

MINUTES OF PLANNING & ZONING COMMISSION  
FEBRUARY 17, 2022  
BUFFALO COUNTY COURTHOUSE  
6:30 P.M.

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.

Chairperson Brady opened the meeting at 6:34 p.m. with a quorum present on February 17, 2022.

In Attendance: Scott Brady, Kurt Schmidt, Francis "Buss" Biehl, Tammy Jeffs, Randy Vest, Marc Vacek, Scott Stubblefield, Willie Keep and Loye Wolfe.

Quorum was met.

Also attending were: Deputy County Attorney Andrew Hoffmeister, Zoning Administrator Dennise Daniels, and via ZOOM, Tim Keelan and Keith Carl of Hanna:Keelan, Associates. Several members of the public attended at approximately 7:00 p.m., some of whom later identified as Chad Dixon and Mark Van Slyke.

Chairperson Brady announced The Open Meetings Act and agendas were available if anyone wished to have one.

**Public Hearing. 3(a)**

Chairperson Brady opened the public hearing for Agenda Item 3(a) at 6:34 p.m. regarding Buffalo County Comprehensive Plan, or the general plan for the improvement and development of the county outside of the jurisdiction of any city or village, as required per Neb. Rev. Stat. §23-174.06.

Mr. Carl took possession of the screen and began Meeting #4. He informed The Commission they will meet again with The Commission on April 21, 2022 and reviewed the agenda for that meeting.

Mr. Keelan reviewed the purpose and goals of the survey and community meetings with The Commission.

Mr. Carl reviewed the revised survey with The Commission and informed them that an online version of the survey would be available for the public.

Chairperson Brady confirmed Hanna:Keelan, Associates' presence at the community meetings after the survey results have been finalized. Mr. Carl confirmed and recommended offering the survey at community meetings to boost participation. Secretary Wolfe suggested advertising the

community's meetings on the survey to notify the public. Mr. Keelan encouraged adding an additional line to the survey to notify the public of the community meetings to discuss the results of the survey. Mr. Carl said he would make the changes.

Chairperson Brady asked if The Commission would have the capability to distribute the hard copy of the survey to the public. Mr. Keelan stated they would work with Zoning Administrator Daniels to get a clearer implementation of the survey.

Chairperson Brady mentioned The Commission should, perhaps, advocate the survey to the local community councils/boards. Mr. Keelan stated that Mr. Carl and Zoning Administrator Daniels would discuss the implementation further and decide how to move forward and would, then, notify The Commission.

Chairperson Brady asked Zoning Administrator Daniels if she would have the budgetary resources to help distribute the survey and Zoning Administrator Daniels stated she would look into it further and report back. Deputy County Attorney Hoffmeister reminded The Commission the survey would be available online. He recommended making the survey available on the Buffalo County Website and, additionally, printing the online website on the survey. He addressed Zoning Administrator Daniels and asked to make it available online at our website. Zoning Administrator Daniels agreed.

Mr. Keelan directed The Commission's attention to the survey and asked if the revised copy was more appropriate. He asked if The Commission had any other comments or questions.

Chairperson Brady said he believed the survey was appropriate and the questions asked would provide them the information they needed to move forward with The Comprehensive Plan.

Mr. Keelan and Mr. Carl reviewed different implementation tactics with The Commission.

Mr. Keelan reviewed Table One with The Commission. He stated that he re-reviewed their concerns regarding growth and asked The Commission if the newly-revised table looked appropriate. Ms. Jeffs asked Zoning Administrator Daniels if 38 houses a year seemed suitable. Zoning Administrator Daniels said it appeared to fit the trend from the last several years, especially with consideration given to building materials and availability of land. Mr. Keelan reminded The Commission that Buffalo County needs to preserve Agriculture, as we are an agriculturally driven county. Deputy County Attorney Hoffmeister agreed with Mr. Keelan's projections and informed The Commission the Community Planning Jurisdictions will continue to grow and remove housing from Buffalo County's jurisdiction.

Vice-Chairperson Keep asked if Buffalo County needed to adjust their subdivision regulations to be more in line with the city of Kearney's regulations. Deputy County Attorney Hoffmeister told The Commission, Buffalo County currently has similar regulations with the city. Discussion occurred regarding standards to subdivision regulations.

Chairperson Brady asked if the revised regulations would dictate where subdivisions would be permitted. Mr. Carl explained permitted areas of subdivisions would be reviewed in the Future and Existing Land Use Maps, as well as in the regulations. Chairperson Brady asked if the

information gathered regarding permitted areas of subdivisions would also review the concerns of infrastructure to support the increasing demands of the population. Mr. Keelan confirmed and said it would all be reviewed as part of The Comprehensive Plan.

Mr. Keelan went on to review Table Two with The Commission.

