

MINUTES OF PLANNING AND ZONING COMMISSION
NOVEMBER 21, 2024
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, on November 7, 2024. 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 7:00 P.M. on November 21, 2024. He announced that Francis "Buss" Biehl has resigned from his position on The Planning Commission and on November 12, 2024, Jeremy Sedlacek was appointed in his place.

In Attendance: Kurt Schmidt, Willie Keep, Loye Wolfe, Tammy Jeffs, Scott Stubblefield, Jeremy Sedlacek and Scott Brady.

Absent was Marc Vacek.

Quorum has been met.

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

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

The public forum was opened at 7:02 P.M. No one spoke. The public forum closed at 7:03 P.M.

Chairperson Brady announced the procedure and etiquette for the upcoming public hearings.

Public Hearing. 5(a)

Chairperson Brady opened the public hearing for Agenda Item 5(a) at 7:04 P.M. regarding an Application for Zoning Map Amendment, filed by Chad Dixon, licensed land surveyor, on behalf of Brian Stittle, member of Poole Ranch Developer, L.L.C., for property described as All of Government Lot 1, Part of the Northeast Quarter of the Northwest Quarter, Part of Government Lot 2, Part of the Southeast Quarter of the Northwest Quarter and Part of the Northwest Quarter of the Northeast Quarter of Section Nineteen (19), Township Twelve (12) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, to rezone approximately 73.26 Acres, more or less, from Agriculture (AG) to Agricultural – Residential (AGR).

Chad Dixon, of Miller and Associates, Consulting Engineers, P.C., located at 1111 Central Avenue, Kearney, Nebraska, stepped forward to present the application. Mr. Dixon stated that

the proposed zoning map amendment was in conjunction with Zoning Agenda Item #2. He stated that the applicant intends to rezone approximately 73 acres into a 17-lot subdivision.

Deputy County Attorney Hoffmeister reviewed the Agricultural – Residential (AGR) Intent. He asked which school district this particular subdivision would be located and Mr. Dixon explained it would be located within the Ravenna School District and would benefit their community. Mr. Dixon added that the proposed subdivision will be situated on a hard-surfaced road and within close proximity of the city of Ravenna.

Deputy County Attorney Hoffmeister asked Mr. Dixon how close the proposed subdivision is to the extra territorial jurisdiction of Ravenna and Zoning Administrator Daniels stated it was approximately half of a mile.

Mr. Schmidt asked Mr. Dixon if Keystone Road was minimum maintenance after the 340th Road/Keystone Road curvature and Mr. Dixon confirmed that it was not minimum maintenance until Thomas Hongsermeier's driveway. Deputy County Attorney Hoffmeister confirmed.

Chairperson Brady asked if there were plans to have the easterly roads paved and Mr. Dixon responded there was not. Deputy County Attorney Hoffmeister stated that the roads would need to meet minimum road specifications and the developer would need to enter in a Road Maintenance Agreement.

Secretary Wolfe inquired how many residences were located within that quarter section and Mr. Dixon responded that there was one.

Deputy County Attorney Hoffmeister asked Zoning Administrator Daniels how many Agricultural – Residential (AGR) Districts were located within a certain parameter of this particular subdivision. Those were reviewed by The Commission.

Secretary Wolfe asked if the interior roads would be gravel and Mr. Dixon confirmed they would.

Chairperson Brady inquired if the developer had discussed the Keystone/340th Road curvature with the Buffalo County Sheriff's Office or the Highway Department how to mitigate the dangerous intersection. Mr. Dixon stated that they had not, at this time, because they are in preliminary stages. Once the preliminary plat is approved, he continued, road design will be reviewed further. Chairperson Brady stated that he had safety concerns for that access.

Mr. Dixon thanked The Commission for their time.

Mr. William DeLaet, of 28800 Buckeye Road, Ravenna, Nebraska, stepped forward to speak in opposition of the project. Mr. DeLaet stated that he owns land directly to the north of the proposed subdivision and rezoning. He voiced concerns about the safety of the curve along Keystone Road, merging into 340th Road, and the number of accidents that occur. He also explained that he is concerned about maintaining his pasture land next to a large development, including spraying. He stated that he does not want any residences out there.

Mr. DeLaet thanked the Commission for their time.

Mr. Gary Urwiller of 2705 72nd Avenue, Kearney, Nebraska, stepped forward to speak in opposition of the project. He stated that he and his wife own the half section in Section 24, Township 12 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, as Cherry Creek Farms, L.L.C. He explained that family members also own property to the north of 340th Road. He testified that he has concerns regarding moving farm equipment along Keystone Road and 340th Road with an increase in traffic.

He added that he has concerns regarding spraying on his land because drift can flow to sensitive areas, such as residences with trees, flowers, and gardens. He believes that it is going to create difficulty for him to maintain and spray his fields with westerly winds.

