

MINUTES OF PLANNING & ZONING COMMISSION
MAY 15, 2003
BUFFALO COUNTY HIGHWAY DEPARTMENT
7:00 P.M.

Chairperson Rick Pope called the meeting to order at 7:00 o'clock P.M. with a quorum present on May 15, 2003 at the Buffalo County Highway Department Building in Kearney, Nebraska.

Agenda for such meeting was regularly posted as required by law. Present were: Francis "Buss" Biehl, Marlin Heiden, Rick Pope, Paul Steinbrink, Sr. and Loye Wolfe. Absent: Carson Fitzgerald, Gene Jamison, Craig Nickman, and Richard Weiss. Also present were Deputy County Attorney Andrew Hoffmeister, Buffalo County Zoning Administrator LeAnn Klein and twelve members of the public.

The public forum was opened at 7:01 P.M. No one spoke.

Chairman Pope announced that the special use permit for the Lucille Oliver Estate had been withdrawn on May 14, 2003.

The hearing for the amendment of zoning regulations and special use permit was opened at 7:05 P.M. Esther Shannon presented the Board a hand-out stating what her intentions were for part of the North Half of the Northeast Quarter, Section 11, Township 9 North, Range 16 West of the 6th pm. She had also filed an amendment to the zoning regulations asking that mini-storage units be allowed under AGR. Chairperson Pope asked if anyone on the Board or in the audience had any questions. The Board and Deputy County Attorney Hoffmeister questioned the start date, landscaping, lighting, fencing and set backs. Don Green, a neighbor said that he did not have any opposition to the project. Deputy County Attorney Hoffmeister stated that the Planning & Zoning Commission would make a recommendation to the County Board and the County Board would make the final determination. There was no other public comment. Hearing closed at 7:45 P.M.

After discussion, motion was made by Heiden, seconded by Wolfe to forward the request to the Buffalo County Board of Supervisors to amend the Buffalo County Zoning Regulations 5.34, subsection 12 to allow mini storage units with a special use permit in Agricultural Residential with the recommendation of the Planning & Zoning Commission. Voting yes: Heiden, Wolfe, Biehl, Pope and Steinbrink. Voting no: none. Absent: Fitzgerald, Jamison, Nickman and Weiss. Motion passed.

Moved by Biehl, seconded by Heiden to recommend a favorable recommendation to allow the special use permit as submitted by Esther Shannon to place mini-storage facility in AGR District at address and location described in application and forward same to the Buffalo County Board of Supervisors with the following conditions:

1. Access road, which is a 60 foot right of way, on north side of subject property running east and west connecting to State Highway #10 was responsibility of developer.
2. Maximum height of storage structures would be 14 feet.

3. The storage area would be surrounded by fencing with trees or hedge on south side of subject property to act as a screen from residences to the south.
4. Adequate gate entrance and exterior lighting would be provided by developer.
5. No hazardous materials could be stored on or in the subject property.
6. Crushed rock and/or gravel or higher grade of construction would be utilized by developer for access and driveways around storage facilities. This could be allowed to be done on a facility by facility basis as additional units are put in place.
7. There would be a 25 feet minimum width between storage facility buildings. The buildings would run north to south, with access to east and west sides.
8. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
9. All storage must be within enclosed buildings.
10. That this would be considered similar "accessory use", similar to a garage in City and County zoning regulations as concerns adequate setbacks from public ways. Due to this 50 feet for front yard was not used, nor were requirements of Article 8 of County Zoning Code which were not adequate. The developer disclosed 25-30 feet which was thought to be adequate.
11. No storage buildings may open into required front yard, which the case of this facility, is to the north.

With the above conditions such special permit would closely comply with Section 6.2 of the Buffalo County Zoning Regulations in that the proposed use would:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and
5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

Voting yes: Biehl, Heiden, Pope, Steinbrink and Wolfe. Voting no: none. Absent: Fitzgerald, Jamison, Nickman and Weiss. Motion passed.

The public hearing for the change of zoning request on property located in part of the S1/2 NW1/4 of Section 25, Township 10 North, Range 16 West of the 6th pm opened at 8:00 P.M. Chairperson Pope asked if anyone would like to address the Board. Dottie Campbell and Jerry Wilke addressed the Board. Mrs. Campbell is requesting a change of zoning from Agricultural (A) to Agricultural-Residential (AGR) so that her Granddaughter is permitted to build a house on this property. Mrs. Campbell also stated that they would not be developing this land in the future. Hearing closed at 8:15 P.M. After discussion, motion was made by Wolfe, seconded by Steinbrink to forward this application to the Buffalo County Board of Supervisors with a favorable recommendation to amend the zoning map to extend the AGR line to include the Campbell property in part of the S ½ of the NW1/4 in Section 25, Township 10 North, Range 16 West of the 6th p.m. Voting yes: Wolfe, Steinbrink, Biehl, Heiden and Pope. Voting no: none. Absent: Fitzgerald, Jamison, Nickman and Weiss. Motion passed.

At this time, Chairperson Pope told Jane Gangwish, Ron Nickman and Larry Nickman that they could address the Board since they arrived after the public forum. Mrs. Gangwish expressed her concerns regarding the notification of adjoining neighbors and the placement of signs. Ron Nickman and Larry Nickman asked what their next step should be concerning their property.

Old Business: Moved by Biehl, seconded by Steinbrink to approve the minutes of the April 17, 2003 minutes. Voting yes: Biehl, Steinbrink, Heiden, Pope and Wolfe. Voting no: none. Absent: Fitzgerald, Jamison, Nickman and Weiss. Motion passed.

The Board discussed changes and possible amendments to zoning regulations concerning commencement date and completion date of zoning permits, special use permits and variances, commercial lot size, height and minimum area regulations and setbacks. The Planning & Zoning Commission at this time believes that general public hearing for consideration of these items will probably occur in July, 2003, and thereafter, they will forward the proposed changes, if any, to the Buffalo County Board of Supervisors concerning:

1. Confinement livestock operations.
2. 1000' rural district residential setbacks.
3. Review of residential lot sizes in AG district.
4. Review of commercial zoning regulations- changes being considered, but not finalized.
5. Review of provisions regarding time limits for zoning permits-changes being considered for uses by right, special use permit, and variance type permits.

The next meeting of the Planning & Zoning Commission will be June 19, 2003 at 7:00 P.M . at the Buffalo County Highway Department.

Moved by Heiden, seconded by Steinbrink to adjourn at 9:15 p.m. Voting yes were Heiden, Steinbrink, Biehl, Pope and Wolfe. Voting no: none. Absent: Fitzgerald, Jamison, Nickman and Weiss.

Rick Pope, Chairperson

ATTEST:

Craig Nickman, Secretary