

MINUTES OF PLANNING & ZONING COMMISSION
FEBRUARY 16, 2006
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 February 16, 2006 at the Buffalo County Highway Department Building in Kearney, NE.

Agenda for such meeting was regularly posted as required by law. Present were: Marlin Heiden, Willie Keep, Rick Pope, Leonard Skov, Paul Steinbrink and Loye Wolfe. Absent: Francis "Buss" Biehl, Karin Covalt and Craig Wietjes. Also attending were Deputy County Attorney Andrew Hoffmeister, Deputy County Attorney Melodie Bellamy, Zoning Administrator LeAnn Klein and 7 members of the public.

The public forum was opened at 7:00 P.M. There was no one present to speak. The public forum closed at 7:00 P.M.

Chairperson Pope opened the public hearing at 7:01 P.M. for a request of zoning map amendment filed by Dennis Jorgensen DBA Select Sprayers, LLC for property described as part of the W ½ of SW ¼ of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County Nebraska containing approximately 8.80 acres, more or less. He wishes to rezone this area from Agricultural (A) to Industrial (I).

Jorgensen explained to the Commission that Select Sprayers is now located south of the railroad east of Buda and he rents a building from Northwest Electric. His business has grown very rapidly and he needs additional space to expand his business. This location has good access to I-80 and is directly off Hwy 30. He would like to put an 80' x 125' building plus a 40' x 40' office building on 8.8 acres. They serve a 200 mile area selling self-propelled sprayers to elevators, cooperatives and farmers. They hope to expand from 5 employees to 8 or 9 employees. He would like to have this business up and running by this fall. Jorgensen has checked into putting in an underground tank which would hold any residue from the tanks when they are rinsed and would have an alarm when the tank is full.

Heiden questioned the size of the building on the submitted plans. Jorgensen stated after checking the cost, a building 80' x 125' would be more cost effective.

Wolfe questioned the size of the sprayers which Jorgensen said the sprayers are 24' long x 12' wide.

Klein stated she had just received a copy of the survey today and received a copy of the purchase agreement between DS Farms and Dennis & Grace Jorgensen DBA Select Sprayers, LLC.

Skov questioned if Jorgensen would be purchasing both pieces as shown on the survey. Jorgensen stated he is only asking for rezoning for the west 8.80 acres.

Skov asked if Jorgensen ever considered a special use permit. Jorgensen understood a special use permit could be rescinded and if he is spending a half million in getting a business set up, he doesn't want to take the chance of having a permit rescinded.

The reason Skov said a special use permit is used is to provide an opportunity that the property is used the way it was intended. Once it is rezoned than it becomes a "use by right" and any business can go in that is allowed under an industrial use.

Skov said he would not have a problem in rezoning an entire section industrial but the request is only for a small area.

Klein stated originally the owner thought he would request the entire piece be rezoned to industrial but later changed his mind.

Pope asked how this would mesh with the City of Kearney. This area would be less than one mile from the jurisdiction of the City.

Klein stated the area south of the railroad is already zoned industrial, Master's Transportation is grandfathered and still is agricultural and Blessing Construction has a special use permit and is zoned agricultural. The area west of Blessing Construction is the Kearney Airport.

Jorgensen said the airport intends to buy additional property in the future.

The question was raised if this business would be commercial or industrial in nature. Jorgensen said 50% of his business is to farmers.

Heiden questioned where the access road to this property would be. Jorgensen said the driveway would be off Imperial Road, not Highway 30. He would have an easement on both the north and south property line for future owners' access. Heiden also questioned additional buildings in the future, which Jorgensen said he wasn't planning any at this time.

Steve Johnson, who owns property to the west of this piece, asked if this would affect his property valuation, which Hoffmeister told him would not unless he changes the use of his property.

Neil Koster addressed the Commission. He is not speaking for or against this application but he stated the comprehensive plan does show where this area has been set aside for commercial and industrial development. A special use is a joke. There are too many restrictions placed on a special use permit. He is being watched daily by watch dogs. Banks do not want to lend money to businesses that have special use permits. Special Use permits can be revoked. He wanted to put up a building for storage and he is being sued by the County. Commercial and industrial zoning gives owners the freedom to run a business the way they want. He also said this County had not had zoning for decades and owners still took pride in keeping their businesses looking good.

Pope closed the hearing at 7:30 P.M.

Pope has mixed feelings about rezoning. He questioned if this would mesh in with what's coming from the City. There is a definite need for commercial and industrial property.

Skov said if the City does acquire additional property for the airport, it would be a major component of what this property is zoned.

Klein stated we don't have a lot of areas that have been zoned either industrial or commercial that are unoccupied.

Hoffmeister doesn't see a real problem with this area becoming industrial since the area on the south side of the tracks is already industrial.

Heiden questioned if we should made more of this area either commercial or industrial along Highway 30 going east.

Motion was made by Heiden, seconded by Wolfe to recommend an amendment of zoning map from Agricultural to Industrial for property described as a tract of land being part of the West Half of the Southwest Quarter (W ½ SW ¼) of Section 26, Township 9 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of the Southwest Quarter of said Section 26 and assuming the West line of the Southwest Quarter as bearing South and all bearings contained herein are relative thereto; thence South on the aforesaid West line a distance of 696.62 feet to the ACTUAL PLACE OF BEGINNING; thence continuing South on the aforesaid course a distance of 960.0 feet to a point on the northerly right-of-way line of the Union Pacific Railroad; thence N 73°13'15" E on the aforesaid right-of-way line a distance of 447.03 feet; thence North parallel with the West line of said Southwest Quarter a distance of 830.95 feet; thence West a distance of 428.0 feet to the place of beginning. Containing 8.80 acres, more or less, of which 0.72 acres, more or less, are presently being used for road purposes on the west side.

Voting yes were Heiden, Wolfe, Keep, Pope, Skov and Steinbrink. Voting no: none. Absent: Biehl, Covalt and Wietjes. Motion passed.

Klein said this would be heard before the County Board the second Tuesday in March and letters would again be mailed to all adjacent property owners.

Old Business: Moved by Skov, seconded by Steinbrink to approve the minutes of the January 19, 2006 meeting as mailed. Voting yes were, Skov, Steinbrink, Heiden, Keep, Pope and Wolfe. Voting no: none. Absent: Biehl, Covalt and Wietjes. Motion passed.

The Commission discussed other proposed changes for the zoning regulations. Hoffmeister thinks we need a little more work in some of these areas and it needs to be discussed in more detail before we set the hearing date. He will send out the proposed changes before the next meeting.

New Business: Klein reported on the County Board's decision of the Axmann/Roach special use permit. She also discussed other areas of concern.

The next meeting of the Planning & Zoning Commission will be March 16, 2006 at 7:00 P.M. at the Highway Department. Motion was made by Skov to adjourn at 8:45 P.M.