

MINUTES OF PLANNING & ZONING COMMISSION  
OCTOBER 20, 2011  
BUFFALO COUNTY COURTHOUSE  
7:00 P.M.

Vice-Chairperson Ken Erickson opened the meeting at 7:05 P.M. at the Board Room at the Buffalo County Courthouse in Kearney, NE with a quorum present on October 20, 2011. Present were: Ken Erickson, Marlin Heiden, Willie Keep, Paul Steinbrink, Sr., Gwen Stengel and Loye Wolfe. Absent: Karin Covalt, Leonard Skov and Craig Wietjes Also attending were Zoning Administrator LeAnn Klein and eight members of the public.

Erickson announced there was a copy of the open meetings act posted in the back of the room as required by law and we do abide by the open meetings act.

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

The public forum was opened at 7:05 P.M. Roy Long of Amherst, NE was present to address the Commission. He lives northwest of Amherst and their home was destroyed by a tornado this summer and he doesn't think he should have to pay \$25.00 for a zoning permit since his home was destroyed. He did apply for a permit but he would like his \$25.00 refunded because of circumstances beyond his control. The public forum closed at 7:17 P.M.

Vice-Chairperson Erickson opened the public hearing for a special use permit submitted by Bryan Newcomb for an agriculture service establishment for 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 6<sup>th</sup> p.m., Buffalo County, Nebraska at 7:18 P.M.

Bryan Newcomb was present and told the Commission he has a mobile road service business where he works on diesel tractors and diesel equipment. About 90-95% of his business is on the road and he needs a shop to store his equipment and vehicles. Bart Langenberg currently owns the building. Bryan said he intends to purchase this building contingent upon the approval of the special use permit. He would clean up the building and also would cut the trees surrounding the building.

Heiden asked if all the surrounding property was owned by Langenberg. Heiden asked if he is currently storing equipment at this site. He said Langenberg said it belongs to the previous owner. Newcomb told the Commission Langenberg only owns the one lot and the remainder of the property is owned by Richard Burkey. Newcomb also wants to put a drive-way directly to the property.

Burkey said he owns the remainder of this property. The road on the south edge of this property is a private drive and is not part of Lot 3. He intends to put houses on the vacant lots in the next couple of years. Erickson asked if there are any homes currently situated on this land. Burkey said his house is the only home located in this subdivision at this time.

Stengel asked what service trucks would be parked inside the building. He would be able to park all of his trucks inside the building.

Steinbrink asked if he would have livestock. Newcomb replied no.

Wolfe asked if there would be fuel or oil stored inside. Newcomb also replied no. He doesn't do oil changes. He has a small inventory of parts and he might be working on equipment inside the building.

Newcomb also asked if he could build a home on this lot in the future.

Richard Burkey was present and told him there is not enough room on this lot to build a home. He said because of the placement of the septic, there is not enough room to build.

Stengel asked what the pipe was that leads to the ditch. Burkey said the pipe runs from the floor of the building to the ditch. Burkey also said there is not a well on this property. The heat pump is not working either. He said someone had driven over the septic and had broken some pipes.

Klein said she does have a waiver from the Sweetwater Cattle Co., L.L.C. for this special use permit.

Erickson said there are still issues here regarding the septic and the well. He needs to get this checked out before the Commission votes on this.

Heiden asked if Burkey has any restrictive covenants on this property. Burkey replied he does. Heiden said restrictive covenants are between the owner of the subdivision and the owner of the property.

Motion was made by Steinbrink, seconded by Heiden to table this application for a special use permit filed by Bryan Newcomb for an agriculture service establishment on 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 6<sup>th</sup> p.m., Buffalo County, Nebraska until the November meeting or until which time Mr. Newcomb has time to find out the placement of the well and septic on this property. Voting yes: Steinbrink, Heiden, Erickson, Keep, Stengel and Wolfe. Voting no: none. Absent Covalt, Skov and Wietjes.

Old Business: Moved by Wolfe, seconded by Steinbrink to approve the minutes of the September 15, 2011 as mailed. Voting yes: Wolfe, Steinbrink, Erickson, Heiden Keep and Stengel. Voting no: none. Absent: Covalt, Skov and Wietjes. Motion passed.

The next meeting of the Planning & Zoning Commission will be on November 17, 2011 at the Buffalo County Courthouse.

Moved by Stengel to adjourn at 8:00 P.M.