

MINUTES OF PLANNING & ZONING COMMISSION
MARCH 15, 2018
BUFFALO COUNTY COURTHOUSE
7:03 P.M.

Chairperson Scott Brady opened the meeting at 7:03 P.M. at the Buffalo County Courthouse in Kearney, NE with a quorum present on March 15, 2018.

Present were: Scott Brady, Marlin Heiden, Tammy Jeffs, Willie Keep, Richard Skelton, Marc Vacek, and Loye Wolfe. Absent: Randy Vest Also attending were Deputy County Attorney Andrew Hoffmeister, Zoning Administrator LeAnn Klein, and eight 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 7:04 P.M. Several persons were present, but no one provided any comment. The public forum closed at 7:04 P.M.

Chairperson Brady opened the public hearing at 7:05 P.M. for a special use permit submitted by Jeffrey Skinner on behalf of Verizon Wireless on the following legal description: A tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 5, Township 8 North, Range 18 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest Corner of the Southeast Quarter of the Northeast Quarter of said Section 5 and assuming the West line of said Southeast Quarter of the Northeast Quarter as bearing NORTH and all bearings contained herein are relative thereto; thence N 89° 49' 30" E and on the South line of the Southeast Quarter of the Northeast Quarter of said section a distance of 100.0 feet to the ACTUAL PLACE OF BEGINNING; thence NORTH parallel with and 100.0 feet easterly from the West line of the Southeast Quarter of the Northeast Quarter of said section a distance of 660.0 feet; thence N° 89' 49' 30" E parallel with the South line of said Northeast Quarter a distance of 498.26 feet; thence S 00° 19' 30" W a distance of 660.0 feet to a point on the South line of the Southeast Quarter of the Northeast Quarter of said section; thence S 89° 49' 30" W a distance of 494.04 feet to the place of beginning. Containing 7.42, more or less, of which 0.37 acres, more or less, are presently being used for road purposes on the South side. This property is owned by Roger and Linda Dennis.

Jeffrey Skinner with Verizon Wireless from Waukee, Iowa was present and told the Commission they want to put a 198' cellular monopole and radio equipment in the Elm Creek vicinity for service on the I-80 corridor. This would allow additional data capacity and this tower would have the capacity for two additional carriers and ground space for them. The tower is not lit

unless requested by the County Commissioners and there are no guide wires. This area would be fenced with barbed wire and there would be no service building. They would have outdoor cabinets. They will have a back-up generator as shown on pages 4 & 5 of the application and the generator would be located beside the cabinets. They also would have a 911 address for this location. There is also a letter from a design engineer stating the safety factor in the event of failure of one or more structural elements. This is for a monopole designed and manufactured by Sabre Towers and Poles. In the unlikely event of total separation, this in turn would result in collapse of that portion to the ground within a radius of 80 feet.

Hoffmeister asked what the service area was. Skinner responded the service area inside a structure would be four miles and outside would be 10 miles.

Wolfe asked if there would be any problems with lighting. Skinner replied no.

Vacek said his only concern were spray planes.

Keep asked if there was another tower in this area. Skinner said there was a 119' tower to the east of this property which is owned by a utility company for their use.

James Poulson owns property to the north and questioned if this would carry 5 G signal. Skinner replied yes it would. Poulson has concerns of health issues with 5 G signal. He has done some research and there are dangers from 5 G signal.

Keep asked about the dangers from 5 G signal. Skinner said there are no dangers from wireless towers.

Poulson asked if they change from 4 G to 5 G, if they would have to have another hearing.

Hoffmeister stated probably not. If a tower would be re-built, then another hearing would be necessary.

Hoffmeister questioned if this location was suitable or compatible for a tower with surrounding uses. Every tower has FCC permission.

Skinner stated farmers use 5 G signal as well as law enforcement. The types of radiation it uses is not like radiation that we get from x-rays.

Skinner said carrying your cell phone in your pocket has far more energy than these towers put out.

Chairperson Brady closed the public hearing at 7:25 P.M.

A motion was made by Skelton, seconded by Heiden to recommend approval and forward to the County Commissioners for this special use permit submitted by Jeffrey Skinner on behalf of Verizon Wireless on the following legal description: A tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 5, Township 8 North, Range 18 West of the 6th P.M.,

Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest Corner of the Southeast Quarter of the Northeast Quarter of said Section 5 and assuming the West line of said Southeast Quarter of the Northeast Quarter as bearing NORTH and all bearings contained herein are relative thereto; thence N 89° 49' 30" E and on the South line of the Southeast Quarter of the Northeast Quarter of said section a distance of 100.0 feet to the ACTUAL PLACE OF BEGINNING; thence NORTH parallel with and 100.0 feet easterly from the West line of the Southeast Quarter of the Northeast Quarter of said section a distance of 660.0 feet; thence N° 89' 49' 30" E parallel with the South line of said Northeast Quarter a distance of 498.26 feet; thence S 00° 19' 30" W a distance of 660.0 feet to a point on the South line of the Southeast Quarter of the Northeast Quarter of said section; thence S 89° 49' 30" W a distance of 494.04 feet to the place of beginning. Containing 7.42, more or less, of which 0.37 acres, more or less, are presently being used for road purposes on the South side. This property is owned by Roger and Linda Dennis.