Mr. Keelan asked if The Commission had any other questions or concerns. Mr. Carl reviewed the steps that would be taken to make the survey live. They thanked The Commission for their time and signed off.

Chairperson Brady closed the public hearing for Agenda Item 3(a) at 7:17 p.m.

Chairperson Brady called the regular meeting of the Buffalo County Planning and Zoning Commission to order.

Chairperson Brady re-announced The Open Meetings Act and agendas were available if anyone wished to have one.

The public forum was opened at 7:18 p.m. The public forum closed at 7:18 p.m.

#### **Public Hearing. 7(a)**

Chairperson Brady opened the public hearing for Agenda Item 7(a) at 7:19 p.m. regarding an Application for Zoning Map Amendment, filed by Chad Dixon, Registered Land Surveyor, on behalf of Kohlscheen Farms, for property described as Part of the Southeast Quarter of the Southwest Quarter in Section Fourteen (14), Township Twelve (12) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska. The applicant has requested to rezone approximately 10.34 acres, of which approximately 0.33 acres are presently being used for road purposes on the South side, from AG – Agriculture to AGR – Agricultural – Residential.

Deputy County Attorney Hoffmeister presented conflicts of interest statements: Randy Vest is a brother-in-law to the applicant. Deputy County Attorney Hoffmeister stated that Mr. Kohlscheen's sons rent farm ground from him, but he did not appear to have any conflict with this particular piece of ground.

Chad Dixon, licensed land surveyor, with Miller and Associates, 1111 Central Avenue, Kearney, Nebraska, stepped forward to present the application. He stated that the Kohlscheens currently own the whole quarter of ground, but there is an existing house site on that quarter, which houses one of the applicants' children. Mr. Dixon continued, Mr. and Mrs. Kohlscheen would like to construct their own residence on this quarter of ground, but the proposed site is located within 1,000 feet of the existing residence. He stated, in order to have the new residence compliant, the 10-acre tract would need to be rezoned.

Mr. Dixon went on to explain that ownership would not change and banks are now requiring owners to split off smaller parcels for loans. Vice-Chairperson Keep asked Mr. Dixon if the bank

was requiring the 10 acres. Mr. Dixon stated the banks were encouraging smaller lots. Discussion occurred how land is assessed.

Vice-Chairperson Keep inquired whether there was a way to discourage the 1,000 between residences regulation to avoid the regular rezoning requests made to The Commission. Deputy County Attorney Hoffmeister reviewed The Future Land Use Map and stated this particular area was located in an area that was designated as residential. Therefore, rezoning can occur, he explained. Discussion occurred what is required for rezoning areas and The Comprehensive Plan.

Chairperson Brady asked if anyone had additional questions or concerns. Secretary Wolfe asked if the entire 10 acres would be for one ownership and Mr. Dixon confirmed. Discussion continued regarding rezoning areas and The Comprehensive Plan.

Chairperson Brady asked if there were other questions or concerns.

Chairperson Brady closed the discussion on this agenda item at 7:26 p.m.

Motion was made by Mr. Biehl, seconded by Mr. Vacek, to recommend favorably the Application for Zoning Map Amendment, filed by Chad Dixon, Registered Land Surveyor, on behalf of Kohlscheen Farms, for property described as Part of the Southeast Quarter of the Southwest Quarter in Section Fourteen (14), Township Twelve (12) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, to rezone approximately 10.34 acres, of which approximately 0.33 acres are presently being used for road purposes on the South side, from AG – Agriculture to AGR – Agricultural – Residential to the Buffalo County Board of Commissioners.

Upon roll call vote, the following Board members voted “Aye”: Biehl, Jeffs, Keep, Schmidt, Vacek, Wolfe, Stubblefield, & Brady.

Voting “Nay”: None.

Abstain: Vest.

Absent: None.

### **Public Hearing. 7(b)**

Chairperson Brady opened the public hearing for Agenda Item 7(b) at 7:28 p.m. regarding a Special Use Permit Application to install signage, filed by Paul Simpson, Senior Manager Retail Operations, on behalf of Simplot AB Retail Sub, Inc., previously known as Pinnacle Agriculture Distribution, Inc., for property identified as tax parcel 660286130, and described as Part of Government Lot 1 in Section Thirty (30), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Mark Van Slyke stepped forward to present the application. He presented “Exhibit A”, an updated Master Plan for the Simplot location at 39695 E 5<sup>th</sup> Road, Gibbon, Nebraska. Zoning

Administrator Daniels made copies and distributed them to The Commission and Deputy County Attorney Hoffmeister.

Mr. Van Slyke stated Simplot intended to place the sign in the front of the business and remove the existing trees. Chairperson Brady asked if their intent met the new zoning regulations for signage. Mr. Van Slyke confirmed.

