

MINUTES OF PLANNING AND ZONING COMMISSION
JUNE 15, 2023
BUFFALO COUNTY COURTHOUSE
7:00 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 and Zoning Commission and availability of the Agenda was communicated in the advance notice. The Agenda is available for anyone wanting a copy.

Chairperson Scott Brady opened the meeting at 7:02 P.M. with a quorum present on June 15, 2023.

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

Scott Stubblefield was absent.

Quorum was met.

Also attending were: Deputy County Attorney Andrew Hoffmeister, Zoning Administrator Dennise Daniels and members of the public.

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

The public forum was opened at 7:03 P.M. The public forum closed at 7:03 P.M.

Public Hearing. 5(a)

Chairperson Brady opened the public hearing for Agenda Item 5(a) at 7:04 P.M. regarding the Application for a Special Use Permit, to erect a self-support tower, with accompanying equipment, filed by Jeffrey Skinner, on behalf of Verizon Wireless, and Melvin Parker, property owner for tax parcel 440057000, described as part of the Northeast Quarter and Strip in the North Part of the Southeast Quarter in Section Fifteen (15), Township Ten (10) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Jeffrey Skinner, authorized agent of Verizon Wireless and Melvin Parker, property owner for tax parcel 440057000, stepped forward to present the application. The application, he explained, is for a 258' self-support tower and he reviewed the RF criteria.

He highlighted the construction drawings and detailed that the proposed tower would provide cell phone coverage for, approximately, a 10-mile radius. With the height of the tower take into

account, he continued, the tower would have a red beacon and a red light, for lighting purposes, but no strobe lights.

Mr. Skinner reviewed the FAA approval letter with The Commission.

Mr. Skinner illustrated the project, which would include a 100-foot by 100-foot leased area, rocked and secured, and a sufficient collapse zone. All Verizon equipment, including the tower, he added, would be situated within a six-foot chain link fence. Sheds for equipment are not used anymore, he continued, cabinets house all the required equipment.

Secretary Wolfe requested clarification that the tower would provide a 10-mile radius coverage and Mr. Skinner agreed, and added that the tower would correct an existing hole in coverage.

Vice-Chairperson Keep inquired about the Structural Design Report and Mr. Skinner explained it was a requirement of the FCC to provide a list of frequencies.

Chairperson Brady asked Mr. Skinner if he had received any local opposition regarding the tower and Mr. Skinner explained this project has been in the planning stages for, approximately, eight years and the area is ideal due to the low residential housing.

Secretary Wolfe asked Zoning Administrator Daniels if she had received any notices of opposition and Zoning Administrator Daniels responded she had receive one call and the party was in favor of the development.

Vice-Chairperson Keep asked if 5G would be available and Mr. Skinner confirmed and provided a brief overview of 5G.

Zoning Administrator Daniels informed The Commission that The Buffalo County Sheriff's Office was notified of the development and there was no concern regarding interference.

Discussion occurred regarding towers across Buffalo County.

Mr. Schmidt questioned the location of the closest tower and Mr. Skinner responded he believed the nearest tower was a 150-foot Viaero Tower in Riverdale. Verizon, he continued, did not have a closer tower than 5 miles.

Mr. Biehl asked if co-location is being utilized and Mr. Skinner confirmed.

Secretary Wolfe asked about collapse zone and Mr. Skinner declared, the tower was set back far enough if a collapse occurred, it would stay on the property.

Deputy County Attorney Hoffmeister questioned if Verizon would purchase or lease the property and Mr. Skinner replied the property would be leased for 25 years.

Motion was made by Secretary Wolfe, seconded by Mr. Biehl, to recommend favorably the Application for a Special Use Permit, to erect a self-support tower, with accompanying equipment, filed by Jeffrey Skinner, on behalf of Verizon Wireless, and Melvin Parker, property owner for tax parcel 440057000, described as part of the Northeast Quarter and Strip in the North Part of the Southeast Quarter in Section Fifteen (15), Township Ten (10) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

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

Voting “Nay”: None.

Abstain: None.

Absent: Stubblefield.

Old Business

Minutes

Motion was made by Vice-Chairperson Keep, seconded by Ms. Jeffs, to approve the minutes of the May 18, 2023 meeting, as presented.

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

Voting “Nay”: None.

Abstain: Vacek & Vest.

Absent: Stubblefield.

Motion carried.

New Business

Report on Previous Hearings

Zoning Administrator Daniels provided a report on previous hearings to The Commission:

On May 23, 2023, The Board of Commissioners approved the Application for Zoning Map Amendment, filed by Michael Mauslein, Owner/Operator, Mauslein Land Holdings, L.L.C.

On June 13, 2023, The Board of Commissioners approved the Application for Zoning Map Amendment, filed by Mitch Humphrey, on behalf of Poulson Family Limited Partnership, L.T.D.; Application for Preliminary Plat, “Sears Second Subdivision”, filed by Paul E. Sears and Joyce A. Sears; and code amendments to Section 5.52, Permitted Principle Uses and Structures under the Commercial District, regarding mini storage/storage facilities and Section 6.6, Wind Farms, regarding wind farms’ location and distancing requirements.

Zoning Administrator Daniels, also, advised that The Application for Code Amendment from JKS Farms L.L.C. was withdrawn prior to the public hearing with The Buffalo County Board of Commissioners.

The Wood River Digester Project, as presented to The Board of Commissioners, livestock confinement operation expansions, wind farms and possible regulation changes were discussed.

New Business, Correspondence and Other Business

Zoning Administrator Daniels reviewed the Dawson and Howard County Notices of Public Hearing and they were discussed.

Next Meeting

Zoning Administrator Daniels reminded The Commission there would be a special meeting/workshop scheduled for June 22, 2023 at 5:00 P.M. to discuss the zoning and subdivision regulations. She notified The Commission that their packets for that meeting, as well as an additional memo from the county attorney's office, was provided at the meeting.

Adjourn

Chairperson Brady adjourned the meeting at 7:50 P.M.

Buffalo County Planning and Zoning Commission:

Scott Brady, Chairperson

Loye Wolfe, Secretary