

MINUTES OF PLANNING & ZONING COMMISSION
MARCH 17, 2016
BUFFALO COUNTY COURTHOUSE
7:00 P.M.

Scott Brady opened the meeting at 7:00 P.M. at the Buffalo County Courthouse in Kearney, NE with a quorum present on March 17, 2016.

Present were: Scott Brady, Willie Keep, Richard Skelton, Leonard Skov, Randy Vest and Loye Wolfe. Absent: Marlin Heiden, Leonard Skov, Paul Steinbrink, Sr. and Marc Vacek. Also attending were Deputy County Attorney Andrew Hoffmeister, Zoning Administrator LeAnn Klein and six members of the public.

Brady asked for nominations for Chairperson. A motion was made by Skelton, seconded by Wolfe to nominate Scott Brady for Chairperson. Voting yes were Skelton, Wolfe, Keep and Vest. Voting no: none. Abstain: Brady. Absent: Heiden, Skov, Steinbrink, Sr. and Vacek.

Chairperson Brady called for the election of a Vice Chairperson. Motion was made by Vest, seconded by Skelton to nominate Willie Keep for Vice Chairperson. Voting yes were Vest, Skelton, Brady and Wolfe. Voting no: none. Abstain, Keep. Absent: Heiden, Skov, Steinbrink, Sr. and Vacek.

Chairperson Brady called for the election of a Secretary. Motion was made by Skelton, seconded by Vest to nominate Loye Wolfe for Secretary. Voting yes were Skelton, Vest, Brady and Keep. Voting no: none. Abstain: Wolfe. Absent: Heiden, Skov, Steinbrink, Sr. and Vacek.

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.

Leonard Skov arrived at 7:05 P.M.

The public forum was opened at 7:05 P.M. Several persons were present, but no one provided any comment. The public forum closed at 7:05 P.M.

Marc Vacek arrived at 7:06 P.M.

Chairperson Brady opened the public hearing at 7:06 P.M. for a zoning map amendment submitted by Mitchell Humphrey on behalf of Hadwiger Farms and Terry Hadwiger from Agricultural to Agricultural-Residential on the following legal description: a tract of land being

the South 320.0 feet of the West 410.0 feet of Government Lot Nineteen (19) located in Fractional Section Nineteen (19) Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Containing 3.01 acres, more or less, of which 0.53 acres, more or less are presently used for road purposes on the South and West sides.

Surveyor Mitch Humphrey and Mr. and Mrs. Terry Hadwiger were present. Part of this property is owned by Terry Hadwiger and the area around the home is owned by Hadwiger Farms. Mitch told the Commission the existing house was built on 1.1 acre of land. There is a shelter belt on the north side and west side of the existing home. There is also a shop building on land owned by Hadwiger Farms. They would like to get a recommendation from the Commission to encompass the shop building along with the home and wind break. The new parcel would skim the north side of the trees and they would curve on the northeast side of the property to allow the pivot to run. By rezoning this parcel, they would be able to be below the three acre requirement and keep agricultural land in production.

Hoffmeister said in an Agricultural-Residential district they can have 70,000 square feet with DEQ and the County Commissioners approval.

Hoffmeister asked if they had gotten Nebraska Department of Environmental Quality approval? Humphrey told the Commission the well is located north of the house and the septic is located east of the existing home. Hoffmeister also asked when the house was built and Hadwiger responded it was built in 1985. Humphrey told the Commission the septic and well is in compliance of the DEQ requirements.

Skelton asked if the shop building would be included in the new legal description. Humphrey said it would be. The lot would be curved on the east side to allow the pivot to operate.

Humphrey told the Commission if they recommend forwarding this to the Commissioners, they will survey this lot to give an exact legal description to the Commissioners.

Hoffmeister showed the Commission this parcel is less than one mile from the Agricultural-Residential line on the map.

Terry Hadwiger told the Commission he would be building a new home to the east of this location. They will be selling this house site.

Skelton said once this parcel is rezoned, it would make it more resalable.

There was no one present that spoke in opposition.

Chairperson Brady closed the public hearing at 7:20 P.M.

Motion was made by Skelton, seconded by Skov to approve the zoning map amendment submitted by Mitchell Humphrey on behalf of Hadwiger Farms and Terry Hadwiger from Agricultural (AG) to Agricultural-Residential (AGR) and forward this application with approval to the County Commissioners on the following legal description: a tract of land being the South

320.0 feet of the West 410.0 feet of Government Lot Nineteen (19) located in Fractional Section Nineteen (19) Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Containing 3.01 acres, more or less, of which 0.53 acres, more or less are presently used for road purposes on the South and West sides.

Voting yes were Skelton, Skov, Brady, Keep, Vacek, Vest and Wolfe. Voting no: none. Absent: Heiden and Steinbrink, Sr. Motion carried.

Klein said this would be heard by the County Commissioners on April 12, 2016 and notices will again be sent out.