Deputy County Attorney Hoffmeister reminded The Commission that East 56<sup>th</sup> Road is an easement-only road, not county-maintained. He asked Mr. Van Slyke if they intended to construct a sign on the side of the building. Mr. Van Slyke stated there already was a sign on the building.

Secretary Wolfe asked Mr. Van Slyke if the photo taken was accurate. Mr. Van Slyke confirmed, but also stated they intended to put a v-shaped (3-sided) sign. Discussion occurred regarding the size of the sign.

Secretary Wolfe asked if the public would still be able to see oncoming traffic. Mr. Van Slyke confirmed.

Mr. Schmidt asked if the existing sign, as shown in the photos, would be removed and replaced. Mr. Van Slyke confirmed it had been removed.

Chairperson Brady asked if any other questions or concerns needed to be addressed.

Chairperson Brady closed the discussion on this agenda item at 7:36 p.m.

Motion was made by Mr. Vest, seconded by Mr. Schmidt, to recommend favorably the Special Use Permit Application to install signage, filed by Paul Simpson, Senior Manager Retail Operations, on behalf of Simplot AB Retail Sub, Inc., previously known as Pinnacle Agriculture Distribution, Inc., for property identified as tax parcel 660286130, and described as Part of Government Lot 1 in Section Thirty (30), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska. to the Buffalo County Board of Commissioners.

Upon roll call vote, the following Board members voted "Aye": Jeffs, Keep, Schmidt, Vacek, Vest, Wolfe, Stubblefield, and Biehl.

Voting "Nay": None.

Abstain: None.

Absent: None.

**Old Business**

## **Minutes**

Motion was made by Mr. Vacek, seconded by Mr. Stubblefield, to approve the minutes of the January 20, 2022 meeting, with the correction on page 8 from “Elk Creek” to “Elm Creek”.

Upon roll call vote, the following Board members voted “Aye”: Keep, Schmidt, Vacek, Vest, Stubblefield, Biehl, & Jeffs.

Voting “Nay”: None.

Abstain: Wolfe.

Absent: None.

Motion carried.

## **New Business**

### **Report on Previous Hearings**

Zoning Administrator Daniels reviewed the 2021 Zoning Report. Discussion occurred regarding the report. Secretary Wolfe commented on the income generated from the values of structures, and discussion occurred whether to have pre-addressed stamped envelopes for The Comprehensive Plan Survey.

Secretary Wolfe made an official motion to request pre-stamped and pre-addressed envelopes for the distribution (not for masses) of The Comprehensive Plan Survey, seconded by Ms. Jeffs.

Upon roll call vote, the following Board members voted “Aye”: Schmidt, Vacek, Vest, Wolfe, Stubblefield, Biehl, Jeffs, & Keep.

Voting “Nay”: None.

Abstain: None.

Absent: None.

Secretary Wolfe thanked Zoning Administrator Daniels for highlighting and excerpting the regulations regarding the signage and asked Deputy County Attorney Hoffmeister if Buffalo County could request documentation regarding the 10-acre split the banks are requiring. Deputy County Attorney reviewed the regulations and exceptions regarding lot sizes. Discussion occurred what could be allowed or required for minimum lot sizes.

Zoning Administrator Daniels provided a report on the previous hearings from the January 20, 2022 Planning and Zoning Meeting. The Code Amendment to Section “14.5”, regarding Adult Entertainment, to correct formatting, will be reviewed by The Board of Commissioners on February 22, 2022.

Zoning Administrator Daniels also provided an update regarding The Board of Commissioners’ review of the Special Use Permit, filed by Woitaszewski Brothers for Class V Dairy Operation. She notified The Commission that The Board of Commissioners approved cancellation of the Special Use Permit.

### **New Business, Correspondence & Other Business**

Zoning Administrator Daniels highlighted the ETJ correspondence, for the city of Kearney, regarding Prairie View Business Park Second. She requested The Commission review the proposed letter and let her know if changes needed to occur. No one requested changes. Chairperson Brady asked where the subdivision was located and Zoning Administrator identified the parcel for The Commission.

Deputy County Attorney Hoffmeister reviewed changes in the ETJ with new developments and annexation of the cities and villages of Buffalo County.

Zoning Administrator Daniels also reviewed the County of Dawson Notice of Public Hearing with The Commission. Discussion occurred regarding accessory structures.

Discussion occurred regarding new subdivisions and road maintenance requirements.

Zoning Administrator Daniels informed The Commission of upcoming Nebraska Planning and Zoning Association online training available.

Chairperson Brady recapped having The Commission Members attend community meetings to advocate for The Comprehensive Plan Survey.

Deputy County Attorney informed The Commission of a code amendment that will be coming next meeting regarding slaughterhouses.

### **Next Meeting**

The next meeting will be conducted March 17, 2022, at regular time, 7:00 p.m.

### **Adjourn**

Chairperson Brady adjourned the meeting at 8:29 p.m.