Mr. Urwiller thanked the Commission for their time.

Mr. Mark Standage and Mr. Ethan Standage, of 37995 295th Road, Ravenna, Nebraska, stepped forward to testify on the project. Mr. Mark Standage also expressed concern regarding the amount of vehicle accidents, the lack of lighting, and lack of signage at the curve along 340th Road and Keystone Road.

Mr. Mark Standage testified that he is not against development, but does not want the subdivision located in that particular area. He added that Ravenna is difficult to build around because of the railroad crossings, lagoons, river, creek, family ownerships, school land ownerships, etc.

He added that he does not want to have 17 residences next to land, that he rents from William DeLaet, for cattle grazing, directly to the north of the subdivision. He said that fireworks, dogs, and other residential disturbances can affect his livelihood.

Mr. Ethan Standage added that there are lots for sale in a subdivision in Ravenna's city limits, which are not selling.

Chairperson Brady asked if either of the gentlemen had an idea of a good alternative for the road system for this development and Mr. Mark Standage explained that it would require a lot of dirt work.

Mr. Ethan Standage added that, with livestock and residential development clashing, there are always complaints such as flies, cattle getting out, etc.

Mr. Mark Standage and Mr. Ethan Standage thanked The Commission for their time.

Ms. Sarah Ripp, of 27250 Keystone Road Ravenna, Nebraska, stepped forward to speak in opposition of the project. She testified that she has environmental concerns. She testified that the area of proposed development is extremely sandy and the grassland and animals that are there now, have taken many years to adapt for survival. She testified that the grasslands can store up to one third of the terrestrial soil organic carbon pool. She added that one acre of grassland can absorb up to 1 ton of carbon in its roots in a single year.

She added that, aside from enjoying the prairie view, the grasslands also improve water filtration and reduce water runoff, which affect drinking water and pivot irrigation.

She testified that removing the native vegetation, which has tremendously deep roots and keep the sandy soil together, would be detrimental and the sandy soil will blow.

She, also, reviewed several endangered species that could be affected by the development.

She closed out her testimony by explaining that the development would also cause the loss of grazable acres for local ranchers.

Deputy County Attorney Hoffmeister inquired where Ms. Ripp resides in comparison to the proposed development and Ms. Ripp responded that she lives south and her brother rents land from Mr. DeLaet.

Chairperson Brady asked Ms. Ripp how she feels about development occurring along pivot corners and Ms. Ripp responded that she disagrees with developments in Buffalo County, but the proposed development affects her directly.

Ms. Ripp thanked The Commission for their time.

Mr. Brian Stittle, of 47687 776th Road, Ravenna, Nebraska, stepped forward to speak in favor of the project. He explained that he is one of the members of the development team on the proposed project.

Deputy County Attorney Hoffmeister inquired where Mr. Stittle resides in comparison to the proposed development and Mr. Stittle responded that he resides in Sherman County, but he was raised in Ravenna. He explained that he doesn't foresee a lot of issues with the development because it is his hope that the individuals that purchase the land will be from Nebraska and are familiar with farm life.

Deputy County Attorney Hoffmeister asked Mr. Stittle if the development fulfils a public need by developing the proposed tract of land, and Mr. Stittle answered that there are individuals who would prefer to the country views, but want to reside within a certain parameter of the city.

Deputy County Attorney Hoffmeister asked Mr. Stittle if he believed the development would cause an increase and traffic and Mr. Stittle responded that there will be a traffic increase. He acknowledged that the curve along Keystone Road is a dangerous intersection, but individuals should be aware of traffic laws and attentive to driving. Mr. Stittle added that he works on the fire department and is aware of the issues of the intersection. He added that, perhaps, it could be mitigated by adding more lighting.

Discussion occurred regarding lack of ability to acquire land around the city of Ravenna, along paved roads.

Chairperson Brady inquired the reason why this particular tract was selected and Mr. Stittle responded that it was available.

Chairperson Brady asked what the developer intended to do to mitigate any ecological concerns that were brought forth and Mr. Stittle responded that dirt work would be occurring, but they would be laying grass seed for mitigation.

Mr. Stittle thanked The Commission for their time.

Mr. William DeLaet, again, stepped forward to provide comment. He added that there is another subdivision that was attempted to develop near the cemetery.

Mr. Trevor Staab, of 27250 Keystone Road, Ravenna, Nebraska, stepped forward to speak in opposition of the project. He testified that he, along with Sarah Ripp, have significant concerns regarding ecological impact and the existing sandy soil. He added that he, also, rents land from William DeLaet and operates a feed lot.

He stated that he is well aware of the impacts of having residential development next to rural farming.

He agreed with prior testimony from adjoining land owners that will have difficulty maintaining and spraying their properties with the residential development directly across the road.

Chairperson Brady inquired if Mr. Staab found the location suitable, and Mr. Staab stated he did not believe it is, with consideration given to the soil types and the dangerous intersection.

