

MINUTES OF PLANNING & ZONING COMMISSION  
MARCH 19, 2009  
BUFFALO COUNTY HIGHWAY DEPARTMENT  
7:00 P.M.

Chairperson Craig Wietjes opened the meeting at 7:00 P.M. at the Buffalo County Highway Department Building in Kearney, NE with a quorum present on March 19, 2009. Present were: Karin Covalt, Ken Erickson, Marlin Heiden, Willie Keep, Leonard Skov, Gwen Stengel, Craig Wietjes and Loye Wolfe. Absent: Paul Steinbrink, Sr. Also attending were Deputy County Attorney Melodie Bellamy, Zoning Administrator LeAnn Klein and twenty-three members of the public.

Wietjes announced there was a copy of the open meetings act posted on the bulletin board and we do abide by the open meetings act.

Agenda for such meeting was regularly posted as required by law and the agenda is available for anyone wanting one.

The public forum was opened at 7:01 P.M. No one was present to address the Commission. The public forum closed at 7:01 P.M.

Chairperson Wietjes opened the public hearing at 7:02 P.M. for a special use permit requested by Dr. Mark H. Meyer/Onion Crest, LLC for additional hangars with residences for part of the E ½ of the W ½ of Section 8, Township 9 North, Range 16 West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska. This was continued from the February 19, 2009 meeting.

Dr. Mark Meyer, Jayne Meyer, James Anderson, a realtor, and Richard Miller, an aviation consultant with Cartell, Inc. were present to address the Commission regarding this hearing.

James Anderson is a realtor with Home Realty and is also a private pilot. A lot of the concerns that have been raised are redundant. He lives approximately 5 blocks west of the Kearney High School and there are between 4-5 flights of the commuter service that flies over his house in Kearney everyday. The GHS helicopter also flies over his house all times of the day. The complaints at the previous meeting regarding the noise around the Meyers airport are a non-issue.

Dr. Meyer told the Commission he first put in a grass runway in 1982 and a cement runway in 1991. He uses his plane in his orthopedic practice and travels to the western part of the State of Nebraska. He likes the convenience of being able to do this. Chris Hilliard with Cable USA also stores his plane at this site and travels to the western half of the United States. There are other businessmen in Kearney that would like to store their airplane and be able to travel to other parts of the country. There is a need for this in Kearney. It's not only convenient but there are also cost savings and this would be a huge benefit for economic development for Buffalo County. This airstrip has been developed without any tax money. Dr. Meyer said there are people at tonight's hearing who will express their interest in this endeavor.

Chairperson Wietjes asked what their plan was. Dr. Meyer told him they want to develop 16 lots on the east side of the existing runway for residences and also hangars.

Heiden asked if they would store fuel at the site. Dr. Meyer replied they don't store fuel now but they might store fuel later.

Richard Miller said only the occupants of the airport would be using the fuel. The fuel would be purchased by the owners association and would run off a card system so each plane would be charged according to the amount they would use.

Stengel asked the location of the irrigation well and which one would be used in the event of fire.

Dr. Meyer told her the irrigation well is located on the west side of the airstrip and also on the east side of the airstrip and both are owned by Meyer. Dr. Meyer said the east well would probably be used for fire protection and they would have to put in another well.

Wolfe asked about the size of planes that currently land at this airport. Meyer told her he has a Cessna 421 and 210 and Hilliard's own a twin engine turbo. There would be no bigger planes landing than what is currently landing on this strip.

Skov asked about an air show. Dr. Meyer thought that would be a great idea.

Miller said there are a lot of regulations that govern an air show and FAA would control that. This permit before the Commission is for residential houses and hangars.

Skov asked how close the end of the runway was to the Section line. Dr. Meyer thought it was about 233' from the Section line. Skov also asked if there is any telephone or electric lines located to the north of the runway. Meyer told them they are buried at the end of the runway and FAA would determine this.

Stengel asked if the owner of the property to the north wants to put up a house, where could the home be located.

Miller said that would be controlled by FAA because when this airport was approved by FAA, there were some restrictions placed on the property north of the runway.

Wietjes asked about the future use of the crop duster. Dr. Meyer says there is a crop duster using this strip and there has been a crop duster using this strip in the past.

Bellamy said if the strip has been continually used in the past by crop dusters, we can assume it is grandfathered but she will not make that determination tonight.

Skov asked if there would be chemicals stored on this sight which Meyer replied yes.

Dr. Meyer said this is still an agricultural area and there are farmers that need to have the services of crop sprayers.

Keep doesn't have a problem with residences at this location.

Erickson asked if one aerial sprayer was grandfathered in, if that meant they could have more aerial sprayers flying out of this airport.

Bellamy asked if Dr. Meyer intended to have a business with a crop sprayer working out of this airport.

Miller said the intent will be a private airport and permission will be needed to land at this airport. Miller thinks if a guy wants to built a hangar to store his airplane, and he uses the strip to take off and land, he doesn't consider that a business. A commercial operation would be selling tickets for passengers to fly from this airport.

Skov questioned if we start with one level of activity and it expands to something else, he has concerns with that.

Jayne Meyer said they don't want a commercial airport. They will still continue to farm west of the airstrip.

Bellamy said the concern is that there will be residences along with commercial businesses at this site.

