

MINUTES OF PLANNING & ZONING COMMISSION
OCTOBER 19, 2017
BUFFALO COUNTY COURTHOUSE
7:05 P.M.

Chairperson Scott Brady opened the meeting at 7:05 P.M. at the Buffalo County Courthouse in Kearney, NE with a quorum present on October 19, 2017.

Present were: Scott Brady, Tammy Jeffs, Willie Keep, Richard Skelton, Randy Vest, and Loye Wolfe. Absent: Austin Gardine, Marlin Heiden, and Marc Vacek. Also attending were Deputy County Attorney Kari Fisk, Zoning Administrator LeAnn Klein, and twelve 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 7:05 P.M. Several persons were present, but no one provided any comment. The public forum closed at 7:05 P.M.

Chairperson Brady opened the public hearing at 7:06 P.M. for a special use permit submitted by Violet Sheen and Daniel McKeon on the following legal description: Lot 1, Campbell Acres, an administrative subdivision being part of the North ½ of the Southeast ¼ of Section 32, Township 9 North, Range 17 West of the 6th P.M., Buffalo County, Nebraska.

Violet Sheen and Daniel McKeon were present to address the Commission. Sheen stated she had the property up for sale and McKeon is the prospective buyer for the property and wants to put an agricultural business at this location. He has a crop consulting business.

Fisk asked if there would be a residence at this location. McKeon said he would be using the existing structure for an office. He wants to add a 50' x 50' shop area east of the existing residence and possibly add another 40' x 40' pole shed and also add a 100' x 60' warehouse along with a 1 tower pivot on the north side for plot work.

Skelton asked how large the lot was. McKeon replied it is 3.16 acres.

McKeon said this is a good location for his business since it is directly off of Highway 30.

Brady asked if the warehouse would contain chemicals. McKeon replied it would only have seed.

Wolfe asked if he would use the existing drive-way. McKeon said he would but he wouldn't have a lot of truck traffic.

Fisk asked how many employees he would have. McKeon replied he doesn't have any employees but he could have the potential for five to six employees in the future.

Fisk said there is a sketch attached to the application which shows the placement of the proposed buildings.

Fisk said the Commission needed to make seven separate findings as follows:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and
5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

Fisk also said they would need parking for their employees and a loading zone for the warehouse.

Keep said he doesn't see this as much different from what is already there. There is a Quonset to the east of this property. Keep's concern is if there is enough room for all the buildings that he is proposing. Keep's recommendation would be to have buildings up to the size as indicated on the plans proposed. If they didn't fit on the lot, he could always go smaller.

Fisk also said the construction needs to be completed within two years of approval of this permit. Fisk didn't think this plan was developed enough.

Keep said he would need the elevation of this property to keep all the water on this property and keep it from running onto neighbor's property.

Wolfe asked if he was planning on putting up the buildings immediately. McKeon said he would put the storage building up next to the residence first.

McKeon said he went with the special use permit rather than the rezoning application to Commercial because the rezoning would open up the door to other options.

Klein said under our zoning regulations, this agricultural business is allowed under Section 5.34 (1) with a special use permit.

There was no one present in opposition.

Brady said if all the buildings were not completed within the two years' time frame, McKeon would have to come back before the Commission with an amendment of the special use permit.

Keep said this fits into the area. There is a haying operation in this vicinity and there also is a pivot in this area.

Keep asked if all the neighbors were notified. Klein responded letters were sent out to the adjoining property owners within 300' feet and she had received no phone calls concerning this hearing.

Brady said he doesn't have a problem with the type of business McKeon is proposing but it needs to be defined a little better. Brady asked if we could table this until next meeting for a more detailed plan.

Motion was made by Wolfe, seconded by Vest to continue this special use permit hearing until the November 16, 2017 meeting filed by Violet Sheen and Daniel McKeon on the following legal description: Lot 1, Campbell Acres, an administrative subdivision being part of the North ½ of the Southeast ¼ of Section 32, Township 9 North, Range 17 West of the 6th P.M., Buffalo County, Nebraska until a more definite plan is submitted.

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

Chairperson Brady opened the next public hearing at 7:40 P.M. for a zoning map amendment submitted by Clint and Melissa Florell. They wish to rezone this property from Agricultural to Agricultural-Residential on the following legal description: a tract of land being between 10-15 acres in part of the Southwest Quarter of Section 4, Township 9 North, Range 17 West of the 6th P.M., Buffalo County, Nebraska.

Clint and Melissa Florell were present and told the Commission they would like one additional home on a 10-15 acres parcel directly adjacent to Elm Road on property they currently own. Melissa told the Commission there are already four homes in this quarter. These homes were split before they purchased the property. The current infrastructure currently supports the homes that are already there. This is about ½ mile from a paved Odessa Road. Since the time they have owned the pasture which is about twelve years, they have been approached by people wanting to buy an acreage in this area. She wants to make it perfectly clear they do not want to subdivide this parcel into a subdivision but they just want one additional home in this area. They plan on using the remaining 100 acres for pasture which would be a buffer between the homes in this area. This is in the Amherst school district. They are considering building on this parcel themselves.

Fisk asked them if they had a detailed legal description for this property.

Melissa said they had already talked to a surveyor and would have a detailed legal description before the County Commissioners meeting.

Brady asked them if this was just a rezoning. Melissa said this was for just one home in the Agricultural-Residential district. The reason they are asking for this rezoning is that there are already four homes in this quarter.

