

MINUTES OF PLANNING & ZONING COMMISSION
APRIL 20, 2017
BUFFALO COUNTY COURTHOUSE
7:01 P.M.

Chairperson Scott Brady opened the meeting at 7:01 P.M. at the Buffalo County Courthouse in Kearney, NE with a quorum present on April 20, 2017.

Present were: Scott Brady, Austin Gardine, Marlin Heiden, Tammy Jeffs, Willie Keep, Richard Skelton, Marc Vacek, Randy Vest and Loye Wolfe. Absent: none. Also attending were Deputy County Attorney Kari Fisk, Zoning Administrator LeAnn Klein and two members of the public.

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.

A welcome was extended to new members Tammy Jeffs and Austin Gardine.

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.

The public forum was opened at 7:02 P.M. Several persons were present, but no one provided any comment. The public forum closed at 7:02 P.M.

Chairperson Brady opened the public hearing at 7:02 P.M. for a zoning map amendment submitted by Chad Dixon with Miller and Associates on behalf Ron Cruise with Open Circle R. Inc. on the following legal description: a tract of land being part of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) of Section Ten (10) Township Eleven (11) North, Range Fifteen (15) West of the 6th Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Commencing at the Northwest corner of the Northwest Quarter of Section 10 and assuming the North line of said Northwest Quarter as bearing N 89°44'23" E and all bearings contained herein are relative thereto; thence N 89°44'23" E on the North line of said Northwest Quarter a distance of 208.86 feet; thence S 01°07'29" W parallel with the West line of said Northwest Quarter a distance of 250.29 feet; thence S 17°09'53" E a distance of 106.54 feet; thence N 89°44'23" E a distance of 50.25 feet; thence S 01°07'29" W a distance of 61.75 feet; thence S 89°44'23" W parallel with said North line of the Northwest Quarter a distance of 292.56 feet to said West line of the Northwest Quarter; thence N 01°07'29" E on said West line a distance of 414.00 feet to the point of beginning, containing 2.14 acres more or less. They would like to rezone this parcel from Agricultural to Agricultural-Residential.

Chad Dixon of Miller & Associates was present representing Ron Cruise of Open Circle R. Inc. He told the Commission this lot was a small one acre lot split off before zoning. The grandson lives in the house and they want to enlarge this lot. They need to rezone this lot to Agricultural-

Residential to meet the 70,000 square feet requirement. There is an existing septic and well located on this property. They have a letter from the Nebraska Department of Health that approves the location of the septic and well.

Dixon said they are looking at just rezoning Lot 1. They will do a two lot administrative subdivision before the County Commissioners next month once they get this rezoned.

Gardine asked what the advantage was in doing this rezoning.

Fisk replied once they rezone this Lot 1, they will be in compliance with the current zoning regulations.

Gardine asked if they could sell the parcel off later.

Fisk said they could sell it later.

Wolfe asked if the drive-way would stay the same. Dixon replied yes they would.

Heiden questioned if both houses are occupied.

Dixon said the grandfather use to live in one of the houses and the granddaughter will live in the house on Lot 2.

Skelton asked if that house will be broken off in Lot 2 and Dixon said no it wouldn't be broken off.

Brady asked if this was the only property Open Circle owns. Dixon replied Open Circle only owns these two parcels.

Heiden asked if the same person currently owns both properties. Dixon said they will sell off Lot 1 to a family member once it has been rezoned.

There was no one that voiced opposition.

Chairperson Brady closed the public hearing at 7:18 P.M.

Motion was made by Vacek, seconded by Vest to approve this zoning map amendment submitted by Chad Dixon with Miller & Associates on behalf of Open Circle R, Inc. and forward this application with approval to the County Commissioners on the following legal description: a tract of land being part of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) of Section Ten (10) Township Eleven (11) North, Range Fifteen (15) West of the 6th Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Commencing at the Northwest corner of the Northwest Quarter of Section 10 and assuming the North line of said Northwest Quarter as bearing N 89°44'23" E and all bearings contained herein are relative thereto; thence N 89°44'23" E on the North line of said Northwest Quarter a distance of 208.86 feet; thence S 01°07'29" W parallel with the West line of said Northwest Quarter a distance of

250.29 feet; thence S 17°09'53" E a distance of 106.54 feet; thence N 89°44'23" E a distance of 50.25 feet; thence S 01°07'29" W a distance of 61.75 feet; thence S 89°44'23" W parallel with said North line of the Northwest Quarter a distance of 292.56 feet to said West line of the Northwest Quarter; thence N 01°07'29" E on said West line a distance of 414.00 feet to the point of beginning, containing 2.14 acres more or less. This will be changed from Agricultural to Agricultural-Residential.

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

Klein said this would be heard by the County Commissioners on May 9, 2017 and notices would again be sent out.

Old Business: Moved by Skelton, seconded by Heiden to approve the minutes of the March 16, 2017 as mailed. Voting yes: Skelton, Heiden, Brady, Gardine, Jeffs, Keep, Vacek, Vest and Wolfe. Voting no: none. Absent: none. Motion carried.

Other items were discussed.

The Commission discussed having to require hard surfaced roads for future subdivisions upon the request of a County Commissioners. It was the consensus of the Commission they would need additional information before they could make a recommendation.

The next meeting of the Planning & Zoning Commission will be held May 18, 2017 at 7:00 P.M. if needed.

Chairperson Brady adjourned the meeting at 7:36 P.M.