

# MINUTE RECORD

## PAPILLION PLANNING COMMISSION MEETING FEBRUARY 22, 2023

The Papillion Planning Commission met in open session at the Papillion City Hall Council Chambers on Wednesday, February 22, 2023 at 7:00 PM. Vice Chair Howard Carson 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, Leanne Sotak, Herb Thompson, and Wayne Wilson. Rebecca Hoch and Raymond Keller were absent. Alternate member Heather Bernady was not required to attend. Planning Director Travis Gibbons, Senior Planner Michelle Romeo, and Deputy City Engineer Derek Goff were also present.

Vice Chair Carson led those present in the Pledge of Allegiance.

Notice of the meeting was given in advance by publication in the Sarpy Times on February 8, 2023. A copy of proof of publication is on file at the office of the City Clerk.

Vice Chair Carson announced that a copy of the Open Meetings Act is posted in Council Chambers.

### Approval of Agenda

**Motion** was made by Mr. Robinson III, 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. Hrabik, seconded by Mr. Robinson III, to approve the January 25, 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 1 in the W1/2 of the NW ¼ of Section 2, T13N, R11E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located on the SE corner of S 156<sup>th</sup> Street and Sunburst Drive. The applicant is R&R Realty Group. (R&R Commerce Park South) **FP-23-0001**

Vice Chair Carson called for the applicant.

Mr. Patrick Sullivan, 1246 Golden Gate Dr, stepped forward to represent the applicant. He stated that they have addressed all staff comments, including the capacity of the sewer system.

Vice Chair Carson called for discussion amongst the Commission.

With no further discussion, **Motion** was made by Mr. Hrabik, seconded by Mr. Robinson III, to recommend approval of the R&R Commerce Park South Final Plat (FP-23-0001) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, compliant

with Zoning and Subdivision Regulations and contingent upon the resolution of staff comments. Roll Call: Seven yeas, no nays. Motion carried.

**Final Plat** – A request for a Final Plat for the property legally described as Tax Lot 27 and Tax Lot 29, both located in the Section 21, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located at S 99<sup>th</sup> Street and Portal Road. The applicant is Ehrhart Griffin & Associates (LJI Addition) – **FP-23-0002**

Vice Chair Carson stated that the LJI Addition Final Plat will be heard after the LJI Addition Comprehensive Plan Amendment.

After consideration of the Comprehensive Plan Amendment, Vice Chair Carson called for Commission Discussion on the Final Plat.

With no further discussion, **Motion** was made by Mr. Robinson III, seconded by Mr. Hrabik, to recommend approval of the LJI Addition (CPA-23-0001) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, compliant with Zoning and Subdivision Regulations and contingent upon the resolution of staff comments. Roll Call: Seven yeas, no nays. Motion carried.

**Final Plat** - A request for a Final Plat for the property legally described as Tax Lot 9, Tax Lot 1B, and Tax Lot 2 in Section 3, T13N, R12E, Sarpy County, NE, generally located at SW of S 84<sup>th</sup> Street and Schram Road. The applicant is Richland Homes. (Shadow Creek) – **FP-23-0003**

Vice Chair Carson stated that the Shadow Creek Final Plat will be heard after the Shadow Creek Change of Zone.

After consideration of the Shadow Creek Change of Zone, Vice Chair Carson called for Commission Discussion on the Final Plat.

With no further discussion, **Motion** was made by Mr. Robinson III, seconded by Ms. Sotak, to recommend approval of the Shadow Creek (FP-23-0003) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, compliant with Zoning and Subdivision Regulations and contingent upon the resolution of staff comments. Roll Call: Six yeas, One nay - Hrabik. Motion carried.

## **PUBLIC HEARINGS**

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

Vice Chair Carson opened the public hearing.

Trevor Veskrna, 10836 Old Mill Rd, stepped forward to represent the applicant. He stated they are proposing recreational areas such as a pool, pickle ball and gym area. He stated the existing basin area they are planning to use for future water detention and treatments.