Brady read a letter of opposition into the record from Paul and Angie Kenney. They own land to the north of the proposed rezoning in the Northeast Quarter and the Northwest Quarter.

Melissa said there is about 100 acres between the Kenney property and where this rezoning area is located. They have used the County for spraying their pasture and do not use aerial spraying.

Keep asked why they don't want only three acres to be rezoned instead of 10-15 acres.

Clint said three acres is not very much if they want horses or other livestock.

Kent Hubbard was present and lives about 1 ½ miles south of the property and asked if there was a stipulation that the land would remain in Florell's name if it is rezoned. He doesn't have opposition if Clint and Melissa want to build a house at this location.

Melissa said as far as spraying is concerned, you have to consult with your neighbors to prevent problems.

Brady closed the hearing at 8:00 P.M.

Motion was made by Skelton, seconded by Keep to approve this application for a zoning map amendment from Agricultural to Agricultural-Residential submitted by Clint and Melissa Florell and forward to the County Commissioners on the following legal description: 10-15 acre tract in part of the Southwest Quarter of Section 4, Township 9 North, Range 17 West of the 6th P.M., Buffalo County, Nebraska. A detailed legal description will be completed for the 10-15 acre tract before the County Commissioners meeting. Voting yes were Skelton, Keep, Brady, Jeffs, Vest, and Wolfe. Voting no: none. Absent: Gardine, Heiden, and Vacek. Motion carried

Klein said this would be heard by the County Commissioners on November 14, 2017 at 9:15 A.M. and notices will again be sent out.

Old Business: Moved by Jeffs, seconded by Keep to approve the minutes of the September 21, 2017 as mailed. Voting yes: Jeffs, Keep, Brady, Skelton, and Vest. Abstain: Wolfe. Voting no: none. Absent: Gardine, Heiden, and Vacek. Motion carried.

Discussion of road maintenance in Buffalo County subdivisions was discussed. There were a number of people in the audience that commented on paving in proposed subdivisions. It was the consensus of the group that it will or has slowed development in the County.

Fisk said this is an ongoing discussion of paving in subdivisions in Buffalo County at the request of a County Commissioner.

The group asked what the status of this discussion was. Fisk replied this Commission has heard from the Planner as well as from the Highway Superintendent. Now the Commission wants to hear from developers as well as area surveyors. It is in the education phase.

Paul Hazzard told the Commission that just the mere rumor of this has stopped the purchase of a property and compromised area development. He also asked if the County would require paving a subdivision, would the roads leading up to this subdivision also be paved.

Brady said the County maintainers can't keep up the maintenance of area roads because of the amount of traffic on them.

Fisk said the Planner had made a comment to limit subdivisions directly to adjacent hard surfaced roads.

Brady said he had looked at a County which requires paving on all new subdivisions.

Skelton told the group this is an educational thing for us and we are just gathering information. We are looking at the expense of new subdivisions.

Keep said we are just in a fact finding process.

Fisk said there have been no drafts drawn up to change our zoning regulations.

Keep said just recently we had vacations of two previously subdivided subdivisions. What happens if these subdivisions had been paved? Does the paving have to be torn up? That is why he is not in favor of having to pave new subdivisions.

JC Ourada asked how many miles of roads there are in Buffalo County as well as subdivision roads. What are the costs to the County on the roads they are maintaining?

Brady told the group just the amount of traffic on area roads have increased dramatically and it is hard for the County to keep the roads maintained.

Keep also said there is a lot more heavier traffic.

Hazzard asked if the Commission are currently approving subdivisions or are things on hold.

Fisk replied there are no code changes on the table right now. According to the Planner, we have had unexpected growth in this County and the need is there to update our Comprehensive Plan to show this growth.

Trenton Snow also agreed that it will slow growth in Buffalo County if paving is required in subdivisions. If you have a 3 acre lot the costs are more prohibitive compared to a town lot

which are a lot smaller and you can spread these costs among these lots. The costs for a 3 acre lot would be so great; people wouldn't be able to afford these lots if they had to be paved.

Jeffs asked if roads were not maintained by the County how that would affect development.

Snow replied if they did that, then the specs shouldn't be as wide as a County road so they can cut costs and they could have a homeowners association to maintain the roads in a subdivision.

Fisk said some Counties require subdivisions to be in close proximity to a city or town or a hard surfaced road.

Craig Bennett with Miller & Associates said we need to be careful to not limit our development and what are the needs of Buffalo County. This County is growing and other Counties are not. We need to look at costs of estimates on asphalt and concrete roads versus gravel roads. We need to look at upfront costs. What are the costs over a 50 year basis and compare the costs of gravel versus a paved road of asphalt road or concrete road. We have dealt with developers who want to subdivide their land. The protesters are usually the ones you hear from. You don't see a room full of people who are in favor of a project.

Mitch Humphrey said the most important thing is to gather information, recognize it, and don't compare this County with other Counties. We are in a very unique location in this state and other Counties would love to have our growth. We need to look at the numbers and look at the costs all around. We need to look at economic development, future growth, and agricultural business. It is a cost thing. Gather the information and look at what is best for the County.

Skelton told the group we appreciate everybody's input tonight and thanked everyone for coming.

The next meeting of the Planning & Zoning Commission will be held November 16, 2017 at 7:00 P.M.

Brady also thanked everyone for coming tonight.

Chairperson Brady adjourned the meeting at 9:07 P.M.