

MINUTES OF PLANNING & ZONING COMMISSION
JANUARY 15, 2004
BUFFALO COUNTY HIGHWAY DEPARTMENT
7:00 P.M.

Zoning Administrator LeAnn Klein opened the meeting at 7:00 P.M. at the Buffalo County Highway Department Building in Kearney, NE. Klein asked for nominations for Chairperson and Vice Chairperson. Moved by Steinbrink, seconded by Biehl to nominate Rick Pope as Chairperson and Leonard Skov as Vice-Chairperson. Voting yes were Steinbrink, Biehl, Heiden, Jameson and Wietjes. Abstain: Pope & Skov. Absent: Covalt & Wolfe. Motion passed.

Klein asked for nominations for Secretary. Moved by Pope, seconded by Skov to nominate Loye Wolfe as Secretary. Voting yes: Pope, Skov, Biehl, Heiden, Jameson, Steinbrink and Wietjes. Absent: Covalt & Wolfe. Motion passed. Klein then turned the meeting over to Chairperson Pope.

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

Chairperson Pope extended a welcome to the newest members of the Planning & Zoning Commission, Leonard Skov and Craig Wietjes. The public forum was opened at 7:05 P.M. Marvion Reichert, Sr. asked about the 1000' setbacks and what can be done to get it changed. Chairperson Pope told him this would be discussed later in the meeting. The public forum closed at 7:06 P.M.

Chairperson Pope opened the public hearing at 7:06 P.M. for a change of zoning request from agricultural to agricultural-residential filed by Marvion Reichert Jr. & John Brusie for property described as 4.577 acres in the Northwest Quarter of the Northeast Quarter of Section 25, Township 9 North, Range 18 west of the 6th pm Buffalo County Nebraska. This was continued from the December 18, 2003 due to a lack of a quorum.

Marvion Reichert, Sr., representing his son, read a statement from Marv Jr. with the following comments:

1. Land is currently pasture and there is no livestock at this site.
2. I am not able to irrigate this parcel so it is not taking high value income producing land out of production.
3. The land which borders this property to the south belongs to the son of the intended purchaser.
4. By allowing a house to be built, would result in an increase in the tax base benefiting not only the County but also Elm Creek School District as well as the local fire district.
5. The intended purchaser is a retired farmer and understands how farms operate. (No undue complaining about the farming process.)

6. It would be a beautiful location for a home.
7. I have a re-purchase clause in the agreement so I do have some control over who gets the property, if it ever sells, if I so choose.

Gerald Just spoke in opposition to the change of zoning. He stated one house isn't so bad, but more would just add trash to the properties and roadways.

Gary Mike Hubbard and Marian Hubbard also spoke in opposition to this proposed change. They noted that the area to the south as being very trashy and would add to the trash problem on adjoining roads. The drive way coming out of this property would also be dangerous. Mr. Hubbard also stated that future residents wouldn't like the aerial spraying as well as the noise from farm equipment because of selling to non-farmers.

Klein presented pictures to the Commission of this area. Klein also noted a discrepancy of the legal description and Brusie noted that he had typed it and had made the error and would correct it before it is presented to the County Board.

Brusie said he lives in the house located directly south of this area and his Father would be moving into the proposed house. Currently, Brusie would be able to add an additional house for a relative under the current zoning regulations but he feels there might be a problem in the event this property was sold to a non-relative.

Hoffmeister stated this Commission has options in which they could stipulate the number of future houses at this location. He also stated the County Board has the final say. In the event it is changed, this permit would follow the land and be filed as such. Reichert asked if his son would be able to build a house at this location and was told he could because he was grandfathered in. Hoffmeister also noted that there is development in this area and there are a number of roads in this area.

Pope closed the hearing at 7:25 P.M.

Pope asked the Commission for their comments. Steinbrink and Jameson mentioned the condition of area roads. Pope wondered if this would come under spot zoning. He also is concerned about changing the zoning regulations. Heiden noted he thinks there should only be a total of four houses per quarter and there should not be additional houses allowed for relatives. Wietjes mentioned he is new to the Commission but realizes the traffic problems. Skov stated the Commission could stipulate that only one additional house be built at this site.

Moved by Skov, seconded by Biehl to forward this application to the County Board to approve this change of zoning from agricultural to agricultural-residential with the condition that only one house be allowed to be built on property described as 4.577 acres in the Northwest Quarter of the Northeast Quarter of Section 25, Township 9 North, Range 18 west of the 6th pm. Voting yes were Skov, Biehl, Wietjes. Voting no: Heiden, Jameson, Pope and Steinbrink. Absent: Covalt and Wolfe. Motion failed.

