

MINUTES OF PLANNING AND ZONING COMMISSION
MARCH 19, 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 March 5, 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 7:00 P.M. on March 19, 2026.

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

Absent were Tammy Jeffs and Jeremy Sedlacek.

Quorum has been met.

Also attending were: Deputy County Attorney Andrew Hoffmeister 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.

Zoning Administrator Daniels began with the Re-Organizational Meeting of Officers.

Zoning Administrator Daniels called for nominations for a Chairperson. Mr. Vacek nominated Scott Brady. Zoning Administrator Daniels called for further nominations three times. No additional nominations were made.

The motion was made by Mr. Kreutzer and seconded by Mr. Keep, to cease nominations.

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

Voting "Nay": None.

Abstain: Brady.

Absent: Jeffs and Sedlacek.

Motion carried. Nominations were ceased.

Zoning Administrator Daniels asked for a motion to cast a unanimous ballot for Scott Brady as Chairperson. A motion was made by Ms. Wolfe, seconded by Mr. Keep, to cast a unanimous ballot for Scott Brady.

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

Voting “Nay”: None.

Abstain: Brady.

Absent: Jeffs and Sedlacek.

Motion carried. Scott Brady declared Chairperson.

Zoning Administrator Daniels turned the meeting over to Chairperson Brady.

Chairperson Brady called for nominations for Vice-Chairperson. Ms. Wolfe nominated Willie Keep for Vice-Chairperson. Chairperson Brady called for further nominations three times. No additional nominations were made.

A motion was made by Mr. Kreutzer and seconded by Mr. Chaney to cease nominations.

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

Voting “Nay”: None.

Abstain: Keep.

Absent: Jeffs and Sedlacek.

Motion carried. Nominations were ceased.

Chairperson Brady requested a motion to cast a unanimous ballot for Willie Keep as Vice-Chairperson, motion was made by Mr. Stubblefield, seconded by Ms. Wolfe.

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

Voting “Nay”: None.

Abstain: Keep.

Absent: Jeffs and Sedlacek.

Motion carried. Willie Keep declared Vice-Chairperson.

Chairperson Brady called for nominations for Secretary. A nomination was made by Mr. Stubblefield to nominate Tammy Jeffs for secretary. No additional nominations were made.

A motion was made by Vice-Chairperson Keep seconded by Mr. Stubblefield, to cease nominations for Tammy Jeffs as Secretary.

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

Voting “Nay”: None.

Abstain: None.

Absent: Jeffs and Sedlacek.

Motion carried. Nominations were ceased.

Chairperson Brady requested a motion to cast a unanimous ballot for Tammy Jeffs as Secretary, motion was made by Ms. Wolfe, seconded by Vice-Chairperson Keep.

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

Voting "Nay": None.

Abstain: None.

Absent: Jeffs and Sedlacek.

Tammy Jeffs was declared Secretary.

The public forum was opened at 7:07 P.M. No one spoke. The public forum closed at 7:07 P.M.

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

Public Hearing. 5(a)

Chairperson Brady opened the public hearing for Agenda Item 5(a) at 7:08 P.M., regarding the 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).

Dave Wilke, of 27705 115th Road, Kearney, Nebraska, stepped forward to present the project. Dave stated he has been at this particular address since 1984. He stated that there was some confusion regarding the zoning on this tract. He said that he was under the assumption that the tract was zoned Commercial. He testified that he would like to have the tract rezoned to Commercial so that the buyers of the tract can run a business on the tract.

Adam Marshall, of 17576 Highway 30, Kearney, Nebraska, also stepped forward to speak. He stated that he is the real estate agent representing Mr. Wilke in the property exchange. He said that Mr. Wilke has resided on the tract for 40 years and operated his construction business. He stated that Mr. Wilke's son is currently residing in the house. He provided a background on the tract: it is partially situated in the floodplain, partially fenced, paved access on the west side, gravel access on the north side, and several outbuildings. He added that the buyer is intending to use the property for the same type of use. Mr. Marshall added that he does not believe the change in zoning will affect the traffic or neighbors.

