

MINUTES OF PLANNING & ZONING COMMISSION
JULY 20, 2006
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 July 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, Willie Keep, Rick Pope, Leonard Skov, Craig Wietjes and Loye Wolfe. Absent: Karin Covalt and Paul Steinbrink, Sr. Also attending were Deputy County Attorney Andrew Hoffmeister and Zoning Administrator LeAnn Klein and six members of the public.

The public forum was opened at 7:00 P.M. There was no one present to speak. The public forum closed at 7:00 P.M.

Chairperson Pope opened the public hearing at 7:01 P.M for a special use permit for Dennis L. Land for property being part of the Southwest Quarter of Section 24, Township 9 North, Range 15 West, Buffalo County Nebraska, containing approximately 2.22 acres more or less.

Mr. Land explained his business was located at Buda for about ten years and since the bank had sold him out he had moved his equipment to his place of residence. Mr. Land stated he had received a notice from the Zoning Administrator stating he needed to apply for a special use permit.

Hoffmeister explained his business is sandblasting and asked how much is done on site. Land explained it is very minimal and a lot of work is done off site. He also said his sandblasting equipment is in an enclosed trailer. He was doing tree removal but the bank has most of that equipment. He is not planning any additional buildings at this time.

Hoffmeister asked how close the nearest residence is which he replied is about 350'-400' west of his residence. Currently Mr. Land drives a semi for a company and his semi is parked at his residence. Hoffmeister also asked if he ever would sandblast any semi trailers, which he replied he might.

Hoffmeister also asked what the closest road is. Mr. Land replied he is off 56th St., about ½ mile west of Keystone Road.

Hoffmeister also asked how many employees he has. Mr. Land replied no employees.

Skov questioned what listing of uses should be listed on the special use permit. Skov also asked how far this dust would carry.

Heiden asked about the amount of dust that would be getting into the air and if it is hazardous such as lead base paint.

Biehl asked if sandblasting was done outside.

Land replied as follows:

1. The dust would carry about 50', no different than someone driving on a gravel road.
2. He does not work with lead-base paint.
3. He does use filters on his equipment and has filters to catch paint.
4. Every item is washed before Land even gets the items to be sandblasted.
5. The sandblasting is done outside.
6. There would be snow removal equipment on site.
7. There will be painting both inside and outside of the buildings.
8. There will be tree removal equipment on site.
9. Truck parking by occupant.

Jim Bendfeldt was present. He farms on three sides of this property and is building a new home approximately ½ mile northeast and is acquainted with Mr. Land. He does not have a problem with Land wanting to do this at his place of residence. Bendfeldt questioned what the decibel of the noise was. Land replied it won't be any louder than a tractor or irrigation well. Bendfeldt also questioned the hours he would be working. Land said his son would be doing this during daylight hours. His son said he had done about four hours during the last month. Bendfeldt stated he would like to see a 7:00 AM – 7:00 PM restriction on hours. Land replied this wouldn't be a problem since they can't sandblast after dark.

Neil Koster also was present and stated he had seen advertising as doing sandblasting, trailer repair and a mechanic shop. He feels there will be a lot of dust with this. Also has the State Fire Marshall approved his paint shop? He thinks this is spot zoning.

Koster and Land exchanged words and Chairperson Pope warned them to stop their conversation between the two of them. This will not be tolerated.

Pope closed the hearing at 7:30 P.M.

Wolfe questioned if all property owners had been notified. Klein responded all owners within 300' had been notified and no one had replied.

Moved by Skov, seconded by Heiden to recommend approval for this special use permit filed by Dennis L. Land and forward to the County Board on the following described legal description: a tract of land being part of the Southwest Quarter of Section 24, Township 9 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Commencing at the Southeast corner of the Southwest Quarter of Section 24, Township 9 North, Range 15 West of the 6th P.M., thence West along the South line of said Southwest Quarter, a distance of 348 feet to a place of beginning, thence North 198 feet parallel to the East line of said Southwest Quarter, thence West 180 feet, thence South 198 feet, thence East along the South line of said Southwest Quarter to the place of beginning **AND** a tract of land being part of the Southeast Quarter of the Southwest Quarter (SE ¼ SW 1/4) of Section 24, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as

follows: Referring to the Southeast corner of the Southwest Quarter of Section 24, Township 9 North, Range 15 West; thence West along the South line of said Southwest Quarter a distance of 528.0 feet to the ACTUAL PLACE OF BEGINNING; thence continuing Westerly on the afore described course a distance of 109.0 feet; thence with a deflection angle to the right of 89° 32' and parallel with the East line of the Southwest Quarter a distance of 334.2 feet; thence right 90° 28' and parallel with the South line of said quarter a distance of 289.0 feet; thence right 89° 32' and parallel with the East line of said quarter a distance of 136.2 feet; thence right 90° 28' and parallel with the South line of said quarter a distance of 180.0 feet; thence left 90° 28' a distance of 198.0 feet to the place of beginning. Containing 1.399 acres, more or less, of which 0.083 acres, more or less, are presently being used for road purposes.

The following would be allowed:

1. Snow removal equipment.
2. Sandblasting operation and equipment.
3. Painting inside and outside.
4. Tree removal equipment.
5. Occupant truck parking.

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

Hoffmeister explained the process of the special use permit with the Planning & Zoning Commission and County Board as per Section 6.2 of the Buffalo County Zoning Regulations.

Klein said the application will be heard before the County Board on August 8 and notices again will be sent to adjacent property owners.

Old Business: Biehl questioned the legal description of the motion for the Rasmussen property. Klein explained that was the legal description as shown on the last deed of record for Rasmussen filed in the Register of Deeds office. Moved by Wolfe, seconded by Biehl to approve the minutes of the June 15, 2006 meeting as mailed. Voting yes were Wolfe, Biehl, Heiden, Keep, Pope, Skov and Wietjes. Voting no: none. Absent: Covalt and Steinbrink. Motion passed.

The Commission asked the status of the other permits before the County Board.

The next meeting of the Planning & Zoning Commission will be August 17, 2006 at 7:00 P.M. at the Highway Department.

Motion was made to adjourn at 8:55 P.M.