

MCCOOK PLANNING COMMISSION

REGULAR MEETING

Monday, December 14, 2020
5:15 PM - City Council Chambers & Audio Conference

Stream Meeting Here REQUIRED PASSWORD: 69001

Open Meetings Act Announcement.

Items

1. Approve the minutes of the November 9, 2020 regular Planning Commission meeting.
2. Public Hearings and Regular Agenda.
 - A. Public Hearing - Consider Replat of Lot 7, Block 2, Clary Subdivision Replat #3, Lot 7 will be split and replatted as Lot 7A and 7B.
 1. Adjourn the Public Hearing.
 - B. Recommend final approval to the McCook City Council of Replat of Lot 7, Block 2, Clary Subdivision Replat #3, Lot 7 will be split and replatted as Lot 7A and 7B, as well as recommend approval of the Amended Planned Unit Development Agreement for Quillan Courts Project.

Adjournment.

**CITY MANAGER'S REPORT
DECEMBER 14, 2020 PLANNING COMMISSION MEETING**

ITEM: 1

RECOMMENDATION:

Approve the minutes of the November 9, 2020 regular meeting.

BACKGROUND:

Receive and approve the minutes.

FISCAL

IMPACT: None.

APPROVALS:



Lea Ann Doak, City Clerk

December 10, 2020

McCook Planning Commission
November 9, 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: Chair Vosburg; Vice Chair Hilker; Commissioners Bradley (arrived 5:18 P.M.), Davidson, Dueland, Lyons (arrived 5:16 P.M.), McDowell, Graham.

Absent: Commissioners Friehe, Stevens; City Attorney Mustion.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on November 5, 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.

Chair Vosburg 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 October 12, 2020 regular Planning Commission meeting.

Motion to approve the minutes of the October 12, 2020 regular Planning Commission meeting. This motion, made by Tammie and seconded by McDowell, passed.

Vosburg: YEA, Hilker: YEA, Bradley: ABSENT, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Graham: YEA, Lyons: ABSENT, McDowell: YEA, Stevens: ABSENT
YEA: 6, NAY: 0, ABSENT: 4

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Request for a special exception by Blake Bethell, Community Hospital Project Manager (Project Sponsor); The Community Hospital Association (Land Owner); to locate a daycare center in a Residential High Density District (RH) - property located at 605 East 11th Street.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the request for a special exception by Blake Bethell, Community Hospital Project Manager (Project Sponsor); The Community Hospital Association (Land Owner); to locate a daycare center in a Residential High Density District (RH) - property located at 605 East 11th Street, with the City Manager to act as hearing officer. This motion, made by Vosburg and seconded by Dueland, passed.

Vosburg: YEA, Hilker: YEA, Bradley: ABSENT, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Graham: YEA, Lyons: YEA, McDowell: YEA, Stevens: ABSENT
YEA: 7, YAY: 0, ABSENT: 3

The City Manager received into evidence Exhibit #1 - City Manager's Report prepared for the November 9, 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 Application and attachments (9 pages); and Exhibit #5 - Findings and Determinations of McCook City Council (2 pages).

City Manager Schneider reviewed the following information contained in Exhibit #1: "The McCook Community Hospital has submitted a special exception application for its property located at 605 East 11th Street. The property is zoned Residential High Density District. The hospital is requesting that the property be granted a special exception to allow for a daycare facility."

"The hospital is making this request as part of its COVID response contingency plan. Specifically, the special exception would address potential daycare shut-downs if local daycare providers are forced to close. The concern is that if numerous daycare providers close due to COVID, the hospital staff members would need a daycare alternative."

"The hospital owns the property at 605 East 11th Street and the hospital has identified the property as an appropriate area for a temporary daycare facility. This request is temporary in nature. The hospital does not oppose eliminating the designation once the COVID pandemic subsides."

"When reviewing the city's special exception criteria in relationship to the daycare request, special exception considerations A and B are typically the conditions that receive the most scrutiny."

"With respect to A, the city is not concerned with ingress/egress issues. East 11th Street is a wide thoroughfare. The hospital owns a commercial facility to the North that employs numerous people. That facility has not experienced any ingress/egress concerns due to an up tick in traffic due to the facility's commercial nature. Additionally, SWAT's is located to the South. There have been no ingress/egress related concerns regarding the SWAT's facility. The hospital employees that would use the property for daycare purposes would enter the facility off of East 11th Street. They would exit the premises via East "F" Street. This circular ingress/egress pattern will help ease any traffic concerns."

