

MINUTES OF PLANNING & ZONING COMMISSION
MAY 16, 2013
BUFFALO COUNTY EXTENSION BUILDING
7:00 P.M.

Chairperson Scott Brady opened the meeting at 7:00 P.M. at the Buffalo County Extension Building in Kearney, NE with a quorum present on May 16, 2013.

Present were: Scott Brady, Ken Erickson, Marlin Heiden, Richard Skelton, Paul Steinbrink, Sr. and Gwen Stengel. Absent: Willie Keep, Leonard Skov and Loye Wolfe. Also attending were Deputy County Attorney Andrew W. Hoffmeister, Deputy County Attorney Kari Fisk, Zoning Administrator LeAnn Klein and one member of the public.

Notice of the meeting was given in advance thereof by publication in the legal newspaper. A copy of the proof of publication is on file in the Zoning Administrator's office. Advance notice of the meeting was also given to the Planning & Zoning Commission and availability of the Agenda was communicated in the advance notice. The agenda is available for anyone wanting a copy of the agenda.

Chairperson Brady announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and we do abide by the Open Meetings Act.

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

Chairperson Brady opened the public hearing at 7:01 for a zoning map amendment submitted by Neil Koster from Agricultural to Industrial on the following legal description: a tract of land being part of Government Lot 1 located in Section Thirty (30), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest corner of Government Lot 1 in Section 30 and assuming the West line of said Government Lot 1 as bearing S 00° 09' 34" W and all bearings contained herein are relative thereto; thence S 00° 09' 34" W and on the West line of said Government Lot 1, a distance of 438.85 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 00° 09' 34" W and on the West line of said Government Lot 1, a distance of 550.63 feet to a point being the most Northerly corner of a tract of land deeded to the State of Nebraska Department of Roads as described on Microfilm Roll 94, Pages 18992 thru 18993 and filed in the Buffalo County Register of Deeds office on December 30, 1994; thence S 59° 38' E and on the Northerly line of the aforescribed tract of land deeded to the State of Nebraska Department of Roads, a distance of 150.66 feet to the Southeasterly Corner of said tract of land, said point also being on the North line of the Union Pacific Railroad Company's right-of-way; thence N 73° 30' E and on the North line of the Union Pacific Railroad Company's right-of-way, a distance of 762.05 feet; thence leaving the North line of the Union Pacific Railroad Company's right-of-way, N 00° 15' 30" W and parallel with the East line of said Government Lot 1, a distance of 402.78 feet; thence N 89° 29' 20" W and parallel with the North line of said Government Lot 1, a distance of 857.42 feet to the place of beginning. Containing 10.36 acres,

more or less, of which 0.42 acres, more or less, are presently being used for road purposes on the West side AND a tract of land being part of the Northeast Quarter of the Northwest Quarter (NE ¼ NW ¼) and part of Government Lot One (1) located in Section Thirty (30), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of Government Lot 1 in Section 30 and assuming the West line of Government Lot 1 as bearing S 00° 09' 34" W and all bearings contained herein are relative thereto; thence S 00° 09' 34" W and on the West line of said Government Lot 1, a distance of 989.72 feet to a point being on the most Northerly Corner of a tract of land Deeded to the State of Nebraska Department of Roads, as described on Microfilm Roll 94, Pages 18992 thru 18993 and filed in the Buffalo County Register of Deeds Office on December 30, 1994; thence S 59° 38' E and on the Northerly line of the aforesaid tract of land deeded to the State of Nebraska Department of Roads, a distance of 150.66 feet to the Southeasterly Corner of said tract of land, said point also being on the North line of the Union Pacific Railroad Company's right-of-way; thence N 73° 30' E and on the North line of the Union Pacific Railroad Company's right-of-way, a distance of 762.05 feet to the ACUAL PLACE OF BEGINNING; thence continuing N 73° 30' E and on the North line of the Union Pacific Railroad Company's right-of-way; a distance of 443.07 feet; thence N 16° 29' 55" W a distance of 285.62 feet; thence N 89° 29' 20" W and parallel with the North line of said Government Lot 1, a distance of 345.54 feet; thence S 00° 15' 30" E and parallel with the East line of said Government Lot 1, a distance of 402.78 feet to the place of beginning. Containing 3.05 acres, more or less.

Neil Koster was present and told the Commission he had applied for a special use permit 10 years ago for his business Mid Plains Equipment. Since that time he has tripled his employment to nine and added on five times. He is one of the major retailers in the United States. He is looking to the future and wants to rezone this area to Industrial. There are three industrial areas west of him and one industrial area to the south of his place of business. This would fit into the area if it would be zoned industrial.

Hoffmeister asked which two lots he wants rezoned. He also referred to Section 5.62 of the Zoning Regulations which lists what is allowed under Industrial zoning.

Brady asked if Industrial would be a more accurate fit.

Erickson questioned if Neil would be more comfortable with Industrial rather than Commercial.

Hoffmeister referred to Section 11.3 of the zoning regulations.

Brady closed the public hearing at 7:16 P.M.

