

MINUTES OF PLANNING & ZONING COMMISSION
MAY 18, 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 May 18, 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, Karin Covalt, Marlin Heiden, Willy Keep, Rick Pope, Leonard Skov, Craig Wietjes and Loye Wolfe. Absent: Paul Steinbrink, Sr. Also attending were Deputy County Attorney Melodie Bellamy, Zoning Administrator LeAnn Klein and 12 members of the public.

The public forum opened at 7:01 P.M. Dr. Mark Meyer was present and addressed questions to the Planning & Zoning Commission regarding putting up a hanger to house additional airplanes at his private air strip located in Section 8, Riverdale Township. Skov asked if he had checked requirements of the Federal Aviation Agency regarding private air strips. The Commission told him they really could not give him an answer until he had applied for the special use permit with a definite plan of his intentions. Pope also reminded him the County Board would have the final say on the permit. The public forum closed at 7:11 P.M.

Chairperson Pope opened the public hearing at 7:11 P.M. for a special use permit for Miles Maddux and Dustan Biegler on behalf of Versatile Roofing for property located in part of Government Lot 1, located in Section 30, Township 9 North, Range 14 West, Buffalo County Nebraska, containing approximately 3.05 acres more or less.

Miles Maddux told the Commission that he did have a purchase agreement with owner Neil Koster for approximately 3.05 acres to locate his roofing business. Maddux explained he wanted to put up a building 100' x 250' to store his own equipment, have an office and also would have a well and septic and would fence the entire area with a 9 gauge gated fence. He didn't know how soon he would be able to put up the building. He also inquired if he could store campers and boats at this location.

Heiden asked how soon the building would be constructed. Maddux replied he had hoped to start within one year.

Skov stated under commercial zoning, no open storage of materials is permitted.

Pope reminded Maddux that the County Board would have the final say.

Biehl asked if trailers would be stored outside. He said currently this would be the same as Koster's business.

Wolfe asked if the road in front of this lot is a public road. Klein stated this is a private road and is not dedicated to the public.

Jane Gangwish, an adjoining land owner, doesn't have concerns about the business but she is concerned about the screening.

Cynthia Shultz, an adjoining land owner, doesn't have a problem with the business but needs to hear more about screening, lighting etc.

Pope said a chain link fence is almost as nice as shrubs because sometimes shrubs die and are not maintained and a fence will keep debris from blowing to adjoining properties.

The Commission all agreed they need to see additional information before they can make a decision.

Chairperson Pope closed the public hearing at 7:42 P.M.

Moved by Skov, seconded by Heiden to recommend to continue the hearing until the June 15 Planning & Zoning regular meeting until more information can be submitted by Miles Maddux for property described as a tract of land being part of Government Lot 1, located in Section Thirty (30), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County Nebraska, more particularly described as follows: Referring to the Northwest corner of Government Lot 1 in Section 30, and assuming the West line of said Government Lot 1 as bearing S 00° 09' 34" W and all bearings contained herein are relative thereto; thence S 00° 09' 34" W and on the West line of said Government Lot 1 a distance of 372.85 feet; thence S 89° 29' 20" E and parallel with the North line of said Government Lot 1, a distance of 389.34 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 89° 29' 20" E and parallel with the North line of said Government Lot 1, a distance of 356.34 feet; thence N 00° 09' 34" E and parallel with the West line of said Government Lot 1, a distance of 372.85 feet to a point on the North line of said Government Lot 1; thence N 89° 29' 20" W and on the North line of said Government Lot 1, a distance of 356.34 feet; thence S 00° 09' 34" W and parallel with the West line of said Government Lot 1, a distance of 372.85 feet to the place of beginning. Containing 3.05 acres, more or less. Voting yes were Skov, Heiden, Biehl, Covalt, Keep, Pope, Wietjes and Wolfe. Voting no: none. Absent: Steinbrink. Motion passed.

Chairperson Pope opened the public hearing at 7:55 P.M. for a change of zoning request filed by Neil A. Koster for property described as a tract of land being part of Government Lot 1 and a tract of land being part of the Northeast Quarter of the Northwest Quarter located in Section 30, Township 9 North, Range 14 West of the 6th P.M., Buffalo County Nebraska containing 13.41 acres, more or less. He wishes to rezone this area from Agricultural (A) to Industrial (I) for light manufacturing and fabrication.

Koster told the Commission why he wants to rezone this area from agricultural to industrial. Currently he has a special use permit for the majority of this area. There will be no difference in the buildings. He has expanded more into trailers and also works on campers and does utility modifications. He builds fuel trailers, does aluminum fabrication, mounts flatbeds on pickups, mounts tool boxes on flatbeds, does frame work and also works on portable corrals. He does light manufacturing to assist customers. He doesn't want to get in trouble by doing the light

manufacturing under his special use permit. He also told the Commission he has been turned in many times for different issues.

Bellamy asked if there would be any new construction of buildings and Koster replied no.

Wolfe asked if all the work would be done inside the building which Koster said it would be. Wolfe doesn't understand the need to rezone.

Heiden said it was all agricultural related except the work being done on construction equipment, campers and boats.

Skov questioned why the special use permit would not suffice. Biehl has concerns with putting industrial in this area.

The Commission feels this is an extension of his special use permit and rezoning is not necessary.

Skov asked if the Commission was missing something.

Klein stated some of the work on equipment is already being done and asked Koster if any additional equipment would be required to handle the manufacturing. Koster replied no and would only require special equipment attached to the welder.

Heiden told the Commission he stopped out to Mid-Plains Equipment and commented how clean and neat everything was.

Biehl asked if the lot on the eastern edge is currently being used. Koster stated the far end is not part of the special use previously granted by the Board of Supervisors.

