

MINUTES OF PLANNING & ZONING COMMISSION
SEPTEMBER 15, 2011
BUFFALO COUNTY COURTHOUSE
7:00 P.M.

Chairperson Craig Wietjes opened the meeting at 7:00 P.M. at the Board Room at the Buffalo County Courthouse in Kearney, NE with a quorum present on September 15, 2011. Present were: Karin Covalt, Marlin Heiden, Willie Keep, Leonard Skov, Paul Steinbrink, Sr., Gwen Stengel, Craig Wietjes and Loye Wolfe. Absent: Ken Erickson, Also attending was Deputy County Attorney Melodie Bellamy, Zoning Administrator LeAnn Klein and nine members of the public.

Wietjes announced there was a copy of the open meetings act posted in the back of the room as required by law and we do abide by the open meetings act.

Agenda for such meeting was regularly posted and published 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 read a prepared statement stating no comment would be made on pending litigation.

Attorney Vicki Stamm said this wasn't listed correctly on the agenda. She wanted to call the Commission's attention to Section 2.52 for nonconforming structures. She stated the Commission made a lot of properties nonconforming lots of records when zoning was adopted.

Deputy County Attorney Bellamy asked if the Commission could meet with Shawn Eatherton.

Deputy County Attorney Bellamy left the meeting at this time.

The deed of conservation easement is between Central Platte Natural Resources District and Peak Enterprises, Ltd, that was referred to the Planning & Zoning Commission from the Buffalo County Board of Supervisors September 13, 2011 board meeting. According to Nebraska Rev. Stat. 76-2 112 (3) the local planning commission has 60 days to provide comments regarding the conformity of the proposed acquisition to comprehensive planning for the area. If such comments are not received within sixty days, the proposed acquisition shall be deemed approved by the local planning commission.

It was moved by Stengel, seconded by Wolfe to forward the conservation easement between Peak Enterprises, Ltd, A Colorado Limited Partnership (Grantor) and the Central Platte Natural Resources District, a political subdivision of the State of Nebraska (Grantee or District) to the County Board with a favorable recommendation on a tract of land being part of Government Lot Four (4) and the North Half of the Southwest Quarter of the Northwest Quarter (N ½ SW ¼ NW 1/4) of Section Three (3), Township Eight (8) North, Range Seventeen (17) West of the Sixth

Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest corner of Government Lot 4 of said Section 3 and assuming the West line of said Government Lot 4 and the North Half of the Southwest Quarter of the Northwest Quarter as bearing S 00° 41' 43" W and all bearings contained herein are relative thereto; thence S 00° 41' 43" W on the aforesaid West line a distance of 288.21 feet to a point on the Southerly right-of-way line of the Union Pacific Railroad, thence S 80° 56' 58" E on the aforesaid Southerly right-of-way line a distance of 33.35 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the East line of a public road; thence continuing S 80° 56' 58" E on the aforescribed course a distance of 752.96 feet; thence leaving said Southerly right-of-way line S 29° 11' 57" E a distance of 853.3 feet; thence S 51° 09' 12" E a distance of 163.37 feet to a point on the East line of said Government Lot 4; thence S 00° 19' 08" W on the East line of said Government Lot 4 and the North Half of the Southwest Quarter of the Northwest Quarter a distance of 744.01 feet to the Southeast corner of said North Half of the Southwest Quarter of the Northwest Quarter; thence S 89° 27' 46" W on the South line of said North Half of the Southwest Quarter of the Northwest Quarter a distance of 1303.92 feet to a point on the East line of said public road, said point being 33.0 feet easterly of the Southwest corner of said North Half of the Southwest Quarter of the Northwest Quarter; thence N 00° 41' 43" E on the aforesaid East line of a public road a distance of 1722.3 feet to the place of beginning. Containing 42.70 acres, more or less.

Voting yes were Stengel, Wolfe, Covalt, Heiden, Keep, Skov, Steinbrink and Wietjes. Voting no: none. Absent: Erickson. Motion carried.