Vice Chair Carson called for proponents and opponents.

Seeing no further input, Vice Chair Carson closed the public hearing and called for Commission Discussion.

Mr. Carson asked applicant to explain why a PUD is being requested. Mr. Veskrna stated they are proposing a zero foot interior setback that requires a PUD.

Mr. Wilson asked if 88 Tactical is membership only. Mr. Harold Paine, 23515 P St, stepped forward to represent the applicant. He stated that 88 Tactical is primarily a membership based business, but they have certain parts of their business open to non-members.

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: Seven yeas, No nays. Motion carried.

**Preliminary Plat** – A request for a Preliminary Plat for the property legally described as Tax Lot 27 and Tax Lot 29, both located in the Section 21, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located at S 99<sup>th</sup> Street and Portal Road. The applicant is Ehrhart Griffin & Associates (LJI Addition) – **PP-23-0001**

Vice Chair Carson opened the public hearing.

Mr. Dan Dolezal, 3552 Farnam St, stepped forward to represent the applicant. He stated that they have two lots with a firm plan for development of Lot 1. He also stated that Lot 2 is purely conceptual since they will need to wait to proceed until the pending update to the Flood Insurance Rate Map (FIRM) is approved.

Vice Chair Carson called for proponents and opponents.

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

Mr. Hrabik asked why some developments are allowed to be further within the floodplain next to the West Papillion Creek than others. Mr. Travis Gibbons stated that FEMA has working on revised FIRMs for Papillion Creek Watershed for many years and the preliminary maps came out last fall. The appeal process is now in effect and will probably take 6 – 8 months to complete. He stated that the current FIRM limits the developmental area. Mr. Gibbons also stated that only 25% of the floodplain can be filled. He explained that the floodplain is expected to reduce when FEMA comes out with the revised maps, which is expected by the end of this year. Mr. Goff stated that the floodplain is not a uniform band because the grades vary along the creek and some levy areas are taken into account and some are not.

Mr. Carson asked if the application with FEMA will allow to fill more of the land. Mr. Gibbons stated that the floodplain will reduce once FEMA finalizes the pending FIRM.

Vice Chair Carson called for proponents and opponents.

With no further discussion, **Motion** was made by Mr. Hrabik, seconded by Mr. Robinson III, to recommend approval of the LJI Addition (PP-23-0001) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, compliant with Zoning and Subdivision Regulations and contingent upon the resolution of staff comments. Roll Call: Seven yeas, no nays. Motion carried.

**Change of Zone** – A request for a Change of Zone for the property legally described as Tax Lot 27 and Tax Lot 29, both located in the Section 21, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located at S 99<sup>th</sup> Street and Portal Road. The applicant is Ehrhart Griffin & Associates (LJI Addition) – **CZ-23-0002**

Vice Chair Carson opened the public hearing and called for the applicant, proponents, and opponents.

Seeing no public input, Vice Chair Carson closed the public hearing and called for Commission Discussion.

With no further discussion, **Motion** was made by Mr. Robinson III, seconded by Mr. Wilson, to recommend approval of the LJI Addition (CZ-23-0002) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, compliant with Zoning and Subdivision Regulations and contingent upon the resolution of staff comments. Roll Call: Seven yeas, no nays. Motion carried.

**Comprehensive Plan Amendment** – A request for a Comprehensive Plan Amendment for the property legally described as Tax Lot 27 and Tax Lot 29, both located in the Section 21, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located at S 99<sup>th</sup> Street and Portal Road. The applicant is Ehrhart Griffin & Associates (LJI Addition) – **CPA-23-0001**

Vice Chair Carson opened the public hearing and called for the applicant, proponents, and opponents.