"As for consideration B, off-street parking should not be a concern. Blake Bethell, McCook Community Hospital facility manager, states that the maximum number of children the daycare would serve is twelve. The city's parking ordinance requires a 30% ratio of children to off-street parking spaces. Three to four spaces would be necessary. The residence has plenty of space available to accommodate three to four parking spaces. With respect to the additional special exception criteria, staff has no concerns."

"As mentioned, this request is temporary in nature. When the COVID pandemic is over, the hospital is willing to have the designation removed if the governing body is inclined to do so."

Lori Beeby, representative for McCook Community Hospital, was present to address question of the Commission. She stated that the request is for temporary daycare, if needed; they are working to get their state license and approval from the State Fire Marshall; and their hours will be from 7:30 A.M. until 5:30 P.M.

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

2.B. Recommend approval of a special exception to the City Council to allow a daycare center in a Residential High Density District (RH) - property located at 605 East 11th Street, with the condition that sufficient off-street parking be constructed within a specified time period to be determined by the Planning Commission.

Motion to 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 901 West "L" Street. This motion, made by Vosburg and seconded by McDowell, passed.
Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT,
Graham: YEA, Lyons: YEA, McDowell: YEA, Stevens: ABSENT
YEA: 8, NAY: 0, ABSENT: 2

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 5:28 P.M.

Lea Ann Doak, City Clerk
Recording Secretary

**CITY MANAGER'S REPORT
DECEMBER 14, 2020 PLANNING COMMISSION MEETING**

2.A.
ITEM NO. ___ Public Hearing - Consider Replat of Lot 7, Block, 2, Clary Subdivision Replat #3, Lot 7 will be split and replatted as Lot 7A and 7B .

2.B.
ITEM NO. ___ Recommend final approval to the McCook City Council of Replat of Lot 7, Block, 2, Clary Subdivision Replat #3, Lot 7 will be split and replatted as Lot 7A and 7B, as well as recommend approval of the Amended Planned Unit Development Agreement for Quillan Courts Project.

BACKGROUND:

An application has been received from the McCook Economic Development Corporation requesting the creation of a minor subdivision through the replat process. In particular, the MEDC is requesting that a tract of land being part of Block Two (2), Lot Seven (7), Clary Subdivision Replat #3 be split into two lots. Due to the fact that Block Two was previously subdivided, this request must be treated as a minor subdivision as opposed to an administrative lot split.

If approved, Lot 7 would be divided into two lots: Replatted Lot 7A and Replatted Lot 7B. MEDC would like to divide these two lots in order to build two new houses. Per our zoning regulations and the Planned Unit Development Agreement that Quillan Courts is subject to, there is sufficient space to build a house on each of the proposed new lots.

If the lot split is approved, the Planned Unit Development Agreement will need to be revised in order to account for the fact Lot 7 will be divided into Replatted Lot 7A and Replatted Lot 7 B. A copy of the proposed amended agreement is attached. Staff suggests that the McCook Planning Commission recommend approval of the amended Planned Unit Development Agreement to the City Council in order to assure that the Agreement reflects the requested subdivision.

APPROVALS:



Nathan A. Schneider, City Manager

December 9, 2020



Lea Ann Doak, City Clerk

December 9, 2020

EXHIBIT #1

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REVISED
NOTICE OF PUBLIC HEARING
FINAL PLAT APPROVAL

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider the preliminary plat and final plat on the following described property to be known as Replat of Lot 7, Block 2, Clary Subdivision Replat #3:

A tract of land being part of Block Two (2), Lot Seven (7), Clary Subdivision Replat #3 to the City of McCook, Red Willow County, Nebraska.

A PUBLIC HEARING ON THE ABOVE-DESCRIBED FINAL PLAT APPROVAL WILL BE HELD ON THE DATE, TIME, AND AT THE PLACE LISTED BELOW:

DECEMBER 14, 2020 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

DECEMBER 21, 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 final plat may attend the public hearings and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City of McCook City Manager, at 345-2022 ext. 225

-s- Lea Ann Doak
City Clerk

Publish: December 8, 2020.
Mail: December 7, 2020.
Post: December 7, 2020.

