

MINUTES OF PLANNING & ZONING COMMISSION
SEPTEMBER 21, 2017
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 September 21, 2017.

Present were: Scott Brady, Austin Gardine, Marlin Heiden, Tammy Jeffs, Willie Keep, and Marc Vacek. Absent: Richard Skelton, Randy Vest, and Loye Wolfe. Also attending were Deputy County Attorney Andrew Hoffmeister, Zoning Administrator LeAnn Klein, and seven members of the public.

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.

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.

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 special use permit submitted by Jon Sullivan on behalf of Firefly Landscaping, Inc. on the following legal description: A tract of land being part of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Five (5), Township Eight (8) North, Range Seventeen (17) West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southwest corner of the Southwest Quarter (SW $\frac{1}{4}$) of Section Five (5) and assuming the West line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section Five (5) as bearing North 00 degrees 14 minutes 27 seconds East and all bearings contained herein are relative thereto; thence North 00 degrees 14 minutes 27 seconds East and on the West line of said Southwest Quarter (SW $\frac{1}{4}$) a distance of 658.00 feet; thence North 62 degrees 52 minutes East a distance of 295.0 feet; thence North 88 degrees 33 minutes East a distance of 447.0 feet; thence North 37 degrees 41 minutes East a distance of 104.0 feet; thence North 67 degrees 05 minutes East a distance of 83.0 feet; thence South 62 degrees 45 minutes East a distance of 173.0 feet; thence South 28 degrees 34 minutes East a distance of 190.0 feet; thence South 48 degrees 13 minutes East a distance of 150.0 feet; thence South 64 degrees 10 minutes 21 seconds East a distance of 139.1 feet to a point on the East line of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section Five (5), said point also being 491.0 feet northerly from the Southeast corner of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section Five (5); thence South 00 degrees 03 minutes 58 seconds West and on the East line of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section Five (5) a distance of 491.0 feet to the Southeast corner of the Southwest

Quarter of the Southwest Quarter (SW ¼ SW ¼) of said Section Five (5); thence South 89 degrees 06 minutes 16 seconds West and on the South line of the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼) of said Section Five (5) a distance of 1,333.48 feet to the place of beginning.

Jon Sullivan, the owner of Firefly Landscaping, was present and told the Commission he wants to add an addition to an existing building. They want to add a 24' x 40' addition onto the west side. This is southwest of Odessa off of 11th Road in the agricultural district. Their business is located in Holdrege and they want to expand in the Kearney area. He wants to store equipment at this location.

Brady asked if they would be storing any chemicals. Sullivan replied they would and they would also be storing lawn fertilizer in bags and bulk containers.

Hoffmeister asked if he plans on expanding. Sullivan replied possibly another building. He currently has nine employees. He will have two-four employees working out of this location. It is not a retail business. Jon said he would have his office at this location and would be working out of this location.

Heiden asked how much fertilizer they would store. Sullivan said they get about 250 gallons in bulk containers about every six weeks. Heiden asked if these are stored according to EPA regulations. Sullivan said they are stored according to EPA regulations.

Hoffmeister asked if the Department of Agriculture inspected their premises. Sullivan replied they did not.

Keep asked if he had an applicator's license. Sullivan said they do have their applicator's license.

Gardine asked if they had any security cameras on site. Sullivan stated there is a yard light but they don't currently have security cameras. Sullivan said they will padlock the area around the facility.

Hoffmeister asked if they had a 911 sign with their address, name and contact information. Sullivan said they would have.

There was no one present in opposition.

Chairperson Brady closed the public hearing at 7:15 P.M.

