

MINUTES OF PLANNING & ZONING COMMISSION
NOVEMBER 17, 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 November 17, 2011. Present were: Ken Erickson, Marlin Heiden, Leonard Skov, Paul Steinbrink, Sr., Gwen Stengel and Craig Wietjes. Absent: Karin Covalt, Willie Keep and Loye Wolfe. Also attending were Deputy County Attorney Andrew Hoffmeister, 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. There was no one that addressed 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 submitted by Bryan Newcomb for an agriculture service establishment for Lot 3, H.R. Subdivision, a subdivision being part of the North Half of the Southwest Quarter of Section 10, Township 9 North, Range 15 West of the 6th p.m., Buffalo County, Nebraska. The hearing was continued from the October meeting.

Bryan Newcomb was present and told the Commission he did find where the well was located on his property. As far as the pipe that leads to the ditch, Bryan would just close up the pipe so nothing can drain into the County ditch. There is more property than what they originally had thought. They have found the existing stakes that shows the property line of the lot. The well is located on this property.

Hoffmeister told the Commission the question is if the use would fit this lot. We can't guarantee whether there is a well.

Heiden asked if he intended to live in the building. Newcomb responded not at this time. He might want to build a house at this location in the future.

Klein reminded the Commission we do have a waiver from Sweetwater Cattle Co., L.L.C. for this special use permit.

Skov asked if the house is an issue. Hoffmeister responded not at this time. If they would want a house at a later time, he would have to come back with that request.

There was no one present from the public who had any opposition.

Chairperson Wietjes closed the public hearing at 7:12 P.M.

Hoffmeister told the Commission each lot has one use.

Motion was made by Erickson, seconded by Heiden to forward this special use permit to the County Board with approval for an amendment of the special use permit previously approved. This is for an agriculture service establishment located on property described as Lot 3, H.R. Subdivision a subdivision being part of the North half of the Southwest Quarter of Section 10, Township 9 North, Range 15 West of the 6th p.m., Buffalo County, Nebraska. Voting yes: Erickson, Heiden, Skov, Steinbrink, Stengel and Wietjes. Voting no: none. Absent: Covalt, Keep and Wolfe.

Klein said this would be heard before the County Board at their December 13, 2011 meeting and notices would again be mailed out.

Chairperson Wietjes opened up the public hearing at 7:15 PM for a special use permit filed by NE Colorado Cellular, Inc. d/b/a/ Viaero Wireless for a telecommunications tower site for property located in part of the Southeast Quarter of the Southeast Quarter of Section 2, Township 10 North, Range 16 West of the 6th p.m., Buffalo County, Nebraska.

Chris Riha, site acquisition manager, was present and told the Commission Viaero wants to put up a telecommunications tower between Kearney and Pleasanton to provide better service in this area. They will be purchasing the three plus acres from Mr. & Mrs. Pankas. The height of the tower would be 174' instead of the 195' tower as shown on the attached application. They also provide telecommunications for ATT & T Mobile. They would have a 6' chain link fence around the tower site and also a back up generator along with a 1,000 gallon propane tank. The tower would be a self-support lattice tower base equipped with antennas and microwave dishes. They also would have a 9' x 17' building to house electronic equipment. They also are getting approval from State & Federal authorities. Riha went through the application with the Commission. The tower will not be in anyone's picture window.

Hoffmeister asked if the setbacks would be 1 ½ times back from property line? Riha replied they would be 100% back from the property lines.

Heiden asked what would happen if the tower collapsed.

Riha said they are built in 20' sections and would buckle at the sections.

There was no one from the public who voiced any concerns.

Chairperson Wietjes closed the public hearing at 7:25 P.M.

Moved by Skov, seconded by Stengel to forward this special use permit to the County Board with approval with the following three conditions as listed below on a tract of land being part of

the Southeast Quarter of the Southeast Quarter (SE ¼ SE ¼), Section Two (2), Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast corner of said Southeast Quarter and assuming the South line of said Southeast Quarter as bearing S 89° 03'11" W and all bearings shown hereon are relative thereto thence S 89° 03'11" W on said South line a distance of 1004.77 feet; thence N 00° 57'26" W, leaving said South line, a distance of 724.06 feet to the ACTUAL POINT-OF-BEGINNING; thence continuing N 00° 57'26" W a distance of 300.00 feet; thence N 85 °30'09" E a distance of 420.81 feet; thence S 00 °57'14" E a distance of 325.98 feet; thence S89° 02'32" W a distance of 419.99 feet to the point of beginning. Containing 3.02 acres, more or less.

