

Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING June 15, 2016

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 15th day of June, 2016 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:00 p.m. The open Meeting Act is posted in the rear of the room. Administrator Klinginsmith read the notice of meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed 5 Members Present, Daryl Anderson, Jeff Christensen, Chris Kosmicki, Jack Reimers and Terry Spilinek. Those absent were Kenneth Kozisek, Ron Kulwicki and Dave Sack. Also present were Cheri Klinginsmith, Howard County Planning & Zoning Administrator, Nancy Usasz, Planning & Zoning Secretary and Dave Schroder County Attorney. Members of the public present were Nathan & Nikki Timmons and Renee Nesiba.

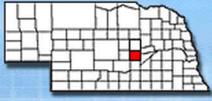
The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Jeff Christensen and Seconded by Chris Kosmicki to approve the minutes from the May 18, 2016 meeting. The motion was carried by unanimous voice vote.

Planning & Zoning Board Member Randy Kauk arrived to the meeting at 8:03 P.M.

Old Business was discussed. Administrator Klinginsmith has asked the villages for a copy of their ordinances and she is hoping to receive them soon. She also informed the board that Old train cars are being used for storage containers and also has receive a call about turning them into a residence. The board agreed that if they do not have wheels they are considered a permanent structure and therefore should require a Zoning Permit.

At 8:05 P.M. the Public Hearing regarding a Conditional Use Permit for Nathan and Nicolette Timmons was opened. Administrator Klinginsmith presented the request and stated that they have the required permits and signed forms. Chairman Terry Spilinek, stated that Nathan is part of the feeding operation but the required permits are to protect the land owner and the owner of the feeding operation for future if they should ever want to sell the property. There was no opposing testimony. The public hearing was closed. A motion was made by Jeff Christensen to approve the conditional use permit for Nathan and Nicolette Timmons and seconded by Jack Reimers. The motion carried 6-0 roll call vote. Administrator Klinginsmith informed Nathan and Nikki Timmons the next step in the approval process is to meet with the Howard County Commissioners which will be Tuesday June 28, 2016 at 9:15 A.M. Finding of Fact attached.

The next item on the Agenda was a Public Hearing for the Loup Valley View Subdivision. Renee Nesiba was present. Administrator Klinginsmith presented the request. They would like to buy .63 Acres from Phyllis Stepanek to bring their Acreage to 3.08 Acres to build a home. The only concern is this that Verizon Wireless has a Conditional Use Permit to Construct a Tower on this property but Administrator Klinginsmith measured and they will be building over 500 feet from the tower. There was no opposing testimony. The public hearing was closed. A motion was made by Chris Kosmicki to approve the Loup Valley View Subdivision and seconded by Jeff Christensen. The motion carried 6-0 roll call vote. Administrator Klinginsmith informed Renee, the next



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step in the approval process is to meet with the Howard County Commissioners which will be Tuesday June 28, 2016 at 9:00 A.M. Finding of Fact attached.

Next on the Agenda was a Public Hearing to update Howard County Zoning Regulations pertaining to Adult Establishments and the Howard County Zoning Definitions. The proposed regulations were mailed to the board members and a copy was given to Dave Schroder, County Attorney. The Zoning Board asked Mr. Schroder his opinion of the regulations. He stated that they look good. His only concern was only allowing such establishment into the A-1 district. The Board explained the reasoning. A-2 district is reserved for residential, and with setbacks of 1000 feet from a residence and such establishments must be located within 500 feet of a Howard County Highway it would not be appropriate to allow in A-2 district. Administrator Klinginsmith stated that a Conditional Use Permit and 3 acre minimum lot size would be required to open an Adult Establishment. County Attorney Schroder also stated that each Village needs to adopt ordinances pertaining to Adult Establishments. There was no opposing testimony. The public hearing was closed. A motion was made by Jeff Christensen and seconded by Jack Reimers to approve the Adult Establishment Zoning regulations and update the Howard County Zoning Definitions. The motion carried a 6-0 roll call vote. Finding of Fact attached.

Next on the agenda the Verizon Wireless Conditional use permit on Phyllis Stepanek's property. Administrator Klinginsmith informed the board that because of the Loup Valley View Subdivision it came to her attention that construction has not started and the permit expired on December 23, 2015 therefor the permit is null and void. As stated in the Howard County Zoning regulations: Section 7 CONDITIONAL USES, PROCEDURES AND STANDARDS, #2-C If an approved conditional use is not begun within a period of 12 months following approval, the Conditional Use Permit shall become null and void. The Zoning Board decided that since the permit is past expiration date that Verizon Wireless and Phyllis Stepanek need to re-apply when they are ready to begin construction. Also discussed adding this regulation wording to the application

Next on the agenda was Discussion regarding LB106 Nebraska Livestock Siting Assessment Matrix. Nebraska Department of Agriculture has provided a tool for responsible livestock development in Nebraska. Counties will have the option of using the matrix to determine whether to approve a conditional use permit or special exception application. Administrator Klinginsmith asked for questions or concerns and stated that she has to respond the Department of Agriculture by the end of July. The board decided this is mainly for counties without zoning but asked Cheri to verify that this is not going to be forced on all counties and if there will be a spread sheet to make calculations online.

At 8:58 P.M. a motion was made by Chris Kosmicki and seconded by Jeff Christensen to adjourn. The motion carried by unanimous voice vote. Next meeting is tentatively scheduled for July 20, 2016.

Nancy Usasz, Secretary