

MINUTES OF PLANNING & ZONING COMMISSION  
JANUARY 18, 2007  
BUFFALO COUNTY HIGHWAY DEPARTMENT  
7:00 P.M.

Chairperson Rick Pope called the meeting to order at 7:03 o'clock P.M. with a quorum present on January 18, 2007 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, Willie Keep, Rick Pope, Leonard Skov, Paul Steinbrink, Sr. and Loye Wolfe. Absent: Craig Wietjes. Also attending were Deputy County Attorney Andrew Hoffmeister, Deputy County Attorney Melodie Bellamy, Zoning Administrator LeAnn Klein and seven members of the public.

Chairperson Pope announced there was a copy of the open meetings act posted on the bulletin board. The public forum was opened at 7:03 P.M. No one was present to address the Commission. The public forum closed at 7:03 P.M.

Chairperson Pope opened the public hearing at 7:04 P.M for a special use permit for Gary W. Day for property described as Lot 86, Village of Odessa, Buffalo County Nebraska for a mini storage facility.

Gary Day was present and told the Commission the building located on this lot has set empty for sometime. The neighbor to the north put in a well which prevented him from repairing the existing septic tank at this location. He wanted to fix this building up and use as a warehouse but it is cost prohibited. A better option was to tear the existing building down (which is an eyesore) and put up a mini storage facility.

Klein said this property is currently zoned Agricultural-Residential. She also stated as per Section 5.34 #12 which allows mini storage facilities in Agricultural-Residential (AGR) with a special use permit. Mr. Day owns a cabinet business to the west of this property and also lives in the vicinity.

Hoffmeister questioned the setback of this building. He also asked if this building was originally a retail business, which Day thought it could have been a service station at one time. Hoffmeister also asked if parking area was gravel and if there would be fencing.

Day thought the existing building was approximately 3 feet from the property lines. He replied there is parking facilities already and there was no room for fencing since it is in close proximity to Highway 30. The office for the mini storage facility would be located at his cabinet business.

Klein told the Commission there is an issue with the setbacks for this proposed building but that is a matter Day will have to bring before the Board of Adjustment after the County Board hears this application.

Hoffmeister questioned if this property should be rezoned to Commercial. There are already other businesses in the area. There is an existing home site next to his cabinet business where he resides.

Heiden asked the location of the new well.

Biehl and Keep questioned the location of overhead doors on the proposed mini storage facility. Day responded the doors would be located facing the highway. The door openings would be approximately 10 feet.

There was no member of the public present for this hearing. Pope closed the hearing at 7:21 P.M.

Steinbrink ask about the existing well on this property. Day replied he had contacted a well driller business and the existing well will be abandoned and sealed.

Moved by Skov, seconded by Heiden to recommend forwarding this special use permit for a mini storage facility as per Section 5.34 #12 of the Buffalo County Zoning Regulations, filed by Gary W. Day with approval to the County Board on the following described legal description: Lot 86, Village of Odessa, Buffalo County Nebraska as per the development plan as submitted by Mr. Day.

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

Klein said the application will be heard before the County Board on February 13, 2007 and notices again will be sent to adjacent property owners.

Hoffmeister again explained the process of this special use permit. The County Board will hear this application on February 13 and after that hearing this will need to be heard before the Board of Adjustment for the setback issues.

Chairperson Pope opened the next public hearing at 7:25 P.M for a special use permit for Shane Roach for property being part of Government Lot 2 located in Section 30, Township 9 North, Range 14 West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska, containing approximately 2.91 acres more or less for a concrete batch plant.

Shane Roach told the Commission he purchased property located south of the intersection of Highway 30 and Highway 10 and would like to put a concrete business at this location. There is an existing home and other buildings and this is his current residence. There is one access directly off Highway 10 and he feels this is an ideal spot for this business. He submitted a drawing of the existing buildings and proposed concrete plant. The business would be located on the south half of the property. It is centrally located and would have easy access off a hard surfaced road. There also is another drive way on the south part of this property. He would like to contact the State of Nebraska Department of Roads and widen the south drive way in the future.

