement.
7. Presently, a separate application to request adoption of a Mixed Use Development Agreement is required if said agreement is not adopted in conjunction with a Change of Zone. As part of the update, a separate application will be required for all requests to adopt a Mixed Use Development Agreement including those agreements to be considered in conjunction with the third reading of the ordinance to create the Mixed Use District. The application form will include a checklist that identifies the submittal requirements identified within Article XXII. This will assist applicants with ensuring that they are making a complete submittal.
8. Strengthening the use of Mixed Use Districts as a tool will support the execution of the vision of the Comprehensive Plan in that it will further the City's promotion of integrated, quality mixed use development within areas identified as mixed use within the future land use plan.

9. A redlined version of the proposed changes is attached.

III. RECOMMENDATION

Staff recommends approval of ORD #1831 (TC-19-0002) based on:

1. Consistency with Neb Rev. Stat. § 19-904;
2. Consistency with current Planning Department practices; and
3. Consistency with the vision and goals of the Comprehensive Plan.

IV. COPIES OF REPORT TO:

Public upon request

V. ATTACHMENTS:

Legislative Tracked Version of Changes

Report prepared by:

Mark Stursma, Planning Director

ARTICLE XXII. MU Mixed Use District

§ 205-121. Purpose.

The MU Mixed Use District is intended to accommodate projects that combine several compatible land uses into an integrated development. The MU District may also be used to predesignate parts of the city that are appropriate for a mixture of residential, civic, office, commercial, ~~office~~ transportation, or industrial uses. The district permits mixing residential areas with workplaces and services. Development in the MU District must accommodate diverse transportation systems, including pedestrian and bicycle movement, and integrate them with surrounding environments. ~~All projects developed in an MU District are subject to a special use permit process.~~

Commented [MR1]: Revised to match Section 205-122(B).

§ 205-122. Permitted ~~Uses~~uses.

- A. ~~Ordinance to define use types permitted. An Change of Zone~~ ordinance establishing an MU District shall define the use types permitted within its boundaries; ~~provided, however, that~~ reference to a Mixed Use Development Agreement is acceptable to meet this requirement so long as ~~the Change of Zonesaid Ordinance ordinance provides that the establishment of such MU District shall not be effective until such time that the City Council approves a and the Mixed Use Development Agreement are approved contingent upon each other.~~
- B. ~~Use categories.~~ Each MU District should contain use types within at least two use categories. Use categories include residential, civic, office, commercial, transportation, and industrial uses. No single use category should account for more than 80% of the building area or net developable land area of an MU District. Net developable land area includes the land area of a development excluding dedicated public streets, private streets, or other dedicated public land.

§ 205-123. Site development regulations.

- A. ~~Ordinance to define site development regulators. An ordinance establishing an MU District shall define the site development regulations applicable within its boundaries; provided, however, that reference to a Mixed Use Development Agreement is acceptable to meet this requirement so long as the ordinance to establish the MU District restricts establishment of the MU District until such time that the City Council approves a corresponding Mixed Use Development Agreement. Prior to the issuance of any building permits or other authorization, all projects in the MU District shall receive approval by the City Council through the adoption of a Mixed Use Development Agreement. At the discretion of the Planning Director, individual projects within an MU District may be approved through the issuance of Special Use Permit prior to the adoption of a Mixed Use Development Agreement. The adoption of a Mixed Use Development Agreement shall be by resolution.~~

Commented [MR2]: Moved to newly numbered Section 205-127.

Commented [MR3]: Moved to newly numbered Section 205-125.

§ 205-124. Applications for adoption of MU District and related applications.

~~BA.~~ Application requirements. Applications for the adoption of a Mixed Use Development Agreement ~~or a Special Use Permit in an MU District must shall~~ contain at a minimum the following information:

- (1) A detailed site map, including:
 - (a) A boundary survey.
 - (b) Site dimensions.
 - (c) Contour lines at no greater than five-foot intervals.
 - (d) Adjacent public rights-of-way, transportation routes, and pedestrian or bicycle systems.
 - (e) Description of adjacent land uses.
 - (f) Utility service to the site and easements through the site.
 - (g) Description of other site features, including drainage, soils, or other considerations that may affect development.
- (2) A development plan, including:
 - (a) A site layout, including the location of proposed buildings, parking facilities, open space, and other facilities.
 - (b) Location, capacity, and conceptual design of parking facilities.
 - (c) Description of the use of individual buildings.
 - ~~(d) Description of all use types to be included in the project or area, and maximum floor area devoted to each general use.~~
 - ~~(e) Maximum height of buildings.~~
 - ~~(f)~~ Schematic location and design of open space on the site, including a landscaping plan.
 - ~~(g)~~ Vehicular and pedestrian circulation plan, including relationship to external transportation systems.
 - ~~(h) Schematic building elevations and sections if required to describe the project.~~
 - ~~(i)~~ Grading plans.

