

# MINUTE RECORD

## PAPILLION PLANNING COMMISSION MEETING MAY 26, 2021

The Papillion Planning Commission met in open session at the Chrysalis Event Center in Papillion Landing on Wednesday, May 26, 2021 at 7:00 PM. Chairwoman Rebecca Hoch called the meeting to order. Planning Assistant Andrea Blevins called the roll. Planning Commission members present were Howard Carson, Jim Hrabik, Raymond Keller Jr., Jim Masters, John E. Robinson III, Herb Thompson, and Wayne Wilson. Judy Emswiler was absent. With a full Commission confirmed alternate member Leanne Sotak was not required to attend. Planning Director Mark Stursma, Assistant City Attorney Carla Heathershaw Risko, Assistant Planning Director Travis Gibbons, City Planner Michelle Romeo, and Staff Engineer Derek Goff were also present.

Chairwoman Hoch led those present in the Pledge of Allegiance.

Notice of the meeting was given in advance by publication in the Sarpy County Guide on May 14, 2021. A copy of proof of publication is on file at the office of the City Clerk.

Chairwoman Hoch announced that a copy of the Open Meetings Act is posted in Council Chambers.

### Approval of Agenda

**Motion** was made by Mr. Robinson III, seconded by Mr. Hrabik, to approve the agenda as presented. Roll call: Eight yeas, no nays. Motion carried.

### Approval of the Planning Commission Minutes

**Motion** was made by Mr. Robinson III, seconded by Mr. Masters, to approve the April 28, 2021 minutes. Roll Call: Eight yeas, no nays. Motion carried.

### Ratification of Motions and Votes made during the effective dates of Nebraska Executive Orders 20-36 and 21-02

**Motion** was made by Mr. Robinson III, seconded by Mr. Hrabik, to ratify all Motions and Votes made during the Planning Commission meetings on December 16, 2020, January 27, 2021, February 24, 2021, March 31, 2021, and April 28, 2021. Roll Call: Eight yeas, no nays. Motion carried.

### FINAL PLATS

**Final Plat** - A request for a Final Plat for the property legally described as Lots 3 – 10, Gold Coast Heights, and all of Rose Street right-of-way located in the NE ¼ of the SE ¼ of Section 34, T14N, R12E of the 6th P.M., Sarpy County, NE, generally located on the NW corner of W Gold Coast Road and Bristol Street. The applicant is VKB Properties, LLC. (Gold Coast Heights Replat 2) **FP-21-0001**

Kyle Haase, 10909 Mill Valley Road, Suite 1 (Omaha), stepped forward to represent the applicant. He offered a brief summary of the project location and explained that the subject property is currently subdivided into eight CC Community Commercial lots and Rose Street public right-of-way. The applicant proposes to develop the subject property into two lots, and would like to vacate Rose Street to construct a multiple-family residential project.

Mr. Haase asked staff to display the site plan, and described that the multiple-family residential project is proposed to be developed with seven three-story buildings (thirty-five feet in height) with garages on the first floor as well as some detached garages. He noted that studio, one bedroom, and two bedroom units are anticipated. Mr. Haase asked staff to display the proposed exterior elevations.

Chairwoman Hoch called for discussion amongst the Commission.

Chairwoman Hoch asked whether the greenspace shown on the site would include a playground. Mr. Haase noted that a pavilion with a pool and grilling areas is proposed; however, plans for the recreational areas have not been finalized. Chairwoman Hoch asked where the closest public park is located, noting concerns regarding lack of recreation. Mr. Haase stated that he was unsure. Mr. Stursma clarified that Glenwood Hills Park is likely the closest park.

Mr. Masters asked whether the Comprehensive Plan sets forth a desired ratio of multiple-family residential units. Mr. Stursma stated that there is no standard for a desirable ratio. He stated that generally staff considers land use compatibility and proximity of commercial uses for the multiple-family uses to support.

Mr. Wilson expressed concerns about access noting the added traffic to Bristol Street and Gold Coast Road.

Mr. Keller asked staff whether this proposal is related to Ordinance No. 1924. Ms. Romeo explained that Ordinance No. 1924 amended the code to allow Multiple-family residential uses in the CC Community Commercial District with a Special Use Permit. She added that the applicant is using this change to their advantage rather than seeking a change of zone.

