

MINUTES OF PLANNING & ZONING COMMISSION
JULY 19, 2018
BUFFALO COUNTY COURTHOUSE
7:00 P.M.

Vice Chairperson Willie Keep opened the meeting at 7:00 P.M. at the Buffalo County Courthouse in Kearney, NE with a quorum present on July 19, 2018.

Present were: Marlin Heiden, Willie Keep, Richard Skelton, Marc Vacek, and Loye Wolfe. Absent: Scott Brady, Tammy Jeffs, and Randy Vest. Also attending were Deputy County Attorney Kari Fisk, Zoning Administrator LeAnn Klein, and ten members of the public.

Vice Chairperson Keep 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 7:00 P.M. Several persons were present, but no one provided any comment. The public forum closed at 7:00 P.M.

Vice Chairperson Keep opened the public hearing at 7:01 P.M. for a special use permit submitted by Mitchell Humphrey on behalf of Connie Scott on the following legal description: A tract of land being part of the South Half of the Northeast Quarter (S ½ NE 1/4) and part of the North Half of the Southeast Quarter (N ½ SE 1/4) of Section 5, Township 9 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of said Section 5 and assuming the East line of the Northeast Quarter of said Section 5 as bearing S 00°34' 03" E and all bearings contained herein are relative thereto; thence S 00°34' 03" E and on the East line of said Northeast Quarter of said Section 5 a distance of 1980.1 feet; thence leaving the East line of the Northeast Quarter of said Section 5, WEST on the South line of the North 120 rods (1980.0 feet) of said Section 5 a distance of 1257.48 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the West property line of a public road, Turkey Creek Road; thence S 02°16' 30" W and on the aforesaid West property line a distance of 1256.37 feet; thence West a distance of 41.97 feet; thence N 19°57' W a distance of 223.83 feet; thence N 29°49' W a distance of 428.4 feet; thence N 36°08' 16" W a distance of 262.34 feet; thence N 48°09' 02" W a distance of 211.9 feet; thence N 67°28' 18" W a distance of 709.47 feet, thence NORTH a distance of 48.22 feet to a point on the South line of the North 120 rods (1980.0 feet) of said Section 5, thence East on the aforesaid South line a distance of 1349.11 feet to the place of beginning. Containing 14.35 acres, more or less.

Mitchell Humphrey was present to represent Connie Scott who lives across the road off Turkey Creek Road. Humphrey told the Commission Connie wants to divide 14.35 acres into three tracts. They need to rezone this area to Agricultural-Residential. This is currently zoned Agricultural. There are lots of homes in this area already. Wild Horse Ranch is located to the south and east of the proposed rezoning.

Willie Keep said he is one of the owners of Wild Horse Ranch and he doesn't have a conflict with the rezoning of this property.

The County has a letter on file signed by the owners of the Wild Horse Ranch that they are not opposed to this rezoning.

Keep asked if Turkey Creek Road, which is the old highway, is on the section line.

Humphrey replied it isn't.

Heiden asked who takes care of the road. Humphrey replied the County maintains Turkey Creek Road.

Skelton asked what does it show on our comprehensive plan. Klein said it is shown as Agricultural.

There are lots of residences along Turkey Creek Road and also along Highway 183.

Wolfe asked if it would be limited to just three lots. Humphrey replied yes.

Bill Buchanan asked if it will affect his taxes? Fisk said she didn't know. It depends on a lot of things.

Wolfe asked if there are existing drive-ways? Humphrey said they would be creating two additional drive-ways.

There was no one else that voiced any opposition.

Vice Chairperson Keep closed the public hearing at 7:15 P.M.

A motion was made by Vacek, seconded by Wolfe to recommend approval and forward to the County Commissioners for this rezoning application submitted by Mitchell Humphrey on behalf of Connie Scott on the following legal description: A tract of land being part of the South Half of the Northeast Quarter (S ½ NE 1/4) and part of the North Half of the Southeast Quarter (N ½ SE 1/4) of Section 5, Township 9 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of said Section 5 and assuming the East line of the Northeast Quarter of said Section 5 as bearing S 00°34' 03" E and all bearings contained herein are relative thereto; thence S 00°34' 03" E and on the East line of said Northeast Quarter of said Section 5 a distance of 1980.1 feet; thence leaving the East line of the Northeast Quarter of said Section 5, WEST on the South line of the North

120 rods (1980.0 feet) of said Section 5 a distance of 1257.48 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the West property line of a public road, Turkey Creek Road; thence S 02°16' 30" W and on the aforesaid West property line a distance of 1256.37 feet; thence West a distance of 41.97 feet; thence N 19°57' W a distance of 223.83 feet; thence N 29°49' W a distance of 428.4 feet; thence N 36°08' 16" W a distance of 262.34 feet; thence N 48°09' 02" W a distance of 211.9 feet; thence N 67°28' 18" W a distance of 709.47 feet, thence NORTH a distance of 48.22 feet to a point on the South line of the North 120 rods (1980.0 feet) of said Section 5, thence East on the aforesaid South line a distance of 1349.11 feet to the place of beginning. Containing 14.35 acres, more or less.

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

Klein said this would be heard by the County Commissioners on August 14, 2018 at 9:15 A.M. and notices would again be sent out.

Old Business: Moved by Skelton, seconded by Vacek to approve the minutes of the June 21, 2018 as mailed. Voting yes: Skelton, Vacek, Keep, and Wolfe. Voting no: none. Abstain: Heiden. Absent: Brady, Jeffs, and Vest. Motion carried.

Other items were discussed.

Klein also reported on past hearings.

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

Vice Chairperson Keep adjourned the meeting at 7:18 P.M.