Commented [MR4]: These are duplicates of subsection (3)

Commented [MR5]: Moved to new subsection (4).

(jg) Proposed sewer and utility improvements.

(kh) ~~Location, size and type of all proposed signage; and a sign budget.~~

(3) Specific proposed site development regulations for the ~~project~~ MU District, including:

~~(a) The specific use types permitted within the proposed district.~~ (a) Site area for housing unit (square feet), if housing is proposed.

(b) Minimum lot area.

(c) Minimum lot width.

~~(b) Maximum floor area ratios.~~

(ed) Front, interior side, street side, and rear yard setbacks.

(d) Maximum height.

(e) Maximum building and impervious coverage.

(f) Maximum amount of total parking located in street yard.

(g) Minimum depth of open space adjacent to street right-of-way line.

~~(f) Design standards applicable to the project.~~

(4) Specific proposed design guidelines for the MU District, including:

(a) Schematic building elevations and sections if required to describe the project.

(b) Building materials and color palettes.

(d) Design standards applicable to the project.

(e) Size and type of all proposed signage; and a sign budget.

(5) The specific use types permitted for the MU District.

(6) The base zoning district for the MU District.

(7) A traffic impact analysis, if required by the city.

Commented [MR6]: Components that would typically be addressed within the narrative of the agreement were moved to new subsection (4).

Commented [MR7]: Project suggests that it is limited to a single use within the MU District. The site regulators need to apply to the MU District in its entirety.

Commented [MR8]: Updated to match the applicable site development regulations. Large Project SUP is not listed because it is not applicable if a lot is zoned MU.

Commented [MR9]: Moved to new subsection (5). This subsection is proposed to be dedicated only to site development regulations.

Commented [MR10]: Proposed to be eliminated by a pending ordinance. If this ordinance is to be approved before that one, then FAR needs to appear after impervious coverage to match the order of regulators on the site development regulations table.

Commented [MR11]: Moved to new subsection (4).

~~CB.~~ File format for applications. Any application for: (i) a Mixed Use Development Agreement or (ii) a major amendment to a Mixed Use Development Agreement shall include an editable draft agreement (in Microsoft Word format, unless otherwise approved by the Planning Director). Attachments, such as maps and illustrations, may be provided as separate files in any digitally reproducible format approved by the Planning Director.

§ 205-~~124~~125. Adoption of MU District and related applications.

A. Methods for approval. The methods for approval of the adoption an MU District and the construction of individual projects within said MU District shall include City Council approval of an ordinance to establish an MU District in conjunction with one of the following actions:

(1) City Council approval of Mixed Use Development Agreement in conjunction with City Council approval of an ordinance to establish an MU District.

(2) City Council approval of a Mixed Use Development Agreement at a separate date that is later than City Council approval of an ordinance to establish an MU District.

~~B.~~ Review by Planning Commission and City Council required. The Planning Commission and City Council shall review and evaluate each ~~proposal or~~ application for the adoption of: (i) an ordinance establishing an MU Mixed Use District, (ii) a Mixed Use Development Agreement, or (iii) a major amendment to a Mixed Use Development Agreement. The city may impose reasonable conditions as deemed necessary to ensure that projects within an MU District are compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety, and welfare of the community.

~~BC.~~ Public hearing at Planning Commission. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application for the adoption of: (i) an ordinance establishing an MU Mixed Use District, (ii) a Mixed Use Development Agreement, or (iii) a major amendment to a Mixed Use Development Agreement.

~~CD.~~ Planning Commission. The Planning Commission may recommend amendments ~~to MU District for each applications~~ for the adoption of: (i) an ordinance establishing an MU Mixed Use District, (ii) a Mixed Use Development Agreement, or (iii) a major amendment to a Mixed Use Development Agreement.

