

MINUTES OF PLANNING & ZONING COMMISSION
NOVEMBER 21, 2019
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 21, 2019.

Present were: Scott Brady, Tammy Jeffs, Willie Keep, Marc Vacek, Buss Biehl, Randy Vest, John Keeney and Loye Wolfe

Absent: Marlin Heiden,

Also attending were Deputy County Attorney Andy Hoffmeister, Zoning Administrator Jason Wozniak.

Notice of the meeting was given in advance thereof by publication in the Kearney Hub, the designated method for giving notice. 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.

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.

The public forum was opened at 7:01 P.M. The public forum closed at 7:02 P.M

Chairperson Brady opened the public hearing at 7:01 P.M. for a zoning map amendment submitted by Trenton Snow on behalf of Carmody Farms, LLC on the following legal description: All that part of Government Lots Two (2), Three (3) and Four (4) in Section Three (3), Township Eight (8) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska, lying northerly of the northerly right-of-way line of the Union Pacific Railroad, EXCEPTING HOWEVER that part deeded to the State of Nebraska by Warranty Deeds recorded in Book 153, Page 48 and Book 153, Page 95 and filed in the office of the Buffalo County Register of Deeds.

Trent Snow-Plan to rezone this area to Industrial from AGR. Everything owned by Carmody Farms, LLC north of the UP Railroad and south of Highway 30. Plan to build an office/storage building. The current access off Highway 30 will be used.

Adam Marshall- Will have farm and construction equipment at site. Plan to have my office located here as well.

Andy Hoffmeister-Kari and I talked about what difference in Farm Implement vs Farm Machinery and Equipment is. Tractor Supply sells Farm Implement items you attach to a tractor. Equipment is what you use to pull it. Property does abut Industrial on the west. We probably will see this type of use to the east.

Keep-Does not look like this would be an area for Residential Development.

Brady-Brought this back so we can set a precedence of what might happen to this area.

Keep-The railroad crossing is closed right.

Carmody-yes, it is closed

Brady-Anyone on Board or Public have any comments on this.

Hoffmeister-Off street parking and loading area is needed. Buildings over 500 sq. ft. will need loading dock area. Buildings over 20,000 sq. ft. need 2

Brady-Any letters or correspondence on this

Wozniak-Just the letter from the Union Pacific Railroad

Motion was made by Jeffs, seconded by Biehl to approve the Zoning Map Amendment on the following legal description:

All that part of Government Lots Two (2), Three (3) and Four (4) in Section Three (3), Township Eight (8) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska, lying northerly of the northerly right-of-way line of the Union Pacific Railroad, EXCEPTING HOWEVER that part deeded to the State of Nebraska by Warranty Deeds recorded in Book 153, Page 48 and Book 153, Page 95 and filed in the office of the Buffalo County Register of Deeds.

Voting yes: were Biehl, Jeffs, Brady, Vest, Vacek. Keep, Wolfe,

Voting no: none.

Abstain:Keeney

Absent: Heiden

Motion carried.

Chairperson Brady opened the public hearing at 7:14 P.M. for recommendation to amend the Future Land Use Map that is part of the Buffalo County Comprehensive Plan on described legal:

All that part of Government Lots Two (2), Three (3) and Four (4) in Section Three (3), Township Eight (8) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska, lying northerly of the northerly right-of-way line of the Union Pacific Railroad, EXCEPTING HOWEVER that part deeded to the State of Nebraska by Warranty Deeds recorded in Book 153, Page 48 and Book 153, Page 95 and filed in the office of the Buffalo County Register of Deeds.

Hoffmeister-Need to get this area updated on the Comprehensive Plan. Currently the Future Land Use map shows this as Residential. Need to update area to Industrial.

Keep-If you look at Sartoria Road we have housing development on North side of Highway 30.

Wozniak-We do have an approved Subdivision that has not sold any lots in this area.

Keep-This area is not far from where we are at with this rezoning.

Brady-To East we can deal with it at that time.

Keep-Keep this update to what is being requested tonight.

Chairperson Brady closed the public hearing at 7:28 P.M.

A motion was made by Wolfe, seconded by Vacek to for recommendation to amend the Future Land Use Map that is part of the Buffalo County Comprehensive Plan on described legal

All that part of Government Lots Two (2), Three (3) and Four (4) in Section Three (3), Township Eight (8) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska, lying northerly of the northerly right-of-way line of the Union Pacific Railroad, EXCEPTING HOWEVER that part deeded to the State of Nebraska by Warranty Deeds recorded in Book 153, Page 48 and Book 153, Page 95 and filed in the office of the Buffalo County Register of Deeds.

