

MINUTES OF PLANNING & ZONING COMMISSION  
OCTOBER 21, 2010  
BUFFALO COUNTY HIGHWAY DEPARTMENT  
7:00 P.M.

Vice Chairperson Skov in the absence of Chairperson Craig Wietjes opened the meeting at 7:00 P.M. at the Buffalo County Highway Department Building in Kearney, NE with a quorum present on October 21, 2010. Present were: Ken Erickson, Marlin Heiden, Willie Keep, Leonard Skov, Paul Steinbrink, Sr., Gwen Stengel and Loye Wolfe. Absent: Karin Covalt and Craig Wietjes. Also attending were Deputy County Attorney Andrew Hoffmeister, Zoning Administrator LeAnn Klein and nine members of the public.

Skov announced there was a copy of the open meetings act posted on the bulletin board 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 7:01 P.M. No one was present to address the Commission. The public forum closed at 7:01 P.M.

Hoffmeister announced the conservation easement had been withdrawn by the Attorney for Headwaters and Platte River Recovery Implementation Foundation at the October 12, 2010 County Board meeting. No action was taken at this time.

Vice Chairperson Skov opened the public hearing at 7:02 P.M. for approval of a zoning map amendment filed by Joel Randall on behalf of Randall Land & Cattle Co., Inc. for property located in the Southwest Quarter of Section Thirty Three (33), Township Ten (10) North, Range Fourteen (14) West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska, from Agricultural (AG) to Agricultural-Residential (AGR).

Kristin Randall and Joel Randall were present at the meeting. Kristin told the Commission they would like to rezone this property to be able to do a subdivision on this quarter and have thirteen mini-ranches.

Klein told the Commission when Ms. Randall stopped in the office, she wanted to know the process to do a subdivision. Klein had told her the first step was to rezone this property to AGR.

Hoffmeister explained the process of the rezoning as per Article 11.

Hoffmeister asked her the following questions:

1. Does the property abut a hard surfaced road?
2. Are there improved roads north or south of this quarter?
3. Are there utilities along the Ravenna Road?
4. Is there natural gas?
5. How far is it from Blue Sky Estates?

6. What school district is it?
7. Are there any residences on this quarter?
8. Is it used for grazing only?
9. What is the group of trees in the northeast corner of this section?

Ms. Randall replied as follows:

1. The property is located along the Ravenna Road, a hard surfaced road.
2. There are no maintained roads either north or south of the quarter.
3. There are utilities located along the Ravenna Road.
4. No reply.
5. It is about 2 miles south of Blue Sky Estates.
6. It is in the Gibbon school district.
7. There are no residences in this quarter.
8. It is only used for grazing.
9. The group of trees in the northeast corner is an old corral.

Heiden asked whose residence is south of this property.

Janice Randall Martin replied that is their residence.

Hoffmeister showed the location of this property on the zoning map. He also showed areas on the map that had been previously rezoned and he discussed where these properties were located. He also discussed conditions that had been placed on previous rezoning requests.

This area is entirely surrounded by agricultural properties.

Klein told the Commission Blue Sky Estates is still zoned Agricultural since it was subdivided prior to zoning being adopted.

Stengel asked about the road that is shown on the attached drawing.

Skov stated they will have to come back with a preliminary plat at a later date to address this issue.

Hoffmeister told the audience the zoning regulations encouraged more residential type housing closer to hard-surfaced roads. Buffalo County has had growth in the past and the Commission is faced with issues such as will the school district in this area be able to handle this growth in their school district, will this area be serviced by utilities and will the roads sustain the traffic. What type of density should be here.

Heiden agreed the only question before them tonight is whether this property should be rezoned.

Ms. Randall said they would have to come back with a preliminary plat. What they had submitted with the application is just a rough draft of what they have in mind.

Keep does have concerns with the number of drive-ways that will be off the Ravenna Road.

The Commission discussed placing restrictions for the number of homes that could be placed in this rezoning request.

Hoffmeister told the Commission they could place conditions on the number of lots and also the minimum lot size. Density could also be addressed.

Heiden asked where the access road to this proposed subdivision would be.

Randall replied visibility shouldn't be a problem.

Sina Martin Lehn, who is Janice Martin's daughter, asked if she could see a copy of the map that was sent to the Commission. They have not seen any of the maps that the Commission has with the application. She lives a couple of miles from this site.

Hoffmeister told her all of these issues will need to be addressed at the time they file a preliminary subdivision.

Vicki Bissell, who is representing the Robert Bissell Trust, asked where the other road would be located. They own the adjacent property to the north of the applicant's land.

Skov replied if this rezoning is approved, all of those issues would be addressed when they bring the preliminary plat before the Commission. Their application states they would be having between 10-12 lots, with 12-15 acres per lot.

Heiden also said the Planning & Zoning Commission could place conditions on the number of lots they could have on the rezoning.

Vicki Bissell also asked about businesses coming into an AGR area.

Hoffmeister read what determines an AGR area versus the AG district from the Buffalo County Zoning Regulations. He also read the definitions of Accessory Use under Article 8.1.

Sina Martin Lehn also asked what protections are in place to protect agricultural land.

Steinbrink said the Zoning Regulations protects the people in agricultural land.

Leon Wilson owns the quarter to the west of the proposed rezoning. He questioned where the roads in the subdivision would be and he also asked how far the structures would have to be from his property line. He is concerned on having a number of houses next to an Agricultural area. He also questioned if they would try to open 115<sup>th</sup> Road because he does not want that road opened. Joel Randall said they would not try to re-open 115<sup>th</sup> Road.

Ms. Randall said they would have protective covenants in place that would address some of these issues.

Hoffmeister reiterated this is between the buyer and seller.

Hoffmeister said this Commission and the Board of Supervisors can address some of these questions by addressing the density issue.

Skov closed the public hearing at 7:58 P.M.

Erickson thought the Commission should limit the number of homes and also limit the number of roads directly off the Ravenna Road.

Ms. Randall said the drawing with the application is just an idea of how this subdivision would look. They will come back before the Commission with a definite plan for the preliminary plat.

Hoffmeister read Section 11.3 of the Buffalo County Zoning Regulations.

A motion was made by Erickson, seconded by Heiden to forward this zoning map amendment to the County Board with recommendation this property is rezoned from Agricultural to Agricultural-Residential for property described as the Southwest Quarter of Section Thirty-Three (33), Township Ten (10) North, Range Fourteen (14) West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska with the two conditions as follows:

1. There will be a limit of 16 lots with one residence per lot.
2. This will be limited to two access roads off the Ravenna Road.

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

Klein said this will be heard by the County Board on November 9, 2010 and notices will again be mailed to adjacent property owners.

Old Business: Moved by Stengel, seconded by Wolfe to approve the minutes of the September 16, 2010 as mailed. Voting yes: Stengel, Wolfe, Erickson, Heiden, Keep, Skov and Steinbrink. Voting no: none. Absent: Covalt and Wietjes. Motion passed.

Klein also reported the outcome of the hearings heard by the County Board at previous meetings.

The next meeting of the Planning & Zoning Commission will be November 18, 2010 at 7:00 P.M. at the Highway Department.

Moved by Stengel to adjourn at 8:30 P.M.