~~DE.~~ Recommendation of Planning Commission. The recommendation of the Planning Commission, after the requisite public hearing, shall be transmitted to the City Council for final action.

~~EF.~~ Public hearing at City Council. The City Council, after proper notice, shall hold a public hearing and act upon: (i) any ordinance establishing an MU Mixed Use District, (ii) any resolution to adopt a Mixed Use Development Agreement, or (iii) any resolution for a major amendment to a Mixed Use Development Agreement. Proper notice shall mean the same notice established for any other zoning amendment.

~~FG.~~ Adoption method for Mixed Use Development Agreements. The adoption of a Mixed Use Development Agreement shall be by resolution.

~~H.~~ Approval by majority of City Council. An ordinance adopting an MU District shall require aA favorable simple majority of the those elected or appointed to City Council shall be required for approval of: (i) any ordinance establishing an MU Mixed Use District, (ii) any resolution to adopt a Mixed Use Development Agreement, or (iii) any resolution for a major amendment to a Mixed Use Development Agreement.

~~GI.~~ Mixed Use Development Agreement required. Any approval by City Council of an ordinance establishing an MU District shall be contingent upon the approval by City Council of a corresponding Mixed Use Development Agreement. In lieu of an approved Mixed Use Development Agreement, the City Council may consider the approval of a special use permit for individual projects within an MU District.

~~H.~~ Building permits. The city shall not issue a building permit, certificate of occupancy or other permit for a building, structure or use within an MU District unless it is in compliance with the approved Mixed Use Development Agreement, including any approved amendments or an approved Special Use Permit.

Commented [MR12]: Moved to new Section 205-127.

§ 205-~~125~~126. Amendment procedure.

A. Minor amendment. The Planning Director is authorized at his/her discretion to approve minor amendments to an approved ~~development plan within a~~ Mixed Use Development Agreement, provided that:

- (1) A written request, amendment application, and fee are filed with the Planning Director, along with information specifying the exact nature of the proposed minor amendment.
- (2) The Planning Director determines that the minor amendment is consistent with the provisions of this article.
- (3) The Planning Director determines that the minor amendment does not alter the approved use types permitted within the MU District or the site development regulations of the ~~development plan~~ MU District.
- (4) The Planning Director determines that the minor and amendment does not materially alter ~~other any~~ aspects of the development plan, including traffic circulation, mixture of use types, and physical design.

B. Major amendment. ~~(4)~~—Any amendment to an approved Mixed Use Development Agreement not conforming to these provisions of § 205-126(A) shall constitute a major amendment that be submitted to the Planning Commission and City Council for action, is authorized to approve, provided that:

- (1) A written request, application amendment, and fee are filed with the Planning Director along with information specifying the exact nature of the major amendment.
- (2) The Planning Commission and City Council shall review and evaluate each application for a major amendment to an approved Mixed Use Development Agreement.
- (3) The Planning Commission, after proper notice, shall hold a public hearing and act upon each application for the adoption of a major amendment to an approved Mixed Use Development Agreement.
- (4) The Planning Commission may recommend amendments for each application for the adoption of a major amendment to an approved Mixed Use Development Agreement.
- (5) The recommendation of the Planning Commission, after the requisite public hearing, shall be transmitted to the City Council for final action.
- (6) The City Council, after proper notice, shall hold a public hearing and act upon any resolution to adopt a major amendment to an approved Mixed Use Development Agreement.
- (7) The adoption of a major amendment to an approved Mixed Use Development Agreement shall be by resolution.
- (8) A favorable simple majority of those elected or appointed to City Council shall be required for approval of any resolution to adopt a major amendment to an approved Mixed Use Development Agreement.

~~§ 205-126. (Reserved)~~

~~§ 205-127. (Reserved)~~ Building permits within MU District.

A. Approval required before building permit. Prior to the issuance of any building permits or other authorization, all projects in the MU District shall receive approval by the City Council through the adoption of a Mixed Use Development Agreement.

A.B. Compliance required. The city shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within an MU District unless it is in compliance with the approved Mixed Use Development Agreement, including any approved minor or major amendments.