Miller told the Commission if the crop sprayer builds a home and stores his plane in the hangar on this private strip and he uses the airstrip to take off and land everyday, which is better than using a gravel road to load chemicals. His first choice was to land at the City of Kearney's airport but they won't allow him to use the Kearney airport.

The Commission asked if he had a chemical washout at the airport. Meyer responded they do have a chemical washout with a sloped pad.

Chairperson Wietjes told the audience there would be a time limit for people speaking and to please address their comments to the Commission.

Edwin Uden was present and read a letter presented as Exhibit #4 with his concerns.

Michael Davia read a letter presented as Exhibit #5 with his concerns. Both Uden and Davia live west of Cottonmill Ave.

Douglas Torrey owns land south and east of this site and questioned if they could extend the runway to the south.

Ryan Smith has concerns with the fire protection in the event of a plane crash and also has concerns with fuel spills and chemical spills. He lives ¾ mile southeast of the site.

Phil Jossil is with the Bank of Riverdale and he is also a flight instructor. There are about 1000 airparks around the Country. If he were to build a home at this site, he wouldn't think the homeowners association would want commercial businesses running out of the airport. He also couldn't see there would be that many flights flying out of this airpark everyday.

Jerry Muhlbach lives ½ mile east and he wouldn't want 4-5 spray planes flying out of this airport.

Ron Hendrickson lives by the Kearney airport. He wants to support aviation and this would be good for the County.

Mike Skyler questioned if he had an office in his home, why couldn't he work out of his home.

Bellamy referred to Section 8.1 of the Buffalo County Zoning Regulations for accessory buildings.

Tim Pratt with the Bank of Riverdale doesn't envision 747 planes coming into this airport. This is an economic benefit for the community. He doesn't think noise is a concern.

Richard Miller told the Commission the runway could be used by the fire department in the event of a fire and there would be another access to Cottonmill Ave.

Don Leeds lives directly west of the airstrip and he doesn't have any concerns. He said he has cattle in this area and they are not bothered with the planes flying in. He said Dr. Meyer has been very courteous.

Deputy County Attorney Bellamy told the Commission they do not have any control on the traffic cones and the airport. We only control land use. We just need to look at whether there can be homes located on this site.

Chairperson Wietjes closed the public hearing at 8:15 P.M.

Erickson says the only problem he has is allowing a commercial development.

Heiden asked if Dr. Meyer intends to have more than 16 lots. Dr. Meyer replied not at this time.

Covalt questioned if the crop sprayer is grandfathered in. She does have a problem if the use of homes is mixed with businesses. The airstrip has been there for 17 years.

Bellamy replied if the use of the air strip meets the requirements, it would be grandfathered.

Keep has concerns with the size of the lots.

Klein noted this subdivision will need to meet our guidelines the County Board approved for the Buffalo County Subdivision Regulations. They need this approval before they submit a subdivision.

Wolfe thinks this is an exciting venture. We are only talking about 1 crop duster.

Stengel has concerns about the issues of the water and the crop duster. There are issues with the water and the fire department should be worried about a fire hydrant next to the runway. These concerns need to be addressed by the NRD.

Wietjes noted these issues will be addressed by the NRD.

Skov said this application is for a special use permit and we have a clear set of boundaries. This will be established on what can be located here.

Wietjes lives north of Riverdale and remembers when this was a grass airstrip. We have known for a long time this is an airport. A special use permit is very specific about what can develop. He also realizes there is a problem with water issues on the north side of this property.

Dr. Meyer agreed there is a problem with the water issues on 100<sup>th</sup> Road and the placement of culverts.

Deputy County Attorney Melodie Bellamy referred to Section 6.2 of the Buffalo County Zoning Regulations.

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.

She also referred to Section 6.2 of the protest process.

Klein noted the County Board is free to put additional conditions on the special use permit.

A motion was made by Skov, seconded by Heiden to recommend approval of this special use permit presented by Onion Crest, LLC/Dr. Mark Meyer and forward to the Buffalo County Board of Supervisors on the following legal description described as a tract of land in the East Half of the West Half of Section Eight (8), Township Nine (9) North, Range Sixteen (16) West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska with the following conditions:

1. Lot sizes will be in compliance as set forth in the Buffalo County Subdivision Regulations currently on file.

2. Limited to 16 lots for residences with aircraft hangars.
3. No commercial operations.

Voting yes: Skov, Heiden, Erickson, Covalt, Keep, Wietjes and Wolfe. Voting no: Stengel.  
Absent: Steinbrink. Motion passed.

Klein said this will be heard on April 14, 2009 and notices will again be sent to adjacent property owners.

Old Business: Moved by Heiden, seconded by Stengel to approve the minutes of the February 19, 2009 as mailed. Voting yes: Heiden, Stengel, Erickson, Covalt, Keep, Skov, Wietjes and Wolfe. Voting no: none. Absent: Steinbrink. Motion passed.

Moved by Skov, seconded by Covalt to approve the minutes of the March 5, 2009 special meeting as mailed. Voting yes: Skov, Covalt, Erickson, Heiden, Keep, Stengel, Wietjes and Wolfe. Voting no: none. Absent: Steinbrink. Motion passed.

Klein also reported the outcome of the hearings heard by the County Board at previous meetings.

Klein also gave them a report of all the special use permits up to date with conditions listed.

The next meeting of the Planning & Zoning Commission will be April 16, 2009 at 7:00 P.M. at the Highway Department.

Moved by Stengel to adjourn at 8:55 P.M.