

MINUTES OF PLANNING & ZONING COMMISSION  
FEBRUARY 18, 2021  
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. 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 & Zoning Commission and availability of the Agenda was communicated in the advance notice. The Agenda is available for anyone wanting a copy.

Chairperson Scott Brady opened the meeting at 7:03 p.m. with a quorum present on February 18, 2021.

In Attendance: Scott Brady, Willie Keep, Randy Vest, Francis Biehl, Loye Wolfe, Marc Vacek & Kurt Schmidt. Absent: Tammy Jeffs.

Quorum was met.

Also attending were: Deputy County Attorney Kari Fisk, Zoning Administrator Dennise Daniels, and no members of the public

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

The public forum was opened at 7:04 p.m. The public forum closed at 7:04 p.m.

**Workshop Session**

Chairperson Brady announced item 5(a), and opened discussion on this agenda item at 7:05 p.m., which was an educational overview of current Zoning and Subdivision regulations: terminology and definition review and zoning statute reviews.

Deputy County Attorney Kari Fisk reviewed several topics with The Commission including: Who is the Planning and Zoning Commission, What is the Comprehensive Plan, Overview of Buffalo County Zoning Regulations, Zoning Issues and Common Complaints.

Deputy County Attorney Fisk emphasized the Open Meetings Act with The Commission, as it pertains to The Commission including, but not limited to: the definition of public body, definition of 'meeting', required publicized notices, and reasonable arrangements to accommodate the public's right to attend, hear, and speak at the meeting. Zoning Administrator Daniels highlighted the prescribed method of giving notice within Subdivision Regulations, Section 3.26.

Deputy County Attorney Fisk communicated the requirements for serving on the Planning and Zoning Commission, while reviewing topics such as, but not limited to, appointment, qualifications, terms, and factual findings of members.

The Roles and Duties of The Commission was, then, examined by Deputy County Attorney Kari Fisk.

The Comprehensive Plan and its contents were analyzed.

General Terminology, within the Buffalo County Zoning Regulations, were reviewed.

Zoning Districts, in their entirety, were highlighted and explored.

The definitions and processes were examined, by Zoning Administrator Daniels, for the following Applications in Buffalo County: Application for Map Amendment, Application for Special Use Permit, Application for Zoning Permit, and an Application for Variances with The Board of Adjustments.

Zoning Issues were also analyzed including: nonconforming lots, nonconforming structures, and nonconforming uses of record, as well as utilizing easements versus roads as planning tools.

Deputy County Attorney Fisk and Zoning Administrator Daniels reviewed the common zoning complaints and the controlling factors that was including, future land development, local ordinances and building inspections.

Closed the discussion on this agenda item at 9:51 p.m.

### **Old Business**

#### **Minutes**

Motion was made by Biehl, seconded by Vacek, to approve the minutes of the January 21, 2021, as presented.

Voting yes: Biehl, Keep, Schmidt, Keep, Vacek, Vest, & Wolfe.

Voting no: None.

Abstain: None.

Absent: Jeffs.

Motion carried.

### **New Business**

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

Zoning Administrator Daniels provided a report on previous hearings:

The Zoning Map Amendment, filed by Mitch Humphrey, on behalf of Steven R. Martin, Judi A. Martin, & Joshua R. Martin, was approved by the Board of Commissioners on February 9, 2021, quickly followed by an application for an administrative subdivision: "Martin Administrative Subdivision", which was also approved by the Board of Commissioners on February 9, 2021.

The Code Amendments, regarding Areas of Construction and Exemptions of Structures 200 square feet or less from a Zoning Permit, under Section 8.1 were approved by the Board of Commissioners on February 9, 2021. The Code Amendments regarding the use of a Special Use Permit, in the Agriculture (AG) and Agricultural – Residential (AGR) Districts, when specific provisions as to location and size do not apply, was also approved for no adoption on February 9, 2021.

**New Business, Correspondence & Other Business**

**ETJ Subdivisions Correspondences**

Zoning Administrator Daniels stated that the City of Kearney approved the Final Annexations, Millennial Estates Fourth Addition and Fountain Hills Twelfth Addition.

Zoning Administrator Daniels also notified the members of The Commission that the Nebraska Planning and Zoning Association has opened up registration for a Spring Workshop Webinar on March 12, 2021 via ZOOM, if anyone would be interested to let her know.

**Next Meeting**

The next meeting will be conducted March 18, 2021, if needed.

**Adjourn**

Chairperson Brady adjourned the meeting at 9:55 p.m.