

MINUTES OF PLANNING AND ZONING COMMISSION  
APRIL 16, 2026  
BUFFALO COUNTY COURTHOUSE  
7:00 P.M.

Notice of the meeting was given in advance thereof by publication in the Kearney Hub, the designated method for giving notice, on April 4, 2026. A copy of the proof of publication is on file in the Zoning Administrator's Office. Advance notice of the meeting was also given to the Planning and Zoning Commission and availability of the Agenda was communicated in the advance notice. The Agenda is available for anyone wanting a copy.

Interim Chairperson Brady opened the meeting at 7:01 P.M. on April 16, 2026.

In Attendance: Joshua Chaney, Willie Keep, Tim Kreutzer, Marc Vacek, Loye Wolfe, Scott Stubblefield, Tammy Jeffs, Jeremy Sedlacek, and Scott Brady.

Quorum has been met.

Also attending were: Deputy County Attorney Andrew Hoffmeister, Deputy County Attorney Josiah Davis and Zoning Administrator Dennise Daniels. There were a few members of the public present.

Interim Chairperson Brady announced The Open Meetings Act and agendas were available if anyone wished to have one.

The public forum was opened at 7:02 P.M. No one spoke. The public forum closed at 7:02 P.M.

Chairperson Brady announced the procedure and etiquette for the upcoming public hearings.

***Public Hearing. 5(a)***

Chairperson Brady opened one consolidated public hearing for the purpose of gathering evidence for Agenda Items 5(a), 5(b), and 5(c) at 7:03 P.M., regarding an Application for Vacation, Application for Zoning Map Amendment, and Application for Preliminary Subdivision filed by Joshua Gilbertson, licensed land surveyor, on behalf of Scott R. Phillips, Successor Co-Trustee of the Lee Nell Phillips Revocable Trust Dated December 4, 1990 and Successor Co-Trustee of the Ercil D. Phillips Family Trust also known as The Phillips Family Trust, Gary D. Phillips, Successor Co-Trustee of the Lee Nell Phillips Trust Revocable Trust Dated December 4, 1990 and Successor Co-Trustee of the Ercil D. Phillips Family Trust also known as The Phillips Family Trust, Douglas E. Welliver, Christine A. Welliver, and Golfside Estates Subdivision Homeowners Association, Inc., to vacate, rezone approximately 4.29 Acres, more or less, from Agriculture (AG) to Agricultural – Residential 1 (AGR - 1) and create a preliminary plat for Golfside Estates, Lots 23-24 and Lots 26-31, also known as a tract of land being part of the Southwest Quarter of Section 36, Township 11 North, Range 16 West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska.

Joshua Gilbertson, licensed land surveyor, of Oak Creek Engineering, at 4004 6<sup>th</sup> Avenue, Kearney, Nebraska, stepped forward to present the project. Mr. Gilbertson stated that the applicants intend to modify existing lot lines for a part of Golfside Estates. He added that the applicants have also requested the appropriate variances to move forward with the project, as presented in The Commission's packets. He stated that it is the applicants' intent to dissolve a commons lot and make the newly proposed lots larger, which is going to appeal to more buyers to increase development in an area that hasn't been developed in years.

Deputy County Attorney Hoffmeister asked Mr. Gilbertson how many lots were on the plat originally and how many would be created. Mr. Gilbertson stated that they are vacating eight lots and creating five.

Deputy County Attorney Hoffmeister requested confirmation that the commons lot, which is an interior, landlocked tract, will be dissolved. Mr. Gilbertson confirmed.

Deputy County Attorney Hoffmeister asked if the lots abut a subdivision road. Mr. Gilbertson confirmed.

Deputy County Attorney Hoffmeister confirmed that the subdivision road accesses Highway 10. Mr. Gilbertson confirmed.

Deputy County Attorney Hoffmeister requested clarification that the applicants intend to vacate, rezone, and create a preliminary plat, which are three entirely different processes. Mr. Gilbertson confirmed.

Mr. Chaney stated that the state requires a 3-acre minimum lot size. Deputy County Attorney Hoffmeister stated that that the minimum lot size is exempted due to fact that they pre-existed county zoning and Department of Water regulation. They should be considered as nonconforming. However, any lot size less than three acres, he added, will be subject to the Nebraska Department of Water, Environment, and Energy's permeability test. Deputy County Attorney Hoffmeister stated that the lots can be reduced to 70,000 square feet, with Nebraska Department of Water, Environment and Energy's approval.

