

MINUTES OF PLANNING & ZONING COMMISSION
JANUARY 17, 2008
BUFFALO COUNTY HIGHWAY DEPARTMENT
7:00 P.M.

Zoning Administrator LeAnn Klein opened the meeting at 7:00 P.M. at the Buffalo County Highway Department Building in Kearney, NE. Klein announced there was a copy of the open meetings act posted on the bulletin board and we do abide by the open meetings act.

Klein asked for nominations for Chairperson. It was moved by Wolfe, seconded by Covalt to nominate Rick Pope as Chairperson. Motion was made by Steinbrink, seconded by Heiden that nominations cease. Voting yes were Wolfe, Covalt, Biehl, Heiden, Keep and Steinbrink. Abstain: Pope. Absent: Skov and Wietjes. Motion passed.

Klein asked for nominations for Vice-Chairperson. It was moved by Wolfe, seconded by Steinbrink to nominate Buss Biehl as Vice-Chairperson. Motion was made by Heiden, seconded by Covalt that nominations cease. Voting yes were Wolfe, Steinbrink, Covalt, Heiden, Keep and Pope. Abstain: Biehl. Absent: Skov and Wietjes. Motion passed.

Klein asked for nominations for Secretary. It was moved by Wolfe, seconded by Pope to nominate Karin Covalt as Secretary. Voting yes were Wolfe, Pope, Biehl, Heiden, Keep and Steinbrink. Abstain: Covalt. Absent: Skov and Wietjes. Motion passed. Klein than turned the meeting over to Chairperson Pope.

Chairperson Rick Pope called the meeting to order with a quorum present on January 17, 2008.

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

The public forum was opened at 7:05 P.M. No one was present to address the Commission. The public forum closed at 7:05 P.M.

Chairperson Pope opened the public hearing at 7:05 P.M. for a general amendment to the Buffalo County Zoning Regulations previously adopted for Section 5.52 to include truck and trailer wash facilities as a use by right in the Commercial zoning district.

Thomas Johnson was present and told the Commission the reason he wants to amend the zoning regulations. He has a potential buyer who wants to put in a truck/trailer wash and then possibly later add a tire shop and make a service center for trucks. This property is located on the north side of the Shelton I-80 interchange and is currently zoned commercial and he does not want to rezone this area to industrial, which would currently allow a truck wash as a "use by right". The reason he doesn't want to rezone this area to industrial because they might want to also have a residence which would not be allowed under industrial zoning.

Hoffmeister asked if there was currently a home located on this five acre piece. Johnson replied the home has been abandoned for some time. Hoffmeister questioned if this item should be allowed with a special use under the commercial zone.

Biehl and Keep asked if there would be livestock trailers that would be washed out? Johnson replied there might be a need for livestock wash outs. Johnson owns agricultural land that would be adjacent to this five acre commercial piece. The lagoons for the wash out could be located on the agricultural land.

The Commission questioned how the lagoons would be controlled.

Klein commented homes would be allowed under Section 5.54 in Commercial zoning with a special use permit. Homes are not allowed under the Industrial zoning either as a “use by right” or special use permit.

Johnson said the potential buyer would be buying approximately 31 acres.

Keep questioned if we are changing the entire County zoning regulations. If we would eliminate livestock trailers, he wouldn't have a problem with the change.

Johnson also told the Commission he probably could put in a trailer wash under the Agricultural zoning with a special use permit.

Doug Woodman and Denis Woodman were present representing their Father, Raye Woodman who owns property to the east of Johnson's property. They attended the meeting to become informed and are not opposed to this. They questioned if the Nebraska Department of Environmental Quality would monitor this business and where the water would come from. Pope responded the Nebraska Department of Environmental Quality and the Natural Resource District would also be involved.

Pope closed the hearing at 7:25 P.M.

Biehl asked what question was before the Commission. Hoffmeister responded the question before them is if the Buffalo County Zoning Regulations should be amended. This would apply to the entire County and not just the Johnson property. If the Zoning Regulations are amended, a truck and trailer wash will be a “use by right” under the Commercial zoning regulations.

Pope has a problem with a “use by right” for a truck wash under the Commercial zoning. This could be put anywhere in the County. He wouldn't have a problem with adding this as a special use permit.

Johnson feels an industrial zone is too heavy and would not allow a residence.

Wolfe and Keep agreed that a special use gives the Commission more control on where a truck wash is located in a Commercial zone.

Covalt asked for clarification what question was before the Commission.

Keep asked how many acres of Mr. Johnson's property are zoned Commercial.

Klein replied Mr. Johnson owns two separate Commercial properties, one is a five acre parcel north of the Shelton I-80 interchange and the other is T Bar J Subdivision which is located south of the Shelton I-80 interchange on the east side of Shelton Road.

A motion was made by Keep, seconded by Wolfe to deny the request made by Thomas D. Johnson to amend the Buffalo County Zoning Regulations to allow truck and trailer wash facilities as a use by right under Section 5.52. Voting yes were Keep, Wolfe, Biehl, Covalt, Heiden, Pope and Steinbrink. Voting no: none. Absent: Skov and Wietjes. Motion passed.

The Commission asked that Hoffmeister come up with a definition for a truck and trailer wash.

A motion was made by Keep, seconded by Heiden to amend the Buffalo County Zoning Regulations as previously adopted and add #8 as follows to Section 5.54 under permitted special uses in the Commercial zone:

8. Truck wash services

Add the following definition to Article 3 of the Buffalo County Zoning Regulations as previously adopted, with renumbering:

3.76 Truck wash services: A facility to wash and clean interior and exterior of semi-truck tractors, large trucks and small vehicles together with trailers.

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

Klein said this will be heard before the County Board on February 12, 2008.

Hoffmeister commented this will be a general amendment to the zoning regulations.

Old Business: Moved by Biehl, seconded by Steinbrink to approve the minutes of the December 20, 2007 as mailed. Voting yes were Biehl, Steinbrink, Covalt, Heiden, Keep, Pope and Wolfe. Voting no: none. Absent: Skov and Wietjes. Motion passed.

Klein presented the 2007 year end report of the zoning totals to the Commission.

Klein also reported the outcome of the hearings heard by the County Board at their January 8, 2008 meeting.

Other items of concern were discussed.

The next meeting of the Planning & Zoning Commission will be February 21, 2008 at 7:00 P.M. at the Highway Department.

Motion was made by Covalt, seconded by Heiden to adjourn at 8:05 P.M.