Deputy County Attorney Hoffmeister asked what would happen to family-owned land in two generations and Mr. Staab responded that residential development could occur. Attorney Hoffmeister explained that The Planning Commission needs to consider highest and best use when approving or denying any development. He added that, other than Kearney, Ravenna, Gibbon, and potentially, Elm Creek, are classified as “city-sized”.

Mr. Staab thanked The Commission for their time.

Mr. Chad Dixon stepped forward to discuss concerns brought forth by the public. He referenced the intersection that was brought forth. He testified that he believed the intersection was a county road concern, not a development issue. However, he continued, the developer would consider negotiating a different road design. Vice-Chairperson Keep recommended having a merger lane. Deputy County Attorney Hoffmeister stated that may not be a feasible option with the way the road is situated.

Mr. Dixon added that the development was available ground and very desirable with the river valley frontage.

Deputy County Attorney Hoffmeister asked where the power to the subdivision would be located and Mr. Dixon responded that it was located on the corner.

Chairperson Brady inquired if there was flexibility regarding the road design and Mr. Dixon responded that there is room for flexibility, if the need occurred, as the application in front of The Commission is a preliminary plat.

Deputy County Attorney Hoffmeister reminded The Commission that the discussion at hand was regarding the Change of Zoning Application for Agricultural – Residential (AGR) District. He stated that The Commission needed to consider the allowability of this area being more densely populated.

Mr. James Friesen, of 1330 W. 102nd Street Place, Kearney, Nebraska, stepped forward to speak in favor of the project. Mr. Friesen stated that his wife is one of the investors. He stated that the development group, that is spearheading this project, is considering the needs of Ravenna. The concerns brought forth, he acknowledged, are good concerns and he appreciated everyone's testimony. He stated that he lives in a rural subdivision and has faced the concerns that were discussed, but his perception was that most of the neighbors were understanding of living in an agriculturally-driven area.

Deputy County Attorney Hoffmeister asked Mr. Friesen how the development would benefit Ravenna and Mr. Friesen responded that Ravenna does not have a rural residential option within short driving distance, as do the other communities in Buffalo County.

Deputy County Attorney Hoffmeister inquired if the school system in Ravenna was capable of providing support for families that may reside in the subdivision and Mr. Friesen answered that he believed that it could, but there may be challenges.

Chairperson Brady asked if the developers have been approached about individuals interested in purchasing the lots in the proposed subdivision and Mr. Friesen said that they are not being actively marketed, but have been approached by individuals who believe the development is a good idea. Furthermore, he added, it will be encouraged to have individuals who purchase the lots keep some areas native.

Mr. Sedlacek inquired if Mr. Friesen's bank is financing the development and Mr. Friesen stated that they are not.

Mr. Friesen thanked The Commission for their time.

Mr. Larry Behrendt, of 25710 Imperial Road, Ravenna, Nebraska, stepped forward to speak in favor of the project. He testified that he is, also, part of the investment group. He explained that the development group was created after Ravenna's grocery store closed. In order to provide a service to Ravenna, the group decided it would be beneficial to create a rural residential development. He added that he was interested in buying one of the proposed lots to build a smaller house, after selling his existing residence to his daughter. He said that he and his wife want the opportunity to reside closer to Ravenna and avoid traveling via gravel roads.

Deputy County Attorney Hoffmeister asked Mr. Behrendt where he resides, in relation to the proposed development and Mr. Behrendt responded that he lives approximately five miles southwest.

Mr. Behrendt acknowledged the concerns brought forth, but stated that they've already tried to develop lands around Ravenna and they can't acquire any.

He added that the development group has concerns regarding the inability of Ravenna to provide exceptional housing for new residents, as well as the school student numbers dwindling.

Mr. Behrendt thanked The Commission for their time.

Mr. Tom Hongsermeier, of 33085 Keystone Road, Ravenna, Nebraska, stepped forward to speak in favor of the project. He stated that he is also part of the development group. He said that he thinks that there is not enough available housing for Ravenna residents who want the opportunity of country living, but live within a short distance of city amenities.

The environment, he continued, is a concern for him as well. However, he stated there will be covenants in place to mitigate against wind and water erosion. Living in the country, he added, people need to be understanding of country living and agricultural uses.

He acknowledged the intersection concerns, but said that it has been that way for 50 years.

Mr. Hongsermeier thanked The Commission for their time.

Discussion occurred regarding building along minimum maintenance roads.

Discussion occurred regarding the unincorporated village of Poole.

Chairperson Brady asked if anyone else wished to speak. No one spoke.

Chairperson Brady closed the public hearing at 8:18.

