

MINUTES OF PLANNING & ZONING COMMISSION
NOVEMBER 19, 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 November 19, 2015.

Present were: Scott Brady, Marlin Heiden, Willie Keep, Richard Skelton, Paul Steinbrink, Sr., Marc Vacek, Randy Vest and Loye Wolfe. Absent: Leonard Skov. 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 7:01 P.M. for a special use permit submitted by Newcomb Diesel, L.L.C. for an addition to an existing building for an agriculture service establishment for Lot 3, H.R. Subdivision, a subdivision being part of the North Half of the Southwest Quarter of Section 10, Township 9 North, Range 15 West of the 6th p.m., Buffalo County, Nebraska. The special use permit had been approved by the County Board at their December 13, 2011 meeting and amended at their December 9, 2014 meeting.

Bryan Newcomb was present along with Matt Mullen and contractor Charlie Isaac. They told the Commission that this property is located on Sweetwater Ave. between 78th Road and 92nd Road. This is an agricultural service business operating under a special use permit and they are proposing to add a 38' x 30' addition to an existing 160' x 180' building. This will be located on the northwest corner of the new addition built earlier this year. This addition will be a customer service area plus a parts department. They will also have a couple of offices in this addition.

Brady asked if they will be selling parts. Newcomb replied they would be selling parts.

Wolfe said it sounds like the business is a success.

Brady asked if it would be a retail facility. Newcomb agreed it would be a retail facility.

Klein stated before Newcomb had said he worked on agricultural equipment. Newcomb said that was correct.

Brady said he was contacted by some people who have concerns about the amount of traffic on 92nd Street. They also have concerns about the high rate of speed of the trucks and the jake brake noise. They also say the trucks are tested late at night. Newcomb said they usually go south to test the trucks.

Mullen said the customer service won't increase the traffic. The technicians leave about 6:00 at night. Newcomb said sometimes they work on trucks in the event of an emergency.

Skelton asked Newcomb if they would be adding any employees to work at night. Newcomb replied not at this time.

Wolfe asked how many employees they have. Newcomb replied there are twelve employees.

Newcomb told the Commission he plans to bring crushed concrete and white rock to make the parking lot better.

Heiden asked if the ditch on the west side is a problem. Newcomb said he wants the County to re-do the ditch so the drainage isn't a problem.

There was no one present in opposition.

Heiden thinks the new addition will be nice.

Isaac told the Commission the front of the building would have four feet of brick on the front of the addition with lights on the structure.

Keep reminded him to have the lights pointing down.

Newcomb said the bypass will be nice to test drive the trucks. This would eliminate some of the traffic on 92nd Ave.

Brady said traffic is a big concern.

Chairperson Brady closed the public hearing at 7:25 P.M.

Wolfe said it is nice to see the success of a small business.

Motion was made by Wolfe, seconded by Skelton to forward this special use permit to the County Board with approval for an amendment of the special use permit previously approved for a 38' x 30' addition to the existing building. This is for an agriculture service establishment submitted by Bryan Newcomb dba Newcomb Diesel, L.L.C. located on property described as Lot 3, H.R. Subdivision a subdivision being part of the North half of the Southwest Quarter of Section 10, Township 9 North, Range 15 West of the 6th p.m., Buffalo County, Nebraska.

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

Klein said this would be heard before the County Board at their December 8, 2015 meeting and notices would again be mailed out.