Chairperson Pope opened the public hearing at 7:50 P.M. for a special use permit filed by Robert Meier for Werner Construction for a temporary hot mix asphalt plant to be located on part of the Southeast Quarter of Section 8, Township 8 North, Range 18 West of the 6th pm in Buffalo County Nebraska.

Richard Ray, representing Werner Construction stated this area is located west of Highway #183, south of the Platte River, the site of a gravel pit. Werner Construction will be doing an overlay project from Elm Creek to Miller on Highway #183. He is unsure of the starting date. They should commence making asphalt by May 1 and be finished by October or November. They will begin hauling gravel this winter sometime. The nearest home is ½ mile from this location located in Phelps County. Mr. Meier rents this property to T & F Sand & Gravel.

Hoffmeister questioned if they would be required to post bonds and Mr. Ray said they would file the necessary permits and bonds required by the State.

There was no one present in opposition. The hearing closed at 8:05 P.M.

Hoffmeister reminded the Commission about the provisions listed in 6.2 which are:

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

Klein said the starting time for special use permits in the zoning regulations are 120 days and completion is 2 years.

Moved by Biehl, seconded by Heiden to approve this special use permit and forward to the County Board with the stipulation to waive the starting time of 120 days due to the uncertainty of the starting time. Completion would be 2 years from the time the County Board approves this permit. Voting yes: Biehl, Heiden, Jameson, Pope, Skov, Steinbrink and Wietjes. Voting no: none. Absent: Covalt and Wolfe. Motion passed.

Chairperson Pope opened the next hearing at 8:08 p.m. for a special use permit filed by Helen & Richard Burkey for property described as Lot 3, H.R. Subdivision, a subdivision being part of the North Half of the Southwest Quarter of Section 10, Township 9 North, Range 15 West of the 6th pm, Buffalo County Nebraska.

Mr. & Mrs. Burkey were present to explain to the Commission their intentions for this property. The size of the building would be 80' x 60' with the possibility of a 60' addition at a later date. They hope to hold farm auctions, second-hand furniture sales, estate sales, exotic bird and animal sales and other special auctions. The sales would be held twice a month. The building would also be used to store farm machinery and be available for parties and family reunions. Mr.

Burkey said this area is not in a floodplain. They also said they would not be putting any additional homes at this location.

David Fleming spoke in opposition to this proposal as follows:

1. In the last five years, numerous calls to Sheriff's Office
2. County roads cannot accommodate traffic
3. Traffic fatalities in this area
4. Is there need for this?
5. Lots of auction houses already in area
6. Need for zoning to prevent some of this
7. Already lots of junk on this property, almost like a recycling area

A letter received from Charlene Fleming in opposition to this special use permit was read by Rick Pope. She also opposes this auction house in this area due to noise, traffic, parking etc. Charlene is an owner of the adjoining property.

The hearing closed at 8:30 P.M.

Chairperson asked for comments from Hoffmeister and Klein.

Klein stated this subdivision was accepted by the County Board and areas of this property are in the floodplain.

Hoffmeister stated this area is zoned agricultural and this is allowed by special use permit in this area. Because of this area being within ½ mile of a feedlot, he needs to research this further. He stated special use permits follow the land and future land owners can request a change at a later date.

Heiden questioned the number of occupants in this building. He also asked for additional drawings for the proposed building and where parking and the building would be located. Steinbrink questioned future use of Lots 2 & 4, which are currently vacant. Skov stated we could tie all three lots to this special use permit.

Klein stated if this is approved, she would need an elevation certificate for this building or the building would need to be flood proofed.

Moved by Wietjes, seconded by Heiden to table this special use permit until February 19, 2004 at which time Mr. Burkey will bring a detailed drawing of proposed facility with septic, water and parking marked on drawing and at which time we will have issuance of legal opinion on proximity of livestock facility. Voting yes were Wietjes, Heiden, Biehl, Jameson, Pope, Skov, and Steinbrink. Voting no: none. Absent: Covalt and Wolfe

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

The Commission discussed livestock and livestock waste regulations. The Commission also discussed subdivision regulations and public utility and utility grids in A GR. This item will be forwarded to the County Board in March or April.

Golf Courses and recreational reservation was also discussed. Skov said we could address this on an individual basis rather than lumping these together and have them convince us this is a good idea. They discussed number of acres and relaxing density. The Commission discussed 1000' setbacks in AG districts.

The next meeting of the Planning & Zoning Commission will be February 19, 2004 at 7:00 P.M. at the Highway Department.

Motion by Biehl, seconded by Heiden to adjourn at 9:45 P.M.