Deputy County Attorney Hoffmeister referred to the following section in Buffalo County Zoning Regulations, Section 11.3:

“The procedure for the consideration and adoption of any such proposed amendments shall be in like manner as that required for the consideration and adoption of the resolution except herein before or herein after modified. For action on zoning amendments, a quorum of the Planning Commission is more than one-half ($\frac{1}{2}$) of all the members. A vote either for or against an amendment by a majority of all the Planning Commission members present constitutes a recommendation of the commission; whereas a vote either for or against an amendment by less than a majority of the Planning Commission present constitutes a failure to recommend. When amending zoning district boundaries, the Planning Commission and County Board where applicable and authorized may place conditions upon property sought to be rezoned. (Resolution 9-14-04)

When the Planning Commission submits a recommendation of approval or disapproval of such amendment, the County Board, if it approves such recommendation, may either adopt such recommendation by resolution or take no further action thereof as appropriate. In the event the Planning Commission submits a failure to recommend, the County Board may take such action as it deems appropriate. Upon receipt of a recommendation of the Planning Commission which the County Board disapproves, the said governing body shall return such recommendation to the Planning Commission with a statement specifying the basis for disapproval, and such recommendation shall be considered in like manner as that required for the original recommendation returned to the Planning Commission. If such amendment shall affect the boundaries of any district, the resolution shall define the change or the boundary as amended, shall order the Official Zoning Map(s) to be changed to reflect such amendment, and shall amend the section of the resolution incorporating the same and reincorporate such Map as amended.”

Deputy County Attorney Hoffmeister counselled The Commission that they needed to provide reasoning if the project is approved or denied. If they wished to approved the change of zoning request, the reasons for approval should be that the subdivision abuts a paved road, there is a need of a housing, it is within close proximity of the city of Ravenna, and has available utilities.

Mr. Schmidt asked Mr. Hongsermeier what the existing land is being used for and Mr. Hongsermeier responded with grazing. Mr. Schmidt inquired the number of cattle situated on the land and Mr. Hongsermeier responded seven to eight acres per head.

Vice-Chairperson Keep said that he was happy with the subdivision being located within close proximity of Ravenna and along a paved road, but had concerns regarding the intersection. He said that this particular subdivision fits within the Agricultural – Residential intent.

Mr. Schmidt agreed with Vice-Chairperson Keep. He stated that he was, also, concerned about the intersection. However, he continued, after researching census data, he found that the population in Ravenna is slipping and this development may provide a public service to Ravenna.

Secretary Wolfe commented that she appreciated the concept of a rural residential development to support a community. She, also, appreciated the use of covenants to address some concerns.

Chairperson Brady stated that he understood the ecological and economic impacts of the subdivision and that the traffic concerns need to be addressed. He stated that rural residential should be allowed, but under the right conditions.

Mr. Stubblefield stated that he appreciated the covenants and that the development group is developing the subdivision for the good of Ravenna. He added that regardless of where the development occurs, there could still be a significant increase of traffic along the road.

Ms. Jeffs said that she appreciates the group considering the need for housing in Ravenna, placing the development along a paved road, supporting the school system with additional students, and being within close proximity of the city.

Mr. Sedlacek commented that he appreciates everyone's viewpoints from the public. He added that he has concerns regarding the dangerous curve along Keystone Road. However, he continued, he appreciated the 17-lot availability and having the previous land owner, Mr. Hongsermeier, involved in the project process.

Deputy County Attorney Hoffmeister counselled that The Commission agrees that the project needs to progress, but how is the question.

Vice-Chairperson Keep inquired what actions could be taken by The Buffalo County Highway Department to correct the curve along Keystone Road and Deputy County Attorney Hoffmeister advised that he is unable to speak on their behalf. He reminded The Commission they are tasked with establishing if this particular area is a suitable location for denser housing within close proximity of the city of Ravenna and with available utilities.

Road dedication and vacation were discussed.

Chairperson Brady announced that The Commission would take a break at 8:41 P.M.

The Commission reconvened at 8:50 P.M. with the following members present: Schmidt, Keep, Wolfe, Jeffs, Stubblefield, Sedlacek and Brady.

Motion was made by Vice-Chairperson Keep, and seconded by Ms. Jeffs to favorably recommend the zoning map amendment, for property described as All of Government Lot 1, Part of the Northeast Quarter of the Northwest Quarter, Part of Government Lot 2, Part of the Southeast Quarter of the Northwest Quarter and Part of the Northwest Quarter of the Northeast Quarter of Section Nineteen (19), Township Twelve (12) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, to rezone approximately 73.26 Acres, more or less, from Agriculture (AG) to Agricultural – Residential (AGR) due to the subdivision abutting a paved road, the need of a housing, being within close proximity of the city of Ravenna, and availability of utilities to the Buffalo County Board of Commissioners.

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

Voting “Nay”: Brady and Schmidt.

Abstain: None.

Absent: Vacek.

Motion carried.

