

MINUTES OF PLANNING & ZONING COMMISSION
APRIL 17, 2008
BUFFALO COUNTY HIGHWAY DEPARTMENT
7:00 P.M.

Chairperson Rick Pope called the meeting to order at 7:00 o'clock P.M. with a quorum present on April 17, 2008 at the Buffalo County Highway Department, 9730 Antelope Ave., Kearney, NE.

Agenda for such meeting was regularly posted as required by law and the agenda is available for anyone wanting one. Present were: Francis "Buss" Biehl, Karin Covalt, Marlin Heiden, Willie Keep, Rick Pope, Leonard Skov, Paul Steinbrink, Sr., Craig Wietjes and Loye Wolfe. Absent: None. Also attending were Deputy County Attorney Melodie Bellamy, Zoning Administrator LeAnn Klein and fourteen members of the public.

Chairperson Pope announced there was a copy of the open meetings act posted and we do abide by the open meetings act.

The public forum was opened at 7:01 P.M. No one was present to address the Commission. The public forum closed at 7:01 P.M.

Chairperson Pope opened the public hearing at 7:02 P.M. for a special use permit requested by Rite Way Milk Inc. for a truck terminal, repair shop and offices for property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 5, Township 8 North, Range 17 West of the 6th p.m., Buffalo County, Nebraska.

Deputy County Attorney Bellamy stated before we get started we need to amend the application to show provision 5.14 #15 instead of 5.14 #14 since the Zoning Regulations were amended to show 5.14 #15 as Commercial/Industrial Operations.

James Stewart was present and spoke on behalf of Rite Way Milk Inc. He introduced his wife, father and mother who were also present. They haul milk from area farmers to an area cheese plant and other locations. They do not haul any hazardous materials. They want to put up a three bay repair shop to do repair work and service work on their trucks. They currently have about 20 trucks and 18 trailers. The trucks are usually located at the place of residence of their employees. The only time the trucks would come to this location is when they need repair work done. They have been in the business for approximately 60 years. They had planned on putting an internal wash bay to wash out the inside of trucks but because of some concerns from people, they would not be washing out the inside of the trucks at this location. They would only be washing the outside of trucks when they are serviced. The building would be a structure about 100 feet by 125 feet. They would only use about five acres of this property and the remainder of the property would be used for grazing for his horses. They would abide by all state regulations. Some of the trucks would only come in once per month for service. There probably would be no more than 5 or 6 trucks parked at any one time.

Deputy County Attorney Bellamy asked the following questions:

1. What type of parking surface would there be?
2. What type of building?
3. What type of lighting?
4. Would there be trees at this location?
5. How many employees would there be?
6. How many trucks would be coming in everyday?
7. Where would the entrance be?

Stewart replied as follows:

1. They would have crushed rock on the drive with cement where the trailers are parked.
2. They would put up a building such as a Morton Building.
3. Lighting would be on the building broadcast down and out.
4. Currently there are a row of trees already planted.
5. There would be two full-time employees.
6. Approximately ten or less trucks.
7. They would use the existing entrance.

Klein asked if everything would be stored inside the building. Stewart replied the trucks and trailers would be stored outside and they also have a 53' van trailer.

They are planning on removing the existing mobile home currently at this site.

Biehl asked where they are currently located. Stewart replied they are located northeast of Holdrege. Biehl also asked if they would store fuel and Stewart told him no fuel, just engine oil. Biehl also asked if they would have a washout and was told no. This site is approximately ½ to ¾ mile off a hard surfaced road. Biehl also asked how tall the building would be. Stewart replied the doors would be at least 14 foot doors.

Heiden asked if there was a culvert under the existing driveway. Currently there is no culvert but if the County required one, they could put a culvert under the driveway.

Marsha Yetter was present and owns property directly to the north. She has concerns of the re-sale of their property. She also has concerns of the 1000' requirement. Klein told her a residence needs to be at least 1000' from a residence and there would be no residence at this location.

Ann Gould lives about ½ miles east. She has concerns of the condition of the road to handle all of this truck traffic. The ground water is also very high in this area and she has seen water run over the road.

Heiden asked how much water would be used to wash the outside of the trucks. Stewart thought about 200 gallons are used to wash a truck.

Pope asked how many trucks are washed per week. Stewart thought about 2-3 per week and 3 trailers per week.

Paul Bishop lives northwest of this site. This is an agricultural area and 11th Road doesn't handle truck traffic very well. Would there be any monitoring of the external washing contaminants? There also is a very high water table.

Terri Lind also uses 11th Road and this road turns into a swamp area and has concerns of the truck traffic.

Todd Hubbard lives northwest of this area and has concerns with the placement of the septic and also the water coming across the road. He asked how this would affect the re-sale of his property.

