

MINUTES OF PLANNING & ZONING COMMISSION
MAY 17, 2018
BUFFALO COUNTY COURTHOUSE
7:04 P.M.

Chairperson Scott Brady opened the meeting at 7:04 P.M. at the Buffalo County Courthouse in Kearney, NE with a quorum present on May 17, 2018.

Present were: Scott Brady, Marlin Heiden, Tammy Jeffs, Willie Keep, Richard Skelton, Randy Vest and Loye Wolfe. Absent: Marc Vacek. Also attending were Deputy County Attorney Andrew Hoffmeister, 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 7:05 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 zoning map amendment submitted by Chad Dixon on behalf of Del Lienemann on the following legal description: A tract of land being part of Government Lot 4, part of Government Lot 5 and accretions in Section 2, Township 8 North, Range 14 West of the Sixth Principal Meridian, Buffalo County, Nebraska, and more particularly described as follows: Referring to an iron pipe at the Northwest corner of Government Lot 1 of Section 2 and assuming the North line of said Section 2 as bearing S 89° 55' 01" E and all bearings contained herein are relative thereto, thence S 89° 55' 01" E on said North line a distance of 1083.48 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 89° 55' 01" E a distance of 445.13 feet; thence S 00° 36' 52" E a distance of 551.09 feet to a 5/8" rebar with cap; thence N 89° 55' 01" W parallel with said North line a distance of 281.05 feet to a 5/8" rebar with cap; thence N 47° 44' 52" W a distance of 230.43 feet to a 5/8" rebar with cap; thence N 00° 04' 59" E perpendicular to said North line a distance of 396.36 feet to the Point of Beginning. Containing 5.37 acres, more or less.

Chad Dixon with Miller and Associates was present and told the Commission Del Lienemann wants to rezone 5.37 acres from Agricultural to Agricultural-Residential so he can build a home in this area. Del's Mother, Florence Lienemann owns this land and he will be purchasing a parcel to build his home. Dixon stated he needed to rezone this property to meet zoning requirements since the home would be within a 1000 feet of another home.

Hoffmeister asked how many acres this parcel was. Dixon replied it is 5.37 acres.

Dixon said there is a house to the west which is within 1000 feet and also one home to the east and another home to the west. Del's home would be the fourth home in this quarter.

Skelton asked where the home would be located. Dixon said the home would be located south of the existing pond.

Hoffmeister asked if they would be doing an administrative subdivision. Dixon said they would be doing an administrative subdivision for this parcel.

The existing houses to the west are part of the existing farm.

Hoffmeister asked why they didn't rezone the entire parcel.

Dixon said the remainder will remain Agricultural because it is farmland and there is a pivot.

Hoffmeister said it is about one mile from paving and is on Coal Chute Road.

Brady said we are just rezoning this from Agricultural to Agricultural-Residential to be able to add one additional residence.

Dixon said Del is purchasing this from his Mother and his brother lives to the east of this property.

Hoffmeister said this is close to a road and the character is residential since there are already three homes in this vicinity.

Skelton asked where the road will be to access the future home. Dixon replied it will be on the east side of the pond.

Keep asked who owns the property. Del's Mother, Florence Lienemann owns the property.

No one spoke in opposition.

Chairperson Brady closed the public hearing at 7:19 P.M.

Heiden questioned if the owner should ask for this rezoning. Florence Lienemann was present at the hearing and there is no opposition from the owner.

A motion was made by Skelton, seconded by Vest to forward to the County Commissioners with approval for this zoning map amendment submitted by Chad Dixon on behalf of Del Lienemann on the following legal description: A tract of land being part of Government Lot 4, part of Government Lot 5 and accretions in Section 2, Township 8 North, Range 14 West of the Sixth Principal Meridian, Buffalo County, Nebraska, and more particularly described as follows: Referring to an iron pipe at the Northwest corner of Government Lot 1 of Section 2 and assuming the North line of said Section 2 as bearing S 89° 55' 01" E and all bearings contained

herein are relative thereto, thence S 89° 55' 01" E on said North line a distance of 1083.48 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 89° 55' 01" E a distance of 445.13 feet; thence S 00° 36' 52" E a distance of 551.09 feet to a 5/8" rebar with cap; thence N 89° 55' 01" W parallel with said North line a distance of 281.05 feet to a 5/8" rebar with cap; thence N 47° 44' 52" W a distance of 230.43 feet to a 5/8" rebar with cap; thence N 00° 04' 59" E perpendicular to said North line a distance of 396.36 feet to the Point of Beginning. Containing 5.37 acres, more or less. They are requesting a change of zoning from Agricultural to Agricultural-Residential.

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

Klein said this would be heard by the County Commissioners on June 12, 2018 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 April 19, 2018 as mailed. Voting yes: Skelton, Heiden, Brady, Jeffs, Keep, and Vest. Abstain: Wolfe. Voting no: none. Absent: Vacek. Motion carried.

Other items were discussed. Hoffmeister showed the future land use map to the Commission.

Klein also reported on past hearings.

The next meeting of the Planning & Zoning Commission will be held June 21, 2018 at 7:00 P.M. if needed.

Chairperson Brady adjourned the meeting at 7:38 P.M.