Chairperson Brady opened the public hearing for Agenda Item 5(b) at 8:53 P.M. regarding an Application for Preliminary Subdivision, “Riverview Estates Subdivision”, now known as “Poole Ranch Subdivision”, filed by Chad Dixon, licensed land surveyor, on behalf of Brian Stittle, member of Poole Ranch Developer, L.L.C., for property described as All of Government Lot 1, Part of the Northeast Quarter of the Northwest Quarter, Part of Government Lot 2, Part of the Southeast Quarter of the Northwest Quarter and Part of the Northwest Quarter of the Northeast Quarter of Section Nineteen (19), Township Twelve (12) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Chad Dixon, of Miller and Associates, Consulting Engineers, P.C., located at 1111 Central Avenue, Kearney, Nebraska, stepped forward to present the application. He explained that it is a 17-lot subdivision, abutting 340th Road. He added there will be roads dedicated to the public, one of which ending in a cul-de-sac, satisfying any road requirements set forth under the subdivision regulations.

Mr. Dixon reviewed the road grades and the lot layouts. He explained that the development team went through the lots to establish desirable locations for residences and those locations are indicated on the plat.

Mr. Dixon reviewed the drainage report, soils report, and roadway design. He, also, reviewed deviations, which are shown in The Planning Commission’s Packet.

Mr. Dixon added that the utilities will come from the northwest corner of the subdivision and each lot will have its own well and septic.

Mr. Dixon stated that the developer intends to enter into a Road Maintenance Agreement for the public roads.

Deputy County Attorney Hoffmeister counselled The Commission on their duties, shown under Buffalo County Subdivision Regulations, Section 3.08, "COMMISSION REFERRAL OF PRELIMINARY PLAT TO BOARD Following public hearing(s) regarding the Preliminary Plat, the Planning Commission shall recommend approval, disapproval, or approval with changes and the recommendation shall be transmitted to the Board within seven (7) days following decision meeting..."

Deputy County Attorney Hoffmeister inquired where the postal boxes would be located and Mr. Dixon explained that there is a pull over area located in the western part of the subdivision. He added, the postal design will need to be approved by the Ravenna Postmaster.

Deputy County Attorney Hoffmeister counselled The Commission that they need to assess whether the design of the plat is in compliance with the Buffalo County Subdivision Regulations.

Chairperson Brady asked if anyone else wished to speak. No one spoke.

Chairperson Brady closed the public hearing at 9:06 P.M.

Chairperson Brady stated that he believed the curve along Keystone Road should have resolution before approval and Deputy County Attorney Hoffmeister referenced Buffalo County Subdivision Regulations, Section 3.06 (c), which states, "...regardless of whether the plat is recommended for approval or disapproval, the Preliminary plat shall be referred on to the County Board with 60 days of first public hearing unless a longer time is agreed upon with the subdivider. If not so referred, the County Board may take it up for hearing after the 60 days has elapsed of the first public meeting." He added that The Commission could place conditions on the preliminary plat, if they found it necessary.

Discussion occurred regarding road designs and requirements.

Mr. Stubblefield commented that The Commission should give the developer the opportunity to get to final design stages.

Ms. Jeffs inquired whether The Commission could put conditions on the preliminary plat and Deputy County Attorney Hoffmeister advised they could.

Deputy County Attorney Hoffmeister advised that The Commission could place a condition safe entry point for the subdivision, established by the county highway superintendent, for both the residents of the subdivision, as well as the travelling public.

Chairperson Brady inquired if a safety study could be required and Deputy County Attorney Hoffmeister advised that it could be requested.

Motion was made by Ms. Jeffs, and seconded by Secretary Wolfe to favorably recommend the Application for Preliminary Subdivision, "Riverview Estates Subdivision", now known as "Poole Ranch Subdivision", filed by Chad Dixon, licensed land surveyor, on behalf of Brian Stittle, member of Poole Ranch Developer, L.L.C., for property described as All of Government

Lot 1, Part of the Northeast Quarter of the Northwest Quarter, Part of Government Lot 2, Part of the Southeast Quarter of the Northwest Quarter and Part of the Northwest Quarter of the Northeast Quarter of Section Nineteen (19), Township Twelve (12) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska to the Buffalo County Board of Commissioners with the following conditions: safe entry point for the subdivision, established by the Buffalo County Highway Superintendent, for both the residents of the subdivision, as well as the travelling public, a 10-year road maintenance agreement, and a safety study in consideration given to road design.

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

Voting “Nay”: None.

Abstain: None.

Absent: Vacek.

Motion carried.

Chairperson Brady opened the public hearing for Agenda Item 5(c) at 9:22 P.M., regarding an Application for Zoning Map Amendment, filed by Craig Bennett, of Miller & Associates Consulting Engineers, P.C., on behalf of Mark H. Meyer and C. Jayne Meyer, also known as Claudia Jayne Meyer, and Loren Bakko, Manager of Bakko Land, L.L.C., for property described as part of the West Half of the Northwest Quarter of Section Eight (8), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, to rezone approximately 30.13 Acres, more or less, from Agricultural – Residential (AGR) to Commercial (C).

