

MINUTES OF PLANNING & ZONING COMMISSION  
APRIL 21, 2016  
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 April 21, 2016.

Present were: Scott Brady, Marlin Heiden, Willie Keep, Richard Skelton, Paul Steinbrink, Sr., Mark Vacek, Randy Vest and Loye Wolfe. Absent: Leonard Skov. Also attending were 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 7:01 P.M. Several persons were present, but no one provided any comment. The public forum closed at 7:01 P.M.

Chairperson Brady opened the public hearing at 7:03 P.M. for a zoning map amendment submitted by Greg Davis on behalf of BKJM Enterprises, L.L.C. from Agricultural to Agricultural-Residential on the following legal description: the Southwest Quarter of the Northeast Quarter of the Southwest Quarter of Section 12, Township 10 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Surveyor Trenton Snow and Greg Davis were present to address the Commission. Snow said Davis wishes to buy 10 acres where he wants to build a home. He will be buying an additional 45 acres for pasture land that will remain Agricultural. Since there are four homes in this quarter already, that is the reason he is rezoning this to AGR.

Leonard Skov arrived at 7:05 P.M.

Snow said this area is Agricultural-Residential in nature since there are already four homes in this quarter.

Wolfe asked where the drive-way would be placed? Snow responded the drive-way would be off 175<sup>th</sup> Road and will go north and then east towards the ten acres.

Davis said he had contacted the Natural Resources Conservation Service and also the Army Corps of Engineers regarding the bridge he will need that crosses the floodplain area in this

section. The Corps will also need to find out if there are any wetlands in this area. Cessna Road, which is the road directly west of this area, is a minimum maintenance road so he can't get access off that road. Davis said he had talked to the County Highway Department and they said they would be taking out the bridge off of Cessna and replacing that with a culvert and low water crossing.

Davis told the Commission he will also be purchasing land to allow for the drive-way which will be a 40' strip. He has goose neck trailers which he will be storing on this property sometimes.

Keep asked if he would be crossing any of the existing lots. Davis replied no.

Brady asked if he would have a business at this location. Davis told him no, he will have a shop but no business. There will be times when he will take equipment home.

Brady asked if he had any particular reason why he picked this land. Davis said he had been looking to purchase land and couldn't find any to buy but then he had found this land.

Kari Fisk reminded the Commission that this was going against the Comprehensive Plan since it's not next to an improved road. This area is also not in the Comprehensive Plan as being Agricultural-Residential.

Kevin Rumbeck is not thrilled about a housing development but he's not against it either. He said Davis would be a good addition to the community. He lives about one mile west of this site and also owns property directly across the road to the south.

Pat Swift owns part of BKJM Enterprises, LLC and he will be selling this parcel to Davis. They use to own this entire west half of this section and they have previously sold off parts to the existing neighbors. By selling this parcel, it wouldn't affect the water supply and corrals for their cattle.

Brady asked what years he sold other properties in this area. Swift thought it had been about 20 years ago.

Amy Rundstrom, who lives in this area, questioned where the drive-way was going. Davis told her it would be about 40' off the fence line. It took her five years to buy this land. Her major concern is the drive-way. Her drive-way flooded out twice since she has lived here. It's aesthetically pleasing to have open views and vistas and she is afraid she would lose the views. Brady asked her how long she had lived at this location. She has lived here for 13 years. She is afraid it will hurt views and also affect property values.

Davis said the only house he could see from his land is the Sayer home because of the terrain.

Mel Sayer, who lives on the east property, has two concerns. One is the bridge and he also doesn't want 30 old cars behind his property. Brady asked him how long he had lived in this area. Sayer said he built his home in 1996. He doesn't want stuff scattered all over. He moved out there to be away from other people.

Heiden asked Sayer if the County had to put a bridge in when he moved to this site. Sayer said no and he just put in a culvert for his drive-way.

Fisk said the easement would need to be 66' in width before it is subdivided.

Davis said he has 5 or 6 Chevilles and they would be inside the building.

Richard Long has concerns about the amount of water that comes down this creek. He said it drains ten sections and a six foot culvert won't handle the amount of rain that comes down the creek.

Vest asked if there was any running water. Long replied no since it is a dry creek.

Judith Lilly, who lives in the northwest part of this area, doesn't want the drive-way going that close to their home. They have dogs and cats and they don't want to spoil their home. They don't want the noise or dirt. Brady asked how long they had lived in this area. She responded they had built their home in 2004 on the relative exemption. It's a nice quiet place.

