

MINUTES OF PLANNING & ZONING COMMISSION
MAY 19, 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 6:35 p.m. with a quorum present on May 19, 2022.

In Attendance: Tammy Jeffs, Scott Stubblefield, Francis "Buss" Biehl, Willie Keep, Loye Wolfe, and Scott Brady.

Kurt Schmidt, Randy Vest, & Marc Vacek were absent.

Quorum was met.

Also attending were: Deputy County Attorney Andrew Hoffmeister, Zoning Administrator Dennise Daniels, Keith Carl, of Hanna:Keelan, Associates, P.C. and several members of the public.

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 6:35 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.

Keith Carl, Community Planner of Hanna:Keelan, Associates, P.C., reintroduced himself and reminded The Commission that Hanna:Keelan, Associates, P.C. was rewriting the Buffalo County Comprehensive Plan, as well as the zoning and subdivision regulations.

Mr. Carl reviewed the current meeting's Comprehensive Plan Agenda with The Commission and explained that, after this meeting, Hanna:Keelan, Associates, P.C. would not be back until July 21, 2022.

Mr. Carl highlighted the process of the countywide survey with The Commission and explained he was happy with the results. Mr. Carl encouraged The Commission to take the survey, if they had not already done so. He explained the surveys help The Commission and the planners understand what areas of concern need to be reviewed by the county. Mr. Carl, then, thanked The Commission for all their work on marketing the survey. He, then, reviewed the Buffalo County,

Nebraska County-Wide Opinion Survey Report and The Raw Data Report with The Commission. He explained there was a small difference between the Raw Data Report and the County-Wide Opinion Survey Result. He stated, after the County-Wide Opinion Survey Report was complete, which showed 252 surveys, an online survey was submitted and the Raw Data Report, now, shows 253 surveys. Zoning Administrator Daniels reported she had received additional surveys after the due date and asked if Mr. Carl wishes to honor any late surveys. Mr. Carl said they would be asked if Zoning Administrator Daniels would send any late filings over. Zoning Administrator Daniels agreed.

Mr. Carl continued reviewing the County-Wide Opinion Survey Report. Vice-Chairperson Keep asked what the “no response” option meant. Mr. Carl explained, that response, meant respondents did not state where they were from on the survey, but did complete the survey. Mr. Carl continued reviewing the report.

Chairperson Brady asked Mr. Carl if the surveys could be differentiated between solicited versus unsolicited responses. Mr. Carl explained he believed all the efforts put forth by The Commission had a significant impact on the final count.

Vice-Chairperson Keep asked if Mr. Carl was aware of how many paper copies of the survey were received. Mr. Carl explained he did not have that information readily available, but could provide it, later. Zoning Administrator Daniels quantified approximately 30 paper surveys. Mr. Carl said he could also create a report to indicate if the surveys were submitted on a desktop or a mobile device.

Mr. Carl completed the review of the County-Wide Opinion Survey Report. He asked The Commission if they had comments about the results. Vice-Chairperson Keep said he wasn't sure the respondents understood that “Intensive Agriculture” indicated “feedlots”. Deputy County Attorney Hoffmeister stated that it might not necessarily refer to large feedlot operations, but small ones, too.

Chairperson Brady stated he was surprised the respondents were not responsive to alternative energy systems. Mr. Carl explained he does not believe that alternative energy has expanded in rural areas, yet, considering the progress in advancing technology. Discussion occurred the advances in alternative energy sources.

Secretary Wolfe asked Mr. Carl if comments submitted with the survey were being reviewed. Mr. Carl explained they were reviewing and keeping records of those comments. He said he would provide those comments, if The Commission wished to review them. Secretary Wolfe asked Mr. Carl if the comments were indicated by positive or negative connotation. Mr. Carl stated, generally, comments were positive.

Ms. Jeffs said she was surprised to see a low response of positivity to planned rural subdivisions. She asked Mr. Carl what that meant for The Commission. Mr. Carl explained, removing the weighted response, respondents were situated between somewhat supportive and not supportive. He described 56% of respondents are supportive of planned rural subdivisions. At this point, he

explained, all of these land use items were important, to some extent, to the residents of Buffalo County.

Chairperson Brady and Deputy County Attorney Hoffmeister both specified they were surprised at the low response to Transportation Systems. Zoning Administrator Daniels said she believed respondents misunderstood the question and were responding based on future, not existing, transportation systems.

