

MCCOOK CITY COUNCIL

REGULAR MEETING

**Monday, October 12, 2020
5:15 PM - City Council Chambers**

Open Meetings Act Announcement.

Items

1. Approve the minutes of the September 14, 2020 regular Planning Commission meeting.
2. Public Hearings and Regular Agenda.
 - A. Public Hearing - Request for a special exception by Lexis Jones and Courtney Williams (Project Sponsor) to locate a daycare center in a Residential Medium Density District (RM) - property located at 910 West "L" Street.
 1. Adjourn the Public Hearing.
 - B. Recommend approval of a special exception to the City Council to allow a daycare center in a Residential Medium Density District (RM) - property located at 910 West "L" Street due to special exception requirements A - I being satisfied.

Adjournment.

**CITY MANAGER'S REPORT
OCTOBER 12, 2020 PLANNING COMMISSION MEETING**

ITEM: 1

RECOMMENDATION:

Approve the minutes of the September 14, 2020 regular meeting.

BACKGROUND:

Receive and approve the minutes.

FISCAL

IMPACT: None.

APPROVALS:



Lea Ann Doak, City Clerk

October 8, 2020

McCook Planning Commission
September 14, 2020
5:15 PM Central

A MEETING OF THE PLANNING COMMISSION OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 5:15 o'clock P.M. in the City Council Chambers.

Present: Vice Chair Hilker; Commissioners Bradley, Davidson, Dueland, Friehe, Lyons, McDowell, Stevens.

Absent: Chair Vosburg, Commissioner Graham.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on September 11, 2020, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to all members of the Planning Commission. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Vice Chair Hilker announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review.

1. Approve the minutes of the August 10, 2020 regular Planning Commission meeting.

Motion to approve the minutes of the August 10, 2020 regular Planning Commission meeting. This motion, made by McDowell and seconded by Matt Davidson, passed.

Vosburg: ABSENT, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: YEA, Lyons: YEA, McDowell: YEA, Stevens: YEA, Graham: ABSENT.

YEA: 8, NAY: 0, ABSENT: 2

2. Public Hearings and Regular Agenda.

A. Public Hearing - Consider Replat No. 1 of Block 1, Westview Plaza Subdivision to the City of McCook, Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to Replat No. 1 of Block 1, Westview Plaza Subdivision to the City of McCook, Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Stevens and seconded by McDowell, passed.

Vosburg: ABSENT, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: YEA, Lyons: YEA, McDowell: YEA, Stevens: YEA, Graham: ABSENT.

YEA: 8, NAY: 0, ABSENT: 2

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the September 14, 2020 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (6 pages); and Exhibit #5 - proposed Replat No. 1 of Block 1, Westview Plaza Subdivision to the City of McCook, Red Willow County, Nebraska (1 page).

City Manager Schneider reviewed the following information contained in Exhibit #1: "An application has been received from MNB Bank, by and through their project developer, Engineering International, for the approval of a replat of a portion of Block 1 of the Westview Plaza Subdivision. The Westview Plaza Subdivision is zoned Business Commercial (BC). MNB Bank currently owns the lot located in the extreme southeastern corner of the Westview Plaza Subdivision. Tramlaw Remainderman Limited Partnership and WLM Retail Trust own the property surrounding MNB Bank's property. MNB Bank desires to purchase a portion of Tramlaw Remainderman Limited Partnership's and WLM Retail Trust's adjacent property in order to locate a professional building. The combination of the two parcels is necessary to provide MNB Bank with the space necessary to achieve their desired building design. MNB Bank has standing to bring this application forward due to the fact it owns the extreme southeastern lot and it has executed a purchase agreement with the current owners. The City has reviewed the purchase agreement and notes that a subdivision via the replat process is necessary to achieve the purchase agreement's objective. In order to perfect the sale, the impacted properties must be combined to form a new lot. If the replat request is approved, a new lot, Lot 1R, would be created and MNB would become the record title holder (pending closing)."

"Staff has reviewed the application and the proposed Replat No. 1 of Block 1, Westview Plaza Subdivision. Staff has also met with Matthew Clause of Engineering International to assure the City of McCook's subdivision regulations are complied with. After review, staff has no concerns with the application and support the replat request. Lot 1R meets the area regulations established for lots in a BC District. An access easement has been granted which will provide ingress and egress to the proposed Lot 1R. All utility concerns have been addressed."