**DRAFT MINUTES
PAPILLION PLANNING COMMISSION MEETING
JANUARY 30, 2019**

The Papillion Planning Commission met in open session at the Papillion City Hall Council Chambers on Wednesday, January 30, 2019 at 7:02 PM. Vice Chairman John E. Robinson III called the meeting to order. Planning Assistant Andrea Blevins called the roll. Planning Commission members present were Howard Carson, Leanne Sotak, Judy Sunde, and Wayne Wilson. David Barker, Rebecca Hoch, Raymond Keller Jr., Jim Masters, and Herb Thompson were absent. Planning Director Mark Stursma, Assistant City Attorney Amber Rupiper, Assistant Planning Director Travis Gibbons, City Planner Michelle Romeo, and Staff Engineer Derek Goff were also present.

Vice Chairman Robinson III led those present in the Pledge of Allegiance.

Notice of the meeting was given in advance by publication in the Papillion Times on January 16, 2019. A copy of proof of publication is on file at the office of the City Clerk.

Vice Chairman Robinson III announced that a copy of the Open Meetings Act is posted in the City Council Chambers.

Approval of Agenda

Motion was made by Mr. Carson, seconded by Ms. Sotak, to approve the agenda as presented. Roll call: Five yeas, no nays. Motion carried.

Approval of the Planning Commission Minutes

Motion was made by Mr. Carson, seconded by Mr. Wilson, to approve the November 28, 2018 minutes. Roll Call: Five yeas, no nays. Motion carried.

FINAL PLATS

Final Plat – A Final Plat for the property legally described as Tax Lot 20E, the N 10' of the E1/2 of Tax Lot 21, and Tax Lot 20C, Section 27, T14N, R12e of the 6th P.M., Sarpy County, NE, generally located at 830 S Madison St and 831 S Harrison St. The applicants are Ashley and Jacob Miller. (Miller's Paradise) **FP-18-0010**

Vice Chairman Robinson III noted that discussion and consideration of this item would occur after the Motion and Vote for the Miller's Paradise Preliminary Plat.

Upon completion of the Motion and Vote on the Miller's Paradise Preliminary Plat, Vice Chairman Robinson III called for consideration of the Miller's Paradise Final Plat.

Ashley Miller, 830 S Madison Street, stepped forward as the applicant and offered to address any questions or concerns of the Commission. She noted that her comments from the Preliminary Plat carry over to the Final Plat application.

Vice Chairman Robinson III called for discussion amongst the Commission.

Mr. Carson inquired about the chosen plat name. Mrs. Miller summarized how her husband chose the name.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Mr. Wilson, to recommend approval of the Miller's Paradise Final Plat (FP-18-0010) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, and compliant with Zoning and Subdivision regulations, contingent upon the resolution of staff comments. Roll Call: Five yeas, no nays. Motion carried.

PUBLIC HEARINGS

One & Six Year Road Plan – To consider the One & Six Year Road Plan for the City of Papillion. The applicant is the City of Papillion. **MISC-19-0001**

Vice Chairman Robinson III opened the public hearing.

Public Works Administrative Manager and Development Coordinator Jennifer Roesler, 9909 Portal Road, stepped forward to represent the applicant. She noted that the plan must be approved annually per the Nebraska Department of Transportation (NDOT).

Vice Chairman Robinson III called for proponents and opponents. Seeing no further public input, Vice Chairman Robinson III closed the public hearing and called for Commission Discussion.

Mr. Carson stated that there were additional projects not listed on the road plan and offered his support.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Ms. Sotak, to recommend approval of the One & Six Year Road Plan (MISC-19-0001) based on consistency with the Comprehensive Plan. Roll Call: Five yeas, no nays. Motion carried.

Special Use Permit – A Special Use Permit to allow Commercial Recreation (Controlled Impact) as a permitted use on the property legally described as Tax Lot A1B1A, A1B1C, & A1B1C, all located in Section 23, T14N, R12E of the 6th P.M., Sarpy County, NE, generally located at 841 Tara Plz. The applicant is Karen's Fireside, Inc. (Karen's Fireside) **SUP-18-0009**

Vice Chairman Robinson III opened the public hearing.

Julie Maben, 1802 Walnut Creek Drive, stepped forward as the applicant and summarized that she recently sold the former location of Karen's Fireside to a childcare center, and would be moving to a smaller venue at Tara Plaza.