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

Klein said this would be heard by the County Commissioners on April 10, 2018 at 9:15 A.M. and notices would again be sent out.

Chairperson Brady opened up the public hearing at 7:30 P.M. for a preliminary plat for 85th Street Deer Country Estates submitted by Surveyor Mitchell Humphrey on behalf of NML Land, L.L.C. c/o Neil Benson on the following legal description: a tract of land being part of the East Half of the West Half of the Northeast Quarter (E ½ W ½ NE ¼) of Eighteen (18), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, containing 35.24 acres, more or less, of which .50 acres, more or less, are presently being used for road purposes on the North side AND TOGETHER WITH a tract of land being part of the West Half of the West Half of the Northeast Quarter (W ½ W ½ NE ¼) of Section Eighteen (18), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska containing 35.39 acres, more or less, of which 0.50 acres, more or less, are presently being used for road purposes on the North side.

Surveyor Mitchell Humphrey was present and told the Commission this is located south of Woodward Estates, and Mr. Erickson lives on the corner of 85th and Cottonmill Ave. This subdivision is next to a paved road and is close to Kearney and located in an AGR area. The land lays pretty good for the street layout. Mr. Benson would like to develop this in two phases, the east half first and he is planning on building a home on Lot 4, Block 1. These lots are all over three acres and the southwest corner of these lots are all over four acres. There is a retention pond on the southeast corner of this property. The northern part of these lots will drain to the north and the southern part of these lots will drain to the southeast. There are two items that he wanted to explain. The first item is he is not showing 10' easements around the lots. It is the consensus of the utility companies that easements are only needed on the front of the lots. He has received emails from all of the utility companies agreeing to this. The easements will be buried. There will be side easements for Lots 3 and Lot 5, Block 1, otherwise all the easements will be on the front of the lots. The second item he wanted to explain is a long private drive-way for Lots 3, 4 & 5, Block 5 that will run on the west side of this subdivision. There is another

private easement that leads to another parcel but that is only 30' wide and they will have a private easement leading to those three lots that will be 66' in width. The owners will maintain this private drive. The other streets in the subdivision will be maintained by the County.

Keep asked if there was a need for smaller lots.

Humphrey said that is a marketing issue.

Keep asked how far we are from the ETJ line of the City of Kearney. Hoffmeister said it would be about $\frac{3}{4}$ mile.

Skelton asked if this was in the Kearney school district which Humphrey said it was.

Brady asked about covenants. Humphrey said that will be determined by the owner of the property.

Heiden wondered if there was enough room for the utilities with only 10' easements on the front. Humphrey said the County regulations only require 10' easements.

Bonnie Marshall was present at the meeting and she owns property to the west of this subdivision. She just wanted to look at the subdivision map. She thinks the subdivision will be wonderful.

Chairperson Brady closed the public hearing at 8:08 P.M.

Brady has concerns about the County having to maintain more roads in subdivisions.

Keep agreed with Brady.

A motion was made by Vacek, seconded by Jeffs to recommend approval of this preliminary plat and forward to the County Commissioners for 85th Street Deer Country Estates submitted by Surveyor Mitchell Humphrey on behalf of NML Land, L.L.C. c/o Neil Benson on the following legal description: a tract of land being part of the East Half of the West Half of the Northeast Quarter (E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$) of Eighteen (18), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, containing 35.24 acres, more or less, of which .50 acres, more or less, are presently being used for road purposes on the North side AND TOGETHER WITH a tract of land being part of the West Half of the West Half of the Northeast Quarter (W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Eighteen (18), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska containing 35.39 acres, more or less, of which 0.50 acres, more or less, are presently being used for road purposes on the North side.

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

Klein said this would be heard by the County Commissioners on April 10, 2018 at 9:15 A.M. and notices will again be sent out.

Old Business: Moved by Wolfe, seconded by Heiden to approve the minutes of the February 15, 2018 as mailed. Voting yes: Wolfe, Heiden, Brady, Jeffs, Keep, Skelton, and Vacek. Voting no: none. Absent: Vest. Motion carried.

Other items were discussed.

Klein also reported on past hearings.

Brady also reported on his attendance at the NPZA meeting.

Klein told the Commission that Austin Gardine has resigned from the Commission due to other conflicts. Klein also handed out new plat books which show all the zoning districts as well as the special use permits.

The next meeting of the Planning & Zoning Commission will be held April 19, 2018 at 7:00 P.M.

Chairperson Brady adjourned the meeting at 8:34 P.M.