Mr. Carl asked The Commission what land use items they wished to focus on for The Comprehensive Plan. Chairperson Brady stated he believed all of the items appeared to be important to the residents of Buffalo County and should all be reviewed.

Deputy County Attorney Hoffmeister wondered how many of Buffalo County Residents were familiar with zoning regulations. Mr. Carl said he believed that, unless residents directly encounter it, they are probably unaware of the regulations. Chairperson Brady and Mr. Biehl agreed.

Chairperson Brady said he was concerned about the responses for commercial and industrial development. Secretary Wolfe said she was amazed the City of Kearney respondents and the Rural Buffalo County respondents submitted similar responses to commercial and industrial development.

Mr. Carl was stunned that, in the top six land uses, the city of Kearney respondents and the rural respondents held similar views. Discussion occurred regarding livestock operations, and wind farms, and why Buffalo County isn't seeing significant growth of these uses.

Mr. Carl asked for other comments or questions. Deputy County Attorney Hoffmeister asked if comments were left with the surveys. Mr. Carl stated there were a few. Chairperson Brady said he believed the questions must have been appropriate on the survey, because no outliers were detected. Deputy County Attorney Hoffmeister agreed.

Deputy County Attorney Hoffmeister asked if Hanna:Keelan Associates had any recent comprehensive plan updates for counties in Nebraska. Mr. Carl replied that Loup County had, due to development around the Calamus Lake. Discussion occurred which counties in Nebraska had the most significant growth since the most recent census.

Discussion occurred regarding experiences with community meetings for the survey's release.

Mr. Carl discussed the potential for community meetings to release the survey results. He recommended potential dates for meetings and suggested meeting in Elm Creek, Ravenna, & Gibbon. Chairperson Brady asked The Commission their preference. Vice-Chairperson Keep explained he will be out-of-town on June 14th and 15th. Chairperson Brady asked The Commission what communities should be scheduled. Secretary Wolfe agreed that Elm Creek, Ravenna, and Gibbon should be scheduled.

Chairperson Brady asked if Mr. Carl wished to have a decision tonight. Mr. Carl recommended getting a schedule set up and deciding which communities to schedule would be best. He went on to say that three communities should be scheduled, at max, to review the results. Chairperson

Brady asked The Commission their wishes. The Commission agreed on Elm Creek, Ravenna, and Gibbon.

Chairperson Brady asked how the community meeting would be structured. Mr. Carl stated he would like to schedule all three meetings on the same night, if possible. Secretary Wolfe added she will also be gone June 14th and June 15th. Vice-Chairperson Keep recommended reviewing the village board's schedules to ensure the meeting would not be the same night. Zoning Administrator Daniels also recommended avoiding the school boards' meeting nights. More research would need to be done on the date.

Mr. Carl recommended using June 22nd, considering the conflicts with The Commission. Zoning Administrator Daniels stated she would do some research on scheduling. Vice Chairperson Keep asked Mr. Carl what the meeting format would be and Mr. Carl replied that it would be a brief presentation of the statistical summary of the survey results and open the floor to public comment. Chairperson Brady stated he believed The Commission should attend. Zoning Administrator Daniels declared when she could get a better idea of a schedule, she would reach out to The Commission and inform everyone.

The Commission thanked Mr. Carl for his presentation and time.

Chairperson Brady closed the public hearing for Agenda Item 3(a) at 7:33 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 declared that agendas were available if anyone wished to have one.

The public forum was opened at 7:34 p.m. The public forum closed at 7:34 p.m.

Public Hearing. 7(a)

Chairperson Brady opened the public hearing for Agenda Item 7(a) at 7:34 p.m. regarding an Application for Special Use Permit, filed by Emily Lipker of Tri City Sign, on behalf of Mark and Peggy Garrels, for tax parcel 620207030, described as Rouse Second Administrative Subdivision, Lot 1, Buffalo County, Nebraska and tax parcel 620207010, described as Rouse Fourth Administrative Subdivision, Lot 1, Buffalo County, Nebraska, all situated in Section One (1), Township Eight (8) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Chairperson Brady asked if anyone was in the audience to present the application to The Commission. Brandon Garrels, Mark Garrels' son, stepped forward to present the application. He explained the property currently has a new convenience store being constructed and as part of the reconstruction project, the applicants would like to have signage placed on the property to direct traffic, and entrance and exit sign. Deputy County Attorney Hoffmeister asked Zoning Administrator Daniels what the proposed signage was. Zoning Administrator Daniels provided

the proposed signage on the projector, showing the dimensions and location of the proposed entrance and exit signs.

