

MINUTES OF PLANNING & ZONING COMMISSION
May 19, 2011
BUFFALO COUNTY HIGHWAY DEPARTMENT
7:00 P.M.

Chairperson Craig Wietjes opened the meeting at 7:03 P.M. at the Buffalo County Highway Department Building in Kearney, NE with a quorum present on May 19, 2011. Present were: Karen Covalt, Ken Erickson, Marlin Heiden, Willie Keep, Paul Steinbrink, Sr., Gwen Stengel and Craig Wietjes,. Absent: Leonard Skov and Loye Wolfe. Also attending were Deputy County Attorney Melodie Bellamy, Zoning Assistant Janice Taubenheim and fifteen members of the public.

Wietjes announced there was a copy of the open meetings act posted on the bulletin board and we do abide by the open meetings act and a copy is posted as required by law.

Agenda for such meeting was regularly posted as required by law and the agenda is available for anyone wanting one.

The public forum was opened at 7:04 P.M. No one was present to address the Commission. The public forum closed at 7:04 P.M.

Chairperson Wietjes opened the public hearing at 7:05 P.M. for a zoning map amendment filed by Randall A. Stones on behalf of Jerome Brandt and Diane Brandt to rezone property from Agricultural to Commercial for property located in part of the Northwest Quarter of the Northwest Quarter of Section 25, Township 10 North, Range 13 West of the 6th p.m., Buffalo County, Nebraska.

Trenton Snow, Surveyor representing Randall Stones explained to the Commission that the North-Gate Vet Clinic on 56th Street in Kearney has a Conditional Use permit that is expiring and will not be renewed for Randall Stones. Randall is in the process of looking for another property for his business.

Erickson questioned the area about flooding; they are planning on staying to the west of the low area, would like to keep the arena. Randall replied that he would not use the east side and would like to plant trees, will be removing the house. Not sure about time frame.

Keep commented on zoning AG to Commercial, does it fit under #14, Belemy thinks it fits under Commercial #14, and we have no definition of Animal Hospital.

Heiden questioned how close this property is to other Commercial property, this is about 2 ½ miles north of a commercial zoned property. Is the Pleasant Hill School building used as a residential house?

Stengel asked about the driveway would it stay where it is at, and the view for safe turning. Randall replied, the driveway would stay in the same location, there is good view and turning off of Hwy 10 should be no problem.

Snow explained why they decided to apply for a Commercial Change of Zoning.

Keep questioned about issuing a Special Use Permit with an extension to give Stones ample time to build a Veterinary Clinic.

No one was present to oppose the request.

Wietjes closed the public hearing at 7:23 P.M.

A Motion was made by Keep, seconded by Erickson, to forward this zoning map amendment to the County Board with recommendation this property be rezoned from Agricultural to Commercial for property described as approximately 9.2 acres in the Northwest Quarter of the Northwest Quarter of Section 25, Township 10 North, Range 16 West of the 6th p.m., Buffalo County, Nebraska.

Voting yes: Keep, Erickson, Covalt, Heiden, Steinbrink, Stengel, Wietjes. Voting No: None. Absent: Skov and Wolfe. Motion carried.

This will be heard by the County Board on June 14, 2011 at 11:00 o'clock, a.m. and notices will again be mailed to adjacent property owners.

Chairperson Wietjes opened the public hearing at 7:26 P.M. for a Special Use Permit, filed by Brad Campbell for a wash-out facility in part of the North Half of the Southwest Quarter and part of the South Half of the Northwest Quarter of Section 9, Township 12 North, Range 13 West of the 6th p.m., Buffalo County, Nebraska.

Brad Campbell was present to address the Commission for the Special Use Permit. He would like to have a livestock wash-out facility; they have used this as a wash-out since 2001 when they built their building on this property. They have 5 trucks of their own that they now wash out the trailers on this property.

Bellamy stated to the commission that they have to consider policing Special Use Permits.

Heiden commented that they need to pass DEQ requirements before they can be granted a Special Use Permit. Brad stated that they just want to wash out their own trucks. Heiden also questioned how large the ponds are and redoing the holding ponds.

Erickson asked about the well, Campbell replied that it is not used for irrigation. Wanted to know what some the concerns of DEQ, Brad replied concerned about leaching.