Deputy County Hoffmeister asked Mr. Wilke when operations of the construction company ceased and Mr. Wilke stated that the last payroll was December 2025.

Deputy County Attorney Hoffmeister advised that the construction operation would be grandfathered, but the other uses, such as storage, that were discussed by the applicant may be permitted, assuming the change of zoning occurs. He reminded the commission that there are several other uses that are a use-by-right that are allowable in that district, if the change in zoning is approved. Some of those uses were reviewed. Similar properties were also reviewed.

Chairperson Brady asked if it was Mr. Wilke's intent to sell the property and Mr. Wilke confirmed. Chairperson Brady asked who intended to purchase the property and what kind of business endeavors were being pursued and Mr. Marshall stated the buyer would testify, but the business endeavors were similar to past endeavors.

Deputy County Attorney Hoffmeister reminded The Commission that the use could potentially change with whom purchases the property.

Mr. Chaney asked the likelihood of abutting properties being rezoned to Commercial if the change of zoning is approved. Deputy County Attorney Hoffmeister stated it depends on the situation. Deputy County Attorney advised The Commission that the proposed business would be along a paved road.

Mr. Marshall stated that the proposed tract was not on high visibility road and does not have excellent frontage.

Chairperson Brady stated that if the proposed rezone to Commercial is approved, then traffic count could significantly increase.

Deputy County Attorney Hoffmeister asked Mr. Wilke if the change of zoning is approved, then would there be an increase or decrease in heavy truck traffic? Mr. Wilke stated that he believed it would not increase heavy truck traffic.

Deputy County Attorney Hoffmeister asked Mr. Marshall if the change of zoning is approved, would the desirability of the tract increase or decrease. Mr. Marshall stated that it would make the property more desirable.

Deputy County Attorney Hoffmeister asked Mr. Wilke if the proposed change of zoning is approved, would it have a negative or positive impact on the surrounding neighbors. Mr. Wilke indicated that it should not have a negative impact, due to the primarily agricultural area surrounding his tract.

Deputy County Attorney Hoffmeister asked if there was fence on the south and east sides. Mr. Wilke confirmed.

Vice-Chairperson Keep inquired the status of the house if the change of zoning is approved. Deputy County Attorney Hoffmeister advised that the residence is nonconforming as is and is not be allowed to be rebuilt as a use-by-right; it is only allowed by Special Use Permit.

Deputy County Attorney Hoffmeister asked why the residence was not parceled off from the business. Mr. Wilke explained that the utilities are split between the residence and outbuilding. Setbacks regarding existing structures was discussed.

Mr. Wilke reviewed the floodplain area of the subject tract and how flooded the area gets.

Chairperson Brady asked if anyone had additional questions for the applicants and no one spoke.

Charlie Isaac of #6 Rolling Hills Road, Kearney, Nebraska, and Ryan Ohri of 1104 E. 56th Street Place, Kearney, Nebraska, stepped forward to testify. Mr. Isaac identified himself as the interested buyer. He stated that he would like to use the property similarly to how it's been used in the past. He added that Mr. Wilke's son currently lives in and rents the residence. Mr. Isaac stated the blue building to the east of the property will be rented as storage, as it does not have any heat or bathroom. He stated the building to the north with bay doors facing south is going to be rented. He added that a construction company and/or mechanic has shown interest. He testified that the open front structure may be rented for farm equipment as some of his neighboring farmers have shown interest. He added that some people have shown interest in storing RVs or allowing outdoor storage along the south line of the property. Deputy County Attorney Hoffmeister reviewed the proposed uses and the alignment with the Commercial zoning. He also reviewed screening and signage requirements. He also advised The Commission that the construction operation is a grandfathered use.

