

MINUTES OF PLANNING & ZONING COMMISSION  
JULY 21, 2016  
BUFFALO COUNTY COURTHOUSE  
7:00 P.M.

Vice Chairperson Willie Keep opened the meeting at 7:01 P.M. at the Buffalo County Courthouse in Kearney, NE with a quorum present on July 21, 2016.

Present were: Marlin Heiden, Willie Keep, Richard Skelton, Leonard Skov and Marc Vacek. Absent: Scott Brady, Paul Steinbrink, Sr., Randy Vest and Loye Wolfe. Also attending were Deputy County Attorney Andrew Hoffmeister, Zoning Administrator LeAnn Klein and 11 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 7:02 P.M. Several persons were present, but no one provided any comment. The public forum closed at 7:02 P.M.

Vice Chairperson Keep opened the public hearing at 7:02 P.M. for a vacation of plat for part of Lot Eight (8), Bruner Lakeside Estates, a subdivision being part of the Northwest Quarter of the Northwest Quarter (NW ¼ NW 1/4 ), part of Government Lot One (1) and part of Government Lot Two (2) located in Section Twenty-four (24), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Northwest Corner of Lot 8, Bruner Lakeside Estates and assuming the West line of said Lot 8 as bearing S 00°07'37" E and all bearings contained herein are relative thereto; thence on the West line of said Lot 8, Bruner Lakeside Estates, S 00°07'37" E a distance of 131.16 feet, thence leaving the West line of said Lot 8, Bruner Lakeside Estates, N 89°52'23" E a distance of 79.71 feet to a point on the Easterly line of said Lot 8, Bruner Lakeside Estates, thence on the Easterly line of said Lot 8, Bruner Lakeside Estates, N 39°31'49" W a distance of 54.36 feet; thence continuing on the Easterly line of said Lot 8, Bruner Lakeside Estates, N 27°00'59" W a distance of 99.97 feet to the place of beginning. Containing 4,639 Sq. Ft, more or less.

Mitchell Humphrey was present representing Bruner's Sand & Gravel, Inc., James Bruner its President. James Bruner and Gayle Knoll Bruner were also present. This subdivision is located south of Shelton along Shelton Road and this was platted a couple of years ago. They are constructing a boat ramp to gain access to the lake. They found out from their insurance company that the Homeowners Association needed to own this parcel of land. They want to

vacate a small triangle of Lot 8. The remainder of Lot 8 will be 1.694 acres (73,790.6 sq. ft.). Upon approval of the vacation of the north portion of Lot 8, the tract will be conveyed to the association and merged by title into the land encompassing the lake as it is presently owned by the Association. The land encompassing the lake presently contains a total acreage of 51.15 acres.

Steinbrink, Sr. arrived at 7:08 P.M.

Hoffmeister questioned who currently owns Lot 8. Humphrey replied that is owned by Bruners' Sand & Gravel, Inc.

Humphrey also stated they would be granting a quit claim deed from Bruners' Sand & Gravel to the Homeowners Association.

Keep asked how large Lot 8 is. Humphrey told him after the vacation, Lot 8 would be 1.694 acres. The triangle that they are vacating is .106 acre.

Hoffmeister told the Commission since this is zoned Agricultural-Residential, the size of the lots can go down to 70,000 square feet.

Skelton asked if the utilities would remain the same. Humphrey said they would remain the same.

Hoffmeister told the Commission this is only a recommendation to the County Commissioners.

There were no additional comments from the audience. Vice Chairperson Keep closed the public hearing at 7:11 P.M.

Motion was made by Skelton, seconded by Heiden to recommend to the County Commissioners that the following legal description for part of Lot Eight (8), Bruner Lakeside Estates, a subdivision being part of the Northwest Quarter of the Northwest Quarter (NW ¼ NW 1/4 ), part of Government Lot One (1) and part of Government Lot Two (2) located in Section Twenty-four (24), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Northwest Corner of Lot 8, Bruner Lakeside Estates and assuming the West line of said Lot 8 as bearing S 00°07'37" E and all bearings contained herein are relative thereto; thence on the West line of said Lot 8, Bruner Lakeside Estates, S 00°07'37" E a distance of 131.16 feet, thence leaving the West line of said Lot 8, Bruner Lakeside Estates, N 89°52'23" E a distance of 79.71 feet to a point on the Easterly line of said Lot 8, Bruner Lakeside Estates, thence on the Easterly line of said Lot 8, Bruner Lakeside Estates, N 39°31'49" W a distance of 54.36 feet; thence continuing on the Easterly line of said Lot 8, Bruner Lakeside Estates, N 27°00'59" W a distance of 99.97 feet to the place of beginning. Containing 4,639 Sq. Ft, more or less is vacated on the following conditions:

1. That the streets will not be affected.
2. That the public utilities will not be affected.

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

Klein said this would be heard by the County Commissioners on August 9, 2016.