Motion was made by Gardine, seconded by Heiden to approve this special use permit filed by Jon Sullivan on behalf of Firefly Landscaping Inc. on the following legal description: A tract of land being part of the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼) of Section Five (5), Township Eight (8) North, Range Seventeen (17) West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southwest corner of the Southwest Quarter (SW ¼) of Section Five (5) and assuming the West line of the Southwest

Quarter (SW ¼) of said Section Five (5) as bearing North 00 degrees 14 minutes 27 seconds East and all bearings contained herein are relative thereto; thence North 00 degrees 14 minutes 27 seconds East and on the West line of said Southwest Quarter (SW ¼) a distance of 658.00 feet; thence North 62 degrees 52 minutes East a distance of 295.0 feet; thence North 88 degrees 33 minutes East a distance of 447.0 feet; thence North 37 degrees 41 minutes East a distance of 104.0 feet; thence North 67 degrees 05 minutes East a distance of 83.0 feet; thence South 62 degrees 45 minutes East a distance of 173.0 feet; thence South 28 degrees 34 minutes East a distance of 190.0 feet; thence South 48 degrees 13 minutes East a distance of 150.0 feet; thence South 64 degrees 10 minutes 21 seconds East a distance of 139.1 feet to a point on the East line of the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼) of said Section Five (5), said point also being 491.0 feet northerly from the Southeast corner of the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼) of said Section Five (5); thence South 00 degrees 03 minutes 58 seconds West and on the East line of the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼) of said Section Five (5) a distance of 491.0 feet to the Southeast corner of the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼) of said Section Five (5); thence South 89 degrees 06 minutes 16 seconds West and on the South line of the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼) of said Section Five (5) a distance of 1,333.48 feet to the place of beginning.

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

Klein said this would be heard by the County Commissioners on October 10, 2017 at 9:15 A.M. and notices would again be sent out.

Chairperson Brady opened the next public hearing at 7:16 P.M. for a special use permit submitted by Crop Production Services, Inc. for a warehouse and office addition to existing buildings on the following legal description: Lot 1, Cargill Administrative Subdivision, a subdivision in Buffalo County, Nebraska. This is for an amendment to a special use permit filed on June 12, 2007 and amended on December 4, 2007. Steve Wolford with W Design Engineers and Architects and Mike Hansen, the location manager, were present and told the Commission they want to add 1,435 square feet of office, bathrooms, and a warehouse for a total of 10,575 square feet. Warehouse will be inside storage and they will have bulk size storage and there will be containment for the fertilizer storage. This application has been sent to the fire marshall and has been approved.

Hoffmeister asked what their needs would be 5-7 years out and where they are located from the ethanol plant. Hansen said they are about 1 mile from the ethanol plant. They are not changing the use, just expanding their business.

Heiden asked if they would have more traffic. Hansen said they would have 20-30 trucks during peak season. There is a lot of traffic already due to the ethanol plant. There is a hard surfaced road in front of their business.

Hoffmeister asked if they had a sign at this location. Hansen said they do have a sign already.

Crop Production also owns the property to the east. They bought the Cargill property last September. Hansen said they will have a staff of three people.

Vacek asked if they will have spray rigs on site. Hansen replied they will have spray rigs.

Vacek asked if they will be cleaning their spray rigs. Hansen said everything will be cleaned inside the warehouse.

Bob Chop, representing his parents, who owns the property to the north, was present and was asking if there would be a fence around this facility. They have cows and calves and they have concerns if they would get out. Hansen said they could consider putting up a fence. The containment is fenced already.

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

A motion was made by Jeffs, seconded by Gardine to amend this special use permit to allow an addition to the office, bathrooms, and warehouse and forward to the County Commissioners on the following legal description: Lot 1, Cargill Administrative Subdivision, a subdivision in Buffalo County, Nebraska.

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

Klein said this would be heard by the County Commissioners on October 10, 2017 at 9:15 A.M. and notices will again be sent out.

