

MINUTES OF PLANNING & ZONING COMMISSION
MARCH 17, 2005
BUFFALO COUNTY HIGHWAY DEPARTMENT
7:00 P.M.

Chairperson Rick Pope called the meeting to order at 7:00 o'clock P.M. with a quorum present on March 17, 2005 at the Buffalo County Highway Department Building in Kearney, NE.

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

The public forum was opened at 7:01 P.M. There was no one present to speak. The public forum closed at 7:01 P.M.

Chairperson Pope opened the public hearing at 7:01 P.M. for a change of zoning request from agricultural to agricultural-residential filed by TCSM LLC for property described as East One Half of Southeast Quarter (E ½ SE ¼) in Section 31, Township 11 North, Range 17 West of the 6th P.M., Buffalo County Nebraska.

Keith Rodehorst explained to the Commission why he is wanting to re zone. He wants to put an additional eight homes in this area. The Commission asked what size each lot would be and he said each lot would be between 3 and 3.25 acres exclusive of roads. This is located one mile north of Highway 40 and is ½ mile from current AGR district.

Skov asked about the roads within the subdivision and if there would be only one access road onto Pole Line Road. Rodehorst stated they would be built to county's specifications and there would only be one access road onto the County road.

Heiden asked if he would be developing more lots later. Rodehorst said there would be only one more additional home that would be placed on the north part of this property.

Martin Cox, an adjoining landowner, asked how many houses would be located in the future.

Hoffmeister discussed requirements of road widths and size of cul-de-sac. The cul-de-sac must be at least 66' in width to allow ample room for road maintenance.

Sid Rodehorst discussed the importance of putting in large enough culverts to handle road drainage.

Steinbrink asked about the lay of the land which is relatively flat in the proposed subdivision.

Klein stated that all the adjoining property owners had been properly notified.

Willie Keep arrived at 7:12 P.M.

Sid Rodehorst explained the importance of the placement of wells and septic tanks in the proposed subdivision. Klein asked if this is something that could be put in the restrictive covenants.

Chairperson Pope closed the hearing at 7:25 P.M.

Moved by Skov, seconded by Wietjes to recommend that this application be forwarded to the County Board with approval to rezone from agricultural to agricultural-residential the East Half of the Southeast Quarter (E ½ SE ¼) of Section 31, Township 11 North, Range 17 West of the 6th P.M., Buffalo County, Nebraska, with the following condition:

1. That there is only one access road onto Pole Line Road from the eight to ten lots proposed.

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

Klein told the Commission this would be heard before the County Board at their April 12, 2005 meeting and all the adjoining neighbors would again be notified.

Chairperson Pope opened the public hearing for the decision of subdivision regulations at 7:30 P.M.

Chairperson Pope then turned the meeting over to Deputy County Attorney Andrew Hoffmeister for discussion of subdivision regulations. Some of the items discussed were:

1. Section 1.04 Applicability
2. Section 3.02 Administrative Subdivision
3. Change notification from 14 days to 10 days to make it consistent with other notices
4. Preliminary plats to be filed with zoning office
5. Final plats to be filed with County Board
6. Schedule of fees
7. Section 4.03 Design standards of roads
8. Section 4.13 Street & road design
9. Section 5.05 Drainage
10. Chapter 6.01 Subdivision within floodplain
E.(1) 50 year frequency flood elevation
11. Section 7.01 Preliminary plat

Buss Biehl arrived at 7:33 P.M.

Sid Rodehorst expressed a concern with the amount of water from heat pumps and the dumping of water onto County Roads. Bellamy stated that this issue would be addressed in the water laws and is not a zoning problem.

Trenton Snow asked about court ordered subdivision of lands and partition degrees and if this needed to be added to subdivision regulations.

Mitch Humphrey encouraged the Commission not to pass the proposed subdivision regulations as presented. He is not a fan of Administrative Subdivisions and wants it kept simple. Some of his concerns were as follows:

1. Section 7.01 Information on a preliminary plat.
2. Boundaries on subdivision needs to be marked
3. Clarify Section 3.06
4. Section 3.11 - Do we want individual water well systems and individual wastewater systems
5. Section 3.14 - Does sub divider need to install individual water well systems and individual wastewater systems?
6. Section 4.13 Street & road design
 1. Provisions for private streets
 2. Allow street widths less than 66'
7. Concerns on easements on sides of lots for utility easements
8. Section 7.01 – Concerns of naming of subdivisions
9. Section 8.04 – Error of closure and leave monument requirement to state statues
10. Have minor subdivision instead

Chairperson Pope closed the hearing at 9:22 P.M.

Skov and Wolfe agreed we need to look at these subdivision regulations further. Pope expressed his concern about the amount of time needed to work on these regulations and if they could make all the necessary changes.

It was agreed to have another subdivision work session the last week of March. Klein will notify the Commission members of the exact time and date.

Moved by Steinbrink, seconded by Covalt to recess this hearing until the next regular meeting on April 21, 2005 and re-publish the notices in area newspapers. Voting yes were Steinbrink, Covalt, Biehl, Heiden, Keep, Pope, Skov, Wietjes and Wolfe. Voting no: none: Absent: none. Motion carried

Old Business: Moved by Biehl, seconded by Steinbrink to approve the minutes of the February 17, 2005 meeting as mailed. Voting yes were Biehl, Steinbrink, Covalt, Heiden, Keep, Pope, Skov, Wietjes and Wolfe. Voting no: none. Absent: none. Motion passed.

The next meeting of the Planning & Zoning Commission will be April 21, 2005 at 7:00 P.M. at the Highway Department.

Motion by Skov, seconded by Heiden to adjourn at 9:45 P.M.