Davis had contacted some owners to see if he could put a drive-way next to a fence line to come in another way but the owners had said no, they didn't want to sell any of their land to him.

Fisk asked Davis what type of work he would be doing in his building. Davis said it would just be a shop for his own work. He might bring a piece of equipment home with him at night.

Davis said the Army Corps of Engineers will determine what type of culvert should be put in across the floodplain area.

Heiden questioned how many cars would use the drive-way each day. He said it probably would be 10 cars per person each day.

Carol Lilly, who lives directly south of the 10 acre parcel, doesn't object to neighbors but it would be easier to have the drive-way in a better spot. She asked if they couldn't have the drive-way next to Cessna Road. It wouldn't inhibit the neighbors. Some of these areas are steep and the areas are wet where he wants to put the drive-way.

Fisk said they couldn't fence off the drive-way because of fire equipment and other emergency vehicles.

Keep said the area along Highway 40 is an AGR area in the future land use map. Fisk showed the Commission it is about 2 miles from Highway 40 to the proposed rezoning.

Brady asked if Davis had asked the County about upgrading Cessna Road. Davis said the County Highway Department had said no, they couldn't upgrade that road.

Chuck Kasson, who lives ¾ mile from this location, said he saw houses being built and didn't want to see this 15 years ago. He said he has seen it flood once and it is a short-term problem every seven years. It will be nice to welcome Davis to the neighborhood.

Phyllis Sayer has concerns about property taxes going up.

Heiden commended that people are splitting off parcels to smaller pieces.

Brian Rumbeck said 40' has to be private/public road. Will that prevent him from subdividing this property?

Trenton Snow said they won't be subdividing the 10 acres so they won't need the 66' wide road. Anything over ten acres does not need to be subdivided.

Keep said they are only asking to have this 10 acres rezoned.

Skelton asked if we need to consider the drive-way.

Wolfe said it does abut up to an area that has the flavor of Agricultural-Residential.

Davis commented if he could buy over 45 acres and put his drive-way that would be allowed. The only thing that wouldn't be allowed would be to build a house. He could also put up an ag building without any permit necessary.

Fisk said this district is intended to provide for low-density, acreage residential development in selected areas in close proximity to the communities of Buffalo County, or in rural areas with reasonable access to major rural roads.

Skelton said reasonable access to major roads is something to consider in this application.

Snow asked how far it was from the Agricultural-Residential line. It's about one mile from the AGR line.

Vacek commented he has concerns about what we allow. We are setting a precedent.

Brady asked if they had intentions on selling off more parcels. Pat Swift with BKJM Enterprises said no, they weren't planning on selling off additional parcels.

Skelton asked Davis how close to Judith Lilly's home would the drive-way be. Davis thought about 30 feet from their home.

Brady also asked where they would be building the house. Davis showed the Commission on the map where he was hoping to build his home. It would be on the north side of the hill. It would be about 800 feet from Garvue's gate.

Chairperson Brady closed the public hearing at 8:25 P.M.

Brady commented that everybody wants the same thing and that is privacy.

Fisk said the only question before the Commission is does this comply with the Comprehensive Plan and also with the Agricultural-Residential district. It's pretty discretionary.

Motion was made by Skov, seconded by Keep to approve the zoning map amendment submitted by Greg Davis on behalf of BKJM Enterprises, L.L.C. from Agricultural (AG) to Agricultural-Residential (AGR) and forward this application with approval to the County Commissioners on the following legal description: the Southwest Quarter of the Northeast Quarter of the Southwest Quarter of Section 12, Township 10 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska with the exception that the drive-way will be included in the legal description as rezoning to Agricultural-Residential.

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

Klein said this would be heard by the County Commissioners on May 10, 2016 and notices will again be sent out.

Fisk asked Klein if a new map would be sent out to the County Board amending the legal description? Klein said she would get the new legal description from Trenton Snow.

Old Business: Moved by Vacek, seconded by Skelton to approve the minutes of the March 17, 2016 as mailed. Voting yes: Vacek, Skelton, Brady, Heiden, Keep, Skov, Steinbrink, Vest and Wolfe. Voting no: none. Absent: none. Motion carried.

Other items were discussed.

The next meeting of the Planning & Zoning Commission will be held May 19, 2016 at 7:00 P.M. if needed.

Chairperson Brady adjourned the meeting at 8:38 P.M.