Vice Chairman Robinson III called for proponents and opponents. Seeing no further public input, Vice Chairman Robinson III closed the public hearing and called for Commission Discussion.

Mr. Carson asked for clarification of the location. Ms. Maben noted that 841 Tara Plaza is north of the Grecian Gyros restaurant that she also owns. Mr. Carson asked whether Grecian Gyros and Karen's Fireside would share any space. Ms. Maben noted that there may be opportunities for Grecian Gyros to cater events at Karen's Fireside; however, the businesses would operate independently.

Mr. Carson asked for clarification on the types of gatherings anticipated at this location. Ms. Maben noted that she hosts several civic organizations on a regular basis, as well as parties, dances, and wedding receptions.

Mr. Carson asked about the size of the venue. Ms. Maben noted that the space was approximately 2,800 square feet in size and would accommodate up to 100 guests.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Ms. Sunde, to recommend approval of the Karen's Fireside Special Use Permit (SUP-18-0009) because the proposed use is generally consistent with the zoning, and the proposed land use is generally compatible with the surrounding uses, contingent upon the resolution of staff comments. Roll Call: Five yeas, no nays. Motion carried.

Change of Zone – A change of Zone from LC Limited Commercial to CC Community Commercial for the property legally described as Lot 4, Summerfield 2nd Addition, generally located at 780 Pinnacle Dr. The applicant is Jarrod Reece. (St. Martha's Episcopal Church) **CZ-18-0013**

Vice Chairman Robinson III opened the public hearing.

Jarrold Reece, 780 Pinnacle Drive, stepped forward to represent the applicant. He explained that the church is requesting the Change of Zone to allow for addition signage on the lot.

Vice Chairman Robinson III called for proponents and opponents. Seeing no further public input, Vice Chairman Robinson III closed the public hearing and called for Commission Discussion.

Mr. Carson asked whether the church would need to come back before the Planning Commission and City Council if additional modifications were to be made to the property. Mr. Reece answered in the affirmative. Mr. Carson offered his support.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Mr. Wilson, to recommend approval of St. Martha's Episcopal Church Change of Zone (CZ-18-0013) because the existing land use is generally consistent with the proposed zoning, the proposed zoning district is generally compatible with the surrounding uses, and the proposed zoning district is consistent with the zoning of the Summerfield 2nd Addition lots to the south and the underlying zoning of the Settlers Creek Mixed Use District to the east, contingent upon the resolution of staff comments. Roll Call: Five yeas, no nays. Motion carried.

Preliminary Plat – A Preliminary Plat for the property legally described as Tax Lot 20E, the N 10' of the E1/2 of Tax Lot 21, and Tax Lot 20C, Section 27, T14N, R12E of the 6th P.M., Sarpy County, NE, generally located at 830 S Madison St and 831 S Harrison St. The applicants are Ashley and Jacob Miller. (Miller's Paradise) **PP-18-0011**

Vice Chairman Robinson III opened the public hearing.

Ashley Miller, 830 S Madison Street, stepped forward as the applicant and summarized that she purchased approximately eight feet of the property at 831 S Harrison Street in order to make a proposed garage addition compliant with the required setbacks.

Vice Chairman Robinson III called for proponents and opponents. Seeing no further public input, Vice Chairman Robinson III closed the public hearing and called for Commission Discussion.

Mr. Carson asked whether the Millers planned to tear down the existing garage. Mrs. Miller stated that she was unsure because she is now considering selling the home.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Ms. Sunde, to recommend approval of the Miller's Paradise Preliminary Plat (PP-18-0011) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, and compliant with Zoning and Subdivision Regulations, contingent upon the resolution of staff comments. Roll Call: Five yeas, no nays. Motion carried.

Preliminary Plat – A Preliminary Plat for the property legally described as Tax Lot 3A1A1, located in Section 2, T13N, R11E of the 6th P.M., Sarpy County, NE, generally located in the NW corner of 150th St & Capehart Rd. The applicant is Raven Northbrook, LLC. (Sarpy County Power Park West Addition) **PP-18-0012**

Vice Chairman Robinson III opened the public hearing.

