

MINUTES OF PLANNING & ZONING COMMISSION
DECEMBER 20, 2007
BUFFALO COUNTY HIGHWAY DEPARTMENT BUILDING
7:00 P.M.

Chairperson Rick Pope called the meeting to order at 7:03 o'clock P.M. with a quorum present on December 20, 2007 at the Buffalo County Highway Department building at 9730 Antelope Ave., Kearney, NE.

Agenda for such meeting was regularly posted as required by law. Present were: Karin Covalt, Willie Keep, Rick Pope, Paul Steinbrink, Sr., and Loye Wolfe. Absent: Francis "Buss" Biehl, Marlin Heiden, Leonard Skov and Craig Wietjes. Also attending were Deputy County Attorney Melodie Bellamy, Zoning Administrator LeAnn Klein and 10 members of the public.

Chairperson Pope announced there was a copy of the open meetings act posted and we do abide by the open meetings law.

The public forum was opened at 7:03 P.M. There was no one that spoke at this time. 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 filed by Werner Construction, LLC for property described as Lot 7 of Section 13, Township 8 North, Range 15 West of the 6th p.m., Buffalo County, Nebraska.

Richard Ray was present on behalf of Werner Construction and told the Commission they want to pump gravel as shown on the submitted two maps shown as Exhibit 1. They would remove the trees in hatched area and pump east from the X as shown on the map. They would return the waste sand to the pit area. He said they had contacted the Corps of Engineers and no permit was required by the Corps as long as they stayed in this area.

Klein asked how long they had working in this area. Ray responded they had removed a mobile home and had taken out some trees. The Corps of Engineers had asked if they had obtained local permits. That is when they filed the permit with the County.

Klein also asked what the hours of operation would be. Ray responded it would be during daylight hours.

Klein asked if they would be using the existing drive off Hwy 10 to access the property which Ray said they would. Klein reminded him any change in the drive-way would need the State Department of Roads approval.

Bellamy asked if there would be any lighting or storage of materials. Ray told her they would not have any additional lighting and there would be piles of material.

Klein also told the Commission that this entire piece is located in the floodplain. She asked about any structures being built and if fuel would be stored at this location. Ray told the

Commission the dredge would be portable and there would be no structures built. Everything would be portable.

Keep asked if a scale house would be built and Ray told him probably not. Keep also asked the number of years they would be pumping and if other piles of aggregate would be stored at this site. Ray told him sand would be pumped as needed and they aren't planning on hauling other materials to this site. They would return the washed sand to the lake.

Karl Burmester, an adjoining neighbor to the south, was present and asked if there would be any pumping to the east of the slough. He showed the Commission where the warm water slough is located on this property. He said the NRD had built this slough for drainage to return excess water to the Platte River. Most of the time there is water in this slough. He had concerns if there was any pumping to the east of this slough, because it would affect his property values. He has had Cabela's Properties value his property and there are many sandhill cranes and other habitat located in this area. He would not have a problem with this permit if no pumping was done east of the slough.

There is currently an old bridge located over this slough. Keep questioned if this bridge could handle the trucks. Ray told Keep this bridge could handle up to 150,000 lbs.

Ray told the Commission that the eastern part of this property was pumped years ago.

Klein asked Bellamy if they would need a 911 address for this property. Ray said the workers have the address and location on a sheet of paper in case of an emergency.

Klein referred to Section 6.2

6.2 PROCEDURES

Such application shall be in writing, filed in the Office of the County Clerk, state the proposed location and use of the property, and such other relevant matters as may be requested by the County. Upon receipt of such application, the Zoning Administrator shall forward the application to the Planning Commission for its recommendation. Upon hearing, the Planning Commission shall forward its recommendation to the County Board, within thirty (30) days. Upon hearing, the County Board may allow or deny the application in whole or in part, or prescribe conditions for such use of the property. In making any decision granting a special use permit, the County Board shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required protecting adjoining property. Unless otherwise specifically stated, construction requested on such special permit shall commence within 120 days after authorization and shall be substantially completed two years after commencement. No special use permit shall become effective until after separate public hearings are held by both the Planning Commission and the County Board in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the purpose, time, and place of such hearing shall be given by publication thereof in a paper of general circulation in the County and in the

local newspaper of any county/village/city which has territory within three miles of the property affected by such action of the County Board, one time at least ten days prior to such hearing. (Ref. 23-164 R.S. Neb.).

In addition to the publication of the notice herein prescribed, a notice, in sign form, of the hearing shall be posted in a conspicuous place on or near the property on which such action is pending. The sign shall be placed at least ten (10) days prior to date of each hearing. The sign shall state in conspicuous writing visible from the traveled surface of the nearest public road: the purpose, time, and place of hearing. A notice of the purpose, time, and place of the hearing shall be given in writing to the Chairperson of the County Board, or Planning Commission which has jurisdiction over land within three miles of the property affected by such action. In the absence of a Planning Commission, such notice shall be given to the clerks of units of local government having jurisdiction over land within three miles of the property affected by such action. A written notice of such hearing shall be distributed to record title owners of property located within three hundred (300) feet of the property line of the property requesting the special use permit.