Alexis Davidson, Attorney representing the applicant, was present to address questions from the Commission.

With no one else present to comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Friehe and seconded by Dueland, passed.
Vosburg: ABSENT, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: YEA, Lyons: YEA, McDowell: YEA, Stevens: YEA, Graham: ABSENT.
YEA: 8, NAY: 0, ABSENT: 2

B. Recommend approval to the City Council the Final Replat No. 1 of Block 1, Westview Plaza Subdivision to the City of McCook, Red Willow County, Nebraska.

Motion to recommend approval to the City Council Final Replat No. 1 of Block 1, Westview Plaza Subdivision to the City of McCook, Red Willow County, Nebraska. This motion, made by

McDowell and seconded by Dueland, passed.

Vosburg: ABSENT, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: YEA,
Lyons: YEA, McDowell: YEA, Stevens: YEA, Graham: ABSENT.

YEA: 8, NAY: 0, ABSENT: 2

Adjournment.

With no further business, Vice Chair Hilker declared the Planning Commission meeting adjourned
at 5:30 P.M.

Lea Ann Doak, City Clerk
Recording Secretary

**CITY MANAGER'S REPORT
OCTOBER 12, 2020 PLANNING COMMISSION MEETING**

ITEM 2.A Public Hearing - Request for a special exception by Lexis Jones and Courtney Williams (Project Sponsor) to locate a daycare center in a Medium Density Residential District (RM) - property located at 910 West L Street.

ITEM 2.B Recommend approval of a special exception to the City Council to allow a daycare center in a Medium Density Residential District (RM) - property located at 910 West L Street due to special exception requirements A - I being satisfied.

BACKGROUND:

An application for a special exception has been submitted by Lexis Jones and Courtney Williams to allow for a daycare center in a Medium Density Residential (RM) District. The property at issue is located at 910 West L Street. The owners of the property are Brad and Courtney Williams. Pursuant to Zoning Ordinance 16-2929, Article 9, Section 904, daycare facilities are allowed in the Medium Density Residential District (RM) if a special exception is granted by the City Council. Originally, the applicants stated that Ms. Jones would be residing at the residence (which would have allowed the house to fall under the home occupation rules), however, Ms. Jones is engaged to be married within the year and 910 West L Street would not be her marital home.

City Staff believes the property at issue has always been used for residential purposes. The surrounding properties are single family dwellings as well. Staff has had an opportunity to go on site and discuss the potential daycare with Mrs. Williams. Staff explained the special exception process and stressed the importance of complying with special exception requirements A - I. In particular, Staff explained that there have been a number of similar requests over the past few years, and during the prior discussions, requirements A, B, E, H, and I were the primary points of emphasis. Staff specifically asked Mrs. Williams to pay close attention to ingress/egress and parking. Mrs. Williams' application spells out their plan with respect to these items.

With respect to ingress and egress, Mrs. Williams does not believe the traffic flow will be impacted by a childcare facility. Mrs. Williams states that there will be 10 or fewer children at her childcare facility at one time. The street is not a narrow street (as was the issue with the property at the corner of Norris and East M Street). Staff observed vehicles passing through West L Street without impediments.

Next, the property contains a garage and driveway. The applicant states that the driveway has sufficient room for 4 vehicles. The applicant also stated that the daycare provider will park her car in the garage, freeing up space in the driveway. Upon review of the Zoning Ordinance's Off-Street Parking regulation (ie. Section 2111), a nursery must have enough parking spaces to cover 30% of capacity in students. Per the regulation, 3 off-street parking stalls are necessary assuming there will be 10 or fewer children at the childcare facility. The applicants have the space required in the Zoning Ordinance. Additionally, there is space for on-street parking if it is needed. A diagram of the premises and related parking spaces is attached to this packet.

As far as screening and buffering, the home already has a backyard fence. According to the applicant, if the children are outside, they will be within the backyard fence. There should be no issues with children in the front yard.

With respect to general compatibility with adjacent properties, the exterior of the residence will not be altered. Of note, if the special exception is approved, the house will be the only childcare facility

EXHIBIT #1

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in the neighborhood. This may be the largest concern associated with this request. Staff believes this concern can be minimized if the applicant develops a structured parking plan and that steps are taken to assure the children are inside the building or in the backyard. Unlike with a similar request from a few years ago that involved property near the elementary school, there is not another facility in the neighborhood that will have large numbers of occupants that would compete for space.

