

MINUTES OF PLANNING & ZONING COMMISSION  
DECEMBER 18, 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 December 18, 2014.

Present were: Scott Brady, Marlin Heiden, Willie Keep, Leonard Skov, Paul Steinbrink, Sr., Marc Vacek, Randy Vest and Loye Wolfe. Absent: Richard Skelton. Also attending were Deputy County Attorney Kari Fisk, Zoning Administrator LeAnn Klein and 7 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 special use permit submitted by Jeffrey Skinner on behalf of Verizon Wireless Communications for a 198 foot wireless monopole tower on a parcel of land located in Government Lot 5 and also being the Southwest Quarter of the Northwest Quarter (SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ ) of Section 6, Township 8 North, Range 16 West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska and being more particularly described as follows: Commencing at the Northwest corner of said Government Lot 4, said point also being the northwest corner of said Section 6, thence S 00° 43' 34" E, 1,404.31 feet along the west line of said Section 6, thence N 90° 00' 00" E, 33.00 feet, more or less, to the east right-of-way line of Dove Hill Road; thence continue N 90° 00' 00" E, 142.06 feet; thence S 00° 00' 00" E 30.00 feet to the point of beginning; thence continue S 00° 00' 00" E, 100' feet; thence N 90° 00' 00" W, 100.00 feet; thence N 00° 00' 00" E, 100.00 feet; thence N 90° 00' 00" E, 100.00 feet to the point of beginning. Said land space contains 10,000 square feet or 0.23 acres, more or less, and is subject to any and all easements or agreements, recorded or unrecorded.

Jeffrey Skinner was present and told the board he is the representative for Verizon and they want to improve the coverage on the west side of Kearney. Their closest coverage is 3 miles to the east. They want to install a 198 foot monopole tower which will be on leased property. We designed the tower to accommodate Verizon plus two additional carriers. There will be landscaping around the tower and also have a chain link fence around the property. There will be parking around the site for any maintenance vehicles.

Klein asked if it would have a back-up generator. Skinner replied it would have a generator and it would be located inside the building.

Wolfe asked about the letter from the engineer regarding the fall zone of the tower. Skinner responded that according to the engineer's letter the fall zone meets the criteria which indicates the tower will be designed to collapse upon itself within 80'.

Fisk asked if they would have a 911 address and the County would require a 911 address at this location. Skinner said they would get a 911 address once the permit is approved.

Wolfe asked if they used a local engineer. Skinner replied this engineering firm is located at Sioux City, Iowa.

Wolfe also inquired what the range would be for service. Skinner responded it would be a 3-5 mile range. She also asked if they would ever upgrade to a bigger tower which Skinner said they would not.

Vacek asked to recap how large an area the tower would cover. Skinner said it would be about a 3-5 mile range.

Skinner said there are no close residences in this area other than Mr. Sheen who is the property owner.

James Bamford was present and he told the Commission he lives about 1 mile east of this property. He has concerns of the water issues that are in this area and also the drainage in this area.

Skinner told the Commission their engineers have researched this area and have also done soil composite studies. It's not in a floodplain nor is it wetlands.

They have also contacted the FAA and Fish and Wildlife to make sure there are no problems with this location.

Jim Bamford is concerned of the run off of water from the property. He questioned if a top of a hill wouldn't be a better location for a tower. He also questioned if this area wasn't in a floodplain.

Skinner told the Commission this property is not in a floodplain nor is it in wetlands. Their engineers have completed studies on this location and there is no requirement to raise up the building.

Wolfe asked what the diameter of the monopole. Skinner replied it was 8'. Skinner replied they would have a 29' x 11' shelter which would house the radio equipment and generator.

Brady questioned if this was the first in a series? Skinner said this was the only tower they were putting up.

Vacek asked if other carriers would co-locate on this tower. Skinner said that was the goal.

Wolfe asked if they would leave the plan as is. Skinner replied their plan meets the requirements of the City of Kearney, which is more restrictive.

Brady inquired if there was a provision for the abandonment for the tower of which Skinner said there was a provision in the lease agreement.

Since there are concerns of the water issues in this area, Skinner told the Commission they would be happy to provide a soil report for this area.

Brady asked if there was any chemical compound that would affect this site. Skinner replied no there wasn't.

Vest asked what type of generator would be at this location. Skinner said he didn't know what type of generator they would have. None of the fuel would be located outside. Everything would be housed in the building. The tower would be set on grade and there will be crushed rock at the site.

Keep asked about the fall zone of the tower. Fisk told the Commission the letter from the engineers shows the fall zone of this particular brand of tower.

Klein said she had talked to the manager of the City of Kearney's airport and he didn't have any concerns with the placement of the tower.

Chairperson Brady closed the public hearing at 8:05 P.M.

A motion was made by Skov, seconded by Heiden to forward this special use permit for a 198' wireless telecom monopole tower and radio building to the County Board with a favorable recommendation on the following legal description: a parcel of land located in Government Lot 5 and also being the Southwest Quarter of the Northwest Quarter (SW ¼ NW ¼) of Section 6, Township 8 North, Range 16 West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska and being more particularly described as follows: Commencing at the Northwest corner of said Government Lot 4, said point also being the northwest corner of said Section 6, thence S 00° 43' 34" E, 1,404.31 feet along the west line of said Section 6, thence N 90° 00' 00" E, 33.00 feet, more or less, to the east right-of-way line of Dove Hill Road; thence continue N 90° 00' 00" E, 142.06 feet; thence S 00° 00' 00" E 30.00 feet to the point of beginning; thence continue S 00° 00' 00" E, 100' feet; thence N 90° 00' 00" W, 100.00 feet; thence N 00° 00' 00" E, 100.00 feet; thence N 90° 00' 00" E, 100.00 feet to the point of beginning. Said land space contains 10,000 square feet or 0.23 acres, more or less, and is subject to any and all easements or agreements, recorded or unrecorded.