Chairperson Brady opened the next public hearing at 7:21 P.M. for a preliminary plat filed by Trenton Snow on behalf of John and Amy Ourada. This was for a tract of land being part of the West Half of the Northeast Quarter (W ½ NE ¼) of Section Nine (9), Township Nine (9) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of the Northeast Quarter of said Section 9 and assuming the North line of said Northeast Quarter as bearing N 89° 27' E and all bearings contained herein are relative thereto; thence N 89° 27' E a distance of 468.98 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89° 27' E on the afore described course a distance of 375.02 feet; thence South a distance of 581.23 feet; thence West a distance of 504.0 feet; thence SOUTH a distance of 774.0 feet to a point on a non-tangent curve; thence on a 66.0 foot radius curve to the right, concave northerly, forming a central angle of 300° 00', an arc distance of 345.58 feet to a point, said point being WEST a distance of 66.0 feet from the previously described point; thence West a distance of 333.76 feet to a point on the West line of said Northeast Quarter; thence N 02° 32' 30" on the aforesaid West line a distance of 840.82 feet; thence East a distance of 491.47 feet; thence NORTH a distance of 511.63 feet to the place of beginning. Containing 12.78 acres, more or less.

Surveyor Trenton Snow was present along with John Ourada. This is the same parcel that the Commission rezoned to Agricultural-Residential in December. Snow showed an aerial map to the Commission. He showed where the access road would be on the map. The lot line on Lot 1 had to be moved over 24' because there is a well at this location and they couldn't have the well in the middle of the road. Snow told the Commission the drive-way will be off of 100th Road. All the lots are over three acres. The administrative subdivision Landing Acres drive-way also will be accessed off this private drive. This way there will only be one access point off of 100th Road. The interior road will be 66' in width.

Hoffmeister asked if he had the reports for the grade and elevation. We will need those before these lots can be approved. We also will need a drainage study. He asked how these lots drain. A drainage study also would show where culverts are needed.

Ourada stated these lots drain to the south. The draws are not included in the road.

Skelton questioned if the drainage goes into the draws.

Keep said the neighbor to the west would not be affected by drainage from these homes.

Snow also said the access road is very flat and visibility would not be a problem for line of site.

Ourada showed on the map that the north lot goes to the north and the other parts drain to the south.

Hoffmeister asked if they will be staging these lots. Ourada said not at this time.

Skelton asked if Ourada had gotten a waiver for these lots. Ourada replied they had obtained a waiver for these lots from the feedlot. Ourada said he also had checked with the Natural Resource District regarding the water rights and there is not a problem with the water rights.

No one spoke in opposition.

Chairperson Brady closed the hearing at 7:38 P.M.

Motion was made by Vacek, seconded by Vest that this preliminary plat for North Landing be forwarded to the County Commissioners with approval on the following legal description: A tract of land being part of the West Half of the Northeast Quarter (W ½ NE ¼) of Section Nine (9), Township Nine (9) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of the Northeast Quarter of said Section 9 and assuming the North line of said Northeast Quarter as bearing N 89° 27' E and all bearings contained herein are relative thereto; thence N 89° 27' E a distance of 468.98 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89° 27' E on the afore described course a distance of 375.02 feet; thence South a distance of 581.23 feet; thence West a distance of 504.0 feet; thence SOUTH a distance of 774.0 feet to a point on a non-tangent curve; thence on a 66.0 foot radius curve to the right, concave northerly, forming a central angle of 300° 00', an arc distance of 345.58 feet to a point, said point being WEST a distance of 66.0 feet from the previously described point; thence West a distance of 333.76 feet to a point on the West line of said Northeast Quarter; thence N 02° 32' 30" on the aforesaid West line a distance of 840.82 feet; thence East a distance of 491.47 feet; thence NORTH a distance of 511.63 feet to the place of beginning. Containing 12.78 acres, more or less with the following reports needed:

1. Topographical report
2. Engineer's statement for drainage study concerning these three lots

Voting yes were Vacek, Vest, Brady, Keep, Skelton, Skov and Wolfe. Voting no: none. Absent: Heiden and Steinbrink, Sr. Motion carried.

Klein said this would be heard before the County Commissioners on April 12, 2016, at 9:15 A.M.

Old Business: Moved by Wolfe, seconded by Skelton to approve the minutes of the December 17, 2015 as mailed. Voting yes: Wolfe, Skelton, Brady, Keep, Skov, Vacek and Vest. Voting no: none. Absent: Heiden and Steinbrink, Sr. Motion carried.

Klein presented her report for the year 2015.

Other items were discussed.

Andrew Hoffmeister led a discussion on Resolution 378CA Freedom to Farm. Discussion followed.

The next meeting of the Planning & Zoning Commission will be held April 21, 2016 at 7:00 P.M. if needed.

Chairperson Brady adjourned the meeting at 8:37 P.M.