Chairperson Brady opened the public hearing at 7:26 P.M. for a zoning map amendment submitted by Mitchell Humphrey on behalf of Randall L. and Debra K. Alexander and Nicholas L. and Amber J. Alexander on the following legal description: A tract of land being part of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section Twenty-one (21), Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, being inclusive of Fred's Administrative Subdivision, an administrative subdivision being part of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section Twenty-one (21), Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, all more particularly described as follows: Beginning at the Northeast Corner of the Northeast Quarter of Section 21, said point also being the Northeast Corner of Fred's Administrative Subdivision, and assuming the North line of the Northeast Quarter as bearing S 88°26'00" W and all bearings contained herein are relative thereto; thence on the North line of the Northeast Quarter of Section 21 and on the North line of said Fred's Administrative Subdivision, S 88°26'00" W a distance of 405.00 feet to the Northwest Corner of said Fred's Administrative Subdivision; thence continuing on the North line of said Northeast Quarter of Section 21, S 88°26'00" W a distance of 611.00 feet; thence leaving the North line of the Northeast Quarter of said Section 21, S 00°42'41" E a distance of 310.00 feet; thence N 88°26'00" E a distance of 486.00 feet; thence S 00°42'41" E a distance of 235.00 feet; thence N 88°26'00" E a distance of 260.00 feet; thence S 00°42'41" E a distance of 65.00 feet; thence N 88°26'00" E a distance of 270.00 feet to a point on the East line of the Northeast Quarter of said Section 21; thence on the East line of the Northeast Quarter of said Section 21, N 00° 42'41" W a distance of 210.00 feet to the Southeast Corner of said Fred's Administrative Subdivision; thence continuing on the East line of the Northeast Quarter and on the East line of said Fred's Administrative Subdivision N 00°42'41" W a distance of 400.00 feet to the place of beginning. Containing 10.49 acres, more or less.

Mitchell Humphrey, land surveyor, was present representing the Alexanders. He told the Commission they want to rezone this from Agricultural to Agricultural-Residential. The east/west road is 160th Road and the north/south road is YDC Road. They want to rezone this land which is a pivot corner. This is consistent with the neighborhood. Whispering Meadows is the subdivision that is located directly north of this property.

They intend to vacate the lot that Nicholas and Amber own which is now Fred's Administrative Subdivision. This will be presented to the County Board. They also plan on filing two administrative subdivisions with the County Board for a total of three lots. These will all be over the three acres.

Skelton asked if this was a pivot corner. Humphrey replied it was.

Brady asked how many lots there would be. Humphrey replied they would have a total of three lots.

Steinbrink asked where the drive-ways would be. Humphrey said they would all be off of 160th Road away from the intersection.

There was no one present in opposition.

Wolfe said whoever buys this property will be next to a pivot and there will be spraying and other farming practices. Humphrey said Alexander will address this problem.

Chairperson Brady closed the public hearing at 7:34 P.M.

Keep asked if they could specify all drive-ways would be off of 160th Road and a maximum of three lots.

Brady said the acreage size would limit the lots.

Motion was made by Vacek, seconded by Heiden to recommend approval of this zoning map amendment submitted by Mitchell Humphrey on behalf of Randall L. and Debra K. Alexander and Nicholas L. and Amber J. Alexander from Agricultural to Agricultural-Residential and forward to the County Commissioners on the following legal description: A tract of land being part of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section Twenty-one (21), Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, being inclusive of Fred's Administrative Subdivision, an administrative subdivision being part of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section Twenty-one (21), Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, all more particularly described as follows: Beginning at the Northeast Corner of the Northeast Quarter of Section 21, said point also being the Northeast Corner of Fred's Administrative Subdivision, and assuming the North line of the Northeast Quarter as bearing S 88°26'00" W and all bearings contained herein are relative thereto; thence on the North line of the Northeast Quarter of Section 21 and on the North line of said Fred's Administrative Subdivision, S 88°26'00" W a distance of 405.00 feet to the Northwest Corner of said Fred's Administrative Subdivision; thence continuing on the North line of said Northeast Quarter of Section 21, S 88°26'00" W a distance of 611.00 feet; thence leaving the North line of the Northeast Quarter of said Section 21, S 00°42'41" E a distance of 310.00 feet; thence N 88°26'00" E a distance of 486.00 feet; thence S 00°42'41" E a distance of 235.00 feet; thence N 88°26'00" E a distance of 260.00 feet; thence S 00°42'41" E a distance of 65.00 feet; thence N 88°26'00" E a distance of 270.00 feet to a point on the East line of the Northeast Quarter of said Section 21; thence on the East line of the Northeast Quarter of said Section 21, N 00° 42'41" W a distance of 210.00 feet to the Southeast Corner of said Fred's Administrative Subdivision; thence continuing on the East line of the Northeast Quarter and on the East line of said Fred's Administrative Subdivision N 00°42'41" W a distance of 400.00 feet to the place of beginning. Containing 10.49 acres, more or less.