Chairperson Wietjes opened the public hearing at 7:11 P.M. to amend Section 5.57 in Commercial zoning district for yard setbacks.

No one was present to address the Commission. Chairperson Wietjes closed the public hearing at 7:12 P.M.

A motion was made by Covalt, seconded by Skov to amend Section. 5.57 concerning yard setbacks in the Commercial zoning district as follows:

5.57 HEIGHT AND AREAS REGULATIONS: The maximum height, maximum lot coverage and minimum area regulations shall be as follows: (Resolution 7-11-06)

1. General Requirements:

Lot Area***	Lot	Required	Required	Required	Height
(Sq. Ft.)	Width	Front Yard	Side Yard	Rear Yard	Height
Permitted Uses 40,000	150' <u>100</u>	Greater of 50'* or 83'*** when abutting a Road	15' or 50' * or 50' * <u>15'</u>	20' or 50' * <u>15'</u>	none

* Measured from the abutting road or street right-of-way line.

** Measured from center line of abutting road or street right-of-way
 *** Unless more regulated by state or federal authorities. Such minimum lot size is subject to restrictions imposed by Department of Environmental Quality or other agencies with 3 acres being exempt at time of adoption of these regulations (Resolution 10-10-03)

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

Chairperson Wietjes opened the public hearing at 7:13 P.M. to amend Section 5.66 in Industrial zoning district for yard setbacks.

No one was present to address the Commission. Chairperson Wietjes closed the public hearing at 7:14 P.M.

It was moved by Steinbrink, seconded by Heiden to amend Section 5.66 in the Industrial district concerning yard setbacks as follows:

5.66 HEIGHT AND AREA REGULATIONS: The maximum height and minimum area regulations shall be as follows:

Lot Area* (Sq. Ft.)	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Permitted Uses None	100'	75' Greater of- 50'* or 83'***	0', 15' when abutting a residential property	15'	none

* Measured from the abutting road or street right-of-way line.

** Measured from center line of abutting road or street right-of-way

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

Chairperson Wietjes opened the public hearing at 7:15 P.M. to hear the six items as listed on the agenda concerning changes for veterinarian and animal hospitals as follows:

No one addressed the Commission. Chairperson Wietjes closed the public hearing at 7:18 P.M.

Klein told the Commission it would be easier for veterinarian clinics to operate in the County. It would be a use by right in the Agricultural, Commercial and Industrial zoning districts and be allowed with a special use permit in the Agricultural-Residential district.

It was moved by Wolfe, seconded by Stengel to add the definition of animal hospitals as follows:

1. Add as definition:

ANIMAL HOSPITAL a place where animals or pets are given medical or surgical treatment and are cared for during the time of treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

Voting yes were Wolfe, Stengel, Covalt, Heiden, Keep Skov, Steinbrink, and Wietjes. Voting no: none. Absent: Erickson. Motion carried.

It was moved by Heiden, seconded by Covalt to add animal hospitals as a use by right in Section 5.12:

5.12 PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right:

9. Animal hospitals

Voting yes were Heiden, Covalt, Keep, Skov, Steinbrink, Stengel, Wietjes and Wolfe. Absent: Erickson. Voting no: none. Motion carried.

It was moved by Covalt, seconded by Skov to delete veterinarian services as a use by special permit in AG District: the zoning regulations as follows:

5.14 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the "AG" Agriculture District if a special permit for such use has been obtained in accordance with Article 6 of these regulations: (Resolution 12-4-07)

1. Airports and heliports including crop dusting strips;
2. Sewage treatment plants for primary and secondary treatment; public and private sanitary landfills; gravel plants and asphalt or concrete batch plants;
3. Agriculture service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis; agricultural grain product milling and processing; commercial grain warehouses, establishments engaged in performing services such as crop dusting, fruit picking, grain cleaning, harvesting and plowing; farm equipment services and repair.
4. Broadcast towers and stations, including but not limited to Amateur Radio or communication towers of more than 100 feet which in addition to any requirements of the special permit shall comply with all applicable Federal Aviation Administration rules and regulations. (Resolution 4-13-10)
5. Public and private recreational uses, including parks and playgrounds, campgrounds, golfcourses, and riding stables;
6. Auction/sale barns and yards;
7. Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;
8. Salvage or junk yards in accordance with Section 6.3;