Seeing no public input, Vice Chair Carson 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. Thompson, to recommend approval of the LJI Addition (CPA-23-0001) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, compliant with Zoning and Subdivision Regulations and 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 as Tax Lot 9, Tax Lot 1B, and Tax Lot 2 in Section 3, T13N, R12E, Sarpy County, NE, generally located at SW of S 84<sup>th</sup> Street and Schram Road. The applicant is Richland Homes. (Shadow Creek) – **PP-22-0001R**

Vice Chair Carson stated that an e-mail was received from Jimm Murray, 802 Summit Ridge Drive a neighboring resident.

Vice Chair Carson opened the public hearing and called for the applicant to step forward.

Mr. Patrick Sullivan, 1246 Golden Gate Dr, stepped forward to represent the applicant and stated that there are two developers on this project. He noted that Mr. Larry Jobeun was also present to answer any questions. Mr. Sullivan stated that all the issues on the initial submittal have been addressed.

Vice Chair Carson called for any proponents or opponents.

Ms. Beth Norris, 2425 Corn Dr stepped forward as a neighboring resident. Ms. Norris stated she is unhappy with the location of the proposed park on Outlot D due to proximity of power lines and that it will be within OPPD's 100-foot easement. Ms. Norris stated the project should not be approved due to unclear documents submitted for development. She mentioned there was a traffic study at 84<sup>th</sup> Street and Corn Drive, but there is no Corn Drive within the subdivision.

Seeing no additional public input, Vice Chair Carson closed the public hearing and called for Commission Discussion or a Motion to continue the request.

Mr. Erdman asked about the amount of green space and the proposed parks location. Mr. Larry Jobeun, 11440 W Center Rd stepped forward to represent the applicant. Mr. Jobeun stated that Outlot D is suitable for a park. Ms. Michelle Romeo stated it is programmed to have playground equipment that will be outside the OPPD easement along with a picnic shelter and a trail. Mr. Jobeun stated that when the playground equipment will be approved by the City, and it will be outside the OPPD's easement area.

Mr. Erdman asked if it would be possible to have a trail to go under 84<sup>th</sup> Street. Mr. Jeff LaMontagne stepped forward to represent the applicant. He stated that an underpass at that location would be challenging with the ADA requirements and to meet back up with the other trail. Mr. Goff stated that S 84<sup>th</sup> Street is not set up for an underpass like HWY 370 is as the grade change has to be pretty significant to be able to get a culvert to go underneath.

Mr. Carson asked if the trail will connect to the trail to the east of 84<sup>th</sup> Street. Mr. LaMontagne stated there is no trail connection, but sidewalks do connect.

Mr. Carson asked about Corn Drive. Ms. Romeo stated that the traffic study referenced the intersection using the existing street names of Corn Drive and 84<sup>th</sup> Street. She explained that Corn Drive will be named Summit Ridge Drive within Shadow Creek. The subdivision agreement will require a study of that intersection to determine an appropriate timing for the Shadow Creek SID to install the traffic signal.

Mr. Erdman asked if this meets the green space for the Comprehensive Plan. Mr. Gibbons stated that it does meet the Comprehensive Plan and that the Parks Master Plan was recently updated.

With no further discussion, **Motion** was made by Mr. Robinson III, seconded by Mr. Wilson, to recommend approval of the Shadow Creek (PP-22-0001R) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, compliant with Zoning and Subdivision Regulations and contingent upon the resolution of staff comments. Roll Call: Six yeas, One nay - Hrabik. Motion carried.

**Change of Zone** – A request for a Change of Zone for the property legally described as Tax Lot 9, Tax Lot 1B, and Tax Lot 2 in Section 3, T13N, R12E, Sarpy County, NE, generally located at SW of S 84<sup>th</sup> Street and Schram Road. The applicant is Richland Homes. (Shadow Creek) – **CZ-22-0001**

Vice Chair Carson stated that an e-mail was received from Jimm Murray, 802 Summit Ridge Drive a neighboring resident.

