

MINUTES OF PLANNING AND ZONING COMMISSION
FEBRUARY 15, 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. 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.

Interim Chairperson Scott Brady opened the meeting at 7:03 P.M. on February 15, 2024.

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

Also attending were: Deputy County Attorney Andrew Hoffmeister, Zoning Administrator Dennise Daniels, and Josiah Davis, the new deputy county attorney. There were a few members of public that were present during the opening portion of this agenda item.

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

Interim Chairperson Brady turned the meeting over to Zoning Administrator Dennise Daniels.

Zoning Administrator Daniels began with the Re-Organizational Meeting of Officers.

Zoning Administrator Daniels called for nominations for a Chairperson. Mr. Biehl nominated Scott Brady, seconded by Ms. Jeffs. Zoning Administrator Daniels called for further nominations three times. No additional nominations were made.

The motion was made by Mr. Biehl and seconded by Ms. Jeffs, ceased nominations.

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

Voting "Nay": None.

Abstain: Brady.

Absent: None.

Motion carried: nominations were ceased.

Zoning Administrator Daniels asked if there were other nominations for Chairperson. No one spoke. A motion was made by Ms. Wolfe, seconded by Mr. Schmidt, to cast a unanimous ballot for Scott Brady.

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

Voting “Nay”: None.

Abstain: Brady.

Absent: None.

Motion carried: Scott Brady declared Chairperson.

Zoning Administrator Daniels turned the meeting over to Chairperson Brady.

Chairperson Brady discussed the cancellation the January Meeting with The Commission.

Chairperson Brady called for nominations for Vice-Chairperson. A nomination was made by Mr. Vacek to nominate Willie Keep for Vice-Chairperson and seconded by Mr. Vest. Chairperson Brady called for further nominations three times. No additional nominations were made.

A motion, made by Mr. Vacek, and seconded by Mr. Schmidt, ceased nominations.

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

Voting “Nay”: None.

Abstain: Keep.

Absent: None.

Motion carried: nominations were ceased.

Chairperson Brady requested a motion to cast a unanimous ballot for Willie Keep as Vice-Chairperson, motion was made by Mr. Biehl, seconded by Mr. Vest.

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

Voting “Nay”: None.

Abstain: Keep.

Absent: None.

Motion carried: Willie Keep declared Vice-Chairperson.

Chairperson Brady called for nominations for Secretary. A nomination was made by Ms. Jeffs, to nominate Loye Wolfe for secretary and seconded by Mr. Vest. No additional nominations were made.

A motion was made by Mr. Vest, seconded by Mr. Biehl, to cease nominations.

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

Voting “Nay”: None.

Abstain: Wolfe.
Absent: None.

Motion carried: nominations were ceased.

Chairperson Brady requested a motion to cast a unanimous ballot for Loye Wolfe as Secretary. A motion is made by Ms. Jeffs and seconded by Mr. Schmidt.

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

Voting "Nay": None.

Abstain: Wolfe.

Absent: None.

Motion carried: Loye Wolfe declared Secretary.

The public forum was opened at 7:10 P.M. The public forum closed at 7:10 P.M.

Public Hearing. 6(a)

Chairperson Brady opened the public hearing for Agenda Item 6(a) at 7:11 P.M. regarding an Application for Preliminary Subdivision, "Roubicek Subdivision", filed by Eric C.D. Roubicek and Heather Roubicek, located in part of North Half of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Mitch Humphrey, of Buffalo Surveying Corporation, stepped forward to re-present the application. Mr. Humphrey explained that he was in front of The Commission to re-present the application for preliminary subdivision on behalf of Eric C.D. Roubicek and Heather Roubicek, who was, also, in attendance at the meeting.

Mr. Humphrey provided a history on the subdivision. He explained this, particular, project had started before COVID and, after a couple of presentations to The County Board of Commissioners and to The Buffalo County Board of Adjustments, the application could, now, be considered.

Mr. Humphrey explained, the preliminary plat had already been presented, but when the final plat was submitted for approval, it was discovered that the regulations had changed between the approval of the preliminary plat and the filing of the final plat. Mr. Humphrey reviewed the relaxations that were required. Continuing, he testified that the applicants had gone, again, to the Board of Adjustment, and received the additional relaxations they needed to move forward with the preliminary plat.

Mr. Humphrey asked The Commission if they had any questions. No one spoke.

