

**Howard County Planning & Zoning  
Agenda  
September 20, 2023**

1. Public hearing regarding a single lot subdivision application by Tim & Peggy Lemburg for CL Homestead located S ½ SW ¼ Section 7-13-11
2. Public hearing for Rolling Hills Estates multi-lot subdivision preliminary application by Dan Vech- SE 1/4 Section 14-14-10
3. Public hearing for Conditional Use Permit application for elderly housing by Elpidio & Rosa Gamez – NW ¼ Section 8-13-9
4. Public hearing for Conditional Use Permit application for the installation of Wine Manufacturing facility, DA Squared Vineyard LLC & Landowner, Ingerle Family Trust, Wendy Johnson Trustee – SW ¼ Section 11-15-11
5. Discussion & Possible Action – Standard Operating procedures
6. Discussion & Possible Action – NE ¼ 19-13-9 requesting to divide off less than 3 acres.
7. Tentatively next meeting date – October 18, 2023

**Minutes**

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 20<sup>th</sup> day of September 2023.

Chairman Spilinek called the meeting to order at 8:00 P.M. and the Open Meeting Act was recognized. Administrator Klinginsmith read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's Office. Roll call showed 8 members present: Daryl Anderson, Kenneth Kozisek, Jeff Christensen, Chris Kosmicki, Jack Reimers, Ron Kulwicki, Randy Kauk and Terry Spilinek. Absent members: Dave Sack & Dave Schroeder, County Attorney. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Jennifer Ostendorf, Planning & Zoning Secretary. Members of the public were: Tylor & Audrie Robinson, Nolan Wetzell, Janet & John Speck, Chris Martin, Skyler Mamot, Tim & Peg Lemburg, Josh & Andrea Floth, Dan Vech, Judith Puncochar, Carrie Vech, Jim Arends, David & Jeanie Empfield, Gene & Shiela Horak, Jolene Wolfe, Leah Nealon, Carman Lewis, Deb Weber, Brian Poland, Virginia Witulski, Jeff Buhrman, Channing Stutzman & Karen Simons.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Jeff Christensen to approve the minutes from the July 19, 2023 meeting. Motion carried by unanimous a voice vote.

**Old Business:** Administrator Klinginsmith informed the board that the Conditional Use Permit by Phyliss Stepanek for Verizon cell phone tower that the Zoning Board approved, was denied by the Commissioners.

**Administrator/Board Comments:** Administrator Klinginsmith asked the board if we could set the board appointments in November or December so that when the Commissioners set the appointments in January, we will have them set for them. The board was fine with this and will plan on setting the appointments in November or December. Lastly Administrator Klinginsmith

told the board that the NPZA Fall meeting will be held virtually again this year. If they would like to attend, they need to let her know by October 3<sup>rd</sup> so she can register them.

**Public hearing regarding a single lot subdivision application by Tim & Peggy Lemburg for CL Homestead located S ½ SW ¼ Section 7-13-11** – Tim Lemburg was present to represent the request. He told the board that they would like to subdivide off the home site from crop ground for estate planning purposes. Administrator Klinginsmith states usually these can be done administratively however the house has been vacant so decided it should be brought to the board to review. With no testimony in favor or against, the public hearing was closed. After discussion among the board Randy Kauk moved to approve the single lot subdivision application by Tim & Peggy Lemburg for CL Homestead. Chris Kosmicki seconded the motion. The motion was passed unanimously with an 8-0 roll call vote. Finding of Fact is attached.

**Public hearing for Rolling Hills Estates multi-lot subdivision preliminary application by Dan Vech SE ¼ Section 14-14-10** – Dan Vech was present to represent the request. Dan explained to the board that he would like to take this piece of land and divide it into 10 lots of various size. He believes this will be a benefit to the county and help with some of the housing shortages. Dan has been in contact with Howard Greeley RPPD, Jamie Blodgett, Surveyor and Administrator Klinginsmith to make sure he is doing everything as it needs to be. He has also been in contact with the Nebraska Department of Roads to discuss reopening the exit from Hwy 281 on the west side of this property to use as an entrance into the subdivision. He feels like this was an important safety concern as the other entrance is at the base of Bunker Hill. Also, he has been in contact with Mike Becker with the fire department about possibly putting in a fire hydrant once the houses are built. With no testimony in favor or against, the public hearing was closed. After discussion among the board Ron Kulwicki moved to approve the preliminary application by Dan Vech for Rolling Hills Estates. Jeff Christensen seconded the motion. The motion passed unanimously with an 8-0 roll call vote. Finding of Fact is attached.

**Public hearing for Conditional Use Permit application for elderly housing by Elpidio & Rosa Gamez – NW ¼ Section 8-13-9** – Elpidio Gamez was present to represent the request. Elpidio told the board that he would like to build a place for his parents to live so that he can help look after them. With no testimony in favor or against, the public hearing was closed. Jeff Christensen wanted to make sure that Elpidio understood that if he ever wanted to make this house permanent that he would need to make sure he strategically placed it on his land so that he could subdivide it. Also reminding him that if it is temporary, the utilities would need to be shared with the main house. Elpidio voiced his understanding. Also, Administrator Klinginsmith told Elpidio would also need to have TLC Livestock sign the waiver since this house would be within the odor footprint. Elpidio voiced his understanding. With no further discussion among the board Jack Reimers moved to approve the Conditional Use Permit application for elderly housing with conditions discussed. Jeff seconded the motion. The motion passed unanimously with an 8-0 roll call vote. Finding of Fact is attached.

**Public hearing for Conditional Use Permit application for the installation of Wine Manufacturing facility, DA Squared Vineyard LLC & Landowner, Ingerle Family Trust, Wendy Johnson Trustee – SW ¼ Section 11-15-11** – Virginia Witulski, Partner was present to represent the request. Virginia told the board that they already have established grape vines and would now like to start manufacturing their wine. Previously they had sold their grapes to Mac Creeks Vineyards but did make some wine for themselves to enjoy themselves. The plan is to manufacture the wine at this location proposed and then serve the wine at another location in Elba. Administrator Klinginsmith informed the board that they have met all the requirements for this application. Chris Kosmicki left the meeting at 9PM for prior engagement. With no testimony in favor or against, the public hearing is closed. After discussion among the board Randy Kauk moved to approve the Conditional Use Permit for the installation of wine manufacturing facility. Ken Kozisek seconded the motion. The motion was passed by unanimous 7 – 0 roll call vote. Finding of Fact is attached.

**Discussion & Possible Action – Standard Operating procedures** – this was discussed at last month's meeting but could not vote on it because not enough members were present for 2/3 majority vote. Administrator Klinginsmith reviewed the changes again with the board. After discussion among the board Jeff Christensen moved to adopt the changes presented and discussed. Ken Kozisek seconded the motion. Motion passed with a unanimous 7-0 roll call vote. Finding of Fact is attached. Attached is a copy of the previous and current procedures.

**Discussion & Possible Action – NE ¼ 19-13-9 requesting to divide off less than 3 acres.** – Jim Arends is present to represent his request. Jim is asking the board if he can divide off less than 3 acres with an existing house on it to avoid taking up crop ground. After discussion the board told Jim that his only option is to subdivide off 3 acres. Jim asked about a variance, but the board told him that they didn't think it would be granted because there is no un-do hardship for it to be granted.

With no further items on agenda Jack Reimers moved to adjourn the meeting with Randy Kauk seconding the motion. Motion passed with a unanimous vote. Next Howard County Planning & Zoning Meeting will be held on October 18, 2023, at 8PM.

Jennifer Ostendorf  
Planning & Zoning Secretary.