Zoning Administrator Daniels provided an aerial map of the setbacks that will be required by this project. She reviewed it with The Commission.

Ms. Jeffs asked about the canopy showing on the application. Zoning Administrator Daniels stated the canopy was issued as part of the previously-issued zoning permit. The only thing being discussed by The Commission in this meeting was the entrance and exit signs. Zoning Administrator Daniels requested Mr. Garrels' confirmation. He confirmed.

Chairperson Brady asked Mr. Garrels if the signs would be lighted and Mr. Garrels confirmed. Vice-Chairperson Keep asked if the signs would be internally or externally illuminated. Deputy County Attorney Hoffmeister said, reviewing the packet, the signs would be internally illuminated.

Chairperson Brady asked Mr. Garrels if their intent was to remove the old facility and he confirmed.

Chairperson Brady stated it appeared truck traffic was increasing. Mr. Garrels said he believed it had, but was not there every day.

Deputy County Attorney Hoffmeister reminded The Commission about the 7-Part Test for Special Use Permits, under Section 6.2, Buffalo County Zoning Regulations.

Secretary Wolfe said she appreciated the highway superintendent's signature for the approval of the sign.

Discussion occurred regarding the history of this area: ownership, rezones, easements, etc.

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

Chairperson Brady closed the discussion on this agenda item at 7:48 p.m.

Motion was made by Mr. Biehl, seconded by Mr. Stubblefield, to recommend favorably the Special Use Permit Application to install signage, filed by Emily Lipker of Tri City Sign, on behalf of Mark and Peggy Garrels, for tax parcel 620207030, described as Rouse Second Administrative Subdivision, Lot 1, Buffalo County, Nebraska and tax parcel 620207010, described as Rouse Fourth Administrative Subdivision, Lot 1, Buffalo County, Nebraska, all situated in Section One (1), Township Eight (8) North, Range Fifteen (15) 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”: Biehl, Jeffs, Keep, Wolfe, Stubblefield & Brady.

Voting “Nay”: None.

Abstain: None.

Absent: Vest, Vacek, & Schmidt.

Old Business

Minutes

Motion was made by Secretary Wolfe, seconded by Ms. Jeffs, to approve the minutes of the March 17, 2022 meeting, as presented.

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

Voting “Nay”: None.

Abstain: None.

Absent: Vest, Vacek, & Schmidt.

Motion carried.

New Business

Report on Previous Hearings

Zoning Administrator Daniels provided a report on the previous hearings from the March 17, 2022, Planning and Zoning Meeting. The Special Use Permit for Firefly Landscaping, Inc., for a Landscaping Operation was approved by The Board of Commissioners on April 12, 2022. She also notified The Commission that the code amendment, regarding butchering facilities, were approved by The Board of Commissioners, as presented, on April 12, 2022.

New Business, Correspondence & Other Business

Zoning Administrator Daniels highlighted the ETJ correspondence, for the city of Kearney, for Peterson Subdivision. She explained a letter was drafted for a response, for Peterson Subdivision, to the city from The Commission. She requested The Commission review the correspondences from the city.

Zoning Administrator Daniels also reviewed the Hall County Notice of meeting.

Zoning Administrator Daniels notified The Commission that the City of Kearney Planning Commission wished to have The Commission return and present a final presentation of the Comprehensive Plan. Deputy County Attorney recommended returning correspondence and notifying the City of Kearney Planning Commission that The Comprehensive Plan is still being formulated. Vice-Chairperson Keep recommended sharing the results from the survey with The City of Kearney Planning Commission. Deputy County Attorney Hoffmeister agreed.

Motion was made by Secretary Wolfe, seconded by Mr. Biehl, to send a letter to the City of Kearney Planning Commission stating that the Final Comprehensive Plan is not complete and still being formulated, but The Buffalo County Planning Commission wishes to share the results from the survey.

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

Voting “Nay”: None.

Abstain: None.

Absent: Vest, Vacek, & Schmidt.

Zoning Administrator Daniels presented annexations of Fountain Hills 15th and Knapp Addition to The Commission.

Zoning Administrator Daniels thanked all the members of The Commission for all their work on presenting and handing out The Comprehensive Plan Surveys. She reminded them about mileage reimbursements for the presentations and meetings.

Discussion occurred about prior developments and how zoning effectively regulates them.

Next Meeting

The next meeting will be conducted June 16, 2022.

Adjourn

Chairperson Brady adjourned the meeting at 8:24 p.m.