Mr. Keller asked whether this project is related to the proposed car wash on the southwest corner of S Washington Street and Highway 370. Mr. Stursma noted that the two projects are close in proximity. He gave a brief overview of the proposal on that property. Ms. Romeo displayed an aerial photo of the area. Mr. Stursma noted that the Rose Street right-of-way is dedicated public right-of-way, but is not improved.

Patrick Sullivan, 1246 Golden Gate Drive, stepped forward to represent the applicant. He noted that the subject property is zoned for commercial development, however, its location was not desirable for most commercial uses. He added that he believed that the subject property is ripe for multiple-family residential development because it is not located on an arterial road. Finally, he explained that outside of school hours, children may also be able to utilize the playground at Walnut Creek Elementary.

Mr. Hrabik stated concerns regarding access stating that he was weary of supporting multiple-family residential projects that do not have at least two access points.

Mr. Carson expressed concerns regarding the amount of multiple-family residential development in Papillion. Mr. Haase suggested that the subject property is zoned for commercial uses, therefore, the residential use will have less impact on the road network than commercial uses that are permitted by right.

With no further discussion, **Motion** was made by Mr. Keller, seconded by Mr. Thompson, recommend approval of the Gold Coast Heights Replat 2 Final Plat (FP-21-0001) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, and compliant with the Zoning regulations, contingent upon the resolution of staff comments. Roll Call: Eight yeas, no nays. Motion carried.

### **PUBLIC HEARINGS**

**Special Use Permit** – A request for a Special Use Permit to allow Multiple-Family Residential as a permitted use for the property legally described as Lots 3 – 10, Gold Coast Heights, and all of Rose Street right-of-way located in the NE ¼ of the SE ¼ of Section 34, T14N, R12E of the 6th P.M., Sarpy County, NE, generally located on the NW corner of W Gold Coast Road and Bristol Street. The applicant is VKB Properties, LLC. (Gold Coast Heights Replat 2) **SUP-21-0002**

Chairwoman Hoch opened the public hearing.

Kyle Haase, 10909 Mill Valley Road, Suite 1 (Omaha), stepped forward to represent the applicant.

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

Mr. Carson asked staff how the lots to the south of this project are developed. Mr. Stursma indicated that the developed lots are developed as duplexes and triplexes.

With no further discussion, **Motion** was made by Mr. Keller, seconded by Mr. Wilson, recommend approval of the Gold Coast Heights Replat 2 Special Use Permit (SUP-21-0002) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, and compliant with the Zoning regulations, contingent upon the resolution of staff comments. Roll Call: Eight yeas, no nays. Motion carried.

**Special Use Permit** – A request for a Special Use Permit to allow Automotive Rental and Sales as a permitted use for the property legally described as Lots 1 and 2, Sarpy 84 Commercial Park, generally located at 1210 Royal Dr. The applicant is Ali Yousuf. (1210 Royal Dr – Auto Sales) **SUP-21-0001**

Chairwoman Hoch opened the public hearing.

Ali Yousuf, 1210 Royal Drive, stepped forward as the applicant. He explained that the subject property is currently being operated as an Automotive sales use known as 84<sup>th</sup> Street Auto. He

added that the property owner plans to split the building into two suites for two separate businesses, and he intends to utilize one of the spaces for his business.

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

Mr. Masters asked Mr. Yousuf to clarify why he is leasing a portion of the building rather than the entire building. Mr. Yousuf stated that he believes that the current owner wishes to scale back his business. He added that the smaller office will lower his overhead to start a small business. Mr. Masters offered support.

With no further discussion, **Motion** was made by Mr. Hrabik, seconded by Mr. Thompson, recommend approval of the 1210 Royal Drive Special Use Permit (SUP-21-0001) because the proposed land use is consistent with the Zoning Regulations, the existing land use, and is compatible with the surrounding uses, contingent upon the applicant agreeing to the conditions outlined in the Planning Commission Staff Report. Roll Call: Eight yeas, no nays. Motion carried.

**Special Use Permit** – A request for a Special Use Permit to allow Cocktail Lounge as a permitted use for the property legally described as Lots 6A, 6B, and part of Lot 6C, Block 18, Papillion, generally located at 123 N Washington Street. The applicant is Kate Rannells. (Twisted Vine – Special Use Permit) **SUP-21-0003**

Chairwoman Hoch opened the public hearing.