David Madden, 1601 Dodge Street, Suite 3700 (Omaha), stepped forward to represent the applicant. He noted that the applicant seeks to add the property in question to the current site for Sarpy County Power Park West. Mr. Madden explained that the applicant is also requesting an amendment to the Comprehensive Plan to allow for the realignment of S 150th Street around the subject property. He noted that there are significant safety and security advantages gained by the applicant by allowing the realignment of the road to create a contiguous campus for the Facebook data center.

Mr. Madden assured the Commission that the scope of the amendment to the Mixed Use Development Agreement would simply be to add the subject property and that the established site regulators would remain the same.

Vice Chairman Robinson III called for proponents and opponents.

Executive Director of Sarpy County Economic Development Corporation Andrew Rainbolt, 808 Conagra Drive, Suite 400 (Omaha), stepped forward to offer support for the project.

Kevin Zach, 12370 S 150th Street, stepped forward to offer support for the project. He noted that Facebook has been a good neighbor thus far. In addition, he anticipates that the use will be less intrusive than other possible uses for the site once fully constructed.

Jim Amerine, 15512 Capehart Road, stepped forward to express concerns about access to his farmland from the realigned S 150th Street.

T.J. Heinert, 15306 Capehart Road, stepped forward to express concerns regarding the proposed realignment of S 150th Street. He noted that the road being much closer to his property could be a detriment. He further stated that Facebook is also interested in land to the south of Capehart Road in Springfield's extraterritorial jurisdiction, and he suspects that the developer may also attempt to vacate Capehart Road.

Seeing no further public input, Vice Chairman Robinson III closed the public hearing and called for Commission Discussion.

Mr. Carson asked staff to address the public concerns regarding access to the newly realigned S 150th Street. Mr. Stursma noted that the developer and the City are still formulating solutions

regarding access for adjacent properties. He explained that the Subdivision Agreement Amendment would include language that allows streets or driveways to connect to the road. Mr. Stursma added that he is not sure whether the grades along the road will allow for farm access.

Project Engineer Eric Galley, 2111 S 67th Street, Suite 200 (Omaha), confirmed that language is being drafted to allow road and driveway access from the west. He added that he was unaware of any discussion regarding farm access.

Mr. Carson asked the development team to address Mr. Heinert's concerns. Mr. Madden explained that there would likely be a landscape buffer between the newly aligned road and Mr. Heinert's property to help mitigate the impact of the road being moved closer to his property. He reiterated that the Subdivision Agreement Amendment would contractually allow properties to the west to connect to the road once those properties develop or redevelop.

Mr. Carson asked whether the development team was confident that it could address the contingencies listed in the Planning Commission Staff Report. Mr. Madden answered in the affirmative.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Ms. Sunde, to recommend approval of the Sarpy County Power Park West Addition Preliminary Plat (PP-18-0012) because it is generally consistent with the Comprehensive Plan should City Council approved the proposed Comprehensive Plan Amendment, compatible with adjacent uses, and compliant with Zoning and Subdivision Regulations, contingent upon the resolution of staff comments. Roll Call: Five yeas, no nays. Motion carried.

Change of Zone – A Change of Zone from AG Agricultural to MU Mixed Use for the property legally described as Tax Lot 3A1A1, located in Section 2, T13N, R11E of the 6th P.M., Sarpy County, NE, generally located in the NW corner of 150th St & Capehart Rd. The applicant is Raven Northbrook, LLC. (Sarpy County Power Park West Addition) **CZ-18-0014**

Vice Chairman Robinson III opened the public hearing.

David Madden, 1601 Dodge Street, Suite 3070 (Omaha), stepped forward to represent the applicant.

Vice Chairman Robinson III called for proponents and opponents. Seeing no further public input, Vice Chairman Robinson III closed the public hearing and called for Commission Discussion.

Mr. Carson asked for clarification regarding the original scope of the Facebook project. Mr. Madden confirmed that Raven Northbrook, LLC purchased and platted the quarter sections on the northeast and northwest corners of HWY 50 and Capehart Road.

Mr. Carson inquired as to where the Springfield extraterritorial jurisdiction begins. Mr. Madden noted that the centerline of Capehart Road is the boundary at this location.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Ms. Sunde, to recommend approval of the Sarpy County Power Park West Addition Change of Zone (CZ-18-0014) because it is generally consistent with the Comprehensive Plan should City Council approved the proposed Comprehensive Plan Amendment, compatible with adjacent uses, and compliant with Zoning and Subdivision Regulations, contingent upon the resolution of staff comments. Roll Call: Five yeas, no nays. Motion carried.