Deputy County Attorney Hoffmeister reviewed the history of this area of Buffalo County, advising The Commission this particular area was subdivided prior to the adoption of zoning. He explained Buffalo County is, now, attempting to arbitrate those areas to maximize the use of this area and avoid excessive waste of land, as well as the deterioration of the neighborhood. Furthermore, he counselled, there will be other landowners in this area that may wish to subdivide, as well, and that will need to be considered.

Deputy County Attorney Hoffmeister introduced Buffalo County's new deputy county attorney, Josiah Davis and provided a background on his education and work history.

Mr. Humphrey provided the preliminary plat and final plat process to The Commission.

The history of the easement, accessing the property, was discussed.

Chairperson Brady closed the public hearing at 7:26 P.M.

Motion was made by Mr. Vest, seconded by Mr. Biehl, to recommend favorably the Application for Preliminary Subdivision, "Roubicek Subdivision", filed by Eric C.D. Roubicek and Heather Roubicek, located in part of North Half of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) 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": Vacek, Vest, Wolfe, Stubblefield, Brady, Biehl, Jeffs, Keep, and Schmidt.

Voting "Nay": None.

Abstain: None.

Absent: None.

Motion carried.

Workshop Session. 7(a)

Chairperson Brady announced Item 7(a) at 7:28 P.M. and opened discussion for revision of the Buffalo County Zoning and Subdivision Regulations as part of the 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.

The Commission re-reviewed the Permitted Principal Uses and Specially Permitted Uses under the Agricultural (AG), Agricultural – Residential (AGR), and Agricultural – Residential 2 (AGR 2) Districts.

They, also, reviewed Livestock Confinement Operations, Accessory Buildings, Procedures for Requesting a Variance, Administrative Provisions and Enforcements, and appendices for Zoning Regulations.

Zoning Administrator Daniels stated that she wished to review the revisions that were proposed at the November 16, 2023 meeting to ensure The Planning Commission found the revisions to be acceptable and to discuss other small verbiage corrections. The Commission found those variations to be acceptable.

The Commission, also, re-reviewed the Subdivision Regulations. They considered revisions to Amendments to Preliminary Plats after Approval, Publication Requirements for The Board of Adjustment, and Section 9.03, Amendments.

Chairperson Brady closed the discussion on this agenda item at 9:54 P.M.

Old Business

Minutes

Motion was made by Mr. Schmidt, seconded by Mr. Vacek, to approve the minutes of the November 16, 2023 meeting, as presented.

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

Voting “Nay”: None.

Abstain: None.

Absent: None.

Motion carried.

New Business

Report on Previous Hearings

Zoning Administrator reviewed the 2023 Annual Zoning and Floodplain Report with The Commission, and it was accepted.

Motion was made by Mr. Biehl, seconded by Vice-Chairperson Keep, to accept the 2023 Annual Zoning and Floodplain Report.

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

Voting “Nay”: None.

Abstain: None.

Absent: None.

Motion carried.

New Business, Correspondence and Other Business

Zoning Administrator Daniels provided a report from the November 16, 2023 Planning and Zoning Commission Hearing. The Special Use Permit Application, on behalf of Larry D. Wells, Sole Member of Foothill Farms, L.L.C., to erect a 385-foot guyed tower with accompanying equipment in Section 17, Township 9 North, Range 18 West of the 6th P.M, Buffalo County, Nebraska. It was approved by The Board of Commissioners on January 9, 2024, but there were some errors in the legal description. The minutes were reviewed, amended, and approved by The Board of Commissioners on January 23, 2024.

Zoning Administrator Daniels updated The Commission on a new, possible GIS vendor.

Zoning Administrator Daniels reviewed the proposed subdivision “Tucker Subdivision” and corresponding letter to the city of Kearney. The Commission had no concerns regarding the letter.

Zoning Administrator Daniels, also, highlighted the annexation of “Arbor View Third”.

Next Meeting

The next meeting will be March 21, 2024. Zoning Administrator Daniels notified The Commission that they would have a regular meeting to review a special use permit application for a gravel/sand quarry and a special use permit to stockpile concrete.

Chairperson Brady reminded The Commission of the upcoming Planning and Zoning Conference upcoming in March, if anyone wanted to attend.

Chairperson Brady updated The Commission on changing legislation, affecting county governments, and recommended The Commission be aware of the developing revisions.

Adjourn

Chairperson Brady adjourned the meeting at 10:13 P.M.

Scott Brady, Chairperson
Buffalo County Planning Commission

Loye Wolfe, Secretary
Buffalo County Planning Commission