

MINUTES OF PLANNING & ZONING COMMISSION
DECEMBER 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 December 15, 2011. Present were: Ken Erickson, Marlin Heiden, Willy Keep, Leonard Skov, Paul Steinbrink, Sr., Gwen Stengel, Craig Wietjes and Loye Wolfe. Absent: Karin Covalt. Also attending were Deputy County Attorney Melodie Bellamy, Zoning Administrator LeAnn Klein and six 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 zoning map amendment submitted by Trenton Snow on behalf of Vontz Paving Inc. for an irregular shaped parcel in the Northeast Quarter of the Northeast Quarter containing 2.906 acres, more or less and a tract of land being part of the Northeast Quarter of the Northeast Quarter (NE ¼ NE 1/4) containing 3.86 acres, more or less, for a total of 6.766 acres, all located in Section 26, Township 9 North, Range 13 West of the 6th p.m., Buffalo County, Nebraska.

Trenton Snow and Brad Vontz were present and told the Commission they want to rezone this property from Agricultural to Industrial. It is next to a paved road, north of this site is also industrial, the interstate is to the south and the railroad is to the south and west of this property. This would be a good fit for this area.

Heiden asked when they would like to get started. Vontz replied they would like to put in an asphalt plant as soon as possible. They have two projects coming up on the Interstate and this would be a great location to put an asphalt plant for future use. He has been working with the owner of the property to the north and is hoping to get an easement going farther to the northwest. They would be keeping the same contour of the land.

Ken asked about the number of access roads. Vontz replied there are two and are existing.

Heiden asked how many trucks they would have per day. Vontz replied between 70-100 trucks per day. Most of the traffic would be going to the interstate.

Keep asked about the time frame. They would start milling I-80 in April.

Wolfe asked about the hours of operation. Vontz replied between sunrise and sunset.

Skov asked if they would be done by July. They will be storing millings on this property and would re-cycle the millings.

Deputy County Attorney Bellamy reminded the Commission this is just a rezoning from Agricultural to Industrial.

There was no one in the audience who spoke in favor or opposition.

Chairperson Wietjes closed the public hearing at 7:19 P.M.

Wietjes commented this does comply with the future land use map in the Comprehensive Plan.

Motion was made by Erickson, seconded by Heiden to forward this zoning map amendment from Agricultural to Industrial to the County Board with approval for an irregular shaped parcel or tract of land situated in the NE ¼ NE ¼ of Section 26, Township 9 North, Range 13 West of the 6th Principal Meridian, in Buffalo County, Nebraska, said parcel being more particularly described as follows:

Commencing at the Southeast Corner of the NE ¼ NE ¼ of Section 26, Township 9 North, Range 13 West; thence west along the south line of said NE ¼ NE ¼ to a point 50.00 feet distant westerly, as measured at right angles, from the east line of said Section 26, said point being in the west right of way line of SSR 100 Link (CR82/Shelton Road) and the TRUE POINT OF BEGINNING; thence northerly along said right of way of said road, parallel with and 50.0 feet distant westerly, as measured at right angles, from said east line or said Section 26, a distance of 184.40 feet to a point of angle; thence deflecting right 9° 54' along said right of way line a distance of 101.40 feet to a point of angle; thence deflecting left 9° 54' along said right of way line a distance of 80.60 feet to a point for the northeast corner of herein described parcel; thence deflecting left 106° 45' a distance of 559.15 feet, more or less, to a point 50.0 feet distant northeasterly, as measured radially, from the northeasterly right of way line of Union Pacific Railroad company (predecessor to Hastings and North West Railroad Company); thence southeasterly along said right of way line of said railroad company, concentric with and 50.00 feet distance northeasterly, as measured radially, from said northeasterly right of way line of said railroad company, a distance of 294.19 feet to a point in aforesaid south line of said NE ¼ NE ¼; thence east along said south line of said NE ¼ NE ¼ a distance of 307.44 feet, more or less, to a point in aforesaid east line of said Section 26 and the TRUE POINT OF BEGINNING, containing an area of 2.906 acres, more or less, AND a tract of land being part of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section Twenty-six (26), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of the Northeast Quarter of the Northeast Quarter of said Section 26 and assuming the East line of the Northeast Quarter of the Northeast Quarter of said Section 26 as bearing N 00° 06' 54" W and all bearings contained herein are relative thereto; thence N 89° 59' 19" W and on the South line of the Northeast Quarter of the Northeast Quarter of said Section 26 to a point 50.0 feet Westerly of as

