

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

Vice Chairperson Willie Keep opened the meeting at 7:04 P.M. at the Buffalo County Courthouse in Kearney, NE with a quorum present on December 17, 2015.

Present were: Marlin Heiden, Willie Keep, Richard Skelton, Marc Vacek, and Loye Wolfe.  
Absent: Scott Brady, Leonard Skov, Paul Steinbrink, Sr. and Randy Vest. Also attending were Zoning Administrator LeAnn Klein and four 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.

Vice Chairperson Keep 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 7:04 P.M. Several persons were present, but no one provided any comment. The public forum closed at 7:04 P.M.

Vice Chairperson Keep opened the public hearing at 7:05 P.M. for a zoning map amendment submitted by Trenton Snow on behalf of John C. and Amy A. Ourada on the following legal description: The west half of the Northeast Quarter (W ½ NE ¼ ) of Section Nine (9), Township Nine (9) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska, EXCEPT Lot One (1), Landing Acres, an administrative subdivision being part of the Northwest ¼ of the Northeast ¼ of Section 9, Township 9 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska,

AND

Lot One (1), Landing Acres, an administrative subdivision being part of the Northwest ¼ of the Northeast ¼ of Section 9, Township 9 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Surveyor Trenton Snow was present along with John (JC) Ourada. This property is located north of Elm Creek on 100<sup>th</sup> Road and ½ mile east of Highway #183. The County Commissioners approved an administrative subdivision a couple of weeks ago in this same area. They are asking for the entire 80 acres to be rezoned so it isn't spot zoning. They would like to add a total of four lots for an additional four homes. It's close to Highway #183. Trenton passed out a map which shows all the homes in this area. There are quite a few of homes in this area already and the nature of the area is Agricultural-Residential. If this is approved, they will come back with the

subdivision. There will be restrictive covenants on this property. Ourada handed out copies of the restrictive covenants to the Commission. He said there will be nice homes in this area and it will add to the tax base. Ourada told them he is planning on farming the remainder of the property except for the area which will have the four homes. These lots are all over three acres. Dawson Public Power will have underground service to the homes.

Vacek asked if there would be sufficient space for sewer installation.

Snow told the Commission that the Nebraska Department of Environmental Quality requires a three acre minimum for water and sewer.

Skelton asked if Ourada would have to give up their water rights if it is zoned AGR?

Klein told them that was a question for the Natural Resource District.

Keep asked how it would affect the feedlot since it is located within the one mile?

Klein also told them she thought they would have to obtain a waiver from the owner of the feedlot for future houses in this subdivision. She will double check with the County Attorney's office.

Heiden stated we need representation from the County Attorney's office to answer questions that come up.

There was no one present that voiced any opposition.

Vice Chairperson Keep closed the public hearing at 7:30 P.M.

Motion was made by Skelton, seconded by Heiden to recommend approval of this zoning map amendment submitted by Trenton Snow on behalf of John and Amy Ourada from Agricultural to Agricultural-Residential and forward to the County Commissioners on the following legal description: The west half of the Northeast Quarter (W ½ NE ¼ ) of Section Nine (9), Township Nine (9) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska, EXCEPT Lot One (1), Landing Acres, an administrative subdivision being part of the Northwest ¼ of the Northeast ¼ of Section 9, Township 9 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska,

AND

Lot One (1), Landing Acres, an administrative subdivision being part of the Northwest ¼ of the Northeast ¼ of Section 9, Township 9 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska with the caveat they get a waiver from Donevieve R. Ourada since there is a feedlot within one mile of the proposed rezoning.

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

Klein said this will be heard by the County Commissioners on January 12, 2016 and notices will again be sent out.

Old Business: Moved by Wolfe, seconded by Skelton to approve the minutes of the November 19, 2015 as mailed. Voting yes: Wolfe, Skelton, Heiden, Keep, and Vacek. Voting no: none. Absent: Brady, Skov, Steinbrink and Vest. Motion carried.

Other items were discussed.

The next meeting of the Planning & Zoning Commission will be held January 21, 2016 at 7:00 P.M. if needed.

Vice Chairperson Keep adjourned the meeting at 7:43 P.M.