With respect to McCook's Comprehensive Plan and Zoning Regulations, a childcare facility is an allowable special exception in the RM District. Additionally, McCook's Comprehensive Plan incorporates the City of McCook's Economic Development Plan, which includes childcare facilities as a qualifying use under the program. The goal of the Economic Development Plan is to build on the strengths of the City to promote existing industries and the retention of jobs. Further the Plan is designed to aide in the recruitment of new industries and jobs to McCook to facilitate the development and expansion of new businesses. In order to achieve these goals, it is necessary to assure there is adequate childcare available for individuals that work in and around McCook.

APPROVALS:



Lea Ann Doak, City Clerk

October 6, 2020



Nathan A. Schneider, City Manager

October 6, 2020

**NOTICE OF HEARING
REQUEST FOR
SPECIAL EXCEPTION**

NOTICE IS HEREBY GIVEN that a public hearing will be held on a request for a special exception to allow an in home child care center in a Residential Medium Density (RM) District.

ADDRESS: 910 West "L" Street

LEGAL DESCRIPTION: Block 5, Lot 11, Sunrise Addition to the City of McCook, Red Willow County, Nebraska

PROJECT SPONSOR/
DEVELOPER: Lexis Jones and Courtney Williams

LAND OWNER: Brad & Courtney Williams

Public Hearings will be held on the dates, times, and at the places listed below:

OCTOBER 12, 2020 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

OCTOBER 19, 2020 - 5:30 P.M.
MCCOOK CITY COUNCIL
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

ANY AND ALL PERSONS desiring to comment on the above-described request will be given an opportunity to be heard. Please direct all inquiries to Nate Schneider, City Manager, at 308-345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: October 2, 2020
Post: October 2, 2020
Mail: October 2, 2020

EXHIBIT #2

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OWNERSHIP LIST FOR MAILING:

Tom Bredvick, President
McCook Public Schools
600 West 7th Street
McCook NE 69001

Red Willow Co. School Dist. #17
700 West 7th Street
McCook NE 69001

Red Willow County
%Tami Teel
502 Norris Avenue
McCook NE 69001

Red Willow County Planning Commission
502 Norris Avenue
McCook NE 69001

Jeanine Haag
1009 W L
McCook, NE 69001

William Kivlehen
1007 W L
McCook, NE 69001

Francisco Hernandez
1005 W L
McCook, NE 69001

Don Weiss
1003 W L
McCook, NE 69001

Chase Crawford
915 W L
McCook, NE 69001

Chris Smith
913 W L
McCook, NE 69001

Crystal Pilkenton
Patricia Stark
911 W L
McCook, NE 69001

Jessica Leak
909 W L
McCook, NE 69001

Carlene Keller
907 W L
McCook, NE 69001

Lorenzo Rodriguez
1202 W 10
McCook, NE 69001

Amber Harris
903 W L
McCook, NE 69001

Armando Hernandez-Vega
901 W L
McCook, NE 69001

Karen Kasper
809 W L
McCook, NE 69001

Justin Dice
807 W L
McCook, NE 69001

Angela Allen
810 W L
McCook, NE 69001

Treyton Jones
812 W L
McCook, NE 69001

Esmeralda Escobedo
906 W L
McCook, NE 69001

Leslie Peterson
908 W L
McCook, NE 69001

Lexi Jones
910 W L
McCook, NE 69001

Joseph Belmudez
912 W L
McCook, NE 69001

Jaclyn Gomez
914 W L
McCook, NE 69001

Bruce Lindquist
PO Box 571
McCook, NE 69001

Marcy Rodriguez
1002 W L
McCook, NE 69001

Pat Nielsen
1004 W L
McCook, NE 69001

Jason and Molly Weiss
1006 W L
McCook, NE 69001

Lonnie Zimbelman
1008 W L
McCook, NE 69001

Janet Stalder
PO Box 272
Beaver City, NE 68926

Jill Howard
1005 W K
McCook, NE 69001

Ashley Miracle
1003 W K
McCook, NE 69001

William Kennedy
1001 W K
McCook, NE 69001

Tracy Refior
Rhonda Refior
913 W K
McCook, NE 69001

Randy Wilson
Kelsy Wilson
911 W K
McCook, NE 69001

M.R. Nielsen
909 W K
McCook, NE 69001

Betty Yonkers
907 W K
McCook, NE 69001

David Noe
905 W K
McCook, NE 69001

Steve Rothmeyer
903 W K
McCook, NE 69001

Rodney Doherty
April Doherty
901 W K
McCook, NE 69001

Richard Michaelsen Jr.
813 W K
McCook, NE 69001

Victor Lauer
811 W K
McCook, NE 69001

CITY OF McCOOK

LAND USE ACTION REQUEST FORM

This request is for a:
(Check all that apply)

