

MINUTES OF PLANNING & ZONING COMMISSION
JANUARY 20, 2011
BUFFALO COUNTY HIGHWAY DEPARTMENT
7:00 P.M.

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 January 20, 2011. 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 were Deputy County Attorney Melanie Bellamy, Zoning Administrator LeAnn Klein and twenty four members of the public.

Zoning Administrator Klein asked for nominations for Chairperson. It was moved by Erickson, seconded by Wolfe to nominate Craig Wietjes for Chairperson. Klein called for nominations three times. There were no additional nominations. Moved by Heiden, seconded by Steinbrink, Sr. that nominations cease.

Voting yes for Craig Wietjes for Chairperson were Erickson, Wolfe, Covalt, Heiden, Keep, Steinbrink and Stengel. Abstain: Wietjes. Absent: Skov.

Chairperson Wietjes asked for nominations for Vice-Chairperson. It was moved by Wolfe, seconded by Covalt to nominate Ken Erickson for Vice-Chairperson. Moved by Erickson to nominate Gwen Stengel for Vice-Chairperson. It failed for a lack of a second. Voting yes for Ken Erickson for Vice-Chairperson were Wolfe, Covalt, Heiden, Keep, Steinbrink, Stengel and Wietjes. Abstain: Erickson. Absent: Skov.

Chairperson Wietjes asked for nominations for Secretary. It was moved by Wolfe, seconded by Covalt to nominate Gwen Stengel for Secretary. Moved by Steinbrink, seconded by Heiden that nominations cease. Voting yes for Gwen Stengel for Secretary were Wolfe, Covalt, Erickson, Heiden, Keep, Steinbrink and Wietjes. Abstain: Stengel. Absent: Skov.

Chairperson Wietjes announced there was a copy of the open meetings act posted on the bulletin board and we do abide by the open meetings act.

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 7:05 P.M. No one was present to address the Commission. The public forum closed at 7:05 P.M.

Skov arrived at 7:05 P.M.

Chairperson Wietjes announced that Lonnie Dickson with Hanna Keelan Associates who was scheduled to be at tonight's meeting is ill and will be unable to attend tonight's meeting. He will plan to be at the February meeting.

Chairperson Wietjes opened the public hearing at 7:10 P.M for a special use permit for P.O.C., LLC for property described as part of the Northeast Quarter of the Southwest Quarter of Section Eight (8), Township Nine (9) North, Range Sixteen (16) West of the 6th p.m., containing 3.02 acres, more or less, Buffalo County Nebraska for an additional hangar.

Waylon Woods, owner of Woods Aviation, was present and told the Commission he currently rents space from POC, LLC for his aerial spray plane and he would like to put up a hangar for his plane. He wants to build equity and have ownership in a building rather than rent space. He has been operating from this location a couple of years and prior to that worked for another aerial sprayer that had been also flying from this location. Paul Brungardt from Brungardt Engineering was also present and he has done some of the engineering work. He showed the Commission the proposed layout for the hangar. He also showed the location of other hangars owned by POC, LLC and Dr. Meyer. They showed the Commission where the septic systems and wells are located. They are proposing to split the 3.02 acre lot and would need to acquire additional ground from Dr. Meyer so that each lot would be at least 70,000 square feet as what is required in the Zoning Regulations. He would have access to the airstrip and would have a u-shaped driveway so he could drive his plane directly into the hangar. All septic systems would have DEQ approval.

Wolfe asked about the fuel storage at this location. Woods responded all fuel is located on a fuel truck. Heiden also asked if all the chemicals are stored on-site. Woods told the Commission everything is in compliance as required by the Federal Aviation Administration, Department of Environmental Quality and the Department of Agriculture.

Wolfe also asked how big an area he flies. Woods responded he probably flies a 40-50 mile radius.

Woods told the Commission he is also licensed to fly in Kansas as well as Nebraska. He has an aerial spray plane as well as a personal plane.

Heiden and Covalt asked how many flights would be per day. Woods said his busiest months are in the summer months for about 2-3 weeks and he would have about 20 flights each day during his busy time. During other times it is very sporadic.

Covalt also questioned how often he is checked on his chemical storage. Woods said the FAA checks him and Woods works closely with the Department of Agriculture.

Erickson asked him if he would ever need additional planes to help with the job. Woods replied it depends on the job and the weather.

Heiden asked if they intended to put a home at this location. Woods said they are not planning on building a home at this site.

Keep asked how long Woods has been using this airstrip. This is the third year he has used this airstrip and prior to that time he had used the airstrip through other companies. Keep questioned

how long of time other aerial sprayers had used it. Woods thought it had been used since the airstrip was in existence.

Erickson asked if he had any plans in using this as a retail business. Woods said no.

Wietjes reminded the audience the comments from the public should just pertain to this application and nothing else and to please address the Commission.

Doug Torrey questioned what other spray planes fly out of this airstrip and also why he couldn't just buy the building he is now renting.