measured at right angles from the East line of said Section 26, said point also being on the West Right-of-Way line of Highway Link 10-D (Shelton Road); thence N 00° 06' 54" W on the aforesaid West Right-of-Way line a distance of 184.4 feet to a point being 50.0 feet Westerly of as measured at right angles from the East line of said Section 26; thence N 09° 47' 06" E and continuing on the aforesaid West Right-of-Way line a distance of 101.4 feet to a point being 33.0 feet Westerly of as measured at right angles from the East line of said Section 26; thence N 00° 06' 54" W and continuing on the aforesaid West Right-of-Way line a distance of 80.6 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being 33.0 feet Westerly of as measured at right angles from the East line of said Section 26; thence continuing N 00° 06' 54" W and on the aforesaid West Right-of-Way line a distance of 155.4 feet to a point being 33.0 feet Westerly of as measured at right angles from the East line of said Section 26; thence S 89° 53' 06" W and continuing on the aforesaid West Right-of-Way line a distance of 7.0 feet to a point being 40.0 feet Westerly of as measured at right angles from the East line of said Section 26; thence N 00° 06' 54" W and continuing on the aforesaid West Right-of-Way line a distance of 103.58 feet to a point being 40.0 feet Westerly of as measured at right angles from the East line of said Section 26; thence leaving said West Right-of-Way line S 73° 08' 08" W a distance of 790.91 feet to a point on the Northerly line of a tract of land deeded to the Union Pacific Railroad Company as described on the Warranty Deed filed at Inst. No. 98-9790 on December 31, 1998 in the office of the Buffalo County Register of Deeds; thence Southeasterly on a 3919.72 foot radius curve, concave Southwesterly, and continuing on the Northerly line of the aforesaid tract of land deeded to the Union Pacific Railroad Company an arc distance of 299.18 feet to a point being S 50° 10' 15" E a chord distance of 299.36 feet from the previously described point; thence leaving said non-tangent curve and the aforesaid Northerly line of the tract of land deeded to the Union Pacific Railroad Company N 73° 08' 08" E a distance of 559.15 feet to the place of beginning. Containing 3.86 acres, more or less.

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

Chairperson Wietjes opened up the public hearing at 7:20 PM for a rezoning amendment filed by Trenton Snow on behalf of Vontz Paving, Inc. for property located in part of the Northeast Quarter of the Northeast Quarter, part of Government Lot 2 and accretion land abutting Government Lot 2 located in Section 26, Township 9 North, Range 13 West of the 6th Principal Meridian, in Buffalo County, Nebraska, containing 24.87 acres, more or less.

Trenton Snow was present and told the Commission they would like to rezone this area from Agricultural to Industrial. This parcel is southwest of the first rezoning and the railroad divides these two parcels. This is the same area and same vicinity. Access would be as shown on the aerial picture which crosses the Union Pacific Railroad.

Stengel asked if there would be offices and restroom facilities. Vontz replied probably not.

Erickson asked if they would keep the millings on this property but Vontz replied they would probably keep the millings on the smaller parcel next to the road.

Steinbrink asked who owns the property to the south of this 24.87 acre parcel and how do they get access to their property.

Klein told the Commission this property is owned by Triple W. Inc.

Snow responded they get their access from the south of the property.

Keep asked if there was a pit in the northwest corner.

Vontz said someone had started a pit but never finished it.

C. Raye Woodman was present and told the Commission he has concerns about water issues on this property. He owns the property across the road on the east side of Shelton Road. Woodman stated the culvert isn't large enough to handle the water.

Wietjes asked if the water comes from the north. Woodman replied the water is coming from the west.

Vontz asked Woodman if they need a bigger culvert.

Erickson told him that is an issue he needs to contact the Highway Department about.

Wolfe asked if they put in a gravel pit, will it change the flow of the water. Vontz replied he would not be changing the flow of the water.

