

MINUTES OF PLANNING & ZONING COMMISSION  
NOVEMBER 20, 2014  
BUFFALO COUNTY COURTHOUSE  
7:00 P.M.

Chairperson Scott Brady opened the meeting at 7:00 P.M. at the Buffalo County Courthouse in Kearney, NE with a quorum present on November 20, 2014.

Present were: Scott Brady, Marlin Heiden, Willie Keep, Leonard Skov, Paul Steinbrink, Sr., Gwen Stengel and Loye Wolfe. Absent: Ken Erickson and Richard Skelton. Also attending were Deputy County Attorney Andrew Hoffmeister, Deputy County Attorney Kari Fisk, Zoning Administrator LeAnn Klein and 14 members 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.

The deed of conservation easement is between Central Platte Natural Resources District and Gary Mike Hubbard and Marian Hubbard, that was referred to the Planning & Zoning Commission from the Buffalo County Board of Supervisors October 28, 2014 board meeting. According to Nebraska Rev. Stat. 76-2 112 (3) the local planning commission has 60 days to provide comments regarding the conformity of the proposed acquisition to comprehensive planning for the area. If such comments are not received within sixty days, the proposed acquisition shall be deemed approved by the local planning commission. This conservation is located south of the interstate in Section 10 of Elm Creek Township. This was previously approved by the County Board on June 22, 2010 but it was never filed of record.

It was moved by Stengel, seconded by Heiden to forward the conservation easement between Gary Mike Hubbard and Marian Hubbard, husband and wife (Grantor) and the Central Platte Natural Resources District, a political subdivision of the State of Nebraska (Grantee or District) to the County Board with a favorable recommendation on a tract of land being part of the Southeast Quarter of the Southeast Quarter (SE ¼ SE ¼) and part of Government Lots One (1), Two (2) and Three (3) all located in Section Ten (10), Township Eight (8) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast corner of the Southeast Quarter of said Section 10 and assuming the East line of said Southeast Quarter as bearing N 01° 36' 53" W and all bearings contained herein are relative thereto; thence N 01° 36' 53" W and on

theaforesaid East line a distance of 291.02 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 01° 36' 53" W on the aforescribed course a distance of 433.26 feet; thence N 77° 19' 40" W a distance of 875.24 feet; thence N 81° 32' 38" W a distance of 919.3 feet; thence N 82° 20' 48" W a distance of 677.0 feet; thence N 87° 52' 51" W a distance of 737.8 feet; thence N 86° 06' 35" W a distance of 1414.08 feet; thence N 84° 00' 23" W a distance of 742.86 feet to a point on the West line of said Government Lot 1; thence S 00° 19' 25" W on the aforesaid West line a distance of 1264.22 feet to the Southwest corner of said Government Lot 1; thence N 85° 29' 05" E a distance of 3974.63 feet; thence S 85° 51' 43" E a distance of 1381.8 feet to the place of beginning, containing 102.73 acres, more or less.

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

Chairperson Brady opened the public hearing at 7:10 P.M. for a special use permit submitted by Bryan Newcomb for an addition to an existing building 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. The amended special use permit had been approved by the County Board at their December 13, 2011 meeting.

Bryan Newcomb was present along with Ken Cordes and Jim Hoppenstedt with BD Construction. They told the Commission that this property is located on Sweetwater Ave between 78<sup>th</sup> Road and 92<sup>nd</sup> Road. This is an agricultural service business operating under a special use permit and they are proposing to add a 100' x 100' addition to an existing 60' x 80' building. Andrew Hoffmeister asked how big the lot was. Newcomb responded a little under 3 acres. Hoffmeister also asked if he had direct access to his business and how many people he employs. Newcomb stated he has a drive-way on the east side of his property and he has a total of 12 people working there. Newcomb told the Commission he does repair work for local farmers and area people.

Stengel asked if he does welding. Newcomb replied only about 2% of his business involves welding.

Hoffmeister asked if the addition would abut the existing building. Newcomb said it would be located on the north end of the existing building. Cordes showed a drawing of the proposed addition.

Brady asked if they would be doing anything else than what is being done in the current building. Newcomb replied they just would have additional space. They would remain doing the same type of work.

Wolfe asked if they worried about spills. Newcomb responded they don't have any spills of oil etc. Hoppenstedt said everything would be contained in the grease trap that would be built into the floor.

Heiden questioned if they would have adequate parking. They will be adding 8 service bays. Hoppenstedt said they have adequate parking to the east and north of existing building.

Brady asked if they would expand the labor force. Newcomb said they could add a couple of employees.

Wolfe asked what the hours of operation were. Newcomb told her most of the time it was during the day.

Hoffmeister said we do have a signed waiver from Sweetwater Cattle Company.

Keep asked how far it was from the Cherry Ave. It's approximately 1 3/4 miles from Cherry Ave.

Hoffmeister reminded the Commission they would be making a recommendation to the County Board and the County Board will make the final decision on this matter.

Brady asked what percentage is true agricultural business. Newcomb said 75-80% is agricultural related.

Wolfe asked what the other 25% was. Newcomb said it was working on other vehicles.

Richard Burkey, who owns the surrounding land, has lots of concerns. He was under the impression there could be no additional building on this property. He has concerns regarding the building not being commercial. There are lots of vehicles including trucks, busses, commercial combines and salvage vehicles. Engines are being tested late at night. There is not enough room on this acreage to handle all the vehicles. Newcomb has lived on the premises and he started dirt work without a permit and traffic is a problem. He doesn't think this should be allowed since there is a subdivision in this vicinity. He believes there is an issue with the drainage in this area. He submitted pictures to the Commission with the number of salvage vehicles in this area. He has made Newcomb an offer to purchase all of this property since he will be retiring in a couple of years. Burkey has somebody that wants to purchase a lot to put a house on. He doesn't want an eye sore at this location.