Chairperson Brady asked Mr. Isaac if he would be running his own business off the subject tract and Mr. Isaac stated that he would not. He added that he would be there regularly doing maintenance.

Chairperson Brady expressed concern that if the change of zoning is approved, then other less desirable uses could be introduced. Mr. Isaac stated that he doesn't believe that the location is ideal for a lot of business uses.

Chairperson Brady inquired the possibility of other applicants seeking rezones for tracts that were not desirable zoning districts, based on the future land use map. Deputy County Attorney Hoffmeister stated that it should be taken on a case-by-case basis. Mr. Vacek stated that this particular tract has been, historically, used as commercial business and that factor should be taken into consideration. Mr. Ohri testified that he believes this particular tract was ideal for a Commercial rezone because it has been used for commercial purposes for 40 years. He added that the property abuts a paved road. He testified that he has concerns, as a real estate agent, that if the tract is not rezoned, then someone could purchase the property and stockpile operational or nonoperational equipment.

Similar properties and their permitted/nonpermitted statuses were reviewed.

Deputy County Attorney Hoffmeister asked if the residence or construction operation occurred first and Mr. Wilke testified, he wasn't sure.

Discussion occurred regarding the need for a fence. Deputy County Attorney Hoffmeister advised that the applicant fence the property in its entirety. Mr. Isaac stated that it would be necessary if outdoor storage would be considered. Deputy County Attorney Hoffmeister advised that the applicant consider additional lighting.

Chairperson Brady indicated that he still had concerns regarding quality of life when rezoning a tract to commercial that was residential. Deputy County Hoffmeister reviewed the Future Land Use Map with The Commission.

Chairperson Brady asked if anyone had questions regarding the proposed change and no one spoke.

Chairperson Brady asked if anyone from the public would like to speak on the subject.

Mr. Chaney asked where the Commercial District is primarily located and Zoning Administrator Daniels utilized the zoning map, while viewing the Buffalo County GIS site. She reviewed several areas of Commercial zoning, which primarily occurs along Highway 30.

Ms. Wolfe inquired if The Commission received any complaints against the proposed change of zoning and Zoning Administrator Daniels stated that she had not received any.

Chairperson Brady asked if anyone wished to speak in opposition of the proposed project.

Betty Young, of 27985 115th Road, Kearney, Nebraska, stepped forward to testify. She testified that she is opposed to the proposed project because one person shouldn't be allowed to run multiple commercial operations on one tract. She said she does not want to see an increase in traffic. She also stated that the area to the east and south of the proposed tract is primarily residential.

Jim Kennedy, of 1506 W. 112th Street, Kearney, Nebraska, stepped forward to testify. Mr. Kennedy stated that he was opposed to the proposed project due to increased traffic in a primarily residential area.

Chairperson Brady asked Mr. Isaac if he intended to provide retail services on the subject tract. Mr. Isaac stated that when he found that the proposed tract was not zoned Commercial, potential tenants were not actively sought. Deputy County Attorney Hoffmeister asked Mr. Isaac if the property value would enhance with the change of zoning and Mr. Isaac stated that property is of

no value because the commercial use is ideal. Deputy County Attorney Hoffmeister asked Mr. Isaac if the surrounding properties would suffer if the change of zoning is approved. Mr. Isaac stated that a surrounding neighbor had indicated interest in storing his camper. He added that the current property conditions will be addressed and he will make the property more appealing to the neighbors than what it is now.

Mr. Chaney inquired if Mr. Isaac intended to construct more structures and Mr. Isaac stated that the topography of the property is not ideal for adding additional/new structures. He added that, from an investor's perspective, constructing a new building doesn't provide a good rate of return on his funds.

Chairperson Brady asked Mr. Isaac if he intended to run a retail business on the property and Mr. Isaac stated that he does not believe it is an ideal retail location.

