

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

Chairperson Rick Pope called the meeting to order at 7:02 o'clock P.M. with a quorum present on November 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: Francis "Buss" Biehl, Marlin Heiden, Rick Pope, Leonard Skov, Paul Steinbrink and Loye Wolfe. Absent: Karin Covalt, Willie Keep and Craig Wietjes. Also attending were Deputy County Attorney Andrew Hoffmeister and Zoning Administrator LeAnn Klein and 2 members of the public.

The public forum was opened at 7:02 P.M. There was no one present to speak. The public forum closed at 7:02 P.M.

Chairperson Pope opened the hearing at 7:03 P.M. for a special use permit filed by Flag LLC for property being part of the Northeast ¼ of Northwest ¼ of Section 22, Township 9 North, Range 14 West of the 6th P.M., Buffalo County Nebraska. Don Engel from Big Flag, LLC was present. He told the Commission they want to add bulk storage facilities to store bulk seed beans. Big Flag is located about 1 ½ mile west of Gibbon on the north side of Highway 30. They will sell these beans in bulk to area farmers.

Hoffmeister asked about any expansion in the future. Engel said they possibly might be adding 2-3 additional bins later.

Heiden questioned what they would do with these bins. Engel responded they would be used for storage and used to treat seed with fungicide when needed. Heiden asked if they did any treating now in which Engel responded no. The fungicide would be contained in 15 gallon jugs.

Hoffmeister asked if they would be environmentally friendly which Engel responded they would. It's better than the farmers treating the seed out in the field. The plastic boxes would also be returned to the company.

Engel showed the Commission a proposed layout of what the proposed bin site will be.

Skov asked how far the nearest residence is of which Klein said it is about ½ mile. Skov also asked about the access road which is directly off of Highway 30.

Engel stated he didn't realize he needed a permit. Klein said if this would have been zoned industrial, a zoning permit would have been the only thing required.

Klein stated all the adjoining property owners had been notified and there was no one present in opposition.

Pope asked if he was aware the footings should not have been poured before they received their permit. Engel told the Commission he was concerned about the weather and wanted to get the footings poured before the weather changed.

Chairperson Pope closed the public hearing at 7:20 P.M.

Hoffmeister asked about the number of buildings they would want to add in the next couple of years. Engel responded they might be adding four additional bins to the four currently requested. Skov said if they wouldn't be able to add the four additional bins in the required time, they would have to re-apply.

Moved by Skov, seconded by Biehl to forward this application to the County Board with the recommendation that this special use permit received from Flag LLC is approved with the modification to include four bins in two years and add an additional four bins in another two years so everything would be completed within four years on a tract of land on the East 300 feet of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 22, Township 9 North, Range 14 West of the 6th P.M., Buffalo County, Nebraska, lying North of the North right-of-way line of U.S. Highway No. 30 with said East 300 feet being more particularly described as follows: Beginning at the Northeast corner of the Northwest $\frac{1}{4}$ of said Section 22 and assuming the East line of said Northwest $\frac{1}{4}$ as bearing S $00^{\circ} 05' E$ and all bearings contained herein are relative thereto; thence S $00^{\circ} 05' E$ and on the East line of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section a distance of 848.64 feet to a point that intersects on the North right-of-way line of U.S. Highway No 30; thence S $73^{\circ} 19' W$ and on the aforesaid North right-of-way line a distance of 313.04 feet; thence N $00^{\circ} 05' W$ and parallel with the East line of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section a distance of 935.6 feet to a point that intersects on the North line of said Quarter; thence N $89^{\circ} 26' 43'' E$ and on the aforesaid North line a distance of 300 feet to the place of beginning.

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

Because of the 7 day waiting requirement, the County Board will hear this application at their December 13 meeting.

Old Business: Moved by Biehl, seconded by Heiden to approve the minutes of the October 20, 2005 meeting as mailed. Voting yes were, Biehl, Heiden, Pope, Skov, Steinbrink and Wolfe. Voting no: none. Absent: Covalt, Keep and Wietjes. Motion passed.

Engel asked about starting any of the building before the December 13 meeting. Skov stated as long as the tanks were not fastened down he could store tanks on this property.

The Commission discussed other proposed changes for the zoning regulations.

New Business: Klein reported to the Commission on the zoning hearings at the November 8 Board meeting.

The next meeting of the Planning & Zoning Commission will be December 15, 2005 at 7:00 P.M. at the Highway Department.

Motion was made by Steinbrink, seconded by Skov to adjourn at 8:30 P.M.