Kate Rannells, 7626 Legacy Street, stepped forward as the applicant. She noted that Mr. Stursma reached out to her because the change in her business model is more consistent with a Cocktail Lounge use type.

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

Mr. Masters offered support.

Mr. Stursma stated that this change was brought to light with a request for an addition to the Twisted Vine liquor license. He noted that the business has evolved from a Personal Services use to a Cocktail Lounge use over the years, and that it is a benefit to the applicant to be classified correctly and have the necessary Special Use Permit in place.

Mr. Wilson asked how long the Special Use Permit would be valid. Mr. Stursma stated that staff is not recommending that the applicant periodically renew the Special Use Permit; however, the Special Use Permit will not be transferrable to another owner.

Mr. Hrabik asked staff whether the outdoor space has a specific occupancy. Ms. Rannells stated that the calculation is based on square footage.

With no further discussion, **Motion** was made by Mr. Keller, seconded by Mr. Wilson, to recommend approval of the Twisted Vine Special Use Permit (SUP-21-0001) because it is generally consistent with the Comprehensive Plan, compatible with adjacent uses, and compliant

with the Zoning regulations, contingent upon the applicant agreeing to the conditions outlined in the Planning Commission Staff Report. Roll Call: Eight yeas, no nays. Motion carried.

**Text Change** – A request to amend Section 205-246 (Parking for commercial, personal, and recreational vehicles), of Article XXXVI (Off-Street Parking), of Chapter 205 (Zoning) of the Papillion Municipal Code, having to do with parking of recreational vehicles and trailers on residential lots. The applicant is Councilman Steve Sunde. (RV Parking Ordinance Amendment) **TC-21-0002**

Chairwoman Hoch opened the public hearing.

Mark Stursma, 122 E 3<sup>rd</sup> Street, stepped forward to represent the applicant noting that the text amendment was proposed by Councilman Steve Sunde. He explained that the current regulations restrict the size of a recreational vehicle or trailer that can be parked in the front parking zone to twenty feet. He believes that the intention of the amendment is to allow longer vehicles to encroach into the front parking zone during the typical camping season. He added that any vehicle longer than twenty feet that encroaches into the front parking zone would need to be setback at least thirteen feet from the front lot line as not to be any more intrusive than a twenty foot recreational vehicle or trailer.

Chairwoman Hoch called for proponents and opponents.

Loreen Reynante, 1108 Parc Drive, stepped forward as a proponent. She expressed that requiring residents to store their recreational vehicles or trailers off-site leaves such vehicles susceptible to theft, damage, vandalism, and difficulty with proper maintenance. She added that the current limitations on parking a recreational vehicle in the front parking zone limit the owner's ability to utilize the vehicle. She stated that Councilman Sunde is requesting that the five day limitation for loading and unloading a recreational vehicle or trailer in the front parking zone be increased to ten days per month. She acknowledged that recreational vehicles and trailers can cause line of sight issues in residential neighborhoods; however, the proposed thirteen foot setback accommodates this concern.

Cindy Robarge, 1001 Crest Road, stepped forward as a proponent. She acknowledged that she and her husband own a fifth wheel camper trailer. She suggested that she did not have issues parking the trailer on their property until the 2017 ordinance change regarding parking of recreational vehicles and trailers. She added that she prefers to keep the trailer on her property stating similar concerns to Ms. Reynante, but wants to be in compliance with City code.

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

Mr. Carson expressed that he was not in support of the proposed change, generally stating that the current rules are too lenient and he believes that the majority of residents would not want larger recreational vehicles and trailers permitted in the front parking zone.

Mr. Masters asked staff how other municipalities regulate off-street parking of recreational vehicles and trailers. Mr. Stursma stated that staff has researched this many times over the years, and that it is his understanding that the thirteen foot setback came from Omaha's ordinance.

Mr. Masters asked for clarification on the enclosed structure provision. Mr. Stursma stated that if a resident has a zoning compliant structure that will accommodate the recreational vehicle or trailer it would need to be parked within that structure rather than utilizing the proposed encroachment.

Mr. Masters asked who enforces off-street parking provisions in the zoning code. Mr. Stursma stated that the Code Enforcement Officer investigates most violations based on complaints unless a life safety issue exists or construction is happening without a building permit. He added that if a resident makes a complaint, the City is obligated to investigate and seek compliance.