Craig Bennett of Miller and Associates, Consulting Engineers, P.C., located at 1111 Central Avenue, Kearney, Nebraska, and Loren Bakko, of Arcadia, Nebraska, stepped forward to present the application. Mr. Bennett stated that the applicants have requested to rezone a tract of land, next to an airstrip from Agricultural – Residential (AGR) to Commercial (C). He added that, in an effort to be transparent, the applicant intends to rezone the tract for his business in lieu of a special use permit. Mr. Bennett stated that the tract to be rezoned abuts Cottonmill Avenue, a two-lane paved road, on the west side and 100th Street on the North side. He added that the tract, now, is agricultural in nature and is currently being farmed. He continued that the airstrip abuts on the east side.

Mr. Bakko testified that he is from west-central Minnesota and he owns and operates a 5th generation farm. Additionally, he continued, he owns an agricultural business, which works with tub grinders and converts hay bales for animal consumption. The business has seen an increase in Nebraska clients, he continued. In 2020, he added, the business opened a location in Litchfield, Nebraska and then moved to Arcadia, Nebraska. He stated that they are seeking a more permanent location. In Minnesota, he said, the company employs approximately 30 people and six in Nebraska. He discussed the history with the existing property owners. He added that the remainder of the land they intend to purchase will be farmed. He stated that he is, also, a private

pilot and the abutting airstrip is a necessary use for him to travel between Minnesota and Nebraska three to four times a month.

Mr. Bennett explained that this area is exceptional for the project due to access to paved major arterial roads and within close proximity to Riverdale and Kearney.

Chairperson Brady asked how many acres Mr. Bakko is purchasing and Mr. Bakko answered 200 acres. Mr. Bennett clarified that Mr. Bakko intends to rezone only 30 acres of the 200 acres, to provide immediate access to paved roads.

Deputy County Attorney Hoffmeister asked the applicant if they would be willing to abide by a setback of 90 feet from the center of Cottonmill Avenue and from the center of 100th Street. Mr. Bennett recommended approval on behalf of Mr. Bakko with the consideration of future planning being either of those roads could expand to 80 feet wide. Mr. Bakko agreed.

Chairperson Brady inquired whether the applicant intended to expand in the future. Mr. Bakko stated that he does not foresee a significant expansion, other than a shop, plane hangar, and customer equipment waiting on repair or after repair. Chairperson Brady asked if Mr. Bakko intended to expand southerly and Mr. Bakko explained that he intended to farm that area.

Deputy County Attorney Hoffmeister reminded The Commission that agricultural service establishments are allowed by Special Use Permit in the Agricultural – Residential (AGR) District and the applicant could seek a Special Use Permit.

Mr. Bakko explained that the tub grinders are assembled in Minnesota, but the location in Kearney would be only for repairs. He added that, in Arcadia, they see approximately one to three customers a day.

Deputy County Attorney Hoffmeister inquired how many employees were projected to work at that location and Mr. Bakko stated that he projected six - eight employees, as that number is employed at the Arcadia location.

Deputy County Attorney Hoffmeister inquired the number of freight truck traffic and Mr. Bakko answered that they receive approximately one or two freight trucks a week.

Discussion occurred the number of residences within a certain parameter of the proposed rezone.

Deputy County Attorney Hoffmeister asked Mr. Bennett how much of Riverdale's extra territorial jurisdiction abuts the property and Mr. Bennett stated that Buffalo County's GIS shows that it intersects, but he believes it is incorrect based on the village of Riverdale's records. He stated that, based on the village of Riverdale's records, their jurisdictional boundary ends north of 100th Street.

Subdivision clusters within close proximity to the rezone were reviewed.

Secretary Wolfe asked Mr. Bakko to describe the machinery that will be repaired. Mr. Bakko stated that the machinery will be either on a semi-tractor or pulled by a semi-tractor.

Deputy County Attorney Hoffmeister noted that Apple Acres Orchard, which is a similar agricultural commercial use is operational and located within a close proximity to the proposed rezoning.

Chairperson Brady asked if Mr. Bakko will be conducting truck repair business as well and Mr. Bakko confirmed, under certain circumstances.

Chairperson Brady inquired why Mr. Bakko didn't pursue a Special Use Permit process and Mr. Bakko explained that he wanted to operate within the parameters of the Commercial District and to provide complete transparency.

Secretary Wolfe asked how far customers would travel to have their machines repaired and Mr. Bakko responded that his business can draw from as far as within Nebraska, and Kansas, Colorado, and Iowa.

Chairperson Brady asked if his clientele were custom operators and Mr. Bakko confirmed.

Mr. Schmidt asked if grinding would be occurring on site and Mr. Bakko stated there would not be grinding on site, unless to test equipment.

