

MINUTES OF PLANNING & ZONING COMMISSION
DECEMBER 16, 2004
BUFFALO COUNTY COURTHOUSE
3:00 P.M.

Chairperson Rick Pope called the meeting to order at 3:05 o'clock P.M. with a quorum present on December 16, 2004 at the Buffalo County Courthouse board room, 1512 Central Ave., Kearney, NE.

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

The public forum was opened at 3:06 P.M. There was no one present to speak. The public forum closed at 3:06 P.M.

Chairperson Pope opened the public hearing at 3:06 P.M. for a special use permit filed by Jason Stark for property described as 6.88 acres in the Southeast Quarter (SE ¼) of Section 11, Township 12 North, Range 16 West of the 6th p.m., Buffalo County Nebraska for a seed warehouse.

Jason Stark was present for the hearing and told the Commission that he is a farmer and a distributor for Ag Source seeds. This building will also be used for agricultural equipment and will store seed from January-May and dealers will be picking up seed. Jason said he is probably larger than an average dealer. He questioned if he needed a permit. The use would be similar to Shiers and Wietjes, who are also dealers. Klein said that those two dealers had been grandfathered in prior to zoning being implemented.

Klein noted that he has applied for a zoning permit for a house which is a "use by right" and is putting up an agricultural building to house farm equipment. On his original application he had listed the building as a seed warehouse. After checking with Mr. Hoffmeister from the County Attorney's office, Hoffmeister thought it would be better if they went the route of a special use permit to give adjoining property owners a right to protest.

Heiden questioned how far the setbacks need to be.

Klein stated that the setbacks are 50' from edge of right of way and according to map he had marked, the setbacks are between 60' - 100'. The drive way will be off 355th road which is approximately ¼ mile from Highway 10. Klein also asked Stark if they were planning on putting a subdivision at this location, which he said they were not.

Bellamy questioned the volume of dealer versus warehouse. Stark said according to Ag Source, he is considered a dealer.

Wolfe questioned if all the neighbors were notified which Klein responded that they were.

Skov said this explains the value of the process and all of this is a matter of record so 10 years from now if there are any concerns or questions, they can look back at the record.

Klein stated to Stark the Planning and Zoning Commission makes a recommendation to the County Board and the County Board will hear this on December 28 and make the final decision on this hearing at that time. She also said that all the neighbors would again be notified.

The public hearing closed at 3:15 P.M.

Moved by Skov, seconded by Wietjes to forward this application with approval to the County Board for a special use permit for a seed warehouse for a tract of land located in the Southeast Quarter (SE 1/4) of Section 11, Township 12 North, Range 16 West of the 6th P.M., Buffalo County Nebraska described as follows: Beginning at the Southeast Corner of said Section 11, thence on an assumed bearing N 90° 00' 00" W, along the south line of Section Eleven 325.85 feet to the point of beginning; thence N 90° 00' 00"W, 985.00 feet; thence N 3° 10' 54" W, 304.87 feet, thence S 90°: 00' 00" E, 985.00 feet, thence S 3° 10' 54" E, 304.87 feet to the point of beginning: said tract contains 6.88 acres more or less, of which .75 acres are County Road ROW.

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

Old Business: Moved by Heiden, seconded by Biehl to approve the minutes of the November 18, 2004 as mailed. Voting yes were Heiden, Biehl, Pope, Skov, Wietjes and Wolfe. Voting no: none. Absent: Covalt and Steinbrink. Motion passed.

Chairperson Pope asked Klein to report on any action taken by the County Board. She reported at the County Board's December 14th meeting, they had re appointed Marlin Heiden and Paul Steinbrink to another term ending 11/30/07. The other spot is still vacant and will be filled later.

Pope read a letter from the Village of Riverdale that had been sent to the County Clerk informing of its wishes to have its municipality zoning extended to incorporate one mile outside of their village limits. Klein noted that she had just received this letter from the County Clerk today. They questioned if the County Board had seen this letter. Bellamy said she was unaware of this letter and had just seen it. She will look into this further. The Commission expressed concern with relinquishing this back to the Village of Riverdale since the Village does not have any subdivision regulations currently. Klein stated they would still be under floodplain regulations through the County.

Skov questioned if we could address that issue to "stake our claim" for any Village that does not have subdivision regulations in place to have to abide with the County's rules.

Wolfe also questioned the status of the zoning regulations.

Klein responded that she had talked to Chad Naby from Hall County last week and he will be sending some dates he might be available to meet with the Commission in January.

Motion by Skov, seconded by Biehl to adjourn at 3:30 P.M.