

MINUTES OF PLANNING AND ZONING COMMISSION
DECEMBER 18, 2025
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 December 4, 2025. 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 7:03 P.M. on December 18, 2025.

In Attendance: Marc Vacek, Joshua Chaney, Tammy Jeffs, Scott Stubblefield, Willie Keep, Jeremy Sedlacek, Tim Kreutzer, and Scott Brady.

Absent was Loye Wolfe.

Quorum has been met.

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

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

The public forum was opened at 7:04 P.M. No one spoke. The public forum closed at 7:04 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 7:05 P.M., regarding the Application for Zoning Map Amendment, filed by Thomas R. Murphy and Cheryl Murphy, for property described as the North Half of the Northwest Quarter of Section Ten (10), Township Ten (10) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, to rezone approximately 80 Acres, more or less, from Agriculture (AG) to Agricultural – Residential (AGR – 1).

Thomas Murphy and Cheryl Murphy, of 6111 Q Avenue Place, Kearney, stepped forward to present the project. Mr. Murphy explained that they wish to rezone the full 80 acres that they own to erect a house that is closer to their daughter's residence. Mr. Murphy stated that the east half of the 80 acres would be used for their daughter to construct a residence and the west half would be used for their residence. He added that they would like to construct an additional residence for their elderly parents on their tract, as well.

Mr. Murphy stated that he believed that with the existing residences in the Agricultural – Residential 1 (AGR – 1) District directly to the south, put too many houses in the same quarter section. He added that he believed those residences were calculated in the totality of the four residences per quarter section, that is required in the Agricultural (AG) District.

Chairperson Brady inquired the number of residences that would be constructed and Mr. Murphy explained that there would be a total of three houses that they would like to construct, but there are more to the south.

Deputy County Attorney Hoffmeister reviewed the zoning map with The Commission.

Mr. Chaney asked if the entire 80 acres is rezoned to Agricultural – Residential 1 (AGR-1), could the entirety of the tract be subdivided into 3 acre lots. Deputy County Attorney Hoffmeister confirmed.

Deputy County Attorney Hoffmeister also explained that the applicants would not have the ability to construct a “mother-in-law suite” in the Agricultural – Residential 1 (AGR-1) District as that use is not allowed. However, he continued, it could be allowed in the Agricultural – Residential (AGR-2) District by Special Use. He further explained that Agricultural Residential – 2 (AGR – 2) District rezoning could only be rezoned for tracts that abut other Agricultural Residential – 2 (AGR – 2) District tracts. He stated that the parents would need to have a separate tract and separate residence, as it states, now.

Deputy County Attorney Hoffmeister stated that there was an existing feedlot within a certain perimeter of the proposed rezone. He asked Zoning Administrator Daniels the distance from the proposed tract to the feedlot. Zoning Administrator Daniels stated that the tract is approximately 2.02 miles away.

Chairperson Brady asked if the applicants are aware of the Buffalo County Comprehensive Plan. Mr. Murphy stated that he reviewed it. Chairperson Brady stated that The Commission created the plan to ensure that development occurred where it was indicated in the Future Land Use Map. Chairperson Brady asked Zoning Administrator Daniels if the map had been provided to The Commission and Zoning Administrator Daniels explained that it was included in The Commission’s packets. She stated that the Future Land Use Map indicated that the tract should be zoned Agricultural (AG).

Mr. Stubblefield asked if there was a road that abutted the proposed tract to be rezoned. Mr. Murphy indicated that 190th Road abutted the tract to the north and Sweetwater abutted to the west.

Mr. Sedlacek asked where the access points would be located. Mr. Murphy stated that they would have two accesses on 190th Road and one will be off Sweetwater.

Deputy County Attorney Hoffmeister stated that the houses that are zoned Agricultural – Residential 1 (AGR-1) do not count towards the four houses per quarter section. He asked Zoning Administrator Daniels if there were other houses in that quarter section. Zoning

Administrator Daniels stated that there were no other residences in that quarter section that were zoned Agricultural (AG).

Deputy County Attorney Hoffmeister advised The Commission that the 1,000 feet between houses regulation in the Agricultural (AG) District was removed during The Comprehensive Plan review.

Vice-Chairperson Keep stated that if there are no other residences zoned Agricultural (AG) in that quarter section, then a rezoning was not necessary. Deputy County Attorney Hoffmeister confirmed. He added that the neighboring tracts could put up residences as well and clarified that only four houses could be constructed in the same quarter section in the Agricultural (AG) District.