Chairperson Brady inquired if Mr. Bakko would be stockpiling any materials and Mr. Bakko stated that he did not have that intent, other fuel or natural gas.

Chairperson Brady asked if anyone on The Commission had questions. No one spoke.

Chairperson Brady asked if anyone of the public wished to comment.

Mr. Scott Fitzke, of 8841 Cottonmill Avenue, Kearney, Nebraska, stepped forward to provide testimony. He explained that he resides south of the proposed zoning amendment. Mr. Fitzke stated he had several questions. He asked if this particular tract gets zoned to Commercial, could the entire tract be rezoned to Commercial. Deputy County Attorney Hoffmeister stated that any uses, listed under the Commercial District, is either an allowable use or a conditional use.

Deputy County Attorney Hoffmeister added that once a rezone occurs, the remainder of the tract or tracts within close proximity, could be more favorable for that same zoning district and may, also, be rezoned, although another public hearing will be need to be held. He added that the village of Riverdale, within close proximity, has similar industrial uses almost within one-half mile to the north of the tract in question. It was noted that Riverdale exercised extraterritorial zoning jurisdiction one-half mile from corporate limits.

Vice-Chairperson Keep asked how the air strip was zoned and Deputy County Attorney Hoffmeister stated it was zoned Agricultural – Residential (AGR2). He noted that the air strip had existed pre-zoning, perhaps back to the early 1980's.

Mr. Fitzke stated that he has no issues with the presented business, but has concerns about what future uses could be established.

Mr. Fitzke added that he is, also, concerned about the cleanliness of the location.

Mr. Fitzke thanked The Commission for their time.

Dr. Mark Meyer, of 5355 W 85th Street, Kearney, Nebraska, stepped forward to speak in favor of the project. Dr. Meyer stated that he has been to Mr. Bakko's facility in Minnesota and it is a clean operation. He said that the operation is much needed in Buffalo County. He added that several individuals have contacted him in the past to purchase the property for residential development and Dr. Meyer refused the proposal. Dr. Meyer continued that he believed Mr. Bakko would not develop the area further.

Chairperson Brady inquired if Dr. Meyer still resided at his house and Dr. Meyer confirmed.

Dr. Meyer thanked The Commission for their time.

Ms. Ashley Bakko, of 28958 190th Avenue, Glenwood, Minnesota, stepped forward to speak in favor of the project. She identified herself as Mr. Bakko's daughter who, currently, lives and helps run the farm in Minnesota.

She stated that she wanted to reference some of the concerns set forth by the public. She stated that she has worked with her family's business for 10 years and plans to take it over, along with her two sisters. She added that she is an owner and a manager and has been travelling between Nebraska and Minnesota for the last several years.

Ms. Bakko stated that her family intends to be at a permanent location for many years and, at this time, does not plan to expand further in Nebraska.

Deputy County Attorney Hoffmeister asked Ms. Bakko if she intends to reside on the property and Ms. Bakko responded that she does not.

Ms. Bakko testified that the business does not grind hay on site and does not have a need to test the grinders. She added that there is no smoke, material stockpiles, or trash located around the existing structure in Arcadia.

Ms. Bakko thanked The Commission for their time.

Mr. Gary Hazzard, of 8875 Cottonmill Avenue, Kearney, Nebraska, stepped forward to provide testimony. He stated that lives directly south of the proposed map amendment. He said that he has no objections to the proposed use.

Discussion occurred regarding growth in rural areas.

Deputy County Attorney Hoffmeister asked Mr. Hazzard what he believes the future use of this area will be and Mr. Hazzard responded that he believes it will be developed to the east and west of his residence.

Mr. Hazzard thanked The Commission for their time.

Secretary Wolfe asked Mr. Bakko about the size of the structure and Mr. Bakko responded that it will be 150 feet by 200 feet.

Existing Special Use Permits and comparable uses in Buffalo County were reviewed.

Chairperson Brady stated that the use would be more desirable as a Special Use Permit. Permitted uses and Special Use Permit uses in the Agricultural – Residential (AGR) District were reviewed.

Deputy County Attorney Hoffmeister reminded The Commission that the existing air strip, that abuts on the east side is more of an industrial use.

Chairperson Brady asked if anyone else wished to speak. No one spoke.

Chairperson Brady closed the public hearing at 10:17 P.M.

