

MINUTES OF PLANNING & ZONING COMMISSION  
APRIL 20, 2006  
BUFFALO COUNTY HIGHWAY DEPARTMENT  
7:00 P.M.

Chairperson Rick Pope called the meeting to order at 7:01 o'clock P.M. with a quorum present on April 20, 2006 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 and Loye Wolfe. Absent: Karin Covalt, Willie Keep, Paul Steinbrink and Craig Wietjes. Also attending were Deputy County Attorney Andrew Hoffmeister, Deputy County Attorney Melodie Bellamy, Zoning Administrator LeAnn Klein and one member 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 announced that all changes to the zoning regulations would be voted in one motion.

Chairperson Pope opened the public hearing for the consideration of general amendments to Zoning Regulations at 7:02 P.M.

Chairperson Pope read the proposed changes for Section 6.6, 3.66, 3.74, 5.57 and 5.59.

Skov asked for Hoffmeister to explain what changes were proposed in Section 5.57 and Section 5.59. Hoffmeister stated Section 5.59 is now included with Section 5.57. Skov also referred to Section 3.74 whereas a corner lot could have two front yards.

Neil Koster asked when Section 6.6 would be effective. Hoffmeister stated the County Board needs to hold a hearing before a special use permit goes to Court.

Hoffmeister and Bellamy both agreed procedurally, it would apply retroactively. Hoffmeister explained we need a forum so that all parties involved may be notified for a public hearing.

Skov agreed this procedure is absolutely essential. The addition of 6.6 explains this procedure in more detail. He also questioned if 6.6 should have the word "review" added in front of cancellation of special use permit.

Koster expressed his frustration with his special use permit whenever he attends the County Board meetings.

Chairperson Pope closed the hearing at 7:22 P.M.

Moved by Wolfe, seconded by Biehl that the Buffalo County Zoning Regulations Section 6.6 is added and Section 3.66, 3.74, 5.57 and 5.59 as previously adopted be amended to read as follows

and send a favorable recommendation to the Buffalo County Board of Supervisors for a public hearing.

Add Section 6.6 as follows:

**Section 6.6 REVIEW AND CANCELLATION OF SPECIAL USE PERMIT**

Reviews and cancellations of special use permits shall be instigated by one of two methods:

1. If the Zoning Administrator finds at any time that the terms, conditions and requirements of a special permit have not been complied with, or that any phase thereof has not been completed within the time required under said special permit or any amendment thereto, the Zoning Administrator shall report this fact to the County Board. or
2. County Board may take the matter up by any two members of the Board desiring hearing.

Thereafter, a public hearing shall be held with notice to permittee and/or entity using such property and owners of properties subject to notice of the original permit. Following such public hearing, the County Board may take such action(s) as it deems necessary to obtain compliance, including, but not limited to, revocation of such special permit for failure to comply with such terms, conditions and requirements.

Amend Section 3.66 to read as follows:

3.66 Street or Road: A thoroughfare, highway, street, avenue, or boulevard, not necessarily formally dedicated or acquired by the public, which affords principal means of access to or by abutting property, with the terms “street” or “road” being interchangeable.

Amend Sec. 3.74 to read as follows:

3.74 YARD, FRONT: A yard extending from the front lot line adjoining a public street to the front of the building ~~between side lot lines.~~ A lot that abuts two or more streets or roads shall be considered to have two or more front yards for any yard that adjoin a public street.

Amend Sections 5.57, and 5.59 to read as follows:

5.57 HEIGHT AND AREAS REGULATIONS: The maximum height, maximum lot coverage, and minimum area regulations shall be as follows:

1. General Requirements:

	<u>Lot Area***</u> <u>(Sq. Ft.)</u>	<u>Lot</u> <u>Width</u>	<u>Required</u> <u>Front Yard</u>	<u>Required</u> <u>Side Yard</u>	<u>Required</u> <u>Rear Yard</u>	<u>Height</u>
Permitted Uses	40,000	150'	Greater of 50'* or 83'***	15' or 50' * when abutting a road	20' or 50' * when abutting a road	none

\* Measured from the abutting road right-of-way line.  
\*\* Measured from center line of abutting road right-of-way

\*\*\* Unless more regulated by state or federal authorities. Such minimum lot size is subject to restrictions imposed by Department of Environmental Quality or other agencies with 3 acres being exempt at time of adoption of these regulations (Resolution 10-10-03)

2. MAXIMUM LOT COVERAGE: In no event shall the area of a lot covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features exceed 55% of the lot area. (Resolution 10-10-03, Sec. 5.59)

3. PUBLIC USE EXCEPTION: By special permit this lot size may be reduced for Public Uses: Including fire stations, public elementary and high schools, public utilities and utility distribution systems.

~~5.59 MAXIMUM LOT COVERAGE; In no event shall the area of a lot covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features exceed 55% of the lot area. (Resolution 10-10-03)~~

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

Old Business: Moved by Heiden, seconded by Biehl to approve the minutes of the March 16, 2006 meeting as mailed. Voting yes were Heiden, Biehl, Pope, Skov and Wolfe. Voting no: none. Absent: Covalt, Keep, Steinbrink and Wietjes. Motion passed.

New Business: Klein reported on the County Board motion at their March 28, 2006 meeting for the pending subdivision regulations. She also discussed other areas of concern.

The next meeting of the Planning & Zoning Commission will be May 18, 2006 at 7:00 P.M. at the Highway Department. Motion was made by Skov to adjourn at 7:55 P.M.