

MINUTES OF PLANNING & ZONING COMMISSION  
MARCH 20, 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 March 20, 2014.

Present were: Scott Brady, Ken Erickson, Marlin Heiden, Willie Keep and Loye Wolfe. Absent: Richard Skelton Leonard Skov, Paul Steinbrink, Sr. and Gwen Stengel. Also attending were Deputy County Attorney Andrew W. Hoffmeister, Deputy County Attorney Kari Fisk, Zoning Administrator LeAnn Klein and sixteen 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 zoning map amendment submitted by Corliss Sullwold & Christa Britton from Agricultural to Agricultural-Residential on the following legal description: a tract of land being part of Government Lot Ten (10) and accretions thereto in Section Eight (8), Township Eight (8) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska more particularly described as follows: Referring to the Northeast Corner of Government Lot 10 in said Section 8 and assuming the east line of said government lot as bearing S 00° 26' 17" E and all bearings contained herein are relative thereto; thence S 00° 26' 17" E on the aforesaid east line a distance of 1799.5 feet; thence S 89° 33' 43" W a distance of 45.92 feet to the ACTUAL PLACE OF BEGINNING said point being on the west right-of-way line of Nebraska Highway Link 10-B; thence S 00° 15' 06" E on the aforesaid west right-of-way line a distance of 119.08 feet; thence continuing on the aforesaid west right-of-way line N 89° 33' 43" E a distance of 7.0 feet; thence S 01° 31' 13" W a distance of 55.43 feet; thence leaving the aforesaid west right-of-way line N 69° 54' 17" W a distance of 324.6 feet; thence N 76° 17' 36" W a distance of 500.0 feet; thence NORTH a distance of 948.9 feet to a point on the south right-of-way line of US Interstate 80, said point being on a non-tangent curve; thence on the aforesaid south right-of-way line on a non-tangent 718.51 feet radius curve to the right, concave southwesterly, forming a central angle of 15° 55' 44" an arc distance of 199.76 feet to the point of tangency; thence on the aforesaid south right-of-way line tangent S 47° 46' 34" E a distance of 426.37 feet; thence S 00° 24' 51" E a distance of 558.0

feet; thence S 80° 56' 38" E a distance of 304.0 feet to the place of beginning. Containing 10.09 acres, more or less.

Steve Coram, a real estate broker, was present to represent Corliss Sullwold & Christa Britton. He told the Commission they would like to rezone approximately 10 acres to Agricultural-Residential. They would like to develop this in the future. This ground is next to a paved road.

Deputy County Attorney Hoffmeister asked where the 2 newly built homes were located. He also mentioned this area was located in a floodplain. He also asked what school district this was located in. The two homes are situated to the south of the proposed rezoning.

Kim Triplett said this property was either in the Elm Creek school district or Odessa district.

Hoffmeister asked Surveyor Trenton Snow how wide the road was. Snow replied it is wider than 66' width. One side is 40' and the other side is 33'.

Erickson asked how many houses they were looking at. Coram replied 3 homes.

Hoffmeister said this was commercial property to the east, Agricultural-Residential to the north and Agricultural to the south.

Attorney Jack Besse was present and he represents Kyle Vohland, the owner of the commercial property adjacent to the proposed property. He has concerns of septic issues. He's is worried about the number of houses. They are also concerned about the density and floodplain issues. They would like to see a buffer area around this property.

Erickson asked how big the commercial lot was. Besse did not know how big it was.

Hoffmeister reminded the Commission the question before the Commission is the rezoning,

Wolfe asked about a natural buffer around this area.

Keep asked how many houses do they want in this development? The plan is for 3- 3 acre lots.

Hoffmeister told the Commission this area is shown as rural conservation on the future land use map.

Brady closed the public hearing at 7:30 P.M.