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

Klein said this will be heard by the County Commissioners on December 8, 2015 and notices will again be sent out.

Chairperson Brady opened the public hearing at 7:38 P.M. for a zoning map amendment submitted by Mitchell Humphrey on behalf of Marlyn and Lorna Bauer on the following legal description: A tract of land being part of the East Half of the Northeast Quarter (E ½ NE ¼) of Section Eleven (11), Township Eleven (11) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of said Section 11 and assuming the East line of the Northeast Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the aforesaid East line a distance of 985.65 feet; thence WEST a distance of 41.86 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the West right-of-way line of Nebraska State Highway No. 10; thence continuing WEST a distance of 220.14 feet; thence NORTH parallel with the East line of said Northeast Quarter a distance of 608.04 feet; thence N 85°37'30" E a distance of 205.54 feet to a point, said point being on the West right-of-way line of Nebraska State Highway No. 10; thence S 01°23'07" E and on the aforesaid West right-of-way line a distance of 623.9 feet to the place of beginning. Containing 3.0 acres, more or less.

The north tract they wish to have rezoned from Agricultural District to Agricultural-Residential and the south tract they wish to have rezoned from Agricultural District to Commercial.

Mitchell Humphrey was present along with Marlyn and Lorna Bauer to address the Commission. Humphrey told the Commission the Bauer's had lived at this location a number of years but now they have moved into Kearney and they wish to sell the house and Bob Metz will run the well drilling business at this location. This is located directly off Highway 10 just south of 280th Road. There have been some septic issues which now have been addressed. Humphrey showed the Commission where the septic and leach fields are now located and also where the well is located. There is now adequate separation between the leach fields, septic and well. This has been put in by a certified installer and the State has now approved this. The well is shared by both lots. If in the future they want to drill another well, there is space available in the northeast corner of the north lot. According to the zoning regulations, this north lot can be 70,000 square feet with the County Commissioners and Board of Health approval. Both the house and business conforms to the setback regulations.

There is no retail at this location for the business. There is a drive-way in front of the commercial building and also a drive-way located at the north end of the north lot.

Brady said we have a house on the north end and a business on the south.

Skelton asked in July didn't Bob Metz come in and ask for a commercial rezoning for property north of this piece?

Humphrey said his intention was to keep the well drilling business at the existing location.

Skelton also asked how many acres each piece was. Humphrey replied the north parcel is 70,000 sq. feet or 1.6 acres and the south part is 60,843 sq. feet or 1.39 acres.

Klein said the piece was rezoned to Commercial and if the use changes, they will have to come back before the Commission and County Board to get it changed.

Wolfe asked where the entrance would be for the Commercial business. The drive-way is located directly in front of the Commercial business. The other entrance is located at the north end of the home.

Skelton said the entire property is in nice shape.

There was no one present in opposition.

Chairperson Brady closed the public hearing at 7:55 P.M.

