

MINUTES OF PLANNING & ZONING COMMISSION
NOVEMBER 20, 2003
BUFFALO COUNTY HIGHWAY DEPARTMENT
7:00 P.M.

Chairperson Rick Pope called the meeting to order at 7:08 o'clock P.M. with a quorum present on November 20, 2003 at the Buffalo County Highway Department Building in Kearney, NE.

Agenda for such meeting was regularly posted as required by law. Present were: Francis "Buss" Biehl, Karin Covalt, Marlin Heiden, Gene Jameson, Craig Nickman, Rick Pope and Loye Wolfe. Absent: Leonard Skov and Paul Steinbrink, Sr.. Also attending were Deputy County Attorney Andrew Hoffmeister, Buffalo County Zoning Administrator LeAnn Klein and twenty one members of the public.

Chairperson Pope extended a welcome to the newest member, Karin Covalt and she told us a little about herself. The public forum was opened at 7:10 P.M. There was no public comment. The public forum closed at 7:10 P.M.

Chairperson Pope opened the public hearing at 7:11 P.M. for a special use permit on increasing square footage of clubhouse and add Lodge room in Pt SE1/4 SE1/4 of Section 6, Township 9 North, Range 15 west of the 6th pm and east 75' of Lot 9, Block 1, Antelope Ridge Estates, Buffalo County Nebraska also known as 2635 East 103rd Road, Kearney, NE.

Riley Harris, a member of the Board of Trustees of the Kearney Elks Lodge #984 told the Commission what their proposal is. They would be doing the additions in three stages. They want to enclose the patio and tie in with the existing structure. They want to add a lodge room to increase the clubhouse a total of 3500 square feet to the north and they want to take the existing garage with the cement slab and add on to the storage area to store golf carts and use as miscellaneous storage at a cost of approximately \$200,000. Hoffmeister questioned regarded use of kitchen area, membership, parking stalls and lighting. Harris stated that the kitchen area would be small, nothing like they had at the Elk's downtown location, membership is approximately 370 members, they have parking for 70-80 vehicles, they would have lighting and possibly later they would be renting out the building for receptions and private parties.

Pope asked what the time line would be for construction. Harris stated that they were hoping to start early next spring with the buildings being completed over the next couple of years.

Wolfe questioned how many people they have at various events. Harris said it averages between 12-55 people. She also stated that keeping communications open between residents and the Lodge would be helpful.

Heiden asked if the interior of the buildings were finished of which Harris said they were.

Melodie Bellamy, one of the residents of the adjoining property, voiced her concern about the safety of the roads and said there had been a number of fatalities involving alcohol in the last couple of years on surrounding gravel roads and voiced her concern about having another bar in

the area. She also questioned if there would be any hedges or fencing to eliminate people from the Elks coming on private property. She also questioned the lighting at the facility and about the number of future members.

Biehl stated noise might be a problem sometime.

Riley stated the Elk Lodge does not want to be intrusive to neighbors. He said their liquor license application would be for “on premise only”.

Chairperson Pope closed the hearing at 7:40 P.M.

Hoffmeister told the Commission the following information:

1. Golf courses are allowed in AGR
2. It should not be detrimental to area
3. They do have adequate parking
4. They do have loading and unloading area
5. Lighting should be aimed at structure and away from neighbors
6. The Commission could specify hours of operation and put conditions on this permit to maintain residential flavor

Moved by Nickman, seconded by Wolfe to forward this application to the County Board with approval of the Planning & Zoning Commission that the three additions to the Elks Lodge #984 be allowed. Voting yes were Nickman, Wolfe, Biehl, Covalt, Heiden, Jameson and Pope. Voting no: none. Absent: Skov and Steinbrink. Motion passed.

Chairperson Pope opened the public hearing at 8:00 P.M. for amendment of zoning regulations for 6.3 #1 filed by Cody Kennedy to allow salvage yards with signed waivers by residents within one mile. This was referred back from Buffalo County Board of Supervisors for further review, use of consistent language and legal opinion concerning need of word “all” regarding salvage yard permission radius.

Hoffmeister stated the County Board thinks it is an undue burden to applicant to have 100% approval.

