

MINUTES OF PLANNING & ZONING COMMISSION
SEPTEMBER 17, 2015
BUFFALO COUNTY COURTHOUSE
7:00 P.M.

Chairperson Scott Brady opened the meeting at 7:01 P.M. at the Buffalo County Courthouse in Kearney, NE with a quorum present on September 17, 2015.

Present were: Scott Brady, Marlin Heiden, Willie Keep, Richard Skelton, Leonard Skov, Paul Steinbrink, Sr., Marc Vacek and Randy Vest. Absent: Loye Wolfe. Also attending were Zoning Administrator LeAnn Klein and 6 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. Several persons were present, but no one provided any comment. The public forum closed at 7:01 P.M.

Chairperson Brady opened the public hearing at 7:02 P.M. for a zoning map amendment submitted by Trenton Snow on behalf of Ronald R. Campbell on the following legal description: A tract of land being part of the North Half of the Southeast Quarter (N ½ SE ¼) of Section Thirty-two (32), Township Nine (9) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest corner of the Southeast Quarter of said Section 32 and assuming the North line of said Southeast Quarter as bearing N 89°50'24" E and all bearings contained herein are relative thereto; thence N 89°50'24" E and on the aforesaid North line a distance of 1019.1 feet to the ACTUAL PLACE OF BEGINNING; thence continuing on the aforesaid North line N 89°50'24" E a distance of 191.48 feet to a point being on the South right-of-way line of Kearney Canal; thence S 66°13'38" E and on the aforesaid South right-of-way line a distance of 63.5 feet; thence S 75°51'50" E a distance of 160.4 feet; thence S 80°45'23" E a distance of 200.55 feet; thence N 88°17'45" E a distance of 184.14 feet; thence leaving said South right-of-way line SOUTH a distance of 542.52 feet to a point on the North right-of-way line of U.S. Highway No. 30; thence N 80°45'30" W and continuing on the aforesaid North right-of-way line a distance of 800.83 feet; thence N 00°23'04" E a distance of 506.0 feet to the place of beginning. Containing 9.38 acres, more or less. Trenton Snow, land surveyor, was present representing Mr. Campbell. He told the Commission this property was located west of Odessa directly north of Highway 30 and the Kearney Canal is north of the subject property. The Comprehensive Plan shows this area to be AGR. There are quite a number of homes in this area already and these houses have become nonconforming home. It makes sense to bring this property into the Agricultural-Residential

zoning. It has access to a paved road which is directly off of Highway 30. There is a little over nine acres at this location and this could be broken into three parcels.

Heiden questioned what the zoning was on either side of this parcel. Snow told him it was Agricultural.

Vacek asked if the future plans were to add more housing. Snow responded he was planning on selling off two pieces for future homes.

Skelton asked if this piece could be broken into smaller parcels? Snow replied it could be broken into three parcels.

Brady questioned if the access to the highway would be the existing drive. Snow said yes, there was just the one access to Highway 30.

Klein showed the parcel to the Commission on the overhead projector.

Keep asked if the blue line on the map was the western boundary line. Snow said it was.

Snow showed the proposed lay out of the three lots to the Commission. Snow said this would have to be approved by the Commission and the County Commissioners. Snow told the Commission the old mobile homes would be removed.

Brady asked if the intention would be to sell two lots for future development. Snow responded that is their intention.

Brady asked Klein if the other homes in this area were still Agricultural. Klein said they were Agricultural and were grandfathered in.

Allen Bors, a neighbor who lives off Amherst Road, has lived at this location since 1992. He said he should have bought the entire 25 acres. He said this area hasn't been cleaned up in 25 years. He questioned if he is moving in old \$5,000 trailer houses. This is a ghetto area. He has concerns of all the old trailers that are on this property. There is a guy who is living in his truck. He gets water from the neighbor and he doesn't know how the septic issues are being handled. He also has concerns about the water issues. His biggest concern is what type of residence will be going in here. Snow said they haven't discussed covenants.

Brady said the question before the Commission tonight is if this should be rezoned.

Bors asked if the entire 25 acres would be rezoned. Brady told him it would just be Campbell's property of 9.38 acres that would be rezoned.

Darrell Kirschner representing Jason and Christina Keller has only one concern. His daughter has horses and if they change this to Agricultural-Residential will that affect his property? Klein said their property would remain Agricultural and they would be able to have horses.

Keep said they would still be able to have a small number of livestock in an AGR area.

Klein said the Comprehensive Plan shows this area to be Agricultural-Residential along Highway 30.

Chairperson Brady closed the public hearing at 7:32 P.M.

Skelton said the only thing we are doing tonight is rezoning this to Agricultural-Residential.

Brady asked if the present owner was staying at this location. Trenton thought he would be staying.

Motion was made by Skov, seconded by Steinbrink, Sr. to recommend approval of this zoning map amendment from Agricultural to Agricultural-Residential and forward to the County Commissioners on the following legal description: A tract of land being part of the North Half of the Southeast Quarter (N ½ SE ¼) of Section Thirty-two (32), Township Nine (9) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest corner of the Southeast Quarter of said Section 32 and assuming the North line of said Southeast Quarter as bearing N 89°50'24" E and all bearings contained herein are relative thereto; thence N 89°50'24" E and on the aforesaid North line a distance of 1019.1 feet to the ACTUAL PLACE OF BEGINNING; thence continuing on the aforesaid North line N 89°50'24" E a distance of 191.48 feet to a point being on the South right-of-way line of Kearney Canal; thence S 66°13'38" E and on the aforesaid South right-of-way line a distance of 63.5 feet; thence S 75°51'50" E a distance of 160.4 feet; thence S 80°45'23" E a distance of 200.55 feet; thence N 88°17'45" E a distance of 184.14 feet; thence leaving said South right-of-way line SOUTH a distance of 542.52 feet to a point on the North right-of-way line of U.S. Highway No. 30; thence N 80°45'30" W and continuing on the aforesaid North right-of-way line a distance of 800.83 feet; thence N 00°23'04" E a distance of 506.0 feet to the place of beginning. Containing 9.38 acres, more or less.

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

Klein said this will be heard by the County Commissioners on October 13, 2015 and notices will again be sent out.

Old Business: Moved by Vacek, seconded by Heiden to approve the minutes of the August 20, 2015 as mailed. Voting yes: Vacek, Heiden, Brady, Keep, Skelton, Skov, Steinbrink, Sr. and Vest. Voting no: none. Absent: Wolfe. Motion carried.

Other items were discussed.

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

Chairperson Brady adjourned the meeting at 7:47 P.M.