Vice-Chairperson Keep advised the applicants that they cannot subdivide a tract smaller than three acres. Deputy County Attorney Hoffmeister added that the three acres must be net of roads.

Deputy County Attorney Hoffmeister stated that there do not appear to be any residences in that quarter section to date.

Zoning Administrator Daniels added that all construction in rural Buffalo County does still require an Application for Zoning Permit. Deputy County Attorney Hoffmeister agreed and asked about floodplain. Zoning Administrator Daniels stated that there are no regulatory floodplains on the proposed tract. Mr. Murphy stated that he understood.

Chairperson Brady advised that this Commission has no interest in spot-zoning.

Chairperson Brady asked if the applicant wished to retain ownership of the entire 80 acres and Mr. Murphy stated that they would retain the west half and sell the east half to their daughter.

Deputy County Attorney Hoffmeister stated that the applicants could withdraw their application and explore Agricultural (AG) Zoning options. He added the applicants will need to ensure there is one house on each parcel.

Mr. Murphy stated that they wish to withdraw their application based on the Agricultural (AG) District Zoning meeting their needs for housing. After further review by this Commission, it was found that there were no other residences in that quarter section, zoned Agricultural (AG).

Chairperson Brady asked if anyone wished to speak on the subject and no one spoke.

Chairperson Brady closed the public hearing at 7:28 P.M.

The Application for Change of Zoning was withdrawn, per the applicant, based on a review of the situation regarding density in the Agricultural (AG) District as newly revised.

Chairperson Brady opened the public hearing for Agenda Item 5(b) at 7:29 P.M. regarding Code amendment to The Buffalo County Zoning Regulations, with renumbering as necessary, in the following section: Section 5.42, Agricultural – Residential 2 (AGR – 2) District, Permitted Principle Uses and Structures, regarding personal use solar energy systems on a lot comprised of 10.00 acres or more.

Deputy County Attorney Hoffmeister stepped forward to present the proposed code amendments. He testified that there have been recent requests for solar panels, less than 25 kW, in front yards situated on lots of 10 acres or more and it was discovered that the particular use was inadvertently left off as a principle permitted use. He stated that it would be beneficial to add that to our newly-revised code.

Discussion occurred regarding how alternative energy sources were charged through Dawson Public Power.

Chairperson Brady asked Zoning Administrator Daniels if the proposed code amendment was allowed in Agricultural – Residential (AGR-1) District. Zoning Administrator Daniels confirmed it was allowed.

Deputy County Attorney Hoffmeister advised The Commission that there are several 10+ acre tracts that are situated in the Agricultural – Residential 2 (AGR – 2) District.

Discussion occurred regarding alternative energy sources and their impact in Nebraska.

Chairperson Brady asked if anyone would like to speak for or against the proposed amendment and no one spoke.

Chairperson Brady closed the public hearing at 7:43 P.M.

Motion was made by Vice-Chairperson Keep, and seconded by Secretary Jeffs to recommend favorably the proposed code amendment, as presented, to the Buffalo County Board of Commissioners, as presented.

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

Voting “Nay”: None.

Abstain: None.

Absent: Wolfe.

Motion carried.

Old Business

Minutes

Motion was made by Vice-Chairperson Keep and seconded by Mr. Sedlacek to approve the November 20, 2025 meeting minutes, as presented.

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

Voting “Nay”: None.

Abstain: None.

Absent: Wolfe.

Motion carried.

New Business

Report on Previous Hearings

Zoning Administrator Daniels reported that the fee revisions that were presented to The Planning Commission in November were scheduled to go in front of The Board of Commissioners on December 23, 2025. She stated that she would report back on that decision at the next meeting.

Zoning Administrator Daniels reviewed an extra-territorial jurisdictional boundary subdivision submitted by the city of Kearney. The Commission reviewed the proposed response and found the letter to be satisfactory. Zoning Administrator Daniels stated that the proposed letter would be put in the mail the next day.

Zoning Administrator Daniels also reviewed a notice for public hearing from the County of Dawson.

Next Meeting

The next meeting is scheduled for January 15, 2026. Zoning Administrator Daniels stated that she received an Application for Special Use Permit for a wind turbine.

Adjourn

Chairperson Brady adjourned the meeting at 7:56 P.M.

Scott Brady, Chairperson
Buffalo County Planning Commission

Tammy Jeffs, Secretary
Buffalo County Planning Commission