

MINUTES OF PLANNING & ZONING COMMISSION  
FEBRUARY 19, 2015  
BUFFALO COUNTY COURTHOUSE  
7:00 P.M.

Scott Brady opened the meeting at 7:04 P.M. at the Buffalo County Courthouse in Kearney, NE with a quorum present on February 19, 2015.

Present were: Scott Brady, Willie Keep, Leonard Skov, Marc Vacek, Randy Vest and Loye Wolfe. Absent: Marlin Heiden, Richard Skelton and Paul Steinbrink, Sr. Also attending were Deputy County Attorney Kari Fisk, Zoning Administrator LeAnn Klein and five members of the public.

Brady asked for nominations for Chairperson. A motion was made by Keep, seconded by Wolfe to nominate Scott Brady for Chairperson. A motion was made by Vacek, seconded by Vest that nominations cease. Voting yes were Keep, Wolfe, Skov, Vacek and Vest. Voting no: none. Abstain: Brady. Absent: Heiden, Skelton and Steinbrink, Sr.

Chairperson Brady called for the election of a Vice Chairperson. Motion was made by Wolfe, seconded by Vest to nominate Willie Keep for Vice Chairperson. Moved by Wolfe, seconded by Vacek that nominations cease. Voting yes were Wolfe, Vest, Brady, Skov and Vacek. Voting no: none. Abstain, Keep. Absent: Heiden, Skelton and Steinbrink, Sr.

Chairperson Brady called for the election of a Secretary. Motion was made by Wolfe, seconded by Vest to nominate Leonard Skov for Secretary. Moved by Vacek, seconded by Keep that nominations cease. Voting yes were Wolfe, Vest, Brady, Keep and Vacek. Voting no: none. Abstain: Skov. Absent: Heiden, Skelton and Steinbrink, Sr.

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.

Heiden arrived at 7:10 P.M.

The public forum was opened at 7:10 P.M. Walter Frerichs was present with concerns. The public forum closed at 7:18 P.M.

Chairperson Brady opened the public hearing at 7:18 P.M. for a zoning map amendment submitted by Kevin Duncan on behalf of Carolyn A. Wegner and Dallas F. Wegner, Co-Trustees dba Midlands Contracting, Inc. from Agricultural-Residential to Commercial on the following

legal description: a tract of land being part of the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼ ) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest Corner of the Southwest Quarter of said Section 1 and assuming the South line of said Southwest Quarter as bearing S 89° 55' E and all bearings contained herein are relative thereto; thence S 89° 55' E and on the South line of the Southwest Quarter of said section a distance of 435.99 feet; thence N 00° 13' E a distance of 465.0 feet; thence S 89° 55' E and parallel with the South line of the Southwest Quarter of said section a distance of 70.52 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the East right-of-way line of a public road, a road in Raasch Subdivision, a subdivision being part of the West ½ of the Southwest ¼ of Section 1, Township 9 North, Range 16 West of the 6<sup>th</sup> Principal Meridian, Buffalo County, Nebraska; thence continuing S 89° 55' E and parallel with the South line of said Southwest Quarter a distance of 517.73 feet, thence N 00° 13' E a distance of 80.0 feet; thence N 89° 55' W and parallel with the South line of the Southwest Quarter of said Section 1 a distance of 514.12 feet to a point on the East right-of-way line of a public road, a road in said Raasch Subdivision; thence S 02° 47' 49" W and on the East right-of-way line of said public road a distance of 80.09 feet to the place of beginning. Containing 0.95 acres, more or less.

AND

A tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 1, Township 9 North, Range 16 West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest Corner of the Southwest Quarter of said Section 1 and assuming the South line of said Southwest Quarter as bearing S 89° 55' E and all bearings contained herein are relative thereto; thence S 89° 55' E and on the South line of said Southwest Quarter a distance of 794.24 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 89° 55' E a distance of 230.0 feet; thence N 00° 13' E a distance of 465.0 feet; thence N 85° 55' W a distance of 230.0 feet; thence S 00° 13' W a distance of 465.0 feet to the place of beginning. Containing 2.46 acres, more or less.

AND

A tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 1, Township 9 North, Range 16 West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest corner of said Section 1 and assuming the south line of said section as bearing S 89° 55' E and all bearings contained herein are relative thereto; thence S 89° 55' E and on the south line of said Southwest Quarter a distance of 435.99 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 89° 55' E a distance of 358.25 feet; thence N 00° 13' E a distance of 465.0 feet; thence N 89° 55' W a distance of 358.25 feet; thence S 00° 13' W a distance of 465.0 feet to the place of beginning. Containing 3.835 acres, more or less.