Biehl told Roach he would have to check with the State Department of Roads for an additional drive-way.

Heiden commented he appreciates the nice drawing and wished everyone would do this.

Hoffmeister said Highway 10 would probably become a County highway in the future. He also asked the following questions:

1. The weight of concrete trucks.
2. How tall of piles of aggregate stored on property.
3. Future plans and additional storage.

Roach said the gross weight of gravel trucks is 94,000 pounds, the aggregate pile would be about 12 feet and he is unsure of future plans. The height of the silo is about 58'. He is unsure if this would include the bag house.

Hoffmeister also questioned the placement of the concrete plant which is only 66' from middle of Highway. Roach stated it would not be a problem moving the plant farther back to the east.

Heiden asked what would be done with excess cement. Roach replied they process and crush cement and use on their property.

Skov questioned how far the drive way was from intersection of Highway 30 and Highway 10. He questioned if traffic from the business would cause a bottleneck of traffic in this area.

The Commission agreed the driveway was far enough from the intersection of Highway 30 and Highway 10 and it should not be a problem.

Cynthia Shultz was present to voice her concerns about the location. She questioned the size of this property and she had been told by a Board of Supervisor member that if the use changes, the grandfather clause is thrown out. She also questioned if this is approved, are we setting a precedent.

Pope closed the hearing at 7:44 P.M.

Heiden questioned if the residence is destroyed, can it be re-built?

Pope stated this is still zoned agricultural with a special use permit.

Hoffmeister stated the District Court Judge views a special use permit as rezoned for this one purpose and might be a problem in re-building the home. Biehl agreed this is confusing.

Hoffmeister agreed there might be an issue in re-building the house.

Klein stated this piece of property was filed of record July 20, 1984 and the deed showed it was a parcel containing 2.914 acres, more or less and was split prior to zoning being implemented.

Roach stated another option would be to purchase additional land in the future and split the home off from the entire piece of property.

Moved by Wolfe, seconded by Biehl to forward this application to the County Board with recommendation this special use permit be approved for a concrete plant for property described as a tract of land being part Government Lot 2 located in Section Thirty (30), Township Nine (9) North, Range Fourteen (14) West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest corner of said Government Lot 2; thence northerly on the West line of said Government Lot a distance of 227.6 feet; thence with a deflection angle to the right of 90° 00' a distance of 40.0 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the East property line of a county highway; thence continuing easterly on the aforescribed course a distance of 250.0 feet; thence left 90° 00' and parallel with the West line of said Government Lot 2 a distance of 241.0 feet; thence left 90° 00' a distance of 4.0 feet; thence right 90° 00' parallel with the West line of said Government Lot 2 a distance of 270.0 feet; thence left 89° 32' a distance of 246.0 feet to a point on the East line of a county highway; thence left 90° 28' parallel with and 40.0 feet easterly from the West line of said Government Lot a distance of 513.00 feet to the place of beginning with the following condition:

1. The setback for the concrete plant is 50' from edge of State right-of-way.

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

Klein said the application will be heard before the County Board on February 13 and notices again will be sent to adjacent property owners.

Old Business: Moved by Heiden, seconded by Biehl to approve the minutes of the December 14, 2006 meeting as mailed. Voting yes were Heiden, Biehl, Covalt, Keep, Pope, Skov, Steinbrink and Wolfe. Voting no: none. Absent: Wietjes. Motion passed.

Hoffmeister told the Commission the outcome of the two hearings heard by the County Board at their January 9, 2007 meeting.

Other items of concern were discussed.

The next meeting of the Planning & Zoning Commission will be February 15, 2007 at 7:00 P.M. at the Highway Department.

Motion was made by Biehl, seconded by Keep to adjourn at 8:10 P.M.