EXHIBIT #2

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Property Owners Notified:

RED WILLOW CO. SCHOOL DIST. #17
700 WEST 7TH
MCCOOK, NE 69001

TOM BREDVICK, PRESIDENT
MCCOOK PUBLIC SCHOOLS
600 WEST 7TH
MCCOOK, NE 69001

RED WILLOW COUNTY
C/O TAMI TEEL
502 NORRIS AVE
MCCOOK, NE 69001

RED WILLOW CO. PLANNING
COMMISSION
502 NORRIS AVE
MCCOOK, NE 69001

JOHN ALLEN
1203 W Q
MCCOOK, NE 69001

QUILLAN COURTS
402 NORRIS AVE
MCCOOK, NE 69001

JERRY AND KALYN RUZICKA
1517 E FAIRACRES
MCCOOK, NE 69001

MAUREEN GIORGIONE
PO BOX 756
MCCOOK, NE 69001

RACHEL MCMAINS
1518 WEST 10
MCCOOK, NE 69001

RANDY AND SYDNEY BAUMAN
1514 WEST 10
MCCOOK, NE 69001

VIRGINIA KING
1510 WEST 10
MCCOOK, NE 69001

RED WILLOW COUNTY FAIRGROUNDS
PO BOX 876
MCCOOK, NE 69001

EXHIBIT #3

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**NOTICE OF PUBLIC HEARING
FINAL PLAT APPROVAL**

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider the preliminary plat and final plat on the following described property to be known as Replat of Lot 7, Block 2, Clary Subdivision Replat #3:

A tract of land being part of Block Two (2), Lot Seventy (70), Clary Subdivision Replat #3 to the City of McCook, Red Willow County, Nebraska.

A PUBLIC HEARING ON THE ABOVE-DESCRIBED FINAL PLAT APPROVAL WILL BE HELD ON THE DATE, TIME, AND AT THE PLACE LISTED BELOW:

DECEMBER 14, 2020 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

DECEMBER 21, 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 final plat may attend the public hearings and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City of McCook City Manager, at 345-2022 ext. 225

-s- Lea Ann Doak
City Clerk

Publish: December 4, 2020.
Mail: December 4, 2020.
Post: December 4, 2020.

EXHIBIT #4

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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 (Replat)
 Major Subdivision
 Planned Development (Includes Zone Change)

Name of Project: _____

Description of Project: MEDC would like to request a lot
split for Ø 3 29 Clary Subdivision Replat #3
BLK 2 LOT 70 to be able to construct
two homes on this space

Project sponsor or developer:

Name: McCook Economic Development Corporation
Address: 402 Norris Ave, Suite 301
Phone number: 308-345-1200
Fax number: 308-345-2152
E-mail Address: andy@mccookne.org

Land owner or owners:

Name: Samy
Address: _____
Phone number: _____
Fax number: _____
E-Mail Address: _____

EXHIBIT #5

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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)

Printed Name:

Printed Name:

Signature:

Signature:

Date:

Address and physical location of the Proposed Land Use Action: _____

TBD West 9th

Property Description (Of the parent parcel for subdivisions): _____

Clay Subdivision Replot # 3 BLK 2 LOT 7

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 Subdivisions:

____ Sketch Plan:

- (1) General lot layout on a topographic background of the proposed subdivision including approximate location of streets, alleys, lots and other significant features.
- (2) Surrounding streets, alleys, and land use features.
- (3) General location of existing sewer and waterlines (developments not intending to use city sewer and water are to include a written explanation of the proposal to satisfy these utility needs.)
- (4) General location of utility easements and types of utilities to be included.
- (5) General location of any open space and an explanation of the type of facilities that will be provided.

____ Attachments: in addition to the above noted sketch plat, the subdivider shall attach the following:

- (1) A letter requesting only zoning change or special exception required for the development to proceed.
- (2) Written description of the type of housing, commercial, industrial, or public uses to be included in the subdivision.
- (3) An explanation of what the general character of the area will be when it is developed and how it will relate to the adjacent surrounding areas.
- (4) An explanation of how the proposed development relates to the Comprehensive Plan (Particularly in regard to land use, thoroughfare, and public facilities)
- (5) Is it the intent to use Deed Restrictions or any other method of controlling the character and/or the quality of the area?

If so, briefly explain what they might consist of.

