

MINUTES OF PLANNING & ZONING COMMISSION
JUNE 19, 2003
BUFFALO COUNTY HIGHWAY DEPARTMENT
7:00 P.M.

Chairperson Rick Pope called the meeting to order at 7:05 o'clock P.M. with a quorum present on June 19, 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, Marlin Heiden, Gene Jamison, Rick Pope, Paul Steinbrink, Sr. and Loya Wolfe. Absent: Carson Fitzgerald, Craig Nickman, and Richard Weiss. Also attending were Deputy County Attorney Andrew Hoffmeister, Buffalo County Zoning Administrator LeAnn Klein and sixteen members of the public.

The public forum was opened at 7:10 P.M. Marvion Reichert told the Commission he does not like the 1000' distance between residences in Agricultural.

Chairperson Pope opened the public hearing for the Ron & Lorraine Campbell special use permit located at 13710 Highway 30 in the North Half of the Southeast Quarter (N1/2 SE1/4) in Section 32, Township 9 North, Range 17 West of the 6th pm at 7:11 P.M. Mr. Campbell told the Board he wished to put mini storage units on his property along with an open pole building to house motor homes, boats etc. He would have a chain link fence just in front of the pole building, along with crushed rock and lighting in front of the buildings. Andy Hoffmeister asked about hours of operation, spacing between buildings and trees around the site.

Allen Bors, a neighbor to the east expressed his concern on the number of abandoned trailers and cars already on this property. Daniel Runge also expressed concern on the restrictive covenants that had been filed on this property. Mr. Hoffmeister stated that the covenants are a private agreement among the residents living at this location.

The Planning & Zoning Commission questioned the number of buildings, placement of buildings, the height, fencing, setbacks, screening around property and voiced their concern about the open storage building.

The public hearing closed at 8:10 P.M. After discussion, moved by Wolfe, seconded by Biehl to recess this hearing and reconvene in one month so that Mr. Campbell can bring more information to the Board regarding these storage units and review previous requirements. Voting yes were Wolfe, Biehl, Heiden, Jamison, Pope and Steinbrink. Absent: Fitzgerald, Nickman and Weiss. Motion passed.

The public hearing for Phyllis Broadfoot was opened at 8:11 P.M. As no one was present for this hearing, it was decided to continue with the next hearing. Chairperson Pope opened the next hearing for Douglas Lilly, Carol Lilly, Rick Garvue and Amy German at 8:12 P.M. They had requested a change of zoning from AG to AGR in E ½ SW1/4 of SW1/4 and W ½ SE1/4 of SW1/4 in Section 12, Township 10 North, Range 18 West of the 6th pm. Carol Lilly told the Board that her parents would be building a home and Amy German would also be building a

home soon. Carol expressed concern regarding re-building her house or her parents house in the event that either home would be destroyed, they might have problems in re-building. Chuck Kasson, who is a neighbor, said he had a strong opposition to re-zoning this area. He has lived at his location about 10 years and does not like to see a development in this area. Kevin Rumbeck also expressed his concern about a development. Gene Jamison wondered if the gravel road would sustain additional traffic. Carol Lilly and Amy German both said they did not want a subdivision in this area. Mr. Hoffmeister advised the Board of their options and also told Carol Lilly that they could withdraw the application until subdivisions regulations are adopted by Buffalo County. Carol Lilly decided they would withdraw the application at this time. Chairman Pope closed the public hearing at 8:50 P.M. No action was taken since the application was withdrawn.

Chairperson Pope opened the public hearing for Phyllis Broadfoot property at 8:51 P.M. Mrs. Broadfoot requests a change of zoning from AG to AGR for a tract of land located in part of E ½ Section 19, Township 9 North, Range 17 West of the 6th pm, Buffalo County, Nebraska more particularly described as follows: Referring to the Northwest Corner of the Northeast Quarter (NE1/4) of said section; thence S 00° 00'00" W (an assumed bearing with all other bearings shown hereon relative thereto) along the West line of said Quarter a distance of 2960.41 feet to the point of beginning, said point of beginning being the northwest corner of a tract of land deeded to Russell D Horky and Diane Horky as described in Warranty Deed recorded at Inst. 2002-12168 in the office of the Buffalo County Register of Deeds; thence S 89° 28'14" E a distance of 469.92 feet to a point, said point being the northeast corner of the aforesaid tract of land recorded at Inst. 2002-12168; thence N 00° 00'00" E parallel with said West line a distance of 650.00 feet; thence N 89° 28'14" W a distance of 469.92 feet to said West line; thence S 00° 00'00" W along said West line a distance of 650.00 feet to the Point of Beginning, said tract containing 7.02 acres, more or less, of which 0.50 acres, more or less, are presently Public Road Right-of-Way.

No one was present to represent Mrs. Broadfoot. Mr. Kasson again expressed his opposition to having islands of re-zoning out in the middle of agricultural. He stated that six months into the master plan, he didn't think the Board should be changing the zoning. The public hearing closed at 8:52 P.M. Moved by Heiden, seconded by Biehl to forward this application to the County Board with the recommendation that this application be denied. This would be spot zoning and inconsistent with the future development and is not adequately served by roads. Voting yes: Heiden, Biehl, Jamison, Pope, Steinbrink and Wolfe. Voting no: none. Absent: Fitzgerald, Nickman and Weiss. Motion passed.

Old Business: Moved by Biehl, seconded by Steinbrink to approve the minutes of the May 15, 2003 minutes. Voting yes: Biehl, Steinbrink, Heiden, Jamison, Pope and Wolfe. Voting no: none. Absent: Fitzgerald, Nickman and Weiss. Motion passed.

The Board discussed changes and possible amendments to zoning regulations concerning commencement date and completion date of zoning permits and special use permits. The commencement date would be 120 days and the completion date would be two years. They also discussed special use permits and subdivision regulations.

Chairperson Pope read the letter from County Supervisor Greg Barney regarding the placement and number of signs required for public hearings. These signs cost about \$95.00 each and the Board feels the number and location of signs are sufficient.

Per the request of one member of the County Board, LeAnn Klein brought up the day and time the Planning & Zoning Commission is currently meeting. It was the consensus of the Planning and Zoning Commission that the meeting date and time would remain the same. The next meeting of the Planning & Zoning Commission will be July 17, 2003 at 7:00 P.M. at the Buffalo County Highway Department.

Moved by Heiden, seconded by Steinbrink to adjourn at 9:15 P.M. Voting yes were Heiden, Steinbrink, Biehl, Jamison, Pope and Wolfe. Voting no: none. Absent: Fitzgerald, Nickman and Weiss.