

MINUTES OF PLANNING & ZONING COMMISSION  
JULY 18, 2019  
BUFFALO COUNTY COURTHOUSE  
7:00 P.M.

Vice Chairperson Willie Keep opened the meeting at 7:02 P.M. at the Buffalo County Courthouse in Kearney, NE with a quorum present on July 18, 2019.

Present were:, Willie Keep, Marlin Heiden, Marc Vacek, Buss Biehl, and Loye Wolfe  
Absent: Scott Brady, Tammy Jeffs, Randy Vest  
Also attending were Deputy County Attorney Kari Fisk, Zoning Administrator Jason Wozniak, and one member of the public.

Notice of the meeting was given in advance thereof by publication in the Kearney Hub, the designated method for giving notice. 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.

Vice Chairperson Keep 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. The public forum closed at 7:01 P.M.

Vice Chairperson Keep opened the public hearing at 7:01 P.M. for a zoning map amendment submitted by Miller & Associates on behalf of Mark & Peggy Garrels on the following legal description: Lot 1 Rouse Second Administrative Subdivision being part of the NE1/4 of the SE1/4 of Fractional Section 1, Township 8 North, Range 15 West, of the 6<sup>th</sup> Principal Meridian, Buffalo County Nebraska.

Craig Bennett of Miller & Associates was present to represent Mark & Peggy Garrels. We are asking for Lot 2 to be zoned from AG-Agriculture to C-Commercial. The land contiguous and adjacent to the south is currently zoned Commercial all the way south to the Interstate. Reason we are asking for Lot to be rezoned is currently the land is not being used and this would allow for rerouting of tractor trailer/semi traffic. Currently the ingress-egress for the fueling station is on the north side of the building. We would like that to become an exit only. This will push the entrance approximately 550' to the north. This will help with traffic congestion. I will pass out an exhibit that will be helpful to see the plan. We plan to have landscape buffers on the west side of the property for screening.

Wolfe-The middle access will it stay open?

Craig Bennett-Yes that is the ingress-egress easement drive for the properties to the west.

Wolfe- Is this in a floodplain?

Craig Bennett-No property is not in floodplain.

Vacek-Will you pave this? What type of road surface will it be?

Craig Bennett-Have to get a permit from DOT so the approach can be improved. Surface through the site will be rock or gravel.

Keep-Do trucks fill up under the canopy?

Craig Bennett-They fill up on the north side of the station. This new layout gives owner some good options.

Wolfe-In next 10 years do you think truck parking will increase?

Craig Bennett-Trucks seem to find a place they like and park there. When you separate the truck and car traffic, it helps with congestion. Have separate places for semi and cars to fill up with gas.

Biehl-State will have something to say about the approaches.

Craig Bennett- The benefit is helping with traffic especially if you are coming over the I-80 overpass. Will make it safer.

Biehl- You have two drives now?

Craig Bennett-Yes with the middle being ingress-egress easement access for properties to west of Highway.

Keep-What about lighting?

Craig Bennett-We will have down casting lights.

Keep-What property does Garrels own?

Craig Bennett-The filling station, the lot we are asking to rezone, and the house west of lot.

Wolfe-Would you say services being offered are truck parking and gas?

Craig Bennett-I would say we are not changing the services. The lot will be an extension of what is already provided.

Wolfe-Would the gas expand?

Craig Bennett-It could and he could currently do that.

Mark Garrels-North canopy has two diesel pumps. Do not look to expand at current time. Cost is expensive to do that.

Sara Bennett- We have the property on west end of that drive. We have talked with Mark on project and want to bring up some concerns. For clarification, what access looks like long term? We have some truck traffic that turns around in our yard.

Keep-Is there any signage?

Sara Bennett-Small sign but may need to be larger. The current vegetation is small not very tall. Mark said the ingress-egress easement will be a defined road not just one big lot. If it is a defined road, the people should not be parking on it blocking access. What we need to know is what that easement looks like 10 years from now.

Fisk- This is a perfect example of why zoning makes lots be adjacent to public roads. The easement access is a private legal matter.

Craig Bennett-State statute also requires any property shall have ingress-egress access.

Keep-How wide is the easement?

Craig Bennett-Its 66 feet wide. Same width as current county roads.

Sara Bennett-Want to make sure we do not have any issues with easement in future. Is this just a 1-layer change to zoning? The City has different layers of Commercial zoning.

Keep-Yes, county only has one commercial district. It is online if you would like to see it. The description of allowable uses. Will you or do you charge for parking?

Mike Garrels-No we do not charge. We have companies approach us but we do not want vehicles sitting there for long periods.

Sara Bennett-So anything legal to do with the easement is outside the scope of the County?

Fisk-Yes as far as what we regulate and enforce.

Mark Garrels-I have communicated with Dustin and Sara and want to do anything within reason. I think this will happen with signage.

Wolfe-Roads will be maintained by who?

Mark Garrels-Ron Follmer with Mid-Nebraska Aggregate does it now.

Motion was made by Biehl, seconded by Heiden to approve the zoning map amendment from Agricultural-AG to Commercial-C on the following legal description:

Lot 1 Rouse Second Administrative Subdivision being part of the NE1/4 of the SE1/4 of Fractional Section 1, Township 8 North Range 15 West of the 6<sup>th</sup> Principal Meridian, Buffalo County Nebraska.

Voting yes: were Biehl, Heiden, Vacek. Keep, Wolfe,

Voting no: none.

Absent: Vest, Jeffs, Brady

Motion carried.

Old Business: Moved by Vacek, seconded by Biehl to approve the minutes of the June 20, 2019 as mailed.

Voting yes: Biehl, Heiden, Vacek, Keep and Wolfe

Voting no: none.

Abstain: none

Absent: .Vest, Jeffs, Brady

Motion carried.

Other items discussed.

Comments on the Tech One Second Subdivision will be held by the City of Kearney July 19, 2019 by City of Kearney Planning and Zoning. This subdivisions fall within the 2-mile jurisdiction for the City of Kearney zoning.

The next meeting of the Planning & Zoning Commission will be as needed. If items come in may be on August 15, 2019 at 7:00 P.M.

Vice Chairperson Willie Keep adjourned the meeting at 7:43 P.M.