Motion was made by Erickson, seconded by Heiden to approve the zoning map amendment submitted by Neil Koster from Agricultural (A) to Industrial (I) and forward to the County Board with approval on the following legal description: a tract of land being part of Government Lot 1 located in Section Thirty (30), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest corner of Government Lot 1 in Section 30 and assuming the West line of said

Government Lot 1 as bearing S 00° 09' 34" W and all bearings contained herein are relative thereto; thence S 00° 09' 34" W and on the West line of said Government Lot 1, a distance of 438.85 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 00° 09' 34" W and on the West line of said Government Lot 1, a distance of 550.63 feet to a point being the most Northerly corner of a tract of land deeded to the State of Nebraska Department of Roads as described on Microfilm Roll 94, Pages 18992 thru 18993 and filed in the Buffalo County Register of Deeds office on December 30, 1994; thence S 59° 38' E and on the Northerly line of the aforesaid tract of land deeded to the State of Nebraska Department of Roads, a distance of 150.66 feet to the Southeasterly Corner of said tract of land, said point also being on the North line of the Union Pacific Railroad Company's right-of-way; thence N 73° 30' E and on the North line of the Union Pacific Railroad Company's right-of-way, a distance of 762.05 feet; thence leaving the North line of the Union Pacific Railroad Company's right-of-way, N 00° 15' 30" W and parallel with the East line of said Government Lot 1, a distance of 402.78 feet; thence N 89° 29' 20" W and parallel with the North line of said Government Lot 1, a distance of 857.42 feet to the place of beginning. Containing 10.36 acres, more or less, of which 0.42 acres, more or less, are presently being used for road purposes on the West side AND a tract of land being part of the Northeast Quarter of the Northwest Quarter (NE ¼ NW ¼) and part of Government Lot One (1) located in Section Thirty (30), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of Government Lot 1 in Section 30 and assuming the West line of Government Lot 1 as bearing S 00° 09' 34" W and all bearings contained herein are relative thereto; thence S 00° 09' 34" W and on the West line of said Government Lot 1, a distance of 989.72 feet to a point being on the most Northerly Corner of a tract of land Deeded to the State of Nebraska Department of Roads, as described on Microfilm Roll 94, Pages 18992 thru 18993 and filed in the Buffalo County Register of Deeds Office on December 30, 1994; thence S 59° 38' E and on the Northerly line of the aforesaid tract of land deeded to the State of Nebraska Department of Roads, a distance of 150.66 feet to the Southeasterly Corner of said tract of land, said point also being on the North line of the Union Pacific Railroad Company's right-of-way; thence N 73° 30' E and on the North line of the Union Pacific Railroad Company's right-of-way, a distance of 762.05 feet to the ACUAL PLACE OF BEGINNING; thence continuing N 73° 30' E and on the North line of the Union Pacific Railroad Company's right-of-way; a distance of 443.07 feet; thence N 16° 29' 55" W a distance of 285.62 feet; thence N 89° 29' 20" W and parallel with the North line of said Government Lot 1, a distance of 345.54 feet; thence S 00° 15' 30" E and parallel with the East line of said Government Lot 1, a distance of 402.78 feet to the place of beginning. Containing 3.05 acres, more or less.

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

This will be heard by the County Board on the second Tuesday in June at 11:00 A.M.

The next hearing was opened at 7:20 P.M. that Section 4.03 of the subdivision regulations be amended.

Hoffmeister explained the following changes. Discussion followed. The hearing was closed at 7:40 P.M.

Sec. 4.03 STREET, ROAD AND OTHER RIGHT-OF-WAY The location of highways, streets, roads and other rights-of-way shall conform to the locations designated in the Comprehensive Plan. Unless designated a higher use in the Comprehensive Plan, all proposed or existing roads, whether previously vacated or unopened, located upon section lines shall minimally be considered rural minor collectors.

The minimum right-of-way widths shall be as follows:

Type	Right-of-Way Width
State and Federal Highways	180 <u>80</u> feet
Rural Principal Arterials	80-100 <u>80</u> feet
Rural Minor Arterials	80 feet
(Paved and potential paved streets and roads shown on future Street and Road Network Maps in the Comprehensive Plan.)	
Rural major collectors	80 feet
Rural minor Collectors	80 feet
Minimum Maintenance	80 feet
Interior streets of land	
Sought to be subdivided	66 feet
Cul-de-Sacs	66 foot radius
Alleys	20 feet

When streets and roads adjoin unsubdivided property, a half right-of-way of at least forty (40) feet in width shall be dedicated. Whenever subdivided property adjoins a half right-of-way, the remainder of the street shall be dedicated. Half rights-of-way should be avoided.

In all cases of permanent dead-end streets and roads, cul-de-sac rights of-way shall be dedicated. Streets and roads ending in a cul-de-sac shall not be longer than six-hundred (600) feet. This may be extended when topographical rise and fall of cul-de-sac street does not exceed six (6) feet from highest elevation to lowest elevation of road measured from center of street at intersection of entry to cul-de-sac road to furthest point of cul-de-sac from intersection.

Alleys shall not be provided in a residential subdivision except under very unusual conditions. Alleys may be required in the rear of commercial and industrial lots.

Motion was made by Steinbrink, seconded by Skelton that Section 4.03 be amended to read as shown above and forward these changes to the County Board with approval.

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

Old Business: Moved by Heiden, seconded by Erickson to approve the minutes of the April 18, 2013 as mailed. Voting yes: Heiden, Erickson, Brady, Skelton, Steinbrink and Stengel. Voting no: none. Absent: Keep, Skov and Wolfe. Motion carried.

Other items were discussed.

The next meeting of the Planning & Zoning Commission will be June 20, 2013 at 7:00 P.M.

Chairperson Brady adjourned the meeting at 7:45 P.M.