

MINUTES OF PLANNING & ZONING COMMISSION  
APRIL 17, 2003  
BUFFALO COUNTY HIGHWAY DEPARTMENT  
7:00 P.M.

Chairperson Rick Pope called the meeting to order at 7:07 o'clock p.m. with a quorum present on April 17, 2003 at the Buffalo County Highway Department Building in Kearney, Nebraska.

Agenda for such meeting was regularly posted as required by law. Present were: Francis "Buss" Biehl, Carson Fitzgerald, Marlin Heiden, Craig Nickman, Rick Pope, Richard Weiss and Loye Wolfe. Absent: Gene Jamison and Paul Steinbrink, Sr. Also present were Deputy County Attorney Andrew Hoffmeister, Buffalo County Zoning Administrator LeAnn Klein and twelve members of the public.

The public forum was opened at 7:09 p.m. No one spoke.

The hearing for the special use permit was opened at 7:10 p.m. Neil Koster stated what his intention was for the southwest corner of N $\frac{1}{2}$  SW  $\frac{1}{4}$  Section 30-T8N-R14W. He intended to put a truck, trailer and farm implement sales at this location. Chairperson Pope asked Andy Hoffmeister and LeAnn Klein what their comments would be. Deputy County Attorney Hoffmeister stated that the Planning & Zoning Commission would make a recommendation to the County Board and the County Board would make the final determination. Zoning Administrator LeAnn Klein said everyone had been property notified and the special permit was allowed in AG. There was no other public comment.

After discussion, motion was made by Fitzgerald, seconded by Nickman to forward the application for special use permit to the Buffalo County Board of Supervisors with the Buffalo County Planning & Zoning Commission's recommendation. Voting yes: Fitzgerald, Nickman, Biehl, Heiden, Pope, Weiss, Wolfe. Absent: Jamison and Steinbrink. Motion passed.

The hearing for the three applications for rezoning was opened at 7:15 p.m. Ron Nickman spoke about what their intentions were on Pt of N  $\frac{1}{2}$  NE $\frac{1}{4}$  of Section 11-T9N-R16W. Members of the Board asked questions pertaining to the dust problem and number of times they would be crushing concrete.

Esther Shannon and Eldon Johnson stated what her intentions would be on Pt of N  $\frac{1}{2}$  NE $\frac{1}{4}$  of Section 11-T9N-R16W for future land use.

Geiser Construction also stated what his intentions would be on Pt of N  $\frac{1}{2}$  NE $\frac{1}{4}$  of Section 11-T9N-R16W for future land use.

Paul Steinbrink was present at 7:50 p.m.

Public comments were received from Trent Steel, attorney representing adjoining property owners. Additional comments were given by Paul Gilroy, Scott Johnson, Rob Messbarger, Tony Blake and Neil Koster. After much discussion Pope closed the hearing at 8:45 p.m.

Moved by Nickman, seconded by Weiss to forward the Nickman application to the County Board with recommendation that the zoning be changed to Industrial. Voting yes: Nickman, Weiss and Heiden, Voting no: Steinbrink, Pope, Wolfe, Fitzgerald. Abstain: Biehl. Absent: Jamison. Motion failed.

Moved by Nickman, seconded by Weiss to forward the Shannon application to the County Board with recommendation that the zoning be changed to Industrial. Voting yes: Nickman, Weiss and Wolfe. Voting no: Fitzgerald, Heiden, Steinbrink, Pope. Abstain: Biehl. Absent: Jamison. Motion failed.

Moved by Nickman, seconded by Weiss to forward the Geiser application to the County Board with recommendation that the zoning be changed to Industrial. Voting yes: Nickman, Weiss. Voting no: Fitzgerald, Heiden, Pope, Steinbrink, and Wolfe. Abstain: Biehl. Absent Jamison. Motion failed.

Old Business: Moved by Heiden, seconded by Steinbrink to approve the minutes of the March 20, 2003 minutes. Voting yes: Heiden, Steinbrink, Biehl, Fitzgerald, Nickman, Weiss, Wolfe and Pope. Absent: Jamison. Motion passed.

The Board discussed changes and possible amendment to zoning regulations concerning commercial lot size, setbacks, maximum coverage of lot and parking and loading regulations, 1000' setback distances in Ag districts and livestock and livestock waste regulations and typographical errors. As concerns preparation of proposed amendments to be prepared for any public hearing for forwarding recommendations to County Board, Commission members after discussion determined no change in 1000' AG residence to residence distance, no changes in livestock waste handling provisions, typographical errors some of which had been discovered by Hoffmeister were to proceed in drafting of correction of such errors, and for commencement/termination dates of variance/special use permits, a request for some language relating to ability to plan modifications or changes to the property similar to last paragraph of Sec. 6.3 was requested to be produced by next meeting with draft before the Commission relating to zoning permit time limitations still being open for further consideration. Subdivisions proposals, which were previously given to Commission members after some review by Register of Deeds and County Surveyor, had no immediate changes thought necessary in order to proceed to public hearing.

Further discussion occurred regarding recommendations specific to commercial district lot size and other requirements. Moved by Wolfe, seconded by Biehl to leave the square footage of commercial acres as same and forward this to the County Board, Voting yes: Wolfe, Biehl, Fitzgerald, Heiden, Nickman, Pope, Steinbrink, Weiss. Voting no: none. Absent: Jamison. Motion passed.

Nickman left at 9:25 p.m.

The next meeting of the Planning & Zoning Commission will be May 15, 2003 at 7:00 p.m. at the Buffalo County Highway Department.

The Board adjourned at 10:10 p.m.