(Attach explanation)

____ Attach proposed Subdivision Agreement. (See Part D of the Subdivision Regulations)

_____ Preliminary Plat Submission:

- _____ (a) Plat Submission Requirements: The subdivider shall submit to the Zoning Administrator:
_____ five (5) copies of the preliminary plat and any supplemental materials specified by the Planning Commission of conditional approval. (The plat submission requirements are stipulated under C-3 Procedure for conditional approval of Preliminary Plat of the City of McCook Subdivision Regulations)
- _____ (b) Fees: A plat review fee shall accompany the preliminary plat in the amount specified in the City Fee Ordinance. (See Attached list of fees for building, zoning, and subdivision actions)
- _____ (c) Scale and Preliminary Plat contents. Preliminary plats shall be a scale of one (1) inch to one hundred (100) feet or 1" = 200' if seventy-five percent (75%) of the lots are one (1) acre or larger, and shall be prepared with the following information:
- _____ (1) The proposed name of the subdivision (the name shall not duplicate or too closely resemble the name or names of any existing subdivision).
- _____ (2) The location of the boundary lines of the subdivision and reference to the section or quarter section lines.
- _____ (3) The names and addresses of the owner, developer, and the engineer who prepared the plat.
- _____ (4) Scale of the plat, one inch = one hundred feet or larger.
- _____ (5) Date of preparation and north point.
- _____ (6) Present zoning.
- _____ (7) Existing conditions:
- _____ aa. Location, width and name of platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision shall be shown on the Preliminary Plat.
- _____ bb. All existing sewers, water mains, gas mains, culverts, or other underground installations, within the proposed subdivision, or adjacent thereto, with pipe size and manholes, grades and location shall be shown. Control elevation of surface drainage entering and existing from the property.
- _____ cc. Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land shall be shown.

- _____ dd. Topography (unless specifically waived) with contour intervals of not more than five (5) feet, referred to City or U.S.G.S. datum shall be shown; also location of water courses, bridges, wooded areas, lakes, ravines, and such other features as may be pertinent to the subdivision shall be shown.
- _____ (8) The general arrangement of lots and their approximate size.
- _____ (9) Location and width of proposed streets, alleys, pedestrian ways, and easements. Control elevation shall be shown for all street intersections.
- _____ (10) The general plan of sewage disposal, water supply and utilities in areas where public sewers and/or water are proposed to serve the subdivision. In other cases a notation shall be made on the plat indicating type of sewage disposal, and water system proposed.
- _____ (11) Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for reservation for public use.
- _____ (12) General layout of adjacent unsubdivided property to show how streets and other public facilities, in the proposed subdivision, relate to the unsubdivided property.
- _____ (13) The subdivider shall indicate by letter when improvements as required will be installed or requested.
- _____ (14) Any proposed restrictive covenants for the land involved shall accompany the plat.
- _____ (15) a letter requesting annexation of the subdivision if it is in the planning jurisdiction to be served with city utilities.

Parcel Information	
Parcel ID:	001002100
Map Number	
State Geo Code	4281-00-0-00000-000-0000
Cadastral #	1-42D
Images	
Current Owner:	MCCOOK ECONOMIC DEVELOPMENT CORP 402 NORRIS AVENUE MCCOOK, NE 69001
Situs Address:	
Tax District:	9714
School District:	
Account Type:	Commercial
Legal Description:	0 3 29 CLARY SUBDIVISION REPLAT #3 BLK 2 LOT 7
Lot Width:	N/A
Lot Depth:	N/A
Lot Size:	11421.00

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2020	\$11,421	\$11,421	\$0	\$0
2019	\$11,421	\$11,421	\$0	\$0

Yearly Tax Information		
Year	Amount	Levy
2019	\$206.44	1.911555
2018	\$203.74	1.870361

2019 Tax Levy	
Description	Rate
TIF/QUILLAN COURTS	1.91155500

Sales Information			
Sale Date	Sale Price	Book & Page	Grantor
09/16/2019	\$0.00	2019 / 01428	QUILLAN COURTS LLC
10/28/2015	\$7,029.00	2016 / 00874	
10/28/2015	\$7,029.00	2016 / 00874	

Property Classification			
Status:	Unimproved	Location:	Urban
Property Class:	Commercial	City Size:	5,001-12,000
Zoning:		Lot Size:	<10,000 sq. ft.



October 28, 2020

Nate Schneider
City of McCook
West 5th and C St.
McCook, NE 69001

Re: Minor Subdivision for Clary Subdivision Replat #3, BLK 2 LOT 70

MEDC is requesting a minor subdivision for the piece of land described above to divide the lot into two similar sized lots.