June Nelson lives one mile east on Odessa Road. She gave Exhibit #1 to the Commission which shows the amount of water at her place. Klein asked when this picture was taken and how much rain was received. Nelson could not recall when this picture was taken or how much it had rained. Nelson thought it was probably 10 years ago.

Todd Hubbard also said he has problems with excess water on his property. He also asked what the County is going to do to fix the roads.

Wolfe asked if the floodplain is located south of his property. Hubbard replied the floodplain does run south of his land.

Stewart replied it sounds like the water problem is already there and he would be facing the same problem.

Anna Bishop just moved to the country where the air is clean and the water is good and she doesn't want this area to become an industrial area. This is a very volatile area and questioned if an ecological study should be done. Will the County be monitoring the well to make sure no wells are affected?

Ann Gould also questioned if the existing well would be used. If she tests her well in five years from now and discovers any contaminates, would she have any recourse if her well is contaminated?

Terri Lind also thinks some studies need to be done before this is allowed.

Pope closed the hearing at 7:45 P.M.

Heiden said if an area is in a floodplain, septic systems needs to follow guidelines set by the State. Stewart replied the area where the building would be located is not in a floodplain.

Wolfe also asked if an external pit would be needed. Stewart did reply they would need a pit for an internal wash and they would not have an internal wash at this location.

Stewart replied they would have to abide with all necessary permits required by the Nebraska Department of Environmental Quality.

Biehl replied the County permit, if approved, would be subject to any State permits.

Covalt asked what type of chemicals they use in the cleaning of their trucks. Stewart replied they use regular soap.

Heiden asked what percentage of the trucks would be loaded. Stewart said there might be just one load per day except to switch drivers. Most of the loaded trucks go directly to the site to unload.

Pope stated this is an agricultural area and there are lots of semis that are located on a farm. There are also a lot of chemicals on a farm. He sees less impact than a regular farm.

Keep agreed Stewart can't do anything about the high water. He does have some concerns with the condition of the road and doesn't think it is a good fit.

Wolfe agreed the County Board does need to take a look at the condition of the road.

Norman Stewart told the Commission he doesn't have concerns with the condition of the road. They are use to running on gravel roads when they pick up the milk from the farmers. He said some of the roads they run on are in worse condition than this road.

A motion was made by Skov, seconded by Heiden to approve this special use permit for a truck terminal, repair shop and office with a recommendation the County Board review the condition of 11th Road on the following legal description: a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 5, Township 8 North, Range 17 West of the 6th P.M., Buffalo County, Nebraska more particularly described as follows: Beginning at the Southwest Corner of the Southwest Quarter of Section 5 and assuming the West line of the Southwest Quarter of said Section 5 as bearing N 00° 14' 27" E and all bearings contained herein are relative thereto; thence N 00° 14' 27" E and on the West line of said Southwest Quarter a distance of 658.0 feet; thence N 62 ° 52' E a distance of 295.0 feet; thence N 88° 33' E a distance of 447.0 feet; thence N 37° 41' E a distance of 104.0 feet; thence N 67° 05' E a distance of 83.0 feet; thence S 62° 45' E a distance of 173.0 feet; thence S 28° 34' E a distance of 190.0 feet; thence S 48° 13' E a distance of 150.0 feet; thence S 64° 10' 21" E a distance of 139.1 feet to a point on the East line of the Southwest Quarter of the Southwest Quarter of said Section 5, said point also being 491.0 feet Northerly from the Southeast Corner of the Southwest Quarter of the Southwest Quarter of said Section 5; thence S 00° 03' 58" W and on the East line of the Southwest Quarter of the Southwest Quarter of said Section 5 a distance of 491.0 feet to the Southeast Corner of the Southwest Quarter of the Southwest Quarter of said Section 5; thence S 89° 06' 16" W and on the South line of the Southwest Quarter of the Southwest Quarter of said Section 5 a distance of 1333.48 feet to the Place of Beginning, subject to the Nebraska Department of Environmental Quality and posting of a 911 address on the property. Voting yes were Skov, Heiden, Biehl, Covalt, Pope, Steinbrink, Wietjes and Wolfe. Voting no: Keep. Absent: none. Motion passed.

Klein said this will be heard before the County Board on May 13, 2008 and notices would again be sent to adjacent property owners.

Old Business: Moved by Wolfe, seconded by Heiden to approve the minutes of the February 21, 2008 as mailed. Voting yes were Wolfe, Heiden, Biehl, Covalt, Keep, Pope, Skov, Steinbrink and Wietjes. Voting no: none. Absent: none. Motion passed.

Klein also reported the outcome of the hearings heard by the County Board at previous meetings.

Other items of concern were discussed.

The next meeting of the Planning & Zoning Commission will be May 15, 2008 at 7:00 P.M. at the Highway Department.

Motion was made by Covalt, seconded by Heiden to adjourn at 8:12 P.M.