Motion was made by Erickson, seconded by Heiden to approve the zoning map amendment from Agricultural to Agricultural-Residential with the condition these lots be a minimum of 3 acres on the following tract of land: a tract of land being part of Government Lot Ten (10) and accretions thereto in Section Eight (8), Township Eight (8) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska more particularly described as follows: Referring to the Northeast Corner of Government Lot 10 in said Section 8 and assuming the east line of said government lot as bearing S 00° 26' 17" E and all bearings contained herein are relative

thereto; thence S 00° 26' 17" E on the aforesaid east line a distance of 1799.5 feet; thence S 89° 33' 43" W a distance of 45.92 feet to the ACTUAL PLACE OF BEGINNING said point being on the west right-of-way line of Nebraska Highway Link 10-B; thence S 00° 15' 06" E on the aforesaid west right-of-way line a distance of 119.08 feet; thence continuing on the aforesaid west right-of-way line N 89° 33' 43" E a distance of 7.0 feet; thence S 01° 31' 13" W a distance of 55.43 feet; thence leaving the aforesaid west right-of-way line N 69° 54' 17" W a distance of 324.6 feet; thence N 76° 17' 36" W a distance of 500.0 feet; thence NORTH a distance of 948.9 feet to a point on the south right-of-way line of US Interstate 80, said point being on a non-tangent curve; thence on the aforesaid south right-of-way line on a non-tangent 718.51 feet radius curve to the right, concave southwesterly, forming a central angle of 15° 55' 44" an arc distance of 199.76 feet to the point of tangency; thence on the aforesaid south right-of-way line tangent S 47° 46' 34" E a distance of 426.37 feet; thence S 00° 24' 51" E a distance of 558.0 feet; thence S 80° 56' 38" E a distance of 304.0 feet to the place of beginning. Containing 10.09 acres, more or less. Voting yes were Erickson, Heiden, Brady and Wolfe. Voting no: Keep. Absent: Skelton, Skov, Steinbrink and Stengel. Motion passed.

Chairperson Brady opened the public hearing at 7:35 P.M. for a zoning map amendment submitted by Future Holdings, LLC. from Agricultural to Commercial on the following legal description: a tract of land being part of the Southwest Quarter (SW ¼) of Section Twenty-One (21), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, lying northerly of the North right-of-way line of U.S. Highway 30.

Mark Hahn was present on behalf of Future Holdings, LLC. He told the Commission he is one of the owners and they would like to rezone this property from Agricultural to Commercial. It is easier to market it to other people if it is zoned Commercial.

Hoffmeister stated this property is close to the Optic plant and is also on the corner of Highway 30 and the Ravenna road. This area is rezoned industrial south of the tracks and agricultural to the south and north.

Hoffmeister showed the area of the future land use map which shows this area as Commercial. This was the plan of development for Buffalo County. He showed the list of uses in a Commercial district. The lot size for Commercial is 40,000 square feet. One area of concern is the width of the Ravenna road. There probably should be an additional right-of-way of 7'.

Keep said there are about six residences in this area. The future land use map shows this area as Commercial.

Brady said this was consistent with the future land use map. This is a high traffic area and you would expect this to be Commercial.

Hoffmeister said access would need to be off the Ravenna Road possibly with a frontage road.

Wolfe asked what intent they had for the property. Hahn responded they are in talks with someone about the use of this property.

Dan Stephens stated this is more of an AGR area and the applicants still don't have a plan for what is going in there. A special use permit would be a better fit for this property. That would be better with a special use permit.

Carol Theis also has concerns with the traffic in this area. There is no turning lane for her to turn to go south.

Hahn questioned why they would want a special use permit for everything that goes in here.

Dan Stephens thinks this should be AGR in this area. He also wanted to know how the Commission came up with this area being Commercial.

Deputy County Attorney Fisk said there were five goals that they came up with.

Wolfe said they wanted this development within ½ mile of a hard surfaced road.

Brady said we are a little naïve if we don't think this area is not going to develop.

Hahn told the Commission the traffic is already present at this location.

Wolfe asked if they own additional property to the north. Hahn told her they just bought this 11 acre parcel.

Brady closed the public hearing at 8:30 P.M.

More discussion followed.

Motion was made by Wolfe, seconded by Erickson to recess the hearing until next month submitted by Future Holdings, LLC from Agricultural (A) to Commercial (C) on the following legal description: a tract of land being part of the Southwest Quarter (SW ¼) of Section Twenty-One (21), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, lying northerly of the North right-of-way line of U.S. Highway 30.

Voting yes were Wolfe, Erickson, Heiden and Keep. Voting no: Brady. Absent: Skelton, Skov, Steinbrink and Stengel. Motion carried.

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

Other items were discussed.

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

Chairperson Brady adjourned the meeting at 9:00 P.M.

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Scott Brady, Chairperson  
Buffalo County Planning & Zoning Commission

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Gwen Stengel, Secretary