

MINUTES OF PLANNING & ZONING COMMISSION  
JUNE 19, 2014  
BUFFALO COUNTY COURTHOUSE  
7:00 P.M.

Chairperson Scott Brady opened the meeting at 7:00 P.M. at the Buffalo County Courthouse in Kearney, NE with a quorum present on June 19, 2014.

Present were: Scott Brady, Ken Erickson, Marlin Heiden, Willie Keep, Richard Skelton, Leonard Skov, Paul Steinbrink, Sr., and Loye Wolfe. Absent: Gwen Stengel. Also attending were Deputy County Attorney Kari Fisk, Zoning Administrator LeAnn Klein and 2 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 7:00 P.M. There was no one present to address the Commission. The public forum closed at 7:00 P.M.

Chairperson Brady opened the public hearing at 7:01 P.M. for a zoning map amendment submitted by Mitchell Humphrey on behalf of Shane Roach from Agricultural to Industrial on the following legal description: a tract of land being part of Government Lot 2 located in Section 30, Township 9 North, Range 14 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest corner of Government Lot 2 located in Section 30 and assuming the West line of Government Lot 2 and Government Lot 1 located in Section 30 as bearing N 00° 09' 30" E and all bearings contained herein are relative thereto; thence N 00° 09' 30" E and on the West line of Government Lot 2 located in said Section 30 a distance of 741.00 feet; thence leaving the West line of Government Lot 2 located in said Section 30, S 89°23'57" E a distance of 40.0 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the East line of a tract of land as described on Warranty Deed recorded in Book 204 of Deeds on page 358 filed on May 12, 1970 in the Office of the Buffalo County Register of Deeds, and said point being the Northwest Corner of a tract of land as described on Warranty Deed recorded at Inst. No. 2006-9012 filed on November 22, 2006 in the Office of the Buffalo County Register of Deeds, thence leaving the East line of said tract of land as described on Warranty Deed recorded in Book 204 of Deeds on page 358 and continuing S 89° 23' 57" E on the North line of said tract of land as described on Warranty Deed recorded at Inst. No. 2006-9012 a distance of 246.0 feet to the Northeast Corner of said tract of land as described on Warranty Deed recorded at Inst. No. 2006-9012, thence N 00° 09'30" E, parallel with the West line of Government Lot 2 located in said Section 30, a distance

of 470.58 feet to a point on the South line of the Union Pacific Railroad Company's right-of-way; thence S 73° 29'27" W and on the South line of the Union Pacific Railroad Company's right-of-way a distance of 257.04 feet to a point on the East line of said tract of land as described on Warranty Deed recorded in Book 204 of Deeds on page 358; thence leaving the South line of the Union Pacific Railroad Company's right-of-way, S 00° 09' 30" W, parallel with the West line of Government Lot 2 located in said Section 30 and on the East line of said tract of land as described on Warranty Deed recorded in Book 204 of Deeds on page 358 a distance of 394.94 feet to the place of beginning. Containing 2.45 acres, more or less.

Mitchell Humphrey was present representing Shane Roach and the Lowe family. This property is located south of Highway 30 and on the east side of Highway 10 east of Kearney and south of the railroad tracks. Shane has an existing concrete plant at this location and he wants to expand his business. Shane is purchasing a 2.45 acre parcel from the Lowe family. Shane has a special use permit where he has his concrete business. He also resides at this location. He wants to rezone this 2.45 acre parcel to industrial to suit his needs and expand his business. The tract to the north of the parcel is zoned industrial. This would be located next to the railroad. The area to the north is zoned industrial and there is also a piece to the south that is zoned industrial.

Heiden asked where the access would be. Humphrey responded there is an existing field driveway. Any new access or expanded access would be controlled by the State of Nebraska.

Brady asked if the special use permit would be changed in any way. Humphrey told the Commission they would leave the special use in place since he has a home at this location.

Wolfe asked if it would just be an expansion of his business. Humphrey replied it would.

Erickson said the intention was that both sides would be industrial along Highway 10.

Skov said this property could be sold as industrial. Humphrey said that is not going to happen. Shane wants to be operational as soon as possible.

Fisk stated Roach had been in contact with the County Attorney's office through his attorney and they are just waiting for the hearings to be concluded before they are operational.

Wolfe appreciates the fact there are no houses close by. She also said they at least have a plan.

Humphrey also stated it is right off the highway.

There was no one present in opposition at the hearing.

Brady closed the public hearing at 7:15 P.M.

Keep said it is less than 3 acres and they are tying it in with the special use permit and there is a plan. There is room for a concrete batch plant at this location.

Motion was made by Keep, seconded by Erickson to approve the rezoning request submitted by Mitchell Humphrey on behalf of Shane Roach from Agricultural (A) to Industrial (I) and forward this application with approval to the County Board on the following legal description: a tract of land being part of Government Lot 2 located in Section 30, Township 9 North, Range 14 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest corner of Government Lot 2 located in Section 30 and assuming the West line of Government Lot 2 and Government Lot 1 located in Section 30 as bearing N 00° 09' 30" E and all bearings contained herein are relative thereto; thence N 00° 09' 30" E and on the West line of Government Lot 2 located in said Section 30 a distance of 741.00 feet; thence leaving the West line of Government Lot 2 located in said Section 30, S 89°23'57" E a distance of 40.0 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the East line of a tract of land as described on Warranty Deed recorded in Book 204 of Deeds on page 358 filed on May 12, 1970 in the Office of the Buffalo County Register of Deeds, and said point being the Northwest Corner of a tract of land as described on Warranty Deed recorded at Inst. No. 2006-9012 filed on November 22, 2006 in the Office of the Buffalo County Register of Deeds, thence leaving the East line of said tract of land as described on Warranty Deed recorded in Book 204 of Deeds on page 358 and continuing S 89° 23' 57" E on the North line of said tract of land as described on Warranty Deed recorded at Inst. No. 2006-9012 a distance of 246.0 feet to the Northeast Corner of said tract of land as described on Warranty Deed recorded at Inst. No. 2006-9012, thence N 00° 09'30" E, parallel with the West line of Government Lot 2 located in said Section 30, a distance of 470.58 feet to a point on the South line of the Union Pacific Railroad Company's right-of-way; thence S 73° 29'27" W and on the South line of the Union Pacific Railroad Company's right-of-way a distance of 257.04 feet to a point on the East line of said tract of land as described on Warranty Deed recorded in Book 204 of Deeds on page 358; thence leaving the South line of the Union Pacific Railroad Company's right-of-way, S 00° 09' 30" W, parallel with the West line of Government Lot 2 located in said Section 30 and on the East line of said tract of land as described on Warranty Deed recorded in Book 204 of Deeds on page 358 a distance of 394.94 feet to the place of beginning. Containing 2.45 acres, more or less. Voting yes were Keep, Erickson, Brady, Heiden, Skelton, Skov, Steinbrink and Wolfe. Voting no: none. Absent: Stengel. Motion carried.

Klein said this would be heard by the County Board on July 8, 2014.

Old Business: Moved by Erickson, seconded by Skov to approve the minutes of the May 1, 2014 as mailed. Voting yes: Erickson, Skov, Brady, Heiden, Keep, Skelton, Steinbrink and Wolfe. Voting no: none. Absent: Stengel. Motion carried.

Other items were discussed.

The next meeting of the Planning & Zoning Commission will be held July 17, 2014 at 7:00 P.M if needed.

Chairperson Brady adjourned the meeting at 7:23 P.M.