Motion was made by Vest, seconded by Skelton submitted by Mitchell Humphrey on behalf of Marlyn and Lorna Bauer to recommend approval of this zoning map from Agricultural to Agricultural-Residential and forward to the County Commissioners on the following legal description: A tract of land being part of the East Half of the Northeast Quarter (E ½ NE ¼) of Section Eleven (11), Township Eleven (11) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of said Section 11 and assuming the East line of the Northeast Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the aforesaid East line a distance of 985.65 feet; thence WEST a distance of 41.86 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the West right-of-way line of Nebraska State Highway No. 10; thence continuing WEST a distance of 220.14 feet; thence NORTH parallel with the East line of said Northeast Quarter a distance of 608.04 feet; thence N 85°37'30" E a distance of 205.54 feet to a point, said point being on the West right-of-way line of Nebraska State Highway No. 10; thence S 01°23'07" E and on the aforesaid West right-of-way line a distance of 623.9 feet to the place of beginning, EXCEPT THEREFROM; a tract of land being part of the East Half of the Northeast Quarter (E ½ NE ¼) of Section Eleven (11), Township Eleven (11) North, Range Sixteen (16) of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follow: Referring to the Northeast Corner of said Section 11 and assuming the East line of the Northeast Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the aforesaid East line a distance of 985.65 feet; thence WEST a distance of 41.86 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the West right-of-way line of Nebraska State Highway No. 10, thence continuing WEST a distance of 220.14 feet; thence NORTH parallel with the East line of said Northeast Quarter a distance of 216.65 feet; thence EAST a distance of 68.72 feet; thence NORTH parallel with the East line of said Northeast Quarter a distance of 94.63 feet; thence EAST a distance of 143.76 feet to a point being on the West right-of-way line of Nebraska State Highway No. 10; thence S 01°23'07" E and on the aforesaid West right-of-

way line a distance of 311.63 feet to the place of beginning. Containing 1.61 acres (70,000 Sq. Ft), more or less.

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

Motion was made by Heiden, seconded by Vacek submitted by Mitchell Humphrey on behalf of Marlyn and Lorna Bauer to recommend approval of this zoning map from Agricultural to Commercial and forward to the County Commissioners on the following legal description: A tract of land being part of the East Half of the Northeast Quarter (E ½ NE ¼) of Section Eleven (11), Township Eleven (11) North, Range Sixteen (16) of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follow: Referring to the Northeast Corner of said Section 11 and assuming the East line of the Northeast Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the aforesaid East line a distance of 985.65 feet; thence WEST a distance of 41.86 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the West right-of-way line of Nebraska State Highway No. 10, thence continuing WEST a distance of 220.14 feet; thence NORTH parallel with the East line of said Northeast Quarter a distance of 216.65 feet; thence EAST a distance of 68.72 feet; thence NORTH parallel with the East line of said Northeast Quarter a distance of 94.63 feet; thence EAST a distance of 143.76 feet to a point being on the West right-of-way line of Nebraska State Highway No. 10; thence S 01°23'07" E and on the aforesaid West right-of-way line a distance of 311.63 feet to the place of beginning. Containing 1.39 acres, (60,843 Sq Ft) more or less.

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

Old Business: Moved by Skelton, seconded by Heiden to approve the minutes of the September 17, 2015 as mailed. Voting yes: Skelton, Heiden, Brady, Keep, Steinbrink, Vacek and Vest. Voting no: none. Abstain: Wolfe. Absent: Skov. Motion carried.

Other items were discussed.

The Commission voiced their concerns of not having representation from the County Attorney's office present at the meetings. After much discussion, it was moved by Wolfe, seconded by Heiden to ask for legal representation from the County Commissioners. Many questions come up where the Commission has legal questions. There are multi-million dollar issues that come up and they want to do it right. They are the sounding board for the County Commissioners. It only involves about eight meetings per year and they feel it is in the best interest of the County. They don't want to have to table decisions if they have a legal question. We should be proactive to represent Buffalo County. We need to have legal representation to clarify some of the issues that come up. Voting yes were Wolfe, Heiden, Brady, Keep, Skelton, Steinbrink, Vacek and Vest. Voting no: one. Absent: Skov.

The next meeting of the Planning & Zoning Commission will be held December 17, 2015 at 7:00 P.M. if needed.

Chairperson Brady adjourned the meeting at 8:25 P.M.