9. Mineral extraction, which shall include the following: oil wells, sand, dirt and/or gravel extraction and quarries;
10. Private day-care centers, (Resolution 3-11-08)
11. Private schools, (Resolution 3-11-08)
12. Expansion of existing or development of new Class III or larger livestock confinement facilities/operations as defined in Article 3 and in accordance with Section 6.4; (Resolution 4-13-10)
13. ~~Veterinary facilities;~~
14. Dog breeding establishments and kennels;
15. Commercial and/or Industrial operations;

Voting yes were Covalt, Skov, Heiden, Keep, Steinbrink, Stengel, Wietjes and Wolfe. Absent: Erickson. Voting no: none. Motion carried.

It was moved by Stengel, seconded by Steinbrink to amend AGR uses by special permission to only include Animal Hospital:

5.34 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the AGR Agricultural Residential District if a special permit for such use has been obtained in accordance with Article 6 of these regulations: (Resolution 12-4-07)

1. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services;
2. Cemeteries, crematories, mausoleums and columbarium;
3. Day care center; (Resolution 3-11-08)
4. Radio and television towers and transmitters;
5. Camp grounds;
6. Wind Powered Generation of electrical power; (Resolution 4-13-10)
7. Commercial kennels;
8. Greenhouses and nurseries;
9. ~~Animal clinics, animal hospitals and veterinarian services;~~ and

Voting yes were Stengel, Steinbrink, Covalt, Heiden, Keep, Skov, Wietjes and Wolfe. Absent: Erickson. Voting no: none. Motion carried.

Motion was made by Heiden, seconded by Stengel to add Animal Hospitals as a use by right in C Commercial District:

5.52 PERMITTED PRINCIPLE USES AND STRUCTURES: The following shall be permitted as uses by right:

21. Animal Hospitals.

Voting yes were Heiden, Stengel, Covalt, Keep, Skov, Steinbrink, Wietjes and Wolfe. Absent: Erickson. Voting no: none. Motion carried.

The last motion was made by Covalt, seconded by Wolfe to delete veterinarian services as use by right in I Industrial District and leave animal hospital as a use by right.

I District: Sec. 5.62 Use by Right:

Delete #36 ~~Veterinarian~~ (Animal Hospital is #1 use)

Voting yes were Covalt, Wolfe, Heiden, Keep, Skov, Steinbrink, Stengel and Wietjes. Absent: Erickson. Voting no: none. Motion carried

All of these motions will be heard by the County Board at their October 11, 2011 meeting.

Lonnie Dickson, Regional Planner with Hanna Keelan Associates, P.C., was present to discuss changes to the existing Buffalo County Comprehensive Plan. He presented a listing of the livestock production trends from 1997 through 2007. He also discussed conservation districts south of I-80 and the Platte River.

The Commission also wanted parts of the Loup River shown in a conservation district. Lonnie told the Commission he would use the soil map and floodplain map to make this determination around the Loup River.

Lonnie had received the changes from the Commission's work session and will make the changes to the future land use map. Klein had made the new maps available to the Commission reflecting the changes they had requested after the work session. Other goals were also discussed.

Old Business: Moved by Skov, seconded by Steinbrink to approve the minutes of the August 18, 2011 and the September 6, 2011 meeting as mailed. Voting yes: Skov, Steinbrink, Covalt, Heiden Keep, Stengel, Wietjes and Wolfe. Voting no: none. Absent: Erickson. Motion passed.

The next meeting of the Planning & Zoning Commission will be on October 20, 2011 at the Buffalo County Courthouse.

Moved by Covalt to adjourn at 8:15 P.M.