

MINUTES OF PLANNING & ZONING COMMISSION
NOVEMBER 16, 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 November 16, 2017.

Present were: Scott Brady, Tammy Jeffs, Austin Gardine, Marlin Heiden, Willie Keep, Richard Skelton, Marc Vacek, and Loye Wolfe. Absent: Randy Vest. Also attending were Zoning Administrator LeAnn Klein, and six 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 7:01 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 Dane R. Johnson and Kara Johnson for a dog training establishment on the following legal description: the South 324.0 feet of the following described tract of land: A tract of land being part of the South Half of the Northwest Quarter (S ½ NW ¼)of Section Thirteen (13), Township Nine (9) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Northeast corner of the South Half of the Northwest Quarter of Section 13 and assuming the North line of the South Half of the Northwest Quarter of Section 13 as bearing N 89° 54' 57" W and all bearings contained herein are relative thereto; thence N 89° 54' 57" W and on the North line of the South Half of the Northwest Quarter of said Section 13 a distance of 1,346.84 feet; thence leaving the North line of the South Half of the Northwest Quarter of said Section 13, S 00° 04' 28" E and parallel with the East line of the South Half of the Northwest Quarter of said Section 13 a distance of 1,292.97 feet; thence S 89° 50' 53" E a distance of 1,346.77 feet to a point on the East line of the South Half of the Northwest Quarter of said Section 13, said point being 17.61 feet Northerly from the Southeast corner of the Northwest Quarter of said Section 13, thence N 00° 04' 28" W and on the East line of the South Half of the Northwest Quarter of said Section 13 a distance of 1,294.56 feet to the place of beginning. This was tabled from the August 17, 2017 meeting.

Chairperson Brady asked if the needed changes had been made to the zoning regulations to allow a dog training establishment.

Klein responded those changes had been made to the zoning regulations and had been adopted by the County Commissioners for Section 5.14 #13.

Dane and Kara were present and Dane said he owns Apex Retrievers and he trains labs for other people.

Heiden asked if there should be a limit of the number of dogs they can have.

Klein said there is no limit on the number of dogs they can have but the Commission is free to put a limit on the special use permit.

Dane said their numbers do fluctuate during the year but during the summer months they have 44 kennels and he does not plan to expand.

Brady asked Dane if they raised any dogs which Dane responded they do not raise dogs. Almost all of their dogs are client dogs.

Keep said he is not comfortable putting a number of dogs on the permit.

Dane said they are regulated by the State of Nebraska.

Wolfe said we don't want to get into micromanaging.

Keep said the state does regulate this business.

There was no one present in opposition to this permit.

Chairperson Brady closed the public hearing at 7:09 P.M.

Moved by Gardine, seconded by Skelton to approve this special use permit with no conditions submitted by Dane R. Johnson and Kara Johnson for a dog training establishment on the following legal description: the South 324.0 feet of the following described tract of land: A tract of land being part of the South Half of the Northwest Quarter (S ½ NW ¼)of Section Thirteen (13), Township Nine (9) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Northeast corner of the South Half of the Northwest Quarter of Section 13 and assuming the North line of the South Half of the Northwest Quarter of Section 13 as bearing N 89° 54' 57" W and all bearings contained herein are relative thereto; thence N 89° 54' 57" W and on the North line of the South Half of the Northwest Quarter of said Section 13 a distance of 1,346.84 feet; thence leaving the North line of the South Half of the Northwest Quarter of said Section 13, S 00° 04' 28" E and parallel with the East line of the South Half of the Northwest Quarter of said Section 13 a distance of 1,292.97 feet; thence S 89° 50' 53" E a distance of 1,346.77 feet to a point on the East line of the South Half of the Northwest Quarter of said Section 13, said point being 17.61 feet Northerly from the Southeast corner of the Northwest Quarter of said Section 13, thence N 00° 04' 28" W and on the East line of the South Half of the Northwest Quarter of said

Section 13 a distance of 1,294.56 feet to the place of beginning. This was tabled from the August 17, 2017 meeting.

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

Klein said this would be heard by the County Board on December 12, 2017 at 9:15 A.M. and notices would again be sent out.

Chairperson Brady opened the next public hearing at 7:10 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. This was continued from the October 19, 2017 meeting.

Daniel McKeon was present to address the Commission. McKeon handed out a drawing to the Commission which shows his plan. McKeon said his business is DDM Agronomics and he works with farmers on data management. He has been doing crop consulting for 25 years. He wants to purchase this site from Violet Sheen and intends to use the existing building for his office. The cement pad on east side of present building will be used to put up a 50' x 50' shop; this hopefully will be done within one year. Future development shown is to also have a 1 tower pivot on north side by canal for plot work and show and tell for the producers at earliest this spring if not for 2019 crop season. He also wants to put up a 100' x 50' warehouse for seed and supplies and four bins within an area of 20 foot by 60 foot area in the 2019-2020 seasons. Another 50' x 100' foot warehouse would be built north of the existing building with a target date of 2020-2021. Parking lot and loading area will be to the south and southwest of the office. He hopes to have 3-5 employees by the fifth year.

Skelton asked if the County Commissioners could extend the time frame of the special use permit beyond the two years.

Klein said the Commission could make that recommendation to the County Commissioners in their motion or the County Commissioners could make that decision to extend the time frame.

Chairperson asked if anyone was present to voice their concerns.

Ron Campbell was present and lives to the west of the site. He wants to know if his taxes would go up and also who will take care of the driveway. He also wanted to know if there would be added traffic.

McKeon said there won't be that much added traffic.

Keep asked if he would be selling fertilizer. McKeon replied he would just sell seed.

Gardine asked if the drive-way would be wide enough for semi traffic.

Ron Campbell said he used to drive a semi and he had added 20' to the culvert to allow for semi traffic.

Brady asked if he would be doing any spraying or custom work. McKeon replied no he wouldn't.

Chairperson Brady closed the public hearing at 7:22 P.M.

Motion was made by Wolfe, seconded by Vacek to approve this 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. This was continued from the October 19, 2017 meeting. The owner of this property is Violet A. Sheen.

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

Klein said this would be heard by the County Commissioners on December 12, 2017 at 9:15 A.M. and notices would again be sent out.

Old Business: Moved by Skelton, seconded by Heiden to approve the minutes of the October 19, 2017 as mailed. Voting yes: Skelton, Heiden, Brady, Gardine, Jeffs, Keep, Vacek and Wolfe. Voting no: none. Absent: Vest. Motion carried.

Other items were discussed.

The next meeting of the Planning & Zoning Commission will be held December 21, 2017 at 7:00 P.M. if needed.

Chairperson Brady adjourned the meeting at 7:40 P.M.