The following residents stated the following:

Mr. Simmon feels the zoning regulations should remain the same.

Keith Rodehorst feels it should be more than 50% of landowners and the radius should be more than one mile and should be 99% agreement.

Mr. Wuehler stated that it would lower property values and doesn't think renters should have say. He wants to sell lots at a future date.

Roy Long thinks the majority should be 51%, the same as voting, since owners all have rights.

The Commission discussed residents versus property owners and also discussed how many property owners would be required. Pope feels land owners should have 70-80% approval. Heiden thinks land owners should have 70-75%. Nickman thinks there should be a 60%

majority. Jameson doesn't think one owner should be able to control everything. Covalt questioned person owning more acres should not have more of a percentage of vote.

Craig Nickman left meeting at 8:20 P.M.

Cody Kennedy stated there are a lot of ifs. He again stated this facility would be state-of-the-art and the State would monitor and he would be shut down if he did not comply with State regulations.

The public hearing was closed at 8:35 P.M.

The Planning & Zoning Commissioner discussed getting signatures of residents versus property owners and also what majority would be needed.

Motion made by Biehl, seconded by Heiden that 6.3 #1 of the Buffalo County Zoning Regulations be amended to read: "The proposed facility shall have signed letters of agreement supporting the proposed expansion or development comprised of 75% of the surface owners having parcels of real estate lying in or partially within a one-mile distance radius of the facility measured from outside perimeter of property upon which proposed facility is to be located and/or expanded. The number of surface owner interests shall be determined as follows. Each owner or owners of one parcel within the designated radius shall constitute one vote per parcel of land owned, not to exceed one vote per each government surveyed quarter section or portion thereof lying within such one-mile distance radius." Voting yes were Biehl, Heiden, Covalt, Pope and Wolfe. Voting no: Jameson. Absent: Nickman, Skov and Steinbrink. Motion passed.

Chairperson Pope opened the hearing for a special use permit at 8:43 P.M. This was continued from the September 18, 2003 meeting. This application for a special use permit was submitted by Cody Kennedy and Roy W. Long for a salvage yard for a ten acre piece in the North half of the Southwest quarter (N1/2 SW1/4) of Section 6, Township 10 North, Range 17 West of the 6th pm.

Cody Kennedy presented the following proposal to the Commission:

1. The salvage yard would be fenced in.
2. There would be cedar trees around the property.
3. The cars would be in organized rows.
4. Oil and fuel would be re-used to heat facility.
5. Anti-freeze would be given away to area farmers or residents
6. This facility will be clean and organized.
7. This would be state-of-art recycling facility.

Mr. Simmon questioned the process of this special use permit.

The hearing closed at 8:50 P.M.

A motion was made by Heiden, seconded by Biehl to table this special use permit until the County Board decides on the amendment for 6.3. Voting yes were Heiden, Biehl, Covalt,

Jameson, Pope and Wolfe. Voting no: none. Absent: Nickman, Skov and Steinbrink. Motion passed.

Old Business: Moved by Heiden, seconded by Jameson to approve the minutes of the September 18, 2003 meeting. Voting yes were Heiden, Jameson, Biehl, Covalt, Pope and Wolfe. Voting no: none. Absent: Nickman, Skov and Steinbrink. Motion passed.

The Commission discussed 1000' setback in AG districts, livestock, livestock waste regulations and subdivision regulations. At this time there will be no changes on the 1000', livestock and livestock regulations. The subdivision regulations will be forwarded to the County Board soon.

Klein gave the Commission updated information regarding surrounding Counties' requirements as far as development in the Agricultural areas. She also passed out updated information to the Commission on LB 754 which is Neb Rev Stat. #54-2802. The Department of Agriculture will be holding hearings throughout the State on December 15-December 18. It was the consensus of the Commission to take a "wait and see approach" to the livestock friendly bill.

The next meeting of the Planning & Zoning Commission will be December 18, 2003 at 7:00 P.M. at the Highway Department.

The Commission discussed allowing public utility and utility grids in AG and AGR by special use permit.

The Commission also discussed the re-instatement of "R" districts.

Motion by Biehl, seconded by Covalt to adjourn at 10:15.