Kevin Duncan was present representing Midlands Contracting and Carolyn and Dallas Wegner. He told the Commission they want to rezone this from Agricultural-Residential to Commercial. This is well developed and they want to add on to the main building for additional office space.

They are intending to add on an additional 800 square feet to the existing office on the north side. Duncan handed out a proposed plan of the office addition. This addition would be a garden level for offices and a conference room.

Wolfe asked if the pine trees will stay. Duncan said they would.

Brady commented this area is zoned as Agricultural-Residential but it is already a Commercial venture. This business has existed prior to when zoning was implemented.

Keep said this is why they are before the Commission. They have to update the zoning before they can add onto the existing structure.

Brady asked if they anticipated growth. Duncan told the Commission they want to hire a project manager for the business and additional staff.

Wolfe asked if traffic would remain the same. Duncan said it should remain the same.

Brian McGuire resides just north of this location and has concerns of future plans and questioned what the advantage to rezoning to Commercial. He said there already is lots of traffic. He is not too concerned about this because Midlands was located in this area before he moved in.

Fisk said that under the Commercial zoning, Midlands would not be able to do any manufacturing under the Commercial zoning and would be more restrictive. Fisk also showed on the map where the City of Kearney's jurisdiction is located.

Keep said it just brings it into compliance with the current zoning and commented they can't really expand much more.

Mary Jo Lowe is an adjoining property owner. Her concerns are of the noise. When she bought her house in 1980 she was told she wouldn't have any neighbors. There is the potential for more traffic. Her concern is for the traffic and the noise.

Chairperson Brady closed the public hearing at 7:42 P.M.

Vest questioned who determines the speed limit. Fisk said that would be determined by the Sheriff's office or Highway Department. There is just a short drive from the business to Highway 10. Speed shouldn't be a factor with the truck traffic.

Heiden asked how wide the road was. McGuire said the County doesn't take care of the roads but they are privately maintained.

Keep asked if all their equipment is stored there. Duncan told him not all of their equipment is stored at this location. They are a utility construction company. There is no fabrication on the premises.

Vest asked if they did repair work at this location. Duncan said they do have some repair work that is being done.

Motion was made by Skov, seconded by Vacek to approve the rezoning request submitted by Kevin Duncan on behalf of Carolyn A. Wegner and Dallas F. Wegner, Co. Trustees dba Midlands Contracting Inc. from Agricultural-Residential (AGR) to Commercial (C) and forward this application with approval to the County Board on the following legal description: a tract of land being part of the Southwest Quarter of the Southwest Quarter (SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest Corner of the Southwest Quarter of said Section 1 and assuming the South line of said Southwest Quarter as bearing S 89° 55' E and all bearings contained herein are relative thereto; thence S 89° 55' E and on the South line of the Southwest Quarter of said section a distance of 435.99 feet; thence N 00° 13' E a distance of 465.0 feet; thence S 89° 55' E and parallel with the South line of the Southwest Quarter of said section a distance of 70.52 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the East right-of-way line of a public road, a road in Raasch Subdivision, a subdivision being part of the West  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of Section 1, Township 9 North, Range 16 West of the 6<sup>th</sup> Principal Meridian, Buffalo County, Nebraska; thence continuing S 89° 55' E and parallel with the South line of said Southwest Quarter a distance of 517.73 feet, thence N 00° 13' E a distance of 80.0 feet; thence N 89° 55' W and parallel with the South line of the Southwest Quarter of said Section 1 a distance of 514.12 feet to a point on the East right-of-way line of a public road, a road in said Raasch Subdivision; thence S 02° 47' 49" W and on the East right-of-way line of said public road a distance of 80.09 feet to the place of beginning. Containing 0.95 acres, more or less.

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358.25 feet; thence S 00° 13' W a distance of 465.0 feet to the place of beginning. Containing 3.835 acres, more or less.

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

Klein said this would be heard by the County Commissioners on March 10, 2015 and notices would again be sent out.

Old Business: Moved by Wolfe, seconded by Heiden to approve the minutes of the December 18, 2014 as mailed. Voting yes: Wolfe, Heiden, Brady, Keep, Skov, Vacek and Vest. Voting no: none. Absent: Skelton and Steinbrink, Sr. Motion carried.

Klein presented her report for the year 2014.

Other items were discussed.

The next meeting of the Planning & Zoning Commission will be held March 19, 2015 at 7:00 P.M. if needed.

Chairperson Brady adjourned the meeting at 7:53 P.M.