Rod Gangwish, who owns property to the north, has no objection to the work as described by Koster but would prefer to leave it as agricultural and not change the zoning.

Cynthia Shultz owns the residence adjacent to property and does have concerns with having it changed to industrial because it opens up the area to a lot of other options.

Koster inquired about the change of zoning request submitted by Select Sprayers a couple of months ago.

Klein reported this was for an area along Highway 30 but there were no close residences to this location and it was adjacent to industrial property already. He questioned other areas of the County that were zoned industrial.

Chairperson Pope closed the hearing at 8:20 P.M.

Biehl asked if clearing the air on what type of jobs are taking place is sufficient.

Koster asked if what he is doing is allowed under the special use permit.

Skov thinks everything Koster has discussed is covered under the special use permit and is agricultural related.

The Commission agreed this does come under service for his business. Koster doesn't want to get a nasty letter telling him he is doing manufacturing on this property.

Pope asked if he wanted to withdraw this application. Klein told the Commission that if he withdraws the application, no further action will be taken by the County Board.

Bellamy told the Commission that the question before them tonight is if this area should be rezoned from agricultural to industrial.

Motion was made by Skov, seconded by Wietjes to recommend denial on the request for zoning map amendment from agricultural district to industrial district filed by Neil Koster based on the discussion tonight that everything he has described tonight is allowed under the special use permit on property described as a tract of land being part of Government Lot 1 located in Section 30, Township 9 North, Range 14 West of the 6th P.M., Buffalo County Nebraska more particularly described as follows: Referring to the Northwest Corner of Government Lot 1 in Section 30, and assuming the West line of said Government Lot 1 as bearing S 00°09'34" W and all bearings contained herein are relative thereto; thence S 00°09'34" W and on the West line of said Government Lot 1, a distance of 438.85 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 00° 09' 34" W and on the West line of said Government Lot 1, a distance of 550.63 feet to a point being the most Northerly corner of a tract of land deeded to the State of Nebraska Department of Roads as described on Microfilm Roll 94, Pages 18992 thru 18993 and filed in the Buffalo County Register of Deeds Office on December 30, 1994; thence S 59° 38' E and on the Northerly line of the aforescribed tract of land deeded to the State of Nebraska Department of Roads, a distance of 150.66 feet to the Southeasterly Corner of said tract of land, said point also being on the North line of the Union Pacific Railroad Company's Right-of-Way; thence N 73° 30' E and on the North line of the Union Pacific Railroad Company's Right-of-Way, a distance of 762.05 feet; thence leaving the North line of the Union Pacific Railroad Company's Right-of-Way, N 00° 15' 30" W and parallel with the East line of said Government Lot 1, a distance of 402.78 feet; thence N 89° 29' 20" W and parallel with the North line of said Government Lot 1, a distance of 857.42 feet to the place of beginning. Containing 10.36 acres, more or less, of which 0.42 acres, more or less, are presently being used for road purposes on the West side, AND

A tract of land being part of the Northeast Quarter of the Northwest Quarter (NE ¼ NW ¼) and part of Government Lot 1 located in Section 30, Township 9 North, Range 14 West of the 6th P.M., Buffalo County Nebraska more particularly described as follows: Referring to the Northwest Corner of Government Lot 1 in Section 30, and assuming the West line of Government Lot 1 as bearing S 00°09'34" W and all bearings contained herein are relative thereto; thence S 00°09'34" W and on the West line of said Government Lot 1, a distance of 989.72 feet to a point being on the most Northerly Corner of a tract of land Deeded to the State of Nebraska Department of Roads, as described on Microfilm Roll 94, Pages 18992 thru 18993

and filed in the Buffalo County Register of Deeds Office on December 30, 1994; thence S 59° 38' E and on the Northerly line of aforesaid tract deeded to the State of Nebraska Department of Roads, a distance of 150.66 feet to the Southeasterly Corner of said tract of land, said point also being on the North line of the Union Pacific Railroad Company's Right-of-Way; thence N 73° 30' E and on the North line of the Union Pacific Railroad Company's Right-of-Way, a distance of 762.05 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 73° 30' E and on the North line of the Union Pacific Railroad Company's Right-of-Way, a distance of 443.07 feet; thence N 16° 29' 55" W a distance of 285.62 feet; thence N 89° 29' 20" W and parallel with the North line of said Government Lot 1, a distance of 345.54 feet; thence S 00° 15' 30" E and parallel with the East line of said Government Lot 1, a distance of 402.78 feet to the place of beginning, containing 3.05 acres, more or less. Voting yes were Skov, Wietjes, Biehl, Covalt, Heiden, Keep, Pope and Wolfe. Voting no: None. Absent: Steinbrink. Motion passed.

Klein told Koster this would be heard before the County Board on June 13 and notices again would be mailed out to adjacent property owners.

Old Business: Moved by Heiden, seconded by Biehl to approve the minutes of the April 20, 2006 meeting as mailed. Voting yes were Heiden, Biehl, Covalt, Keep, Pope, Skov, Wietjes and Wolfe. Voting no: none. Absent: Steinbrink. Motion passed.

New Business: Klein reported on the action of the County Board at their last zoning hearing regarding the changes on the amendments passed at their May 9, 2006 meeting. The only items that were not passed were the changes made to Section 5.57 and 5.59. Skov questioned the size of cellular towers and the liability if the tower falls on adjoining property. The Commission agreed they would hold a public hearing at the June 15 meeting.

The next meeting of the Planning & Zoning Commission will be June 15, 2006 at 7:00 P.M. at the Highway Department. Motion was made to adjourn at 8:36 P.M.