

MINUTES OF PLANNING & ZONING COMMISSION
NOVEMBER 21, 2013
BUFFALO COUNTY COURTHOUSE BOARD ROOM
7:00 P.M.

Chairperson Scott Brady opened the meeting at 7:00 P.M. at the Buffalo County Courthouse board room in Kearney, NE with a quorum present on November 21, 2013.

Present were: Scott Brady, Ken Erickson, Marlin Heiden, Willie Keep, Richard Skelton, Paul Steinbrink Sr., Gwen Stengel and Loye Wolfe. Absent: Leonard Skov. Also attending were Deputy County Attorney Andrew W. Hoffmeister, Deputy County Attorney Kari Fisk, Zoning Administrator LeAnn Klein and five members of the public.

Notice of the meeting was given in advance thereof by publication in the legal newspaper. A copy of the proof of publication is on file in the Zoning Administrator's office. Advance notice of the meeting was also given to the Planning & Zoning Commission and availability of the Agenda was communicated in the advance notice. The agenda is available for anyone wanting a copy of the agenda.

Chairperson Brady announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and we do abide by the Open Meetings Act.

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

Chairperson Brady opened the public hearing at 7:01 for a vacation of plat, submitted by Trenton Snow on behalf of Donald and Debra Schauer, on the following legal description: Lot 10, Block 4 Homestead Subdivision, a subdivision being part of the East Half of the Northwest Quarter (E ½ NW ¼) of Section Twenty (20), Township Nine (9) North, Range Sixteen (16) West of the 6th p.m., Buffalo County, Nebraska.

Trenton Snow and Donald and Debra Schauer were present to address the Commission. Trenton stated it was a corner lot that they wanted to vacate. This lot was just one acre and they want to purchase an additional 2 ½ acres so they would then own 3 ½ acres total. They would re-plat the entire parcel into a new lot. There is an existing home on Lot 10.

Heiden had a question on the plat. Snow replied it showed the detail in that corner of the lot.

Erickson questioned if Lot 10 would be vacated.

Hoffmeister told the Commission this is the first time they would have a vacation of a parcel of land.

Wolfe asked if the entrances and exits would remain the same. Schauer replied they would remain the same. He explained he would be planting fruit trees and there would be no additional structures.

Heiden asked if there would be any easements on this property. Snow responded the easements would be shown after the Administrative Subdivision is created.

Keep asked why they couldn't be left alone. Hoffmeister replied this is a nonconforming lot.

Brady closed the public hearing at 7:10 P.M.

Motion was made by Stengel, seconded by Heiden, to vacate this lot and forward to the County Board with approval on the following legal description: Lot 10, Block 4 Homestead Subdivision, a subdivision being part of the East Half of the Northwest Quarter (E ½ NW ¼) of Section Twenty (20), Township Nine (9) North, Range Sixteen (16) West of the 6th p.m., Buffalo County, Nebraska.

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

The next hearing was opened at 7:15 P.M. that Section 3.20 of the subdivision regulations be amended.

Hoffmeister explained the following changes. Discussion followed. The hearing was closed at 7:40 P.M.

A motion was made by Wolfe, seconded by Skelton, that the following is forwarded to the County Board with approval with the changes as noted below:

3.20 MINOR SUBDIVISION CHANGES Minor Subdivision changes may be used after approval of Final Plat or division of Final Plat for dividing one (1) lot into two (2) parts, combining two (2) or more lots (or parts of lots) into one (1) parcel, or a combination thereof; or moving lot line between two abutting lots or several lots that have a common lot line. This definition shall apply only once to any subdividing transaction or conveyance involving any specific lot or combination of lots. Transaction or conveyances classified, as minor subdivision changes are hereby deemed not to constitute a "subdivision" for purposes of this regulation.

A. **Conditions** The following conditions shall be fulfilled to allow such change(s):

1. **Improvements** All required improvements shall have been installed and be available to the resulting parcel(s).
2. **No changes in Dedications to Public** There can be ~~new~~ no dedication and/or change of public rights-of-way, excepting dedications of additional street right of way that are needed to make the street width compliant with minimum design standards. Any easement occupied by a utility cannot be changed.
3. **Remaining Parcels Must Comply with Zoning Laws** All resulting parcel(s) of land shall comply with all other applicable zoning and subdivision regulations in effect at time of submittal of such application.

4. **Utility companies notified** Party requesting change must provide written proof of all utilities that no utility occupies the easements to be moved.

Voting yes were Wolfe, Skelton, Brady, Erickson, Heiden, Keep, Steinbrink and Stengel.
Absent: Skov. Motion carried.

The last hearing was opened at 7:42. Again discussion followed. Hoffmeister said we need to amend our subdivision regulations so that we are using consistent terminology for our street descriptions. We need to adopt the street classifications used in our last Comprehensive Plan. The hearing was closed at 8:04.

A motion was made by Erickson, seconded by Heiden, to forward the following to the County Board with a favorable recommendation as follows:

Sec. 4.03 STREET, ROAD AND OTHER RIGHT-OF-WAY The location of highways, streets, roads and other rights-of-way shall conform to the locations designated in the Comprehensive Plan. Unless designated a higher use in the Comprehensive Plan, all proposed or existing roads, whether previously vacated or unopened, located upon section lines shall minimally be considered rural ~~minor~~ local collectors.

The minimum right-of-way widths shall be as follows:

Type	Right-of-Way Width
State and Federal Highways <u>Expressways</u>	80 feet (6-11-13)
Rural Principal Major and Other Arterials	80 feet (6-11-13)
Rural Minor Arterials	80 feet
(Paved and potential paved streets and roads shown on future Street and Road Network Maps in the Comprehensive Plan.)	
Rural major collectors	80 feet
Rural minor Collectors	80 feet
<u>Rural local</u>	<u>80 feet</u>
Minimum Maintenance	80 feet
Interior streets of land	
Sought to be subdivided	66 feet
Cul-de-Sacs	66 foot radius
Alleys	20 feet

When streets and roads adjoin unsubdivided property, a half right-of-way of at least forty (40) feet in width shall be dedicated. Whenever subdivided property adjoins a half right-of-way, the remainder of the street shall be dedicated. Half rights-of-way should be avoided.

In all cases of permanent dead-end streets and roads, cul-de-sac rights of-way shall be dedicated. Streets and roads ending in a cul-de-sac shall not be longer than six-hundred (600) feet. This may be extended when topographical rise and fall of cul-de-sac street does not exceed six (6) feet from highest elevation to lowest elevation of road measured from center of street at intersection of entry to cul-de-sac road to furthest point of cul-de-sac from intersection.

Alleys shall not be provided in a residential subdivision except under very unusual conditions. Alleys may be required in the rear of commercial and industrial lots.

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

Old Business: Moved by Wolfe, seconded by Skelton to approve the minutes of the July 18, 2013 as mailed. Voting yes: Wolfe, Skelton, Brady, Erickson, Heiden, Keep, Steinbrink and Stengel. Voting no: none. Absent: Skov. Motion carried.

Other items were discussed.

The next meeting of the Planning & Zoning Commission will be December 19, 2013 at 7:00 P.M. if needed.

Chairperson Brady adjourned the meeting at 8:08 P.M.