Chairperson Brady opened the next public hearing at 7:38 P.M. for a zoning map amendment submitted by Jeff Albers and Tyler Hanks on behalf of A & H Ag LLP. They wish to rezone this property from Agricultural to Commercial on the following legal description: a tract of land being part of Government Lot 4 of Section 18, Township 12 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southwest corner of said Government Lot 4 and assuming the West line of said Government Lot as bearing N 01° 56' 24" W and all bearings contained herein are relative thereto; thence N 01° 56' 24" W and on the aforesaid West line a distance of 1,315.64 feet to the Northwest corner of said Government Lot 4; thence S 89° 58' 10" E and on the North line of said Government Lot a distance 957.5 feet; thence South a distance of 693.38 feet; thence East and parallel with the South line of said Government Lot a distance 30.92 feet; thence South a distance of 621.0 feet to a point on the aforesaid South line; thence West and on the aforesaid South line a distance of 943.88 feet to the place of beginning. The rezoning would be in the northwest corner of this property.

Jeff Albers and Tyler Hanks with A & H Ag, LLP were present and told the Commission they would like to rezone a small piece of land from Agricultural to Commercial so they can build a building for an agricultural business and run a spray business that would be used to store machinery and house chemicals and seed. They would like to put up a 70' x 80' building with an office attached. They will have a septic system and well. They will have a custom spraying

business and they have also signed a contract with Golden Harvest. The building will be used to house chemicals and seed treatment facility. The building will be fully contained and they will hold a 275 pound tote.

Brady asked if they will have wash facilities. Albers said they would but the wash out would be done in the field.

Brady asked if they would have containment if they washed out the sprayers at their building. Albers stated they would have containment for this.

The building would have a slope containment and they will be surveying off three acres for the building site.

Heiden asked how far from property lines the building would be. Albers said it would be about 130 feet from the road and about 60 feet from the north property line.

Hoffmeister asked how far it was from Poole Road. Albers said it is about 5 miles from Poole Road and about one mile from Highway 10 and 1/8 mile from a hard surfaced road.

Hoffmeister asked what weight of trucks would be using this road. Albers said the trucks would be 26 ton. There won't be that much traffic.

Brady said the traffic would be seasonal. Brady also asked if the equipment would be stored inside. Albers said the equipment would be stored inside.

No one spoke in opposition.

Brady closed the hearing at 7:50 P.M.

Motion was made by Vacek, seconded by Heiden to approve this application for a zoning map amendment from Agricultural to Commercial submitted by Jeff Albers and Tyler Hanks with A & H Ag, LLP on the following legal description: a tract of land being part of Government Lot 4 of Section 18, Township 12 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska. They will provide us with a detailed legal description of the three acre tract. Voting yes were Vacek, Heiden, Brady, Gardine, Jeffs, and Keep. Voting no: none. Absent: Skelton, Vest, and Wolfe. Motion carried

Klein said this would be heard by the County Commissioners on October 10, 2017 at 9:15 A.M. and notices will again be sent out.

The next hearing was opened at 8:00 that Section 5.14 (13) and Section 5.34 (7) of the zoning regulations be amended.

Hoffmeister explained the following changes. Discussion followed.

Chairperson Brady closed the public hearing at 8:04.

A motion was made by Vacek, seconded by Gardine to amend the Buffalo County Zoning Regulations as previously adopted as follows and forward to the County Commissioners with a vote of approval:

Section 5.14 (13) from “Dog Breeding establishments and kennels” to “Dog breeding establishments, kennels, and domesticated animal training facilities” and

Section 5.34 (7) from “Commercial kennels” to “Dog breeding establishments, kennels, and domesticated animal training facilities”

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

Old Business: Moved by Gardine, seconded by Heiden to approve the minutes of the August 17, 2017 as mailed. Voting yes: Gardine, Heiden, Brady, Jeffs, Keep, and Vacek. Voting no: none. Absent: Skelton, Vest, and Wolfe. Motion carried.

Other items were discussed.

The next meeting of the Planning & Zoning Commission will be held October 19, 2017 at 7:00 P.M.

Chairperson Brady adjourned the meeting at 8:14 P.M.