Woods said he is the only aerial sprayer that uses this airstrip. Woods said he rents from POC, LLC and does not know what their intentions are.

Norman Willey lives on Lindsey Ave and questioned the amount of chemicals and fuel that are stored at this facility. He also has concerns of accidents that could occur.

Woods replied he is highly regulated by the Environmental Protection Agency, the Federal Aviation Administration, Department of Environmental Quality and the Department of Agriculture. During the off season he does not keep many chemicals. The loading pad exceeds the specifications that are required. Jet A fuel is not a highly volatile fuel. It would be unlikely for the fuel to explode.

Bellamy questioned if the chemical storage would increase. Woods said the chemicals are in a steel container. He doesn't have many chemicals on site except during a couple of months in the summer. Bellamy asked if adding the hangar would result in increased traffic. Woods told her it would not.

Wietjes asked Woods to explain what process is required by the FAA. The permit is good for life unless something is done incorrectly. He has unannounced inspections done periodically.

Erickson asked why Woods did not locate at the Kearney airport. Woods said they couldn't accommodate him in a timely manner and it was easier to work with Dr. Meyer.

Woods said there is a specific altitude that is required when taking off and landing. It needs to be done quickly and safely.

Doug Deterding questioned why Woods didn't store his plane at the Kearney airport. The Kearney airport is strictly regulated and has a clear space for landing and take-off.

Woods said space was not available.

Stengel asked Woods if he flew over Riverdale. Woods replied he tries to stay away from Riverdale. He told the Commission FAA did observe him and he did everything correctly. They asked him as a favor to avoid flying over some homes, which he has done.

Steinbrink asked how many gallons of spray he carried. Woods said he carries about 500 gallons of spray.

Stan Lundgren asked where he mixes the chemicals and how are the chemicals delivered to the air strip.

Woods said he mixes the chemicals on site and the chemicals are delivered via Cottonmill Ave.

Terry Braden says there is a safety issue and planes could crash into the schools at Riverdale and Glenwood.

Woods said he is a safe pilot and he won't fly into a building.

Doug Torrey thought this was a shady deal anyway that spray planes are operating at this airport. Nobody wants to live under an airport.

Norma Lammers lives south of the airport and she doesn't have any issues with Woods. She questioned how it would affect their home value. She doesn't have an issue with his flying.

Woods doesn't feel building a hangar will affect their property values.

Dale Rees lives to the southeast of this airstrip and he has seen first hand how many landings and take offs there have been. He gave the Commission a letter which is marked as Exhibit #1.

Norma Lammers has security concerns about the air strip.

Woods said someone lives at both entrances and everything is locked at night.

Terry Braden asked if the local fire departments know he is there.

Woods said he is highly regulated.

Pam Deterding questioned if the aerial sprayer is grandfathered.

Bellamy explained the term "grandfathering". She said she advises the Planning & Zoning Commission, not the public.

Doug Torrey asked if they couldn't look into the grandfather clause.

Ed Uden lives ½ mile west of this development and questioned the legal description. He is also concerned about how the zoning regulations fit.

Klein told the Commission a complete legal description would be needed before the County Board hears this and they currently have a legal description of the property that POC, LLC owns.

Bellamy told the Commission this is not a rezoning application but a special use permit.

Norman Willey asked why Woods doesn't buy the entire lot.

Klein said they are splitting the property that POC, LLC owns. They own 3.02 acres and our zoning regulations requires at least 70,000 square feet for each lot.

Stan Lundgren questioned how big we will allow this air strip to become.

Brungardt said Woods is asking to be able to build a hangar which would house two planes.

Keep said the question that is before us is not if we should allow the airstrip but if we should allow this hangar. The airstrip has been here for quite some time.

Erickson said the Board of Supervisors will have the final say.

Norman Willey asked if this was a commercial business.

Wietjes told him this is a special use permit.

Klein said all the Zoning Regulations may be found on the County's website.

Chairperson Wietjes closed the public hearing at 8:40 P.M.

The map presented to the Commission by Paul Brungardt will be marked as Exhibit #2.

Motion was made by Skov, seconded by Keep to recommend to forward to the County Board with approval to amend the original P.O.C., LLC special use permit Resolution 2007-08 on the following described legal description, a tract of land being part of the Northeast Quarter of the Southwest Quarter of Section Eight (8), Township Nine (9) North, Range Sixteen (16) West of the 6th p.m., Buffalo County, Nebraska with the following conditions:

1. One additional hangar to house no more than two aircraft
2. Hangar will be no larger than 80' x 100'
3. No additional housing

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

Klein said the application will be heard before the County Board on February 8, 2011 and notices will be sent to adjacent property owners.

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

Other items of concern were discussed.

The next meeting of the Planning & Zoning Commission will be February 17, 2011 at 7:00 P.M. at the Highway Department.

Erickson moved to adjourn at 9:07 P.M.