Mr. Masters asked the proponents to describe a typical camping season. Ms. Reynante stated that she and her husband camp most weekends at local recreation areas. She stated that her camper is parked in compliance with the current ordinance, but many other campers have a hard time keeping their recreational vehicle or trailer on their property. She stated that the five day per month restriction does not give recreational vehicle or trailer owners much time to prepare for trips. She added that recreational vehicles or trailers are becoming more popular, and are a big expense for the owner.

Mr. Hrabik stated that he is not in favor of the proposed amendment. He revealed that he has been a recreational vehicle owner for over forty years, and that he chooses to store his vehicle off-site because he does not want to impede on his neighbors. He advocated that recreational vehicles or trailers are eyesores when parked on residential lots. Mr. Hrabik suggested that the ten foot side yard required in most neighborhoods is intended for fire access to the rear of the home, expressing concerns about parking recreational vehicles or trailers in this area because of the potential fire hazard.

Mr. Thompson stated that he sympathizes with the frustration that recreational vehicle or trailer owners must experience. He added that he believes that the City is trying to find a compromise.

Mr. Hrabik reiterated that he does not support the proposed amendment.

Mr. Robinson III asked staff whether there are storage facilities available for recreational vehicle or trailer in Papillion. Mr. Stursma answered in the affirmative. Mr. Robinson III expressed that he is not in favor of the proposed amendment.

Chairwoman Hoch offered support for the proposed amendment stating that she is a proponent of property rights. She expressed concerns regarding a lack of civility between neighbors to reach a compromise regarding property concerns.

Mr. Carson indicated that amending the zoning ordinances frequently erodes community standards.

With no further discussion, **Motion** was made by Mr. Carson, seconded by Mr. Thompson, recommend approval of Councilman Sunde's request of the ordinance to amend § 205-249 (TC-21-0002). Roll Call: Two yeas, six nays by Mr. Carson, Mr. Hrabik, Mr. Keller, Mr. Masters, Mr. Robinson III, and Mr. Wilson. Motion fails, therefore, the recommendation is denial.

**2021 Parks Plan** – Consideration of the 2021 Parks Plan. The applicant is the City of Papillion. (2021 Parks Plan) **MISC-21-0001**

Chairwoman Hoch opened the public hearing.

Robin Fordyce, 3659 Davenport Street (Omaha), stepped forward to represent the Parks Plan consultant Vireo. She asked staff to display a slide presentation and expressed that the Parks Plan discusses community engagement, trends in park facilities, current park inventory and condition, and an action plan with costs.

Ms. Fordyce explained that the community's top requests for the Papillion parks system include expanded trails and connectivity; more passive recreation areas; updates to existing parks; a disc golf course; incorporation of multi-generational activities, and the maintenance and upkeep of neighborhood parks. She summarized current trends in park development.

Ms. Fordyce explained that 2040 is the horizon the proposed plan. She stated that the City will need an additional seventy-seven acres of park land by 2040, with locations being determined based on the highest growth areas. She noted that the City currently has level of service issues to the west and south.

Ms. Fordyce stated that the action plan sets forth short-term, mid-term, and long-term goals for the park system. She added that the current goal is to enhance the existing park inventory, with a project specifically targeting City Park. She stated that a mid-term goal is to expand our park network. Finally, she described that the long-term goal is to innovate, improve connectivity, and create ADA inclusive parks. She added that amending the Subdivision Regulations to require park amenities is a necessary short-term goal.

She stated that Parks Director Tony Gowan would evaluate progress on an annual basis. She gave a brief overview of the costs.

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

Mr. Keller asked whether City Park would still include play equipment once renovated. Ms. Fordyce answered in the affirmative and clarified that the plan includes a destination park that is further removed from S Washington Street.

Mr. Masters asked why soccer fields was identified as a citizen concern in the plan. Ms. Fordyce stated that this portion of the study was completed prior to Papillion Landing being completed, therefore, it is unclear.

Mr. Masters asked how the City will determine priority for updating existing parks. Ms. Fordyce stated that safety concerns will be addressed first, then priority will be determined by potential level of service increases if the park is improved.

