

MINUTES OF PLANNING & ZONING COMMISSION
DECEMBER 17, 2009
BUFFALO COUNTY HIGHWAY DEPARTMENT BUILDING
7:00 P.M.

Chairperson Wietjes opened the meeting at 7:00 P.M. at the Buffalo County Highway Department Building in Kearney, NE with a quorum present on December 17, 2009. Present were: Karin Covalt, Ken Erickson, Marlin Heiden, Willie Keep, Paul Steinbrink, Sr., Gwen Stengel, Craig Wietjes and Loye Wolfe. Absent: Leonard Skov. Also attending was Deputy County Attorney Melodie Bellamy, Zoning Administrator LeAnn Klein and three members of the public.

Wietjes announced there was a copy of the open meetings act posted on the easel and we do abide by the open meetings act and a copy is posted as required by law.

Agenda for such meeting was regularly posted as required by law and the agenda is available for anyone wanting one.

The public forum was opened at 7:00 P.M. No one was present to address the Commission. The public forum closed at 7:00 P.M.

Chairperson Wietjes opened the public hearing at 7:01 P.M. for a zoning map amendment filed by R. Darren and Kelly J. Cudaback for property described as a tract of land being part of Government Lot 2, part of Government Lot 3 and a portion of accretion abutting Government Lots 2 and 3 in Section 1, Township 8 North, Range 14 West of the 6th P.M., Buffalo County, Nebraska. They are requesting a rezoning from Agricultural to Agricultural-Residential for one additional home.

Kelly Cudaback was present and told the Commission they would like to split their property, containing 6.215 acres, into two parcels so that her parents can build a home.

Bellamy asked Cudaback if they would share a well and septic system. She also asked if there would be additional access off a public road.

Larry Ferguson, Kelly's Father, was present and said they would have their own well and septic. They also would have their separate drive-way off 24th Road.

Klein explained there are a number of homes in this area already since Woodland Acres is directly across the road to the north and there also had been a rezoning in 2005 to AGR for the Sostad property which is located northeast of this property. She explained the process according to Section 11.3 and the County Board would make the final decision. Klein also showed an aerial map to the Commission which shows the location of Shinn Turkey in relationship to the Cudaback's property.

Heiden asked Ferguson how far the home would be from the road. Ferguson responded the home would be to the rear of the property.

Wietjes asked if they were aware this property is in the floodplain. Ferguson told them he did know that.

Wietjes also asked how the surrounding properties are zoned.

Wolfe asked the location of Shinn Turkeys. Shinn Turkeys currently does not have any birds at this location but the buildings are located directly south of the Cudaback property.

Erickson questioned the location of this property. It is directly southeast of the Gibbon I-80 interchange.

Stengel asked about the traffic. Cudaback replied the traffic isn't too bad.

Klein stated this property is about ¼ mile from a hard-surfaced road.

Bellamy told the Commission their office sees no problem with this rezoning.

Wietjes closed the public hearing at 7:15 P.M.

Moved by Stengel, seconded by Heiden to forward this application to the County Board with a recommendation that this application for a zoning map amendment from Agricultural to Agricultural-Residential be approved with the condition that there be only one additional home allowed for property described as a tract of land being part of Government Lot 2, part of government Lot 3, and a portion of accretions abutting said Government Lots 2 and 3 in Section One (1), Township Eight (8) North, Range Fourteen (14) West of the 6th p.m., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast corner of said Government Lot 2 and assuming the North line of said Government Lot as bearing N 89° 55' W and all bearings contained herein are relative thereto; thence N 89° 55' W on the North line of said Government Lot 2 (if extended Westerly) a distance of 1011.84 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89° 55' W on said North line (if extended Westerly) a distance of 636.0 feet; thence S 00° 07' 18" W a distance of 443.26 feet; thence N 88° 33' E a distance of 511.16 feet; thence N 61° 20' E a distance of 50.5 feet; thence S 89° 16' E a distance of 20.0 feet; thence N 61° 19' E a distance of 23.7 feet; thence N 37° 08' E a distance of 21.5 feet; thence N 25° 37'E a distance of 40.0 feet; thence N 01° 46' 38" E a distance of 341.0 feet to the place of beginning. Containing 6.215 acres, more or less, of which 0.481 acres are presently being used for road purposes on the North side: TOGETHER WITH all accretion rights thereto.

Voting yes were Stengel, Heiden, Covalt, Erickson, Keep, Steinbrink, Wietjes and Wolfe.
Voting no: none. Absent: Skov. Motion passed.

Klein said this application will be heard by the County Board on the second Tuesday of January and notices again will be sent to adjoining property owners. She told Cudaback a survey would have to be completed before the January County Board meeting.

Old Business: Moved by Wolfe, seconded by Erickson to approve the minutes of the November 19, 2009 meeting as mailed. Voting yes: Wolfe, Erickson, Covalt, Heiden, Keep, Steinbrink, Stengel and Wietjes. Voting no: none. Absent: Skov. Motion passed.

Other items of concern were discussed.

Wietjes asked if the Commission would like to have a work session in January to work on language for wind turbines. Heiden asked if the Commission could have a tour of the new jail at that same time. Klein will see if the Law Enforcement conference room is available for an afternoon work session on January 21, 2010 and also to see about a tour.

The next meeting of the Planning & Zoning Commission will be a work session to be held January 21, 2010 at 1:30 P.M. at the Law Enforcement conference room, if available.

Moved by Steinbrink to adjourn at 7:35 P.M. sine die until the reorganization meeting.