Vice Chair Carson opened the public hearing and called for the applicant to step forward.

Mr. Larry Jobeun stated he had no further information to add.

Mr. Mike Norris, 2425 Corn Dr stepped forward as a neighboring resident. Mr. Norris asked if the plans for Lot 270 had changed. He questioned where the sanitary sewer wastewater would be directed. Mr. Norris inquired about where the two acre park would be located.

Seeing no additional public input, Vice Chair Carson closed the public hearing and called for Commission Discussion or a Motion to continue the request.

Mr. Sullivan stated the apartments are not going to be the standard multi-unit type, but instead duplex and fourplexes.

Mr. Goff stated the sanitary sewer is designed to run west to Shadow Lake, which is sized for the project. They will need to obtain the easement from OPPD but that should not be an issue.

Mr. Jobeun showed on the map where the park will be located, on Outlot D.

With no further discussion, **Motion** was made by Mr. Robinson III, seconded by Mr. Wilson, to recommend approval of the Shadow Creek (CZ-22-0001) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, compliant with Zoning and Subdivision Regulations and contingent upon the resolution of staff comments. Roll Call: Six yeas, One nay by Hrabik. Motion carried.

**Ordinance #1989** – An ordinance to annex certain Real Estate to the City of Papillion, Nebraska legally described as **Tract A:** Lots 1, 2, and 3, Walnut Creek Hills Replat Twenty, a Subdivision in Sarpy County, Nebraska, and **Tract B:** Lot 4 Summerfield 2<sup>nd</sup> Addition, a Subdivision in Sarpy County, Nebraska. The applicant is The City of Papillion. **MISC-23-0001**

Mr. Gibbons stated it has been almost two years since our last annexation. Mr. Gibbons stated there are two Tracts of property. Tract A is in Walnut Creek Hills and includes Trinity Lutheran Church, the future site for the Sarpy County Historical Museum, and a vacant lot. Tract B is

where St Martha's Episcopal Church is located. The two tracts are not in an SID. Mr. Gibbons noted that the areas are ready to be annexed.

Vice Chair Carson opened the public hearing.

Vice Chair Carson called for any proponents or opponents.

Vice Chair Carson closed the public hearing and called for Commission Discussion.

With no further discussion, **Motion** was made by Mr. Hrabik, seconded by Mr. Robinson III, to recommend approval of Ordinance #1989 (MISC-23-0001) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, compliant with Zoning and Subdivision Regulations and contingent upon the resolution of staff comments. Roll Call: Seven yeas, No nays. Motion carried.

**Ordinance #1990** – An ordinance to amend the Official Zoning Map to show the 2023 Annexation No. 1 tracts within the City Limits. The 2023 Annexation No. 1 tracts are already located within the City's extraterritorial zoning jurisdiction. The applicant is The City of Papillion.  
**MISC-23-0002**

Mr. Gibbons stated this is the ordinance to revise the Zoning Map to reflect the 2023 Annexation No. 1.

Vice Chair Carson opened the public hearing.

Vice Chair Carson called for any proponents or opponents.

Vice Chair Carson closed the public hearing and called for Commission Discussion.

With no further discussion, **Motion** was made by Mr. Robinson III, seconded by Ms. Sotak, to recommend approval of Ordinance #1990 (MISC-23-0002) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, compliant with Zoning and Subdivision Regulations and contingent upon the resolution of staff comments. Roll Call: Seven yeas, No nays. Motion carried.

### **OTHER BUSINESS**

Mr. Gibbons announced we have hired a new employee, Kevin Pflager – Planner I, will be starting on March 6<sup>th</sup>.

With no further business to come before the Commission, **Motion** was made by Mr. Hrabik, seconded by Mr. Wilson, to adjourn. Roll call: Seven yeas, No nays. Motion passes. The meeting adjourned by unanimous consent at 8:05 P.M.

CITY OF PAPILLION

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