Chairwoman Hoch asked Ms. Fordyce to provide examples of park amenities that would reach a multigenerational audience. She asked what type of liability the City would incur by incorporating extreme sports amenities such as a skate park. Ms. Fordyce stated that research is currently being done to determine what amenities may have a multigenerational draw. She offered integration of technology, bike rental, and obstacle courses as examples. Ms. Fordyce specified that she could not speak on the issue of liability.

Mr. Carson suggested that the City consider a trail connection from First Street Plaza. He encouraged the City to consider incorporating public art into park facilities. Ms. Fordyce noted that she met with the local arts council to discuss how to incorporate art.

Councilwoman Hoch asked about the timing of improving City Park. Ms. Fordyce stated that once current safety issues are addressed, City Park is the first priority. Tony Gowan, 305 E Lincoln Street, stepped forward and explained that funding would need to go through the Capital Improvement Program (CIP). He stated that asset sales tax may also help pay for renovations. He added that Tara Hills Park received a grant from the Papio-Missouri River Natural Resources District (P-MRNRD) for improvements. He noted that parks are expensive, and a plan will be put in place to bring the goals of the Parks Plan to fruition.

Mr. Stursma explained that the Parks Plan will be adopted as part of the Comprehensive Plan, adding that this will help the Planning Department rationalize parks in land use planning. He stated that trail connections has been the focus in recent developments, however, the Parks Plan clarifies that neighborhood parks need to be a bigger priority. Ms. Fordyce stated that the Parks Plan outlines the framework to give the City the standing to encourage park development.

With no further discussion, **Motion** was made by Mr. Masters, seconded by Mr. Carson, recommend approval of the 2021 Parks Plan (MISC-21-0001) because it is consistent with the Comprehensive Plan. Roll Call: Eight yeas, no nays. Motion carried.

**One & Six Year Road Plan** - Consideration of the One & Six Year Road Plan. The applicant is the City of Papillion. (One & Six Year Road Plan) **MISC-21-0004**

Chairwoman Hoch opened the public hearing.

Derek Goff, 9909 Portal Road, stepped forward to represent the applicant noting that the plan is required annually by the state, and is largely influenced by development patterns. He added that the pavement repair program is underway, and will continue.

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

Mr. Carson suggested that the intersection at S 150<sup>th</sup> Street and Highway 370 needs to be improved. Mr. Goff explained that this intersection falls within county and state jurisdiction. He

noted that the construction of Highway 370 Industrial Park and Phase Four of R & R Commerce Park will spur the improvement of S 150<sup>th</sup> Street south of Highway 370.

Mr. Carson suggested that Portal Road needs improvement, and currently has some safety issues. Mr. Goff acknowledged certain improvements needed on Portal Road and explained that improvement of the full corridor is desired.

Mr. Carson suggested that traffic generation has increased significantly at I-80 and Highway 370, and the state need to make improvements. Mr. Goff stated that the state has a plan to widen Highway 370, but he is unsure of the schedule.

Chairwoman Hoch asked for clarification on funding the Highway 370 trail underpass. Mr. Stursma explained that the City received \$1.9 million in federal funding for this project and multiple Sanitary and Improvement Districts in the area are obligated to provide a cost share contribution. He stated that construction is anticipated in 2024. Mr. Goff stated that the City's contribution could be less than what is anticipated in the plan. Mr. Stursma added that the connection is to tie the residential development south of Highway 370 to the north and connects the MoPac trail to Omaha.

Chairwoman Hoch inquired about the scope of the three phase street improvements in downtown. Mr. Goff discussed the phased street improvements in downtown.

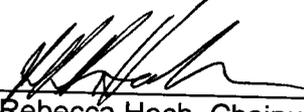
Mr. Carson asked whether money was already in the budget for the improvements listed in the plan. Mr. Goff noted that some of the costs will change over time. Mr. Stursma noted that funding would be subject to City Council approval.

With no further discussion, **Motion** was made by Mr. Robinson III, seconded by Mr. Carson, recommend approval of the One & Six Year Road Plan (MISC-21-0004) because it is consistent with the Comprehensive Plan. Roll Call: Eight yeas, nays. Motion carried.

### **OTHER BUSINESS**

With no further business to come before the Commission, **Motion** was made by Mr. Wilson, seconded by Mr. Thompson, to adjourn. The meeting adjourned by unanimous consent at 8:51 P.M.

CITY OF PAPIILLION

  
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Rebecca Hoch, Chairwoman