Mr. Chaney asked if the applicants intend to do individual wells or community wells. Scott Phillips, who identified himself as a successor trustee of the trusts and who resides at 8 A Avenue Place, Pleasanton, Nebraska, testified. He stated that the community well is a possibility for some of the tracts. He added there is one community well already in existence.

Deputy County Attorney Hoffmeister asked Mr. Phillips when the tract was subdivided. Zoning Administrator Daniels stated that the subdivision was created in 1996.

Deputy County Attorney Hoffmeister stated that the Board of Adjustment gave approval to reduce eight lots to five.

Deputy County Attorney asked if the lots were all owned by the same individual. Mr. Gilbertson stated that all the lots are owned by the trusts, except the tract owned by the Welliver's. Deputy

County Attorney Hoffmeister asked if the lots had ever been sold. Mr. Gilbertson stated that they had not been sold since the original platting.

Secretary Jeffs stated that, on behalf of the Board of Adjustment, it was agreed that Buffalo County would not assume responsibility of the road maintenance. Deputy County Attorney Hoffmeister agreed.

Chairperson Brady asked if The Commission had additional questions or concerns. No one spoke.

Deputy County Attorney Hoffmeister stated that the applicants intended to make the land more marketable.

Zoning Administrator Daniels stated that the Future Land Use Map showed rural residential.

Secretary Jeffs added that The Board of Adjustment saw this use as already residential and issuing the relaxation would allow the applicants to move forward with adding more developable land.

Deputy County Attorney asked how many lots had residences. Mr. Gilbertson stated that only one had a residence.

Mr. Chaney asked why there was one interior lot, Lot 25, that hadn't been included in the proposed project. Mr. Gilbertson explained that it was under different ownership.

Chairperson Brady asked if The Commission had other questions for the applicant. No one spoke.

Chairperson Brady advised that he appreciated the development, as presented.

Chairperson Brady asked if anyone from the public wished to speak.

Ryan Ohri, of 1104 E 65<sup>th</sup> Street Place, Kearney, Nebraska, stepped forward to testify. Mr. Ohri testified that he is the representative/realtor for Lot 25's property owner. He stated that the property owner is in favor of the proposed project. He stated that the property is currently under contract.

Deputy County Attorney Hoffmeister asked Mr. Ohri if he believed the proposed project would enhance the marketability of the properties. Mr. Ohri confirmed.

Mr. Ohri thanked The Commission for their time.

Kent Palmer, of 51 Golfside Drive, Pleasanton, Nebraska, stepped forward to testify. Mr. Palmer testified that he resides in the subdivision and said that he is part of the Homeowners Association. He stated that the Homeowners Association is in favor of the proposed project because the interior lots have not sold since the original platting of the property. He added

removing the landlocked tract is looked upon favorably by the Homeowners Association. He continued that he appreciates five residences, as opposed to eight.

Mr. Palmer thanked The Commission for their time.

John Martin, of 35 Golfside Drive, Pleasanton, Nebraska, identified himself, but did not testify.

Chairperson Brady asked if anyone else wished to testify. No one spoke.

Chairperson Brady closed the public hearing at 7:22 p.m.

Motion was made by Secretary Jeffs, and seconded by Mr. Chaney to recommend favorably the proposed Application for Vacation, filed by Joshua Gilbertson, licensed land surveyor, on behalf of Scott R. Phillips, Successor Co-Trustee of the Lee Nell Phillips Revocable Trust Dated December 4, 1990 and Successor Co-Trustee of the Ercil D. Phillips Family Trust also known as The Phillips Family Trust, Gary D. Phillips, Successor Co-Trustee of the Lee Nell Phillips Trust Revocable Trust Dated December 4, 1990 and Successor Co-Trustee of the Ercil D. Phillips Family Trust also known as The Phillips Family Trust, Douglas E. Welliver, Christine A. Welliver, and Golfside Estates Subdivision Homeowners Association, Inc., to vacate Golfside Estates, Lots 23-24 and Lots 26-31, also known as a tract of land being part of the Southwest Quarter of Section 36, Township 11 North, Range 16 West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska, to the Buffalo County Board of Commissioners.

Upon roll call vote, the following Board members voted "Aye": Keep, Kreutzer, Stubblefield, Vacek, Wolfe, Brady, Sedlacek, Jeffs, and Chaney.

Voting "Nay": None.