Heiden asked how many lots he owns. Burkey responded there are a total of four lots of which two are empty. Heiden also asked how many of the vehicles were salvage. Newcomb responded two vehicles were salvage. The biggest problem is space.

Burkey said his other concerns were the non-working vehicles. There are motors outside, vehicles have been there over one year and hours of operation are another concern. He also has concerns because they are driving over the leach fields and they will ruin the leach fields and drain fields.

Heiden asked whose drain field is it. The drain field is Newcomb's problem.

Newcomb told the Commission they are not driving on the septic system.

Hoppenstedt said they are not aware of any problems with the drainage system. The new structure will be the same height as the existing building. They will not be interrupting anything with the current drain fields. They will be matching the building on the west and it will extend out on the east side of the existing building. Cordes said this property is not in the floodplain according to the latest maps.

Newcomb said he intends to clean up the area. He plans on moving some of the vehicles inside the new addition.

Heiden asked how long these vehicles sit outside. Newcomb replied sometimes 2 -3 weeks.

Brady asked Hoffmeister what is the question before the Commission. Hoffmeister told the Commission the question is if they can build an addition to the current structure. Will it disrupt the neighborhood? The Commission will be making a recommendation to the County Board.

Newcomb said DEQ and EPA have been out to the site and his business has passed inspections.

Brady lives in this area and traffic is definitely a problem. There is a lot of traffic on 92<sup>nd</sup> Road from a lot of other sources. He has been contacted on the noise from the jake brakes.

Burkey also has issues with the hours of operation. Sometimes it can be as late as 11:00 PM when they are working on vehicles.

Brady asked if they could have a berm to safeguard any run off. Cordes said there are a lot of other issues that would need to be addressed with a berm.

Chairperson Brady closed the public hearing at 8:05 P.M.

Motion was made by Keep, seconded by Steinbrink to forward this special use permit to the County Board with approval for an amendment of the special use permit previously approved for a 100' x 100' addition to the existing building. This is for an agriculture service establishment located on property described as 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. Voting yes: Keep, Steinbrink, Brady, Heiden, Skov, Stengel and Wolfe. Voting no: none. Absent: Erickson and Skelton.

Klein said this would be heard before the County Board at their December 9, 2014 meeting and notices would again be mailed out.

Chairperson Brady opened the public hearing at 8:10 P.M. for a zoning map amendment submitted by Trenton Snow on behalf of Richard Williams from Agricultural to Agricultural-Residential on the following legal description: a tract of land being part of the Southwest Quarter of the Southeast Quarter (SW ¼ SE ¼ ) of Section Twenty (20), Township Ten (10) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southwest Corner of the Southeast Quarter of

said Section 20 and assuming the South line of said Southeast Quarter as bearing N 89° 21' E and all bearings contained herein are relative thereto; thence N 89° 21' E and on aforesaid South line a distance of 388.0 feet, thence N 04°24' W a distance of 526.5 feet; thence S 89° 21' W parallel with the aforesaid South line a distance of 348.0 feet, more or less, to a point on the West line of said Southeast Quarter; thence southerly on the aforesaid West line to the place of beginning. Containing 4.44 acres, more or less.

Trenton Snow was present along with Richard Williams and Mitchell Williams. Richard Williams owns the property and his Grandson wants to build a house in this area. Because of the 1000' rule in the Agricultural district they can't build a home without rezoning this property. This is located ½ mile from Highway 183. This property is 4.44 acres and since it is less than 10 acres, they will also be doing an administrative subdivision.

There was no one present in opposition at the hearing.

Hoffmeister told the Commission this property is within a ½ mile of a hard surfaced road.

Chairperson Brady closed the public hearing at 8:15 P.M.

Motion was made by Skov, seconded by Wolfe to approve the rezoning request submitted by Trenton Snow on behalf of Richard Williams from Agricultural (A) to Agricultural-Residential (AGR) and forward this application with approval to the County Board on the following legal description: a tract of land being part of the Southwest Quarter of the Southeast Quarter (SW ¼ SE ¼ ) of Section Twenty (20), Township Ten (10) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southwest Corner of the Southeast Quarter of said Section 20 and assuming the South line of said Southeast Quarter as bearing N 89° 21' E and all bearings contained herein are relative thereto; thence N 89° 21' E and on aforesaid South line a distance of 388.0 feet, thence N 04°24' W a distance of 526.5 feet; thence S 89° 21' W parallel with the aforesaid South line a distance of 348.0 feet, more or less, to a point on the West line of said Southeast Quarter; thence southerly on the aforesaid West line to the place of beginning. Containing 4.44 acres, more or less. Voting yes were Skov, Wolfe, Brady, Heiden, Keep, Steinbrink and Stengel. Voting no: none. Absent: Erickson and Skelton. Motion carried.

Klein said this would be heard by the County Board on December 9, 2014.

Old Business: Moved by Skov, seconded by Heiden to approve the minutes of the June 19, 2014 as mailed. Voting yes: Skov, Heiden, Brady, Keep, Steinbrink, Stengel and Wolfe. Voting no: none. Absent: Erickson and Skelton. Motion carried.

Chairperson Brady presented a plaque to Gwen Stengel for her years of service to the Buffalo County Planning & Zoning Commission. Since Ken Erickson was absent, he received his plaque earlier in the day.

Other items were discussed.

The next meeting of the Planning & Zoning Commission will be held December 18, 2014 at 7:00 P.M.

Chairperson Brady adjourned the meeting at 8:23 P.M.