Stengel wanted to know if the water pooled in the ponds.

Keep asked if they had a feedlot there, replied that they do not.

Questioned about wetlands and run off from heavy rains, Mac Campbell replied that the ponds have been there since the late 50's early 60's and have never ran over.

Erickson asked about the involvement with the State Bank of Cairo, Campbell replied that they are in the process of buying the property back from the bank.

Wietjes reminded the audience the comments from the public should just pertain to this application and nothing else and to please address the Commission.

Ron Urwiller owns adjacent property, commented that there are more trucks than just the Campbell's using the wash-out; there has been dead cattle and open pit burning on the property.

Barbara Urwiller questioned if it needed to be rezoned to Commercial.

Kris Graczyk commented about large number of trucks using the wash-out, they have disrespected the rules, there is a lot of marshland in this area and who will police this Special Use.

Wietjes closed the public hearing at 7:51 p.m.

Erickson questioned Campbell, when was he aware that he needed a permit, Campbell replied that LeAnn Klein had contacted him.

Stengel asked Campbell how many trucks would be using the facility, Campbell replied that maybe 10-20-30 trucks and he would need some revenue to pay for installing a wash-out facility, and there is no bedding that is washed out of the trailers.

Belemy asked Campbell how many trucks a week over the 6 weeks wash out their trucks. He said maybe 10 to 12.

Heiden asked if trucks could wash out with out their knowledge.

The Commission has concerns about someone from the Bank of Cairo not being at the meeting.

Erickson said that they need a better plan and drawing to show the commission.

A motion was made by Stengel, seconded by Steinbrink to forward application to the County Board with recommendation this special use permit is denied for wash-out facility as submitted on the following property:

The North Half of the Southwest Quarter (N1/2SW1/4) and the South Half of the Northwest Quarter (S1/2NW1/4) of Section Nine (9), Township Twelve (12) North, Range Thirteen (13), West of the 6th P.M., Buffalo County, Nebraska, except railroad right of way and except a 3.44 acre tract of land more particularly described as follows: Commencing at the Southeast corner of the intersection of the county road running north and south on the West edge of said Northwest Quarter (NW1/4) and the county road running east and west on the South side of the Burlington Northern Railroad right-of-way as the place of beginning; thence South 300.00 feet/ thence East parallel with the South line of said east and west county road 500.00 feet; thence North 300.0 feet to the South line of said east and west county road; thence West on and along the south line of said east and west county road 500.0 feet to the place of beginning.

Voting yes: Stengel, Steinbrink, Keep, Erickson, Covalt, Heiden, and Wietjes. Voting No: None.
Absent: Skov and Wolfe. Motion carried.

Erickson made a comment that Campbell's can re-apply for a Special Use Permit.

This will be heard by the County Board on June 14, 2011 at 11:00 o'clock, a.m. and notices will again be mailed to adjacent property owners.

Lonnie Dickson from Hanna Keelan Associates was not at the meeting, due to the County Zoning Administrator being absent.

Old Business: Moved by Heiden, seconded by Erickson to approve the minutes of the April 14, 2011 as mailed. Voting yes: Heiden, Erickson, Colvalt, Keep, Steinbrink Stengel and Wietjes. Voting no: none. Absent: Wolfe and Skov. Motion passed.

Moved by Stengel and seconded by Covalt to enter into Executive Session to discuss personnel matters at 7:57 P.M. Motion passed.

Moved by Erickson and seconded by Steinbrink to move out of Executive at 8:07 P.M. and resume the open meeting. Voting yes: Erickson, Steinbrink, Covalt, Heiden, Keep, Stengel, and Wietjes. Voting no: none. Absent: Wolfe and Skov. Motion passed.

There was discussion about hearing a Special Use application earlier than the regular Planning & Zoning meeting date; it was decided to meet on the regular meeting date June 14, 2011.

The Planning and Zoning Commission will start meeting in June, 2011 at the Buffalo County Court House, 1512 Central Ave, Kearney, NE.

The next meeting of the Planning & Zoning Commission will be June 16, 2011 at 7:00 P.M. at the Buffalo County Court House if needed.

Moved by Covalt to adjourn at 8:25 P.M.