Mr. Marshall wished to close out the hearing, reviewing concerns of the public. He stated that he does not believe there will be additional truck traffic, with consideration given to the farm truck traffic along both roads.

Chairperson Brady asked if anyone else wished to speak and no one spoke.

Chairperson Brady closed the public hearing at 8:12 P.M.

Mr. Vacek stated that he had concerns regarding future uses of the Commercial Zoning. However, he added, the property has been commercial for many years, even prior to the adoption of zoning. He added that he does not foresee the change of zoning altering the area in any significant way.

Ms. Wolfe stated that she appreciated the transparency of the applicant. She added that she did not see an influx of individuals who seemed to oppose the proposed project.

Mr. Chaney stated that he had concerns for the future use of the proposed tract. He stated that, regardless of who the buyer is, the possibility of future use is still a concern for an area that is primarily residential.

Mr. Kreutzer stated that he shares concerns about future uses of the property, but also appreciates the intentions of the applicant. He said that that he does not believe the change of zoning will increase traffic from what is already in existence. He said that he believes the tract should be zoned Commercial, as it should have been zoned prior to zoning.

Vice-Chairperson Keep voiced concerns regarding the mixed use – Residential and Commercial. Since the use is nonconforming, he continued, the use is irrelevant. He added that the residential area developed around the commercial operation and it should be zoned as such.

Mr. Stubblefield stated that the property has been used as a commercial use for 40 years and this commission should be charged with aligning the district with its use. He added that the traffic shouldn't be worse than what it has been since the construction business has been in operation.

Chairperson Brady stated that he does not appreciate a spot-zoning situation. He feels that the proposed project does not align with the Future Land Use Map and could create a spot-zoning type situation. He added that while he appreciated the testimony on both sides of the project, he does not believe that it aligns with the vision of The Commission and that future uses are going to be a concern for Buffalo County.

Motion was made by Mr. Vacek, and seconded by Mr. Kreutzer to recommend favorably the proposed Zoning Map Amendment, as presented, to the Buffalo County Board of Commissioners, as presented based on the following findings: The property had already been used for commercial uses, prior to the enactment of zoning; it abuts a paved road; the change of zoning will not cause adverse economic effects on surrounding properties; there appear to be appropriate buffers between the commercial and residential uses.

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

Voting "Nay": Brady and Chaney.

Abstain: None.

Absent: Jeffs and Sedlacek.

Motion carried.

Old Business

Minutes

Motion was made by Mr. Kreutzer and seconded by Mr. Chaney to approve the December 18, 2025 meeting minutes, as presented.

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

Voting "Nay": None.

Abstain: None.

Absent: Jeffs and Sedlacek.

Motion carried.

New Business

Report on Previous Hearings

Zoning Administrator Daniels reported that the code amendment to The Buffalo County Zoning Regulations, with renumbering as necessary, in the following section: Section 5.42, Agricultural

– Residential 2 (AGR – 2) District, Permitted Principle Uses and Structures, regarding personal use solar energy systems on a lot comprised of 10.00 acres or more, were approved by the Board of Commissioners on January 13, 2026.

Zoning Administrator Daniels reviewed two Dawson County Notices, the annexation of Oldfather First Addition and 3 extra-territorial jurisdictional boundary subdivisions submitted by the city of Kearney. The Commission reviewed the proposed responses and found the letters to be satisfactory. Zoning Administrator Daniels stated that the proposed letters would be put in the mail the next day.

Zoning Administrator Daniels also reported that the 2025 mileage reimbursement would be adjusted to \$0.725.

Next Meeting

The next meeting is scheduled for April 16, 2026. Zoning Administrator Daniels stated that The Commission would have three applications to review as part of the same project: a vacation, change of zoning, and preliminary plat.

Adjourn

Chairperson Brady adjourned the meeting at 8:53 P.M.

Scott Brady, Chairperson
Buffalo County Planning Commission

Tammy Jeffs, Secretary
Buffalo County Planning Commission