Comprehensive Plan Amendment – A Comprehensive Plan Amendment for the property legally described as Tax Lot 3A1A1, located in Section 2, T13N, R11E of the 6th P.M., Sarpy County, NE, generally located in the NW corner of 150th St & Capehart Rd. The applicant is Raven Northbrook, LLC. (Sarpy County Power Park West Addition) **CPA-19-0001**

Vice Chairman Robinson III opened the public hearing.

David Madden, 1601 Dodge Street, Suite 3070 (Omaha), stepped forward to represent the applicant.

Vice Chairman Robinson III called for proponents and opponents.

T.J. Heinert, 15306 Capehart Road, stepped forward to express opposition to the proposed realignment of S 150th Street.

Seeing no further public input, Vice Chairman Robinson III closed the public hearing and called for Commission Discussion.

Ms. Sunde asked why a Comprehensive Plan Amendment was necessary for this project. Mr. Stursma explained that this proposal changes the anticipated road network by realigning a major roadway; therefore, the new alignment must be noted on the Future Land Use Map.

Mr. Carson noted that he did not believe that S 150th Street is a main through street because it ends at Schram Road and Fairview Road. He stated that S 156th Street would likely be the main through street in the future.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Mr. Wilson, to recommend approval of the Sarpy County Power Park West Addition Comprehensive Plan Amendment (CPA-19-0001) because it is generally consistent with the Comprehensive Plan should City Council approved the proposed Comprehensive Plan Amendment, compatible with adjacent uses, and compliant with Zoning and Subdivision Regulations, contingent upon the resolution of staff comments. Roll Call: Five yeas, no nays. Motion carried.

Mixed Use Development Agreement Amendment – A Mixed Use Development Agreement Amendment for the property legally described as Tax Lot 3A1A1, located in Section 2, T13N, R11E of the 6th P.M., Sarpy County, NE, generally located in the NW corner of 150th St & Capehart Rd. The applicant is Raven Northbrook, LLC. (Sarpy County Power Park West Addition) **MISC-19-0002**

Vice Chairman Robinson III opened the public hearing.

David Madden, 1601 Dodge Street, Suite 3070 (Omaha), stepped forward to represent the applicant.

Vice Chairman Robinson III called for proponents and opponents. Seeing no further public input, Vice Chairman Robinson III closed the public hearing and called for Commission Discussion.

Mr. Wilson asked whether the perimeter security fence would be shielded with landscaping. Project Engineer Eric Galley, 2111 S 67th Street, Suite 200 (Omaha), stated that the landscaping for this portion of the project is being designed but will have to abide by the regulators within the

Sarpy County Power Park West Mixed Use Development Agreement. He anticipated that the fencing would likely be wrought iron within streetscape buffers.

With no further discussion, **Motion** was made by Ms. Sunde, seconded by Mr. Wilson, to recommend approval of the Sarpy County Power Park West Addition Mixed Use Development Agreement Amendment (MISC-19-0002) because it is generally consistent with the Comprehensive Plan should City Council approved the proposed Comprehensive Plan Amendment, compatible with adjacent uses, and compliant with Zoning and Subdivision Regulations, contingent upon the resolution of staff comments. Roll Call: Five yeas, no nays. Motion carried.

Ordinance No. 1832 – Small Wireless Facility Amendment – An ordinance to amend Section 205-270 and Section 205-272 both of Article XXXVIII (Wireless Telecommunications Facilities) of Chapter 205 of the Papillion Municipal Code, having to do with Small Wireless Facilities and Small Wireless Facility Support Poles. The applicant is the City of Papillion. (Small Wireless Facility Amendment) **TC-19-0001**

Vice Chairman Robinson III opened the public hearing.

Planning Director Mark Stursma, 122 E 3rd Street, stepped forward to represent the applicant. He explained that this ordinance amendment is meant to bring the City's ordinance into compliance with new FCC regulations regarding the time limits allowed for the approval of permits for small wireless facilities. Mr. Stursma displayed examples of small wireless facilities and offered a brief overview of their form and function. He added that the current process to approve a new wireless facility requires a Special Use Permit, and that process is not timely enough to abide by the FCC guidelines.