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

Moved by Stengel, seconded by Skov to forward this zoning map amendment from Agricultural to Industrial to the County Board with approval on a tract of land being part of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼), part of Government Lot Two (2) and accretion land abutting Government Lot 2, all in Section Twenty-six (26), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southwest Corner of Government Lot 2 in Section 26 and assuming the West line of said Government Lot 2 as bearing N 00° 00' 38" W and all bearings contained herein are relative thereto; thence N 00° 00' 38" W and on the West line of said Government Lot 2 a distance of 1057.33 feet to a point on the Southerly line of a tract of land deeded to the Union Pacific Railroad Company as described on the Warranty Deed filed at Inst. No. 98-9790, filed on December 31, 1998, in the Buffalo County Register of Deeds office; thence S 63° 55' 57" E and on the Southerly line of the aforesaid tract of land deeded to the Union Pacific Railroad Company a distance of 1173.37 feet to a point of curvature; thence on a 3619.72 foot radius curve to the right and continuing on the aforesaid Southerly line of a tract of land deeded to the Union Pacific Railroad Company an arc distance of 977.17 feet to a point on the South line of the Northeast Quarter of the Northeast Quarter, said point also being S 56° 12' 37" E a chord distance of 974.47 feet from the previously described point; thence N 89° 59' 19" W and on the South line of the Northeast Quarter of the Northeast Quarter and the South line

of Government Lot 2 in said Section 26 a distance of 1863.43 feet to the place of beginning. Containing 24.87 acres, more or less.

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

Chairperson Wietjes opened the next hearing at 7:32 P.M. filed by Trenton Snow on behalf of Vontz Paving Inc. for a special use permit for a gravel pit on property described as a tract of land being part of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼), part of Government Lot Two (2) and accretion land abutting Government Lot 2, all in Section Twenty-six (26), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska, containing 24.87 acres, more or less.

Keep asked if we could go ahead and hear this application before the County Board hears this since it was contingent on the rezoning being approved.

Bellamy responded they could go ahead and hear this because if the County Board doesn't approve the rezoning, this special use permit is null and void.

Keep asked if they would be selling gravel to the public. Vontz replied probably not. They would sell gravel to the County.

Erickson asked if they had run tests already for the gravel. Vontz replied no, they hadn't.

Keep asked if he would be selling the gravel to the public. Vontz replied he might work with a local gravel producer or sell it to the County.

Vontz did comment he would need longer time to begin than the 120 days required, since he will have to go through other Government agencies to get this started.

There were no comments from the public.

Chairperson Wietjes closed the public hearing at 7:40 P.M.

Moved by Wolfe, seconded by Steinbrink to forward this special use permit for a gravel pit to the County Board with recommendation of approval with one condition for property on a tract of land being part of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼), part of Government Lot Two (2) and accretion land abutting Government Lot 2, all in Section Twenty-six (26), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southwest Corner of Government Lot 2 in Section 26 and assuming the West line of said Government Lot 2 as bearing N 00° 00' 38" W and all bearings shown herein are relative thereto; thence N 00° 00' 38" W and on the West line of said Government Lot 2 a distance of 1057.33 feet to a point on the Southerly line of a tract of land deeded to the Union Pacific Railroad Company as described on the Warranty Deed filed at Inst. No. 98-9790, filed on December 31, 1998, in the Buffalo County Register of Deeds Office; thence S 63° 55' 57" E and on the Southerly line of the aforesaid tract

of land deeded to the Union Pacific Railroad Company a distance of 1173.37 feet to a point of curvature; thence on a 3619.72 foot radius curve to the right and continuing on the aforesaid Southerly line of a tract of land deeded to the Union Pacific Railroad Company an arc distance of 977.17 feet to a point on the South line of the Northeast Quarter of the Northeast Quarter, said point also being S 56° 12' 37" E a chord distance of 974.47 feet from the previously described point; thence N 89° 59' 19" W and on the South line of the Northeast Quarter of the Northeast Quarter and the South line of Government Lot 2 in said Section 26 a distance of 1863.43 feet to the place of beginning. Containing 24.87 acres, more or less.

1. 366 days to commence the start of the special use permit

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

Klein said all three of these hearings would be heard before the County Board at their January 10, 2012 meeting and notices would again be mailed out to adjacent property owners.

The Commission told Mr. Woodman to attend the County Board hearing since they have the final approval of these applications.

Bellamy told Woodman if he has any concerns with water issues, he needs to attend the County Board meeting.

Old Business: Moved by Skov, seconded by Heiden to approve the minutes of the November 17, 2011 as mailed. Voting yes: Skov, Heiden, Erickson, Keep, Steinbrink, Stengel, Wietjes and Wolfe. Voting no: none. Absent: Covalt. Motion passed.

The next meeting of the Planning & Zoning Commission will be on January 19, 2012 at the Buffalo County Courthouse.

Moved by Erickson to adjourn Sine Die at 7:48 P.M.