MEDC is planning on using money from the Innovative State Trust Fund grant to put two, three-bedroom, 2 bathrooms, attached garage homes in the 1,200-1,400 square foot range. This area is already zoned residential medium. For individuals to qualify to purchase these homes they will need to be at 120% of the county median income. This is a considerably higher percentage than what it takes to qualify to live in Quillan Courts, but the home type should fit the neighborhood.

In the last comprehensive land, this area is part of the Q Street Neighborhood. The comprehensive plan said that the due to the deterioration of the mobile homes in this area it would be important to develop a new subdivision and replace the mobile homes. The addition of Quillan and Clary already has started to do this and the development of new workforce housing in this space should also continue in this progress.

Based on initial drawings, it appears splitting the lot would still allow us to meet all setback requirements and the requirement in the Quillan Courts Plan Unit Development. The availability of current city infrastructure also makes it a great place to add more workforce housing.

If you have additional questions, you'd like us to address before submitting to the planning commission, please don't hesitate to reach out.

Sincerely,

Andy Long
Executive Director

402 Norris Avenue Suite 301

McCook, NE 69001-2037

308.345.1200 | fax 308.345.2152

McCookNE.org





PRELIMINARY SITE PLAN



NORTH

ADMINISTRATIVE LOT LINE ADJUSTMENT AND PLAT OF SURVEY

REPLAT OF LOT 7, BLOCK 2, CLARY SUBDIVISION REPLAT #3

LOT 7 WILL BE SPLIT AND REPLATTED AS LOT 7A & 7B



NORTH



Planned Unit Development Agreement For
Quillan Courts Project
A Planned Unit Development
in the City of McCook, Red Willow County, Nebraska

WHEREAS, the McCook Economic Development Corporation ("Owner") and Quillan Courts L.L.C. ("Developer"), being the sole owner and developer for the following described tract of land: A tract of land legally described as Lot 2 in Block 1, Clary Subdivision and Lot 2B a Replat of Part of Lot 1, Block 1, Clary Subdivision, Excepting the east 60 feet of Lot 2B which has been dedicated as West 8½ Street to the City of McCook with the recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska.

WHEREAS, the Owner and Developer desire to subdivide the property and to do so, a Planned Unit Development is required;

WHEREAS, the Owner and Developer have met with the City of McCook to review the Planned Unit Development;

WHEREAS, public improvements are necessary to develop the property properly in accordance with the requirements of the City of McCook;

WHEREAS, the Owner and Developer desire to utilize the Planned Development - Overlay District of the McCook City Zoning Regulations for a Planned development District;

WHEREAS, for platting purposes, the Developer and Owner have presented Clary Subdivision Replat No. 3 to the City of McCook for consideration as a major subdivision. The Clary Subdivision Replat No. 3 is attached to this Preliminary Agreement, as evidence of the proposed planned unit development deviations, and is marked as Exhibit "A";

WHEREAS, the area to be developed is located in the City of McCook's Residential Medium Density District (RM) and is subject to the City of McCook zoning regulations;

NOW, THEREFORE, the undersigned Owner, Developer and City of McCook, Nebraska (hereinafter referred to as the "City"), in consideration of the mutual covenants and agreements herein contained, agree as follows.

OWNER, DEVELOPER AND CITY AGREE AS FOLLOWS:

1. That by signing this Planned Unit Development Agreement the Owner and Developer agree to the following:
 - a) That the lots upon which the duplex units are to be located are narrower than the required 50 Feet lots in a Residential Medium Density District. The City agrees to the creation of these narrow lots, none of the lots to be less than 36.17 feet in width. The specific lots contemplated by this agreement are Proposed Lots 1, 2, 4, 5, 6, 7, and 9 of proposed Block 1 and Lots 1, 2, 3 and 4 of proposed Block 2, as described in Exhibit "A".
 - b) That the proposed side yard setbacks located on the south side of Proposed Lot 1 and the proposed side yard setback located on the north side of Proposed Lot 2 in Proposed Block 1 shall be 0 feet, as the duplex unit will be located immediately on the proposed lot line to separate the units. A similar agreement is made for Lot 4 and Lot 5 of proposed Block 1, Lot 6 and Lot 7 of proposed Block 1, Lot 9 and 10

EXHIBIT #6

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of proposed Block 1 and Lot 1 and Lot 2 of Proposed Block 2, and Lot 3 and Lot 4 of Proposed Block 2.

- c) On Block 2, the backyard setback requirements shall be eliminated for Lots 1 through 7A and 7B, as platted