Vice Chairman Robinson III called for proponents and opponents. Seeing no further public input, Vice Chairman Robinson III closed the public hearing and called for Commission Discussion.

Mr. Carson asked about the function of small wireless facilities. Mr. Stursma notes that small wireless facilities are meant to function similarly to a wireless telecommunications tower; however, small wireless facilities utilize a network of many small antennas placed close together.

Mr. Carson asked whether the City would be compensated by telecommunications companies for the use of public right-of-way. Mr. Stursma noted that there is an opportunity for franchise agreements for the use of public right-of-way; however, the FCC places limits on how much a municipality may charge. He noted that the new regulations are an industry wide effort to make the implementation of small wireless facilities a simpler process.

Mr. Carson asked who owns the light poles where small wireless facilities may be placed. Mr. Stursma noted that OPPD owns the light poles, but the City owns the right-of-way. He added that the City currently leases antenna space on its water towers to telecommunications companies.

Mr. Carson asked whether these changes in process would speed up the approval process for small wireless facilities. Mr. Stursma explained that this change would require approval for a small wireless facility on an existing pole within 60 days of application, and approval for a new pole within 90 days of application. He noted that this is similar to the process for other types of utilities located in the public right-of-way.

Mr. Carson asked whether the City has received any applications for small wireless facilities. Assistant Planning Director Travis Gibbons explained that the City had not yet received any such application; however, he anticipates that they will soon be arriving.

Assistant City Attorney Amber Rupiper added that the fees collected for franchise agreements to occupy public right-of-way are not a revenue source, but instead are meant to cover the cost of staff time and other City resources utilized in the installation of such facilities. She added that regulatory access also encourages companies to utilize public right-of-way appropriately.

Ms. Sunde asked whether the installation of small wireless facilities would help bring 5G to the area. Mr. Gibbons responded in the affirmative.

With no further discussion, **Motion** was made by Ms. Sotak, seconded by Mr. Wilson to recommend approval of Ordinance No. 1832 – Small Wireless Facility Amendment (TC-19-0001). Roll Call: Five yeas, no nays. Motion carried.

Ordinance No. 1831 – Mixed Use District Amendment – An ordinance to amend Article XXII (MU Mixed Use District) of Chapter 205 of the Papillion Municipal Code having to do with Mixed Use District. The applicant is the City of Papillion. (Mixed Use District Amendment) **TC-19-0002** Vice Chairman Robinson III opened the public hearing.

Planning Director Mark Stursma, 122 E 3rd Street, stepped forward to represent the applicant. He explained that this amendment is meant to bring the zoning regulations in compliance with Neb. Rev. Stat. § 19-904 and current Planning Department practices. He explained that Neb. Rev. Stat. § 19-904 requires public hearings for changes to regulations, and Mixed Use Agreements and amendments thereto affect site regulators. He noted that the current ordinance is not wrong in not requiring a public hearing; however, holding a public hearing for Mixed Use Agreements is best practice and adds confidence to the process.

Vice Chairman Robinson III called for proponents and opponents. Seeing no further public input, Vice Chairman Robinson III closed the public hearing and called for Commission Discussion.

Mr. Wilson asked how this change would affect developers. Mr. Stursma explained that this new process does not affect the timeline for approvals; however, it may require that additional information be provided up front. Ms. Rupiper reiterated that this process should provide developers more confidence in the legality and defensibility of the process.

Ms. Sunde asked whether this amendment was intended to come into compliance with state law. Mr. Stursma noted that the intention is to codify best practices that comply with state law.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Ms. Sunde to recommend approval of Ordinance No. 1831 – Mixed Use District Amendment (TC-19-0002) because it is consistent with Neb. Rev. Stat. § 19-904, consistent with current Planning Department practices, and consistent with the vision and goals of the Comprehensive Plan. Roll Call: Five yeas, no nays. Motion carried.

OTHER BUSINESS

Mr. Stursma discussed the upcoming NPZA annual conference and the Comprehensive Plan update.

With no further business to come before the Commission, **Motion** was made by Ms. Sunde, seconded by Mr. Carson, to adjourn. The meeting adjourned by unanimous consent at 8:19 PM.

CITY OF PAPIILLION

John E. Robinson III, Vice Chairman