

MINUTES OF PLANNING & ZONING COMMISSION  
SEPTEMBER 16, 2004  
BUFFALO COUNTY HIGHWAY DEPARTMENT  
7:00 P.M.

Chairperson Rick Pope called the meeting to order at 7:05 o'clock P.M. with a quorum present on September 16, 2004 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, Rick Pope, and Loye Wolfe. Absent: Leonard Skov, Paul Steinbrink, Sr. and Craig Wietjes. Also attending were Deputy County Attorney Andrew Hoffmeister, Buffalo County Zoning Administrator LeAnn Klein and ten members of the public.

The public forum was opened at 7:06 P.M. There was no one present to speak. 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 Robert Leonard for property described as a tract of land being part of Government Lot 8 and part of accretion in Section 1 and part of Government Lot 3 and accretion of Section 12, all in Township 8 North, Range 14 West of the 6<sup>th</sup> P.M., Buffalo County Nebraska. This was continued from the August 19, 2004 meeting.

Pope asked Leonard if he had any additional information he would like to add at this time, which he did not. Lonnie Jurgens, representing Robert Leonard, told the Commission the map he had given the zoning administrator was not the current map. He only wants to put three additional homes at this site. He said Mr. Rick Hoopes, an engineer from Department of Environmental Quality, had stopped out to this location and had personally looked at this property.

Klein stated she had received calls from concerned neighbors that the pit levels are very low now but when we get rain and the river comes up, it would drain into a stream from the northeast corner and eventually end up in the river. The neighbors were concerned about the number of homes already at this location.

Jurgens said that the level of the pits were up when Mr. Hoopes had been out to look at this property.

Hoffmeister questioned the ingress/egress of the road, the name of the road leading into this area and if a formal plat would be filed. He also explained that the zoning regulations do allow lots 70,000 square feet with DEQ's approval in approved subdivisions.

Jurgens said a plat would not be filed and the road going into this property was also named Lowell Road.

The Commission asked if the Department of Environmental Quality had approved these three lots, which they had.

Pope questioned how DEQ could give their approval without exact lot size.

Klein stated when she had spoken to Mr. Hoopes from DEQ, he did state that county zoning still takes precedence over DEQ's requirement.

The Commission also expressed concern with the safety factor of the driveway leading into this location.

Heiden asked who takes care of this road into this property and Leonard stated he did. He also asked which lots the DEQ had approved. He also questioned who would take care of the road in the future.

Biehl also questioned the exact size of the three lots and if there would be ample acres to comply with the 70,000 square feet.

Jim Manfull owns property to the south of Leonard's property and says the open frontage beside the road is used by school buses and also the post office and is a safety factor.

Paul Tebbel with the Rowe Sanctuary asked Hoffmeister to explain the 70,000 square footage requirement to which Hoffmeister did explain.

Jurgens did agree that Lot 1 & Lot 2 cannot make the 70,000 square foot requirement but Lot 3 might be able to.

Klein reiterated that part of Lot 3 is in the floodplain.

The Commission has concerns of adequate square footage, not being surveyed and not having a dedicated road.

Hoffmeister explained now this area is zoned agricultural. Three items needed are as follows:

1. No dedication of streets
2. No subdivision has been filed
3. We need boundaries to show water line, we don't have exact lot sizes

He also advised the Commission what their options are.

1. They can accept this with conditions
2. Send it to Co Board with no recommendations
3. This can be denied

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

Moved by Biehl, seconded by Heiden to recommend that this application be denied and forward to the County Board for the following reasons:

1. No adequate lot size
2. This area has not been surveyed

3. The road accessing this property is not a dedicated road

Voting yes were Biehl, Heiden, Covalt, Pope and Wolfe. Absent: Skov, Steinbrink and Wietjes. Abstain: Jameson. Motion denied.

Chairperson Pope opened the next hearing at 7:50 P.M. for a change of zoning request filed by William and Christine Adam to rezone property described as a tract of land being part of the Northwest Quarter of Section 28, Township 11 North, Range 14 West of the 6<sup>th</sup> p.m., Buffalo County Nebraska from Agricultural to Agricultural-Residential.

Adam told the Commission they would like to build one additional home next to his Mother's property but because of the 1000' foot requirement, they are not able to do this. This is about ¼ mile east of the Ravenna Road on 235<sup>th</sup> Road. This would be located on a 3 + acre piece of property and they will have it surveyed before it is heard by the County Board.

Klein said this would be allowed with the "relative in the back yard" exemption in the agricultural district but their bank would like this re-zoned.

There was no opposition.

Pope stated he was familiar with this area and it would not change the character of the neighborhood.

Heiden stated in cases like this maybe the 1000' between homes in the agricultural area should be reduced.

Pope closed the hearing at 7:58 P.M.

Moved by Heiden, seconded by Jameson to forward this application to the County Board with a recommendation that this application be approved for a change of zoning from Agricultural to Agricultural-Residential for property described as a tract of land being part of Northwest Quarter in Section 28, Township 11 North, Range 14 West of the 6<sup>th</sup> P.M. in Buffalo County Nebraska with the following conditions:

1. That only one dwelling be allowed
2. That the minimum lot size shall be at least three acres exclusive of the road

Voting yes were Heiden, Jameson, Biehl, Covalt, Pope and Wolfe. Voting no: none. Absent: Skov, Steinbrink and Wietjes. Motion carried.

Old Business: Moved by Covalt, seconded by Biehl to approve the minutes of the August 19, 2004 as mailed. Voting yes were Covalt, Biehl, Heiden, Jameson, Pope and Wolfe. Voting no: none. Absent: Skov, Steinbrink and Wietjes. Motion passed.

Klein reported on the actions taken by the County Board after the September 14, 2004 County Board meeting.

Hoffmeister reported on the progress of subdivision regulations.

The next meeting of the Planning & Zoning Commission will be October 21, 2004 at the Highway Department. Motion by Wolfe, seconded by Covalt to adjourn at 8:35 P.M.