Vice Chairperson Keep opened up the public hearing at 7:15 P.M. for a preliminary plat for Woodward Estates submitted by Surveyor Mitchell Humphrey on behalf of Josiah Woodward and Marcile Woodward on the following legal description: a tract of land being part of South Half of the Southeast Quarter (S ½ SE ¼ ) of Fractional Section Seven (7), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, containing 24.37 acres, more or less, of which 1.66 acres, more or less, are presently being used for road purposes on the East and South sides..

Surveyor Mitchell Humphrey was present to address the Commission. Josiah and Marcile Woodward were also in attendance. He told the Commission this is a preliminary plat for six lots on the corner of 85<sup>th</sup> Road and Cottonmill Ave. The name of the street running through this subdivision will be 86<sup>th</sup> Road. These lots range in size from 3.11 acres up to 4.00 acres. He has showed the topography of each lot on the preliminary plat.

Hoffmeister said there is only a one foot break.

Humphrey also told the Commission the road is built to the specifications as required by the Highway Department and John Maul has looked at the road.

An Engineer's report has also been submitted by Brungardt Engineering regarding the storm drainage study and what size of culverts are needed for the individual lots.

Hoffmeister said these lots according to the drainage study would require a 24" culvert.

Humphrey said the culverts are already in next to 85<sup>th</sup> Road.

Keep stated he thought the driveways should only be off of 85<sup>th</sup> Road or 86<sup>th</sup> Road.

Humphrey told the Commission there is a fiber optic line off of 85<sup>th</sup> Road that runs on the south edge of these lots. He also said there is a shelter belt that runs along the south side of Lot 1 and Lot 2, Block 2.

Josiah Woodward said that John Maul had approved the road entrance off of Cottonmill Ave.

Humphrey also submitted a letter to the Commission addressing the utility easements and requesting side yard utility easements not be placed on some lot lines as shown on the preliminary plat for approval. He has talked to the utility companies and he has shown utility easements along 86<sup>th</sup> Road, along the exterior of the subdivision and between Lot 3 and Lot 4, Block One. They would bury any utility lines since there will be less maintenance.

Skelton asked if the utility companies don't want utility easements between the lots. Humphrey replied they would only have utility easements between Lot 3 and Lot 4, Block One, otherwise it would be in front or back of all the lots.

Hoffmeister asked Woodward who owns the land to the north of this subdivision. Woodward said he owns the land to the north.

There was no one present that voiced a concern.

Vice Chairperson Keep closed the public hearing at 7:28 P.M.

Motion was made by Vacek, seconded by Skelton to approve the preliminary plat for Woodward Estates submitted by Surveyor Mitchell Humphrey on behalf of Josiah Woodward and Marcile Woodward on the following legal description: a tract of land being part of South Half of the Southeast Quarter (S ½ SE ¼ ) of Fractional Section Seven (7), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, containing 24.37 acres, more or less, of which 1.66 acres, more or less, are presently being used for road purposes on the East and South sides and forward this to the County Commissioners with the following section relaxed:

1. Relaxation of easements as noted and shown on the plat.

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

Klein said this would be heard by the County Commissioners on August 9, 2016 and notices will again be sent out.

Old Business: Moved by Vacek, seconded by Skelton to approve the minutes of the May 19, 2016 as mailed. Voting yes: Vacek, Skelton, Heiden, Keep, Skov and Steinbrink. Voting no: none. Absent: Brady, Vest and Wolfe. Motion carried.

Other items were discussed.

The next meeting of the Planning & Zoning Commission will be held August 18, 2016 at 7:00 P.M. if needed.

Vice Chairperson Keep adjourned the meeting at 7:50 P.M.