

MINUTES OF PLANNING & ZONING COMMISSION
JULY 16, 2015
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 July 16, 2015.

Present were: Scott Brady, Marlin Heiden, Willie Keep, Richard Skelton, Leonard Skov, Marc Vacek and Randy Vest. Absent: Paul Steinbrink, Sr. and Loye Wolfe. Also attending were Deputy County Attorney Andrew Hoffmeister, Zoning Administrator LeAnn Klein and six 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. Several persons were present, but no one provided any comment. 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 Robert and Robin Metz on the following legal description: Lot 1, Hunter Acres, an administrative subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 2, Township 11 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska.

Robert and Robin Metz told the Commission they would like to change the zoning from Agricultural-Residential to Commercial. He has a well-drilling business he would like to put at this location. They own five acres.

Hoffmeister asked how far from Pleasanton this property was located. Metz replied it was about 1 ½ miles south of Pleasanton directly off of Highway 10. Hoffmeister also asked if they intended to have a home at this location. Metz said maybe in the future. Hoffmeister said they would need to apply for a special use permit under Commercial zoning if they intend to build a home.

Metz questioned if he needed commercial zoning for his property. Hoffmeister replied he would if he was having a business at this location. He owns Bauer Well Drilling and he intends to move from his father-in-law's place to his own place. He doesn't have any foot traffic. He would park his trucks at night at this location. He has owned the business for 16 years.

Hoffmeister told the Commission he could go down to 40,000 square feet under Commercial zoning for lot size. Currently his business is situated on approximately two acres and he has a 60' x 80' building.

Vacek asked if there would be any benefit in splitting this lot into two parcels which would allow a business on part of the lot and a home on the other part of the lot.

Skelton questioned if they were going to change the visibility coming out on Highway 10. Metz said they were going to take the hump out, otherwise it was good visibility. He has been in contact with the State Department of Roads. They want to make it as safe as possible.

Hoffmeister asked how close the nearest residence was located. Metz replied the nearest residence is between 600-700 feet to the south.

Brady commented he wouldn't be doing any retail at this location. Metz said that was correct.

Keep asked if a special use permit in Commercial zoning would be more flexible. Hoffmeister responded we have never had a special use permit in Commercial yet.

Chairperson Brady closed the public hearing at 7:19 P.M.

Hoffmeister referred the Commission to the following section of the Buffalo County Zoning Regulations:

11.3 AMENDMENT CONSIDERATION AND ADOPTION

The procedure for the consideration and adoption of any such proposed amendments shall be in like manner as that required for the consideration and adoption of the resolution except herein before or herein after modified. For action on zoning amendments, a quorum of the Planning Commission is more than one-half (1/2) of all the members. A vote either for or against an amendment by a majority of all the Planning Commission members present constitutes a recommendation of the commission; whereas a vote either for or against an amendment by less than a majority of the Planning Commission present constitutes a failure to recommend. When amending zoning district boundaries, the Planning Commission and County Board where applicable and authorized may place conditions upon property sought to be re-zoned. (Resolution 9-14-04)

When the Planning Commission submits a recommendation of approval or disapproval of such amendment, the County Board, if it approves such recommendation, may either adopt such recommendation by resolution or take no further action thereof as appropriate. In the event the Planning Commission submits a failure to recommend, the County Board may take such action as it deems appropriate. Upon receipt of a recommendation of the Planning Commission which the County Board disapproves, the said governing body shall return such recommendation to the Planning Commission with a statement specifying the basis for disapproval, and such recommendation shall be considered in like manner as that required for the original recommendation returned to the Planning Commission.

Motion was made by Skelton, seconded by Heiden to recommend approval of this zoning map amendment from Agricultural-Residential to Commercial and forward to the County Commissioners on the following legal description: Lot 1, Hunter Acres, an administrative subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 2, Township 11 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska with the condition that there be no more than two lots.

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

Klein said this will be heard by the County Commissioners on August 11, 2015 and notices would again be sent out.

Chairperson Brady opened the next public hearing at 7:25 P.M. for a zoning map amendment filed by Mitch Humphrey on behalf of Triple Five, L.L.C. for property described as Lot One and Lot Two, Triplett Administrative Subdivision, an administrative subdivision being part of Government Lot 7 located in Fractional Section 10, Township 8 North, Range 14 West of the Sixth Principal Meridian, Buffalo County, Nebraska. They wish to re-zone this from Agricultural to Agricultural-Residential.

Mitch Humphrey and Rosemary Triplett were present representing Triple Five, L.L.C. In May of this year, they were in front of the County Commissioners for an administrative subdivision on this property that was approved by the County Commissioners. After this meeting, it was recommended by Klein that these two homes be rezoned in the event of one of the houses being destroyed; there would be no problem in re-building. They would formally like to rezone these two lots to Agricultural-Residential. These lots are located off of Elm Island Road as shown on the overhead map. As you go down Elm Island Road, there are numerous other lots that are small residential lots.

Skelton asked if these homes were for sale. Triplett responded they were. He also questioned if the lot line to the west home was too close to the property line. Humphrey replied they were at least 10' from property line.

Hoffmeister told the Commission that prior to zoning, a lot of this area was Rural Conservation in this area but it was never adopted.

Richard questioned if this property was next to the National Audubon and Mitch told him that it was.

Chairperson Brady closed the public hearing at 7:33 P.M.

Keep questioned if this should be rezoned to Agricultural-Residential.

Hoffmeister said it probably won't change the character of the neighborhood.

Heiden asked if this was rezoned, could someone put a house to the south of this property. Hoffmeister said they could since it was in a different section.

Motion was made by Skelton, seconded by Vest to recommend approval of this zoning map amendment from Agricultural to Agricultural-Residential and forward this to the County Commissioners on the following legal description: Lot One and Lot Two, Triplett Administrative Subdivision, an administrative subdivision being part of Government Lot 7 located in Fractional Section 10, Township 8 North, Range 14 West of the Sixth Principal Meridian, Buffalo County, Nebraska with the following condition that there be a maximum of two lots. Voting yes were Skelton, Vest, Brady, Heiden, Keep, Skov, and Vacek. Voting no: none. Absent: Steinbrink, Sr. and Wolfe. Motion carried.

Klein said this would be heard by the County Commissioners on August 11, 2015 and notices would again be sent out.

Old Business: Moved by Skov, seconded by Heiden to approve the minutes of the May 21, 2015 as mailed. Voting yes: Skov, Heiden, Brady, Keep, Skelton, Vacek and Vest. Voting no: none. Absent: Steinbrink, Sr. and Wolfe. Motion carried.

Other items were discussed.

Hoffmeister led a work session on floodplain regulations. Discussion followed.

The next meeting of the Planning & Zoning Commission will be held August 20, 2015 at 7:00 P.M. if needed.

Chairperson Brady adjourned the meeting at 8:20 P.M.