

MINUTES OF PLANNING & ZONING COMMISSION
APRIL 19, 2018
BUFFALO COUNTY COURTHOUSE
7:07 P.M.

Chairperson Scott Brady opened the meeting at 7:07 P.M. at the Buffalo County Courthouse in Kearney, NE with a quorum present on April 19, 2018.

Present were: Scott Brady, Marlin Heiden, Willie Keep, Richard Skelton, Marc Vacek, and Randy Vest. Absent: Tammy Jeffs and Loye Wolfe. Also attending were Zoning Administrator LeAnn Klein, and two 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 7:08 P.M. Several persons were present, but no one provided any comment. The public forum closed at 7:08 P.M.

Chairperson Brady opened the public hearing at 7:08 P.M. for a special use permit submitted by Devon Lewis on the following legal description: A tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 9 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Northwest Corner of the Southwest Quarter of the Southwest Quarter of said Section 3 and assuming the West line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the aforesaid West line a distance of 1029.0 feet; thence S 89° 36' 30" E a distance of 116.6 feet; thence N 00° 13' 45" E a distance of 22.6 feet; thence S 89° 36' 30" E a distance of 20.4 feet thence S 00° 47' E a distance of 22.6 feet; thence S 89° 36' 30" E a distance of 276.6 feet; thence NORTH parallel with the aforesaid West line a distance of 629.34 feet; thence S 89° 39' 18" E parallel with the North line of the Southwest Quarter of the Southwest Quarter of said section a distance of 186.0 feet; thence NORTH parallel with the aforesaid West distance of 400.0 feet to a point on the aforesaid North line; thence N 89° 39' 18" W a distance of 600.0 feet to the place of beginning. Containing 11.48 acres, more or less, of which 0.78 acres, more or less, are presently being used for road purposes on the west side. This property is owned by Devon Dean Lewis and Sheila Lin Lewis, husband and wife.

Devon Lewis of 10125 Sweetwater Ave, Kearney, NE was present and told the Commission he wants to repair trucks and sell trucks at his place of residence. He wants to deed that north part off as a separate parcel. He wants to deed the building from his residence as a separate parcel.

Klein said it would need to be a minimum of three acres of what is deeded off. He also would need to do an administrative subdivision for the parcel.

Lewis said it is currently being surveyed to parcel off the three acres.

Skelton asked what the hours of operation would be. Lewis responded it would be 7:00 A.M. until 5:00 P.M. Monday thru Friday. Lewis said he had fixed trucks which he had owned for about five years but he wants to get his state dealers license. He wants to buy re-furbished trucks to re-sell. He wants to overhaul engines and expand on that.

Skelton also asked how the traffic would be. Lewis thought it wouldn't be any more than what it is now.

Lewis said he has about 20 employees and currently two mechanics work at his shop.

Heiden asked if he would be selling new trucks. Lewis said no, just re-furbished trucks that have been in wrecks. He doesn't paint the trucks.

Vest asked if there would be a problem getting three acres for the north part what he wants to split off? Lewis said it wouldn't be a problem.

Keep asked if he would be adding more buildings. Lewis said no he would not. Keep also asked if he would be adding more trailers. Lewis said no he wouldn't be adding more trailers.

Lewis said this would not be a junk yard. Any unused parts of the truck would be hauled to the junkyard and he would not store parts of the truck on his property.

Brady asked if warning signs for vehicles entering the roadway could be put in front of his driveway for safety purposes.

Keep asked how far the other truck repair business is from this location. Lewis said it was about one mile.

No one spoke in opposition.

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

A motion was made by Vest, seconded by Skelton to forward to the County Commissioners with approval for this special use permit submitted by Devon Lewis on the following legal description: A tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 9 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Northwest Corner of the Southwest Quarter of the Southwest Quarter of said Section 3 and assuming the West line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the aforesaid West line a distance of 1029.0 feet; thence S 89° 36' 30" E a

distance of 116.6 feet; thence N 00° 13' 45" E a distance of 22.6 feet; thence S 89° 36' 30" E a distance of 20.4 feet thence S 00° 47' E a distance of 22.6 feet; thence S 89° 36' 30" E a distance of 276.6 feet; thence NORTH parallel with the aforesaid West line a distance of 629.34 feet; thence S 89° 39' 18" E parallel with the North line of the Southwest Quarter of the Southwest Quarter of said section a distance of 186.0 feet; thence NORTH parallel with the aforesaid West distance of 400.0 feet to a point on the aforesaid North line; thence N 89° 39' 18" W a distance of 600.0 feet to the place of beginning. Containing 11.48 acres, more or less, of which 0.78 acres, more or less, are presently being used for road purposes on the west side. This property is owned by Devon Dean Lewis and Sheila Lin Lewis, husband and wife.

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

Klein said this would be heard by the County Commissioners on May 8, 2018 at 9:15 A.M. and notices would again be sent out.

Chairperson Brady opened the public hearing at 7:24 P.M. for recommendation to amend Buffalo County Zoning Regulations as previously adopted to have the same language for cell towers in the Agricultural zoning, Rural Conservation District, Agricultural-Residential Zoning and Industrial Zoning as previously changed in the Commercial district as follows:
"Communications towers in excess of 100 feet which serve communication needs including radio, telephone, television, or emergency communication purposes so long as they comply with all applicable Federal Aviation Administrative rules and regulations. Additional, any special use permit application under this section shall include engineering certifications regarding the collapse zone of any proposed tower." This would be under Section 5.14 #4, Section 5.24 #13, Section 5.34 #4 and Section 5.64 #7.

Klein went through the sections explaining the housekeeping issue in getting all the same language for towers in all of the zoning districts.

Chairman Brady closed the public hearing at 7:35 P.M.

A motion was made by Skelton seconded by Heiden to forward these amendments to the County Commissioners with approval as follows: Amend the Zoning Regulation sections below to read as follows:

This would be in the Agricultural Zoning under permitted special uses:
Section 5.14 #4 Communications towers in excess of 100 feet which serve communication needs including radio, telephone, television, or emergency communication purposes so long as they comply with all applicable Federal Aviation Administrative rules and regulations. Additionally, any special use permit application under this section shall include engineering certifications regarding the collapse zone of any proposed tower.

This would be in the Rural Conservation District under permitted special uses:

Section 5.24 #13 Communications towers in excess of 100 feet which serve communication needs including radio, telephone, television, or emergency communication purposes so long as they comply with all applicable Federal Aviation Administrative rules and regulations. Additionally, any special use permit application under this section shall include engineering certifications regarding the collapse zone of any proposed tower.

This would be in the Agricultural-Residential Zoning under permitted special uses:
Section 5.34 #4 Communications towers in excess of 100 feet which serve communication needs including radio, telephone, television, or emergency communication purposes so long as they comply with all applicable Federal Aviation Administrative rules and regulations. Additionally, any special use permit application under this section shall include engineering certifications regarding the collapse zone of any proposed tower.

This would be in the Industrial Zoning under permitted special uses:
Section 5.64 #7 Communications towers in excess of 100 feet which serve communication needs including radio, telephone, television, or emergency communication purposes so long as they comply with all applicable Federal Aviation Administrative rules and regulations. Additionally, any special use permit application under this section shall include engineering certifications regarding the collapse zone of any proposed tower.

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

Klein said this would be heard by the County Commissioners on May 8, 2018 at 9:15 A.M. and notices will again be sent out.

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

Other items were discussed.

Klein also reported on past hearings.

The next meeting of the Planning & Zoning Commission will be held May 16, 2018 at 7:00 P.M.

Chairperson Brady adjourned the meeting at 7:50 P.M.