Access Easement A 20.00 foot wide access easement with the centerline described as follows; Referring to the Southeast Corner of the Southeast Quarter of Section Two (2), Township Ten (10) North, Range Sixteen (16) West, of the Sixth Principal Meridian, Buffalo County, Nebraska, and assuming the South line of said Southeast Quarter as bearing S 89°03'11" W and all bearings shown hereon are relative thereto; thence S 89°03'11" W on said South line a distance of 490.05 feet; thence N 00°56'49" W and perpendicular to said South line a distance of 33.00 feet to a point on the North Right-of-Way of a county road, and the Point-of-Beginning; thence N 03°44'27" W a distance of 333.23 feet; thence N 26°09'26" W a distance of 110.06 feet; thence N 05°32'26" W a distance of 269.30 feet; thence S 89°00'08" W a distance of 10.17 feet to the Point-of-Termination, said point being 10.00 feet North of the Southeast corner of above described tract.

1. Subdivision approval
2. One times height of tower setback from adjoining property site.
3. Back-up generator.

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

Klein said this would be heard by the County Board on December 13, 2011 and notices would again be mailed to adjacent property owners.

Chairperson Wietjes opened the next hearing at 7:26 P.M. filed by Trenton Snow on behalf of DS Farms for a zoning map amendment on property described as a tract of land being part of Government Lot one (1) and part of the Southwest Quarter (SW ¼) of Section Twenty-six (26), Township Nine (9) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, containing 10.01 acres, more or less. Currently this parcel is zoned Agricultural and they wish to re-zone this to Industrial. Trenton Snow and Neil Benson with M & N Millwright were present and Trenton told the Commission his client would like this property to be rezoned to Industrial. There is industrial property to the west and also to the south. It fits into what has been previously re-zoned and does comply with the Comprehensive Plan. There are private easements both on the south and north side of the properties to the west. They have applied for access to Highway 30 with the Nebraska State Department of Roads but they also have an ingress-egress over the north and south of the property to the west of the site.

Hoffmeister asked what the parcels surrounding were zoned. Snow replied the area to the west and south are zoned Industrial.

Erickson agreed this fits into the plan.

There were no comments from the public.

Chairperson Wietjes closed the public hearing at 7:31 P.M.

Moved by Steinbrink, seconded by Heiden to forward this zoning map amendment to the County Board with recommendation this property be rezoned from Agricultural to Industrial for property located on a tract of land being part of Government Lot one (1) and part of the Southwest Quarter (SW ¼) of Section Twenty-six (26), Township Nine (9) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of the Southwest Quarter of said Section 26 and assuming the West line of said Southwest Quarter as bearing South and all bearings contained herein are relative thereto; thence South on the aforesaid West line a distance of 1656.62 feet to a point on the northerly right-of-way line of the Union Pacific Railroad, thence N 73°13'15" E on the aforesaid right-of-way line a distance of 987.02 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 73°13'15" E on the aforescribed course a distance of 817.82 feet; thence NORTH parallel with the west line of said Southwest Quarter a distance of 438.97 feet; thence West a distance of 783.0 feet; thence South parallel with the aforesaid West line a distance of 675.06 feet to the place of beginning, containing 10.01 acres, more or less.

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

This will also be heard by the County Board on December 13, 2011 and notices will again be mailed to adjacent property owners.

Old Business: Moved by Erickson, seconded by Heiden to approve the minutes of the October 20, 2011 as mailed. Voting yes: Erickson, Heiden, Skov, Steinbrink, Stengel and Wietjes. Voting no: none. Absent: Covalt, Keep and Wolfe. Motion passed.

Klein handed out the proposed land use map to the Commission. Hoffmeister and the Commission discussed the proposed land use map. The detailed map would be shown on the zoning map, not on the land use map. They also discussed the events the past 10 years and how things have changed. Half of the school districts no longer exist. There are going to be more people living out in the County and we need to channel new residences close to hard-surfaced roads.

Lonnie Dickson, regional planner with Hanna Keelan Associates, P.C., was present. Hoffmeister suggested some changes in the land use map.

Lonnie handed out the comprehensive plan update with the 10-year County vision. Lonnie said this would give everyone time to look this over if there are any changes. Discussion followed on

the information handed out. It was agreed to have a work session sometime during the month of January to go over some of this information.

Motion was made by Erickson, seconded by Skov to enter into executive session at 8:20 P.M. to discuss zoning litigation. In addition to Commission members, Zoning Administrator LeAnn Klein was present. Voting yes were Erickson, Skov, Heiden, Steinbrink, Stengel and Wietjes. Voting no: none. Absent: Covalt, Keep and Wolfe.

Motion was made by Skov, seconded by Erickson to move out of executive session at 8:31 P.M. and resume the open meeting. Voting yes were Skov, Erickson, Heiden, Steinbrink, Stengel and Wietjes. Voting no: none. Absent: Covalt, Keep and Wolfe.

The next meeting of the Planning & Zoning Commission will be on December 15, 2011 at the Buffalo County Courthouse.

Moved by Heiden to adjourn at 8:32 P.M.