- Zone Change
- Special Exception
- Administrative Permit (Personal Wireless Facility)
- Special Exception (Personal Wireless Facility)
- Minor Subdivision
- Major Subdivision
- Planned Development(Includes Zone Change)

Name of Project: Chickadees Childcare
Description of Project: home daycare - 910 W L residential
operating 7:30 - 6 M-F under 10 children at a time

Project sponsor or developer:

Name: Lexi Jones and Courtney Williams

Address: 1309 Norris and 71081 Dr 388

Phone number: 3401223 and 340-1626

Fax number: _____

E-mail Address: lexi.jo@hotmail.com courtney.sue@hotmail.com

Land owner or owners:

Name: Brad + Courtney Williams

Address: 910 W L

Phone number: ~~3401223~~ 340-8713 or 340/223

Fax number: _____

E-Mail Address: foaminwilly@yahoo.com

Authorization of the land use action by land owner:

I hereby certify that I own and/or control the following land where the land use action is being requested. (Attach evidence of ownership or control. e.g. power of attorney, deed, or purchase agreement)

Courtney Williams
Printed Name:

Courtney S. Williams
Signature:

9-25-20
Date:

Brad Williams
Printed Name:

[Signature]
Signature:

Address and physical location of the Proposed Land Use Action: 910 W L

Property Description (Of the parent parcel for subdivisions): Article 9 Section 904
child care facility

Sunrise Addition - BIK 5, lot 11

Required Information:

See Attached sheets for required information for:

- _____ Subdivisions
- _____ Zone Changes and special exceptions
- _____ Planned developments

FEE PAID: \$ _____ (See attached schedule of fees)

Fee, complete application, and required attachments accepted by:

Printed name

Signature

Date



REQUIRED ATTACHMENTS:

For Zone Changes and Special Exceptions:

(For Zone Changes or Amendments see Article 27 of the Zoning Ordinance; for Special Exceptions see Article 24 Special Exceptions)

____ Include a description of the reason for the request for a change of zone;

____ Include a description of any special exception requested including the section of the zoning ordinance under which it is requested: (Example: Special exception to construct multi-family dwellings in (RM) Residential Medium Density area comprised of single family dwellings.)
house will remain the same - no changes - back yard is fenced.
owner can park in garage. room for 4 cars in driveway
and plenty of street parking

____ Include a site plan (minimum 17" X 11") and a letter of explanation showing and explaining the following special exception requirements:

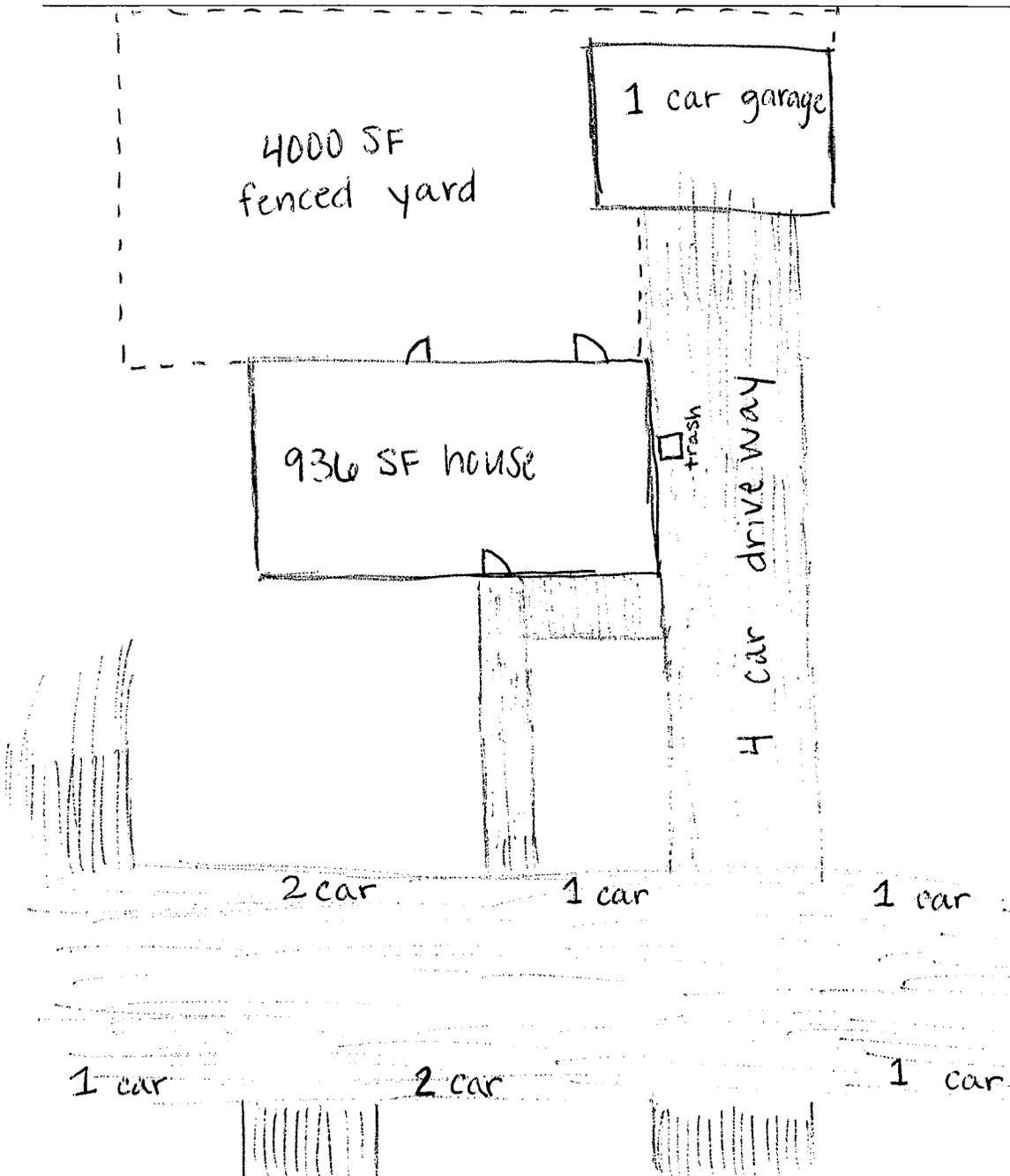
- (A) ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe; will not change traffic flow.
- (B) off-street parking and loading areas where required, with particular attention to the items in (A) above, the economic, noise, glare or odor effects of the special exception or change of zone on adjoining properties and the properties generally in the district or the area;
- (C) the location of refuse and service areas, with particular reference to the items in (A) and (B) above; trash dumpster
- (D) utilities, with reference to locations, availability, and compatibility;
- (E) screening and buffering with reference to type, dimensions, and character;
- (F) signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
only sign is on front door

(G) required yards and other open space;

(H) general compatibility with adjacent properties and other properties in the district;

(I) compatibility with existing and future land use plan in the McCook Comprehensive Plan.

Explain how the project complies with the Comprehensive Plan: _____



FINDINGS AND DETERMINATIONS OF MCCOOK CITY COUNCIL

CASE NO. _____

SIGNED: _____
Mayor

DATE _____

ATTEST: _____
City Clerk

SPECIAL EXCEPTION CONSIDERATIONS:

YES NO

1. The proposed special exception use would satisfactorily provide for:

a) ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

b) off street parking and loading areas where required, with particular attention to the items in a) above, and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

c) refuse and service areas, with particular attention to the items in a) and b) above;

d) utilities, with reference to locations, availability and compatibility;

e) screening and buffering with reference to type, dimensions and character;

f) signs, if any, and proposed exterior lighting with reference to glare, traffic safety and economic effect and comparability and harmony with properties in the district;

g) required yard and other open space;

h) general compatibility with adjacent properties and other property in the district.

i) Compatibility with existing and future land use plan in the McCook Comprehensive Plan.

2. The specific rules governing special exceptions have been complied with.

CITY COUNCIL FINDINGS AND DECISION:

The McCook City Council hereby determines that the special exception will _____, will not _____ adversely affect the public interest. The special exception herein requested is _____, is not _____ hereby granted subject to the stipulations noted below, if any.

THIS _____ DAY OF _____, 2018.