Except as otherwise provided herein, no special use permit shall be granted by the County Board, without an affirmative vote of a majority of all members of the County Board and providing the proposed use is found to comply with the following guidelines:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and
5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

Klein also noted construction must begin within 120 days and be completed within 2 years. The County Board can address the time issue.

Steinbrink asked about other gravel operations in this area. There are other businesses that do mining in this area.

Pope closed the public hearing at 7:26 P.M.

Pope doesn't see a problem in having mining operations in this area.

Motion was made by Covalt, seconded by Wolfe to forward this application for a special use permit to the County Board with approval on Lot 7, Section 13, Township 8 North, Range 15 West of the 6th p.m., Buffalo County, Nebraska, together with all accretions thereto belonging,

except that part deeded to the State of Nebraska. Voting yes were Covalt, Wolfe, Keep, Pope and Steinbrink. Voting no: none. Absent: Biehl, Heiden, Skov and Wietjes. Motion carried.

Klein said this application would be heard before the County Board on January 8, 2008 and notices would be sent out to adjoining property owners.

Chairperson Pope opened the public hearing at 7:34 P.M. for a special use permit for a secured storage lot filed by Clifford Jones for a tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 3, Township 9 North, Range 16 West of the 6th p.m., Buffalo County, Nebraska.

Clifford Jones was present and told the Commission he wants to put in a secured lot on the north edge of his property. This would be located north of the existing tree line and would be enclosed with a 6' fence with barbed wire on the top and would be approximately 100' x 250' in size. They would use the existing south drive-way and might exit on the north drive-way. This would be for storage of campers and boats. He owns about 4.01 acres of land.

Wolfe asked about lighting and if he would have crushed rock or higher quality on the drive-way. He might have a security light and he would have gravel or rock on the drive-way.

Klein told the Commission that previous mini storage facilities have all been structures where the items are stored inside so adjoining neighbors could not see anything outside the buildings. She has had phone calls from neighbors with their concerns on items being stored outside.

Bellamy told the Commission we do not have a definition of mini storage facilities in our zoning regulations.

Wolfe asked how close the nearest residence was located. Jones said there are homes directly across the road to the east. There are about 30-40 homes in this area.

Keep agreed he thinks of a mini storage facility as being a structure with equipment stored inside. This is an AGR area and we need to keep that in mind.

Pope agreed with Keep since there will be more homes in this area in the future; he is reluctant to put 30-40 campers and boats that are not stored inside.

Jones said there is a mini storage facility off Highway 10. Klein said this mini storage facility is a structure and everything is stored inside.

Steve Mead lives just east of this proposed site and his concern is something that would look like a prison yard. He does have concerns with items that would be stored outside.

Keith Stafford owns the quarter directly adjacent to the north and his Mother owns land on the south. This area is a suitable site for additional homes in the future. Stafford told the Commission the future use of his property would be for additional homes.

Pope closed the public hearing at 7:50 P.M.

Wolfe said she would feel better if this area would be surrounded by trees so the neighbors could not see this.

Motion was made by Keep, seconded by Steinbrink to forward this application for a special use permit for a secured storage area to the County Board with denial because it does not meet our zoning regulations for a tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 3, Township 9 North, Range 16 West of the 6th p.m., Buffalo County, Nebraska , more particularly described as follows: Referring to the Southeast corner of the Northeast Quarter of said Section 3 and assuming the East line of said Northeast Quarter as bearing NORTH and all bearings contained herein are relative thereto; thence NORTH on the aforesaid East line a distance of 75.0 feet to the ACTUAL PLACE OF BEGINNING; thence continuing NORTH on the afore described course a distance of 420.0 feet; thence WEST at right angles from the afore described line a distance of 287.04 feet; thence S 38° 36' 08" W a distance of 169.45 feet; thence S 42° 00' 00" W a distance of 99.0 feet; thence SOUTH parallel with the East line of the Northeast Quarter of said section a distance of 214.0 feet; thence EAST at right angles from the afore described line a distance of 459.0 feet to the place of beginning. Containing 4.01 acres, more or less, of which 0.32 acres, more or less, are presently being used for road purposes on the East side. Voting yes were Keep, Steinbrink, Covalt, Pope and Wolfe. Voting no: none. Absent: Biehl, Heiden, Skov and Wietjes. Motion carried.

Old Business: Klein told the Commission that there was a correction on page 8 of the zoning minutes. She has made the necessary correction.

Moved by Covalt, seconded by Wolfe to approve the minutes of the November 15, 2007 as corrected. Voting yes were Covalt, Wolfe, Keep, Pope and Steinbrink. Voting no: none. Absent: Biehl, Heiden, Skov and Wietjes. Motion passed.

Klein told the Commission the outcome of the County Board meeting. Other areas of concern were also discussed.

The next regular meeting of the Planning & Zoning Commission will be January 17, 2008 at 7:00 P.M at the Buffalo County Highway Department building.

Motion was made by Keep to adjourn sine die at 8:05 P.M.