Deputy County Attorney Hoffmeister referred to the following section in Buffalo County Zoning Regulations, Section 11.3:

“The procedure for the consideration and adoption of any such proposed amendments shall be in like manner as that required for the consideration and adoption of the resolution except herein before or herein after modified. For action on zoning amendments, a quorum of the Planning Commission is more than one-half (½) of all the members. A vote either for or against an amendment by a majority of all the Planning Commission members present constitutes a recommendation of the commission; whereas a vote either for or against an amendment by less than a majority of the Planning Commission present constitutes a failure to recommend. When amending zoning district boundaries, the Planning Commission and County Board where applicable and authorized may place conditions upon property sought to be re-zoned. (Resolution 9-14-04)

When the Planning Commission submits a recommendation of approval or disapproval of such amendment, the County Board, if it approves such recommendation, may either adopt such recommendation by resolution or take no further action thereof as appropriate. In the event the Planning Commission submits a failure to recommend, the County Board may take such action as it deems appropriate. Upon receipt of a recommendation of the Planning Commission which the County Board disapproves, the said governing body shall return such recommendation to the Planning Commission with a statement specifying the basis for disapproval, and such recommendation shall be considered in like manner as that required for the original recommendation returned to the Planning Commission. If such amendment shall affect the boundaries of any district, the resolution shall define the change or the boundary as amended, shall order the Official Zoning Map(s) to be changed to reflect such amendment, and shall amend the section of the resolution incorporating the same and reincorporate such Map as amended.”

Chairperson Brady asked if anyone from The Commission had any comments regarding the proposed zoning map amendment. Mr. Schmidt stated that he would rather see the area zoned Commercial. The closest land use to the north is industrial use within the Village of Riverdale. The closest residential use is about three eighths of a mile. The air strip’s land use is a factor that could limit more residential use close to that air strip.

Mr. Schmidt asked Dr. Meyer if this particular rezone was located within a distance of the no longer operational onion processing structure and Dr. Meyer confirmed.

Ms. Jeffs said she appreciated the rezone occurring along a paved road with immediate access to Highway 40.

Mr. Keep stated that the air strip, which is more of an industrial use, is abutting the proposed commercial tract. He said he thinks the use fits.

Chairperson Brady declared that he does not have an issue with the applicants' proposed business plan, but is concerned with what uses could follow his and how that could affect the residences in the area.

Agricultural – Residential (AGR) District permitted special uses were reviewed.

Secretary Wolfe stated that she had some reservations about rezoning a large tract of land in the middle of the Agricultural – Residential (AGR) District. She added, however, she appreciated Mr. Bakko's business plan.

Deputy County Attorney Hoffmeister stated it should be added as a condition that any structure have a minimum setback of 90 feet from the center of Cottonmill Avenue and from the center of 100th Street. That setback adjustment would be needed for foreseeable future use and the widening of the right of way for these two roads that will occur as more development occurs in the vicinity.

Motion was made by Mr. Schmidt, and seconded by Ms. Jeffs to favorably recommend the Application for Zoning Map Amendment, filed by Craig Bennett, of Miller & Associates Consulting Engineers, P.C., on behalf of Mark H. Meyer and C. Jayne Meyer, also known as Claudia Jayne Meyer, and Loren Bakko, Manager of Bakko Land, L.L.C., for property described as part of the West Half of the Northwest Quarter of Section Eight (8), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, to rezone approximately 30.13 Acres, more or less, from Agricultural – Residential (AGR) to Commercial (C) with the condition that any structure have a minimum setback of 90 feet from the center of Cottonmill Avenue and from the center of 100th Street.

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

Voting "Nay": Brady.

Abstain: None.

Absent: Vacek.

Motion carried.

Old Business

Minutes

Motion was made by Ms. Jeffs, and seconded by Secretary Wolfe to approve the October 17, 2024 meeting, as presented.

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

Voting “Nay”: None.

Abstain: Sedlacek.

Absent: Vacek.

Motion carried.

New Business

Report on Previous Hearings

Zoning Administrator Daniels reported that the Buffalo County Board of Commissioners reviewed the proposed Zoning and Subdivision Regulations on November 12, 2024 and the draft was tabled until December 10, 2024. She explained to The Commission that she will provide updates as the process progresses.

Zoning Administrator Daniels reviewed the correspondence with The Commission. She notified The Commission of Tech One Fourth being withdrawn. She, also, reviewed the Dawson County Notice of Zoning Regulations for code amendments.

Zoning Administrator Daniels asked if any members of The Planning Commission wished to put forward an application to serve on The Buffalo County Board of Adjustment. Ms. Jeffs stated she would like to be considered and would put forth an application.

Zoning Administrator Daniels thanked the following members for renewing their terms: Tammy Jeffs, Scott Brady, and Scott Stubblefield. She, also, thanked Kurt Schmidt for his years of service and congratulated him on his recent election to the city of Kearney City Council.

Zoning Administrator Daniels reminded The Commission of the upcoming Christmas Party on December 6, 2024, and to let her know if anyone wished to attend.

Next Meeting

The next meeting will be December 19, 2024, if necessary.

Adjourn

Chairperson Brady adjourned the meeting at 10:35 P.M.

Scott Brady, Chairperson
Buffalo County Planning Commission

Loye Wolfe, Secretary
Buffalo County Planning Commission