Abstain: None.

Absent: None.

Motion carried.

Motion was made by Mr. Stubblefield, and seconded by Mr. Sedlacek to recommend favorably the proposed Application for Zoning Map Amendment, filed by Joshua Gilbertson, licensed land surveyor on behalf of Scott R. Phillips, Successor Co-Trustee of the Lee Nell Phillips Revocable Trust Dated December 4, 1990 and Successor Co-Trustee of the Ercil D. Phillips Family Trust also known as The Phillips Family Trust, Gary D. Phillips, Successor Co-Trustee of the Lee Nell Phillips Trust Revocable Trust Dated December 4, 1990 and Successor Co-Trustee of the Ercil D. Phillips Family Trust also known as The Phillips Family Trust, Douglas E. Welliver, Christine A. Welliver, and Golfside Estates Subdivision Homeowners Association, Inc., for Golfside Estates, Lots 23-24 and Lots 26-31, also known as a tract of land being part of the Southwest Quarter of Section 36, Township 11 North, Range 16 West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska, to rezone approximately 4.29 Acres, more or less, from Agriculture (AG) to Agricultural – Residential 1 (AGR - 1) to the Buffalo County Board of Commissioners.

Upon roll call vote, the following Board members voted "Aye": Keep, Kreutzer, Stubblefield, Vacek, Wolfe, Brady, Sedlacek, Jeffs, and Chaney.

Voting "Nay": None.

Abstain: None.

Absent: None.

Motion carried.

Motion was made by Vice-Chairperson Keep, and seconded by Mr. Kreutzer to recommend favorably the proposed Application for Preliminary Subdivision, filed by Joshua Gilbertson, licensed land surveyor, on behalf of Scott R. Phillips, Successor Co-Trustee of the Lee Nell Phillips Revocable Trust Dated December 4, 1990 and Successor Co-Trustee of the Ercil D. Phillips Family Trust also known as The Phillips Family Trust, Gary D. Phillips, Successor Co-Trustee of the Lee Nell Phillips Trust Revocable Trust Dated December 4, 1990 and Successor Co-Trustee of the Ercil D. Phillips Family Trust also known as The Phillips Family Trust, Douglas E. Welliver, Christine A. Welliver, and Golfside Estates Subdivision Homeowners Association, Inc., for a tract of land being part of the Southwest Quarter of Section 36, Township 11 North, Range 16 West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska, also known as Golfside Estates, Lots 23-24 and Lots 26-31, to the Buffalo County Board of Commissioners.

Upon roll call vote, the following Board members voted “Aye”: Keep, Kreutzer, Stubblefield, Vacek, Wolfe, Brady, Sedlacek, Jeffs, and Chaney.

Voting “Nay”: None.

Abstain: None.

Absent: None.

Motion carried.

### ***Old Business***

#### ***Minutes***

Motion was made by Ms. Wolfe and seconded by Mr. Vacek to approve the March 19, 2026 meeting minutes, as presented.

Upon roll call vote, the following Board members voted “Aye”: Keep, Kreutzer, Stubblefield, Vacek, Wolfe, Brady, Sedlacek, Jeffs, and Chaney.

Voting “Nay”: None.

Abstain: None.

Absent: None.

Motion carried.

### ***New Business***

#### ***Report on Previous Hearings***

Zoning Administrator Daniels reported that Application for Zoning Map Amendment, filed by Dave Wilke, for property described as a tract of land located in the Northwest Quarter of Section Two (2), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, to rezone approximately 7.28 Acres, more or less, from Agricultural -

Residential 2 (AGR - 2) to Commercial (C) will be reviewed by the Board of Commissioners on April 28, 2026. She stated that she will report back.

Zoning Administrator Daniels reviewed one Dawson County Notice and one extra-territorial jurisdictional boundary subdivision; “Butler Third Subdivision” was submitted by the city of Kearney. The Commission reviewed the proposed response and found the letter to be satisfactory, with a submission date correction. Zoning Administrator Daniels stated that the proposed letter would be put in the mail the next day, with the requested correction.

***Next Meeting***

The next meeting is scheduled for May 21, 2026. Zoning Administrator Daniels stated that she has not received any applications for public review as of that evening.

***Adjourn***

Chairperson Brady adjourned the meeting at 7:34 P.M.

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Scott Brady, Chairperson  
Buffalo County Planning Commission

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Tammy Jeffs, Secretary  
Buffalo County Planning Commission