Voting yes: were Biehl, Jeffs, Brady, Vest, Vacek. Keep, Keeney, Wolfe,

Voting no: none.

Abstain:None

Absent: Heiden

Motion carried.

Chairperson Brady opened the public hearing at 7:33 P.M. for a zoning map amendment submitted by Paul Sears on the following legal description: A tract of land in the Northwest Quarter of Section 6, Township 12 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska more particularly described as follows: Commencing at the Southwest Corner of said Northwest Quarter then N89°20'55"E on the South line of said Section on a assumed bearing. (and all bearing contained herein in are relative, thereto:) A distance of 751.02 feet to the point of beginning; thence N00°39'05" W a distance of 500.00 feet; thence N89°20'55" E a distance of 788.14'; thence S25°24'36" E a distance of 550.38 feet to the South line of said Northwest Quarter; thence S89°20'55" W on said south line a distance of 1,018.64 feet to the point of Beginning said tract contains 10.36 acres more or less.

Paul Sears-Asking that the 10.36 acres as drawn on the exhibit known as Sears Subdivision. I would like to sell off the existing property that my father lived in. In order to sell off I need to split from the current tax parcel and be rezoned to AGR. Reason we need to rezone is there is a property my daughter lives in that is within the 1,000 feet required by the AG-Agricultural zoning.

Hoffmeister-If property contains family members can be within the 1,000 feet. How far from Ravenna are you.

Sears-About 5 miles

Brady-The north property line is the Buffalo-Sherman County line.

Hoffmeister-Property to east of this is that a home site. Then to the west is another home site. We currently have small acreage sites surrounding this property.

Brady-you have two houses on your property.

Sears-Yes, we have my house, my daughters and my fathers.

Hoffmeister-You want to rezone what looks like about 12 acres.

Sears-Yes property on the east side by 375th Road.

Brady-You just want to split off the one house

Hoffmeister-Rezoning to AGR then the 1,000 feet distance is no longer an issue.

Wolfe-The application indicates 22.0 acres.

Wozniak-At time of application a survey was being worked up on the property and did not have an exact acreage.

Keep-Most of the ground surrounding this is pasture and the Loup River is to the South.

Brady- We are talking about is rezoning the three lots to AGR. The land north of it will be left AG

Wozniak-Area with survey is what will be rezoned to AGR.

Brady-We do have a letter of concern from a neighbor.

Hoffmeister- I can understand if it is a special use permit why they would have a concern. However, we are hearing a rezoning not connected with the winery. I understand houses in rural area can be an issue but we have existing properties in area.

Keep-With the housing already in existence the use or density will not be changing.

Brady-Is this letter applicable to the rezoning.

Hoffmeister-With the acreage size the density of area would not change much and with minimum lot size of zoning.

Keep-You just do not know who will end up buying the property.

Brady-Not the intention to sell property to north

Sears-You'd have a hard time getting to north end of property due to rough terrain

Hoffmeister-Where is the winery from this?

Sears-Next to my property on the east.

Wozniak-Neighbor to north end concerned about not being able to spray their crops due to grapes and bees in area.

Brady-Concern with aerial spraying

Keep-Vineyard is already there we are not doing anything with that. We are doing this type of rezoning throughout the County.

A motion was made by Keep, seconded by Biehl to approve the Zoning Map Amendment for the described legal description:

A tract of land in the Northwest Quarter of Section 6, Township 12 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska more particularly described as follows: Commencing at the Southwest Corner of said Northwest Quarter then N89°20'55"E on the South line of said Section on a assumed bearing. (and all bearing contained herein in are relative, thereto:) A distance of 751.02 feet to the point of beginning; thence N00°39'05" W a distance of 500.00 feet; thence N89°20'55" E a distance of 788.14'; thence S25°24'36" E a distance of 550.38 feet to the South line of said Northwest Quarter; thence S89°20'55" W on said south line a distance of 1,018.64 feet to the point of Beginning said tract contains 10.36 acres more or less.

Voting yes: were Biehl, Jeffs, Brady, Vest, Vacek. Keep, Keeney, Wolfe,

Voting no: none.

Abstain:None

Absent: Heiden

Motion carried.

Old Business: Moved by Jeffs, seconded by Vest to approve the minutes of the October 21, 2019 as corrected.

Voting yes: Biehl, Brady, Jeffs, Vacek, Keep, Vest, Keeney and Wolfe

Voting no: none.

Abstain: None

Absent: Heiden

Motion carried.

Other items discussed.

The next meeting of the Planning & Zoning Commission will be as needed. If items come in may be on December 19, 2019 at 7:00 P.M.

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