Voting yes were Skov, Heiden, Brady, Keep, Steinbrink, Vacek, Vest and Wolfe. Voting no: none. Absent: Skelton.

Klein said this would be heard by the County Board on January 13, 2015.

Chairperson Brady opened the public hearing at 7:40 P.M. for a zoning map amendment submitted by Mitch Humphrey on behalf of Donald Robert Rowe, Sr. from Agricultural to Agricultural-Residential on the following legal description: a tract of land being part of the Southeast Quarter of the Southwest Quarter (SE ¼ SW ¼ ) of Section Eighteen (18), Township Twelve (12) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest corner of Government Lot 4 in the Southwest Quarter of said Section 18 and assuming the South line of said Southwest Quarter as bearing EAST and all bearings contained herein are relative thereto; thence EAST and on the aforesaid South line a distance of 1663.42 feet to the ACTUAL PLACE OF BEGINNING; thence continuing EAST on the aforescribed course a distance of 40.0 feet; thence NORTH a distance of 496.76 feet; thence N 87° 29' E a distance of 91.0 feet; thence N 01° 14' W a distance of 520.0 feet; thence N 79° 33' W a distance of 207.68 feet; thence S 72° 45' W a distance of 201.11 feet; thence S 07° 53' E a distance of 346.0 feet; thence S 54° 55' E a distance of 280.0 feet; thence SOUTH a distance of 495.0 feet to the place of beginning. Containing 4.63 acres, more or less, of which 0.03 acres, more or less, are presently being used for road purposes on the South side.

Mitch Humphrey with Buffalo Surveying was present along with Donald Robert Rowe, Sr. This area is 4.63 acres and Mr. Rowe has owned the surrounding properties and has sold off the adjoining properties. There are two residences on this site, one house being built in 2001 located on the north edge of this property and the original home built in 1910 located to the south edge of this property. Mr. Rowe is asking to have this rezoned to Agricultural-Residential so they can split this into two separate parcels. Humphrey told the Commission he will prepare an Administrative Subdivision with two lots. He has checked with the State Department of Environmental Quality to get their approval. Currently there is one well site and two separate leech fields with separate septic systems. There is adequate space for any additional leech fields. The southern parcel will be 91,000 square feet and the balance of the acres will be added to the north parcel. Humphrey also told the Commission it is next to a hard surfaced road.

Heiden questioned how many other parcels are in the area. Humphrey told him there are 3 other homes in the area.

Vest said there are actually 4 homes in addition to the Rowe's homes.

Heiden has concerns of the long road. He asked if there would be an easement to the north property owners.

Humphrey doesn't have any concerns with the road. It would be different if they were going to develop 4-5 lots but there are only two properties here.

Wolfe questioned the drainage in this area.

Fisk asked what the other buildings were in the area. Humphrey said they were agricultural buildings.

Brady said if this is rezoned, the other properties would still be Agricultural.

Wolfe said this property was situated off of pavement. There are already six homes at this location.

Steinbrink questioned if this would be spot zoning.

Keep said the homes are already in existence.

Heiden again asked about the easement for the drive-way. Humphrey told the Commission the easement would be on the east side of the property. Again the south part would be approximately 91,000 square feet and the north property would be about 2 acres. Currently the County requires 70,000 square feet in an approved subdivision with DEQ approval and the County Board's approval.

Fisk asked if the work would be done before the subdivision and Mitch replied probably not.

There was no one present in opposition at the hearing.

Brady said this is next to a hard surfaced road and does comply with the comprehensive plan.

Chairperson Brady closed the public hearing at 7:58 P.M.

Motion was made by Wolfe, seconded by Skov to approve the rezoning request submitted by Mitch Humphrey on behalf of Donald Robert Rowe, Sr. from Agricultural (A) to Agricultural-Residential (AGR) and forward this application with approval to the County Board on the following legal description: a tract of land being part of the Southeast Quarter of the Southwest Quarter (SE ¼ SW ¼ ) of Section Eighteen (18), Township Twelve (12) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest corner of Government Lot 4 in the Southwest Quarter of said Section 18 and assuming the South line of said Southwest Quarter as bearing EAST and all bearings contained herein are relative thereto; thence EAST and on the aforesaid South line a distance of 1663.42 feet to the ACTUAL PLACE OF BEGINNING; thence continuing EAST on the aforescribed course a distance of 40.0 feet; thence NORTH a distance of 496.76 feet; thence N 87° 29' E a distance of 91.0 feet; thence N 01° 14' W a distance of 520.0 feet; thence N 79° 33' W a distance of 207.68 feet; thence S 72° 45' W a distance of 201.11 feet; thence S 07° 53' E a distance of 346.0 feet; thence S 54° 55' E a distance of 280.0 feet; thence SOUTH a distance of 495.0 feet to the place of beginning. Containing 4.63 acres, more or less, of which 0.03 acres, more or less, are presently being used for road purposes on the South side.

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

Klein said this would be heard by the County Board on January 13, 2015.

Old Business: Moved by Skov, seconded by Heiden to approve the minutes of the November 20, 2014 as mailed. Voting yes: Skov, Heiden, Brady, Keep, Steinbrink, Vacek, Vest and Wolfe. Voting no: none. Absent: Skelton. Motion carried.

Other items were discussed.

The next meeting of the Planning & Zoning Commission will be held January 15, 2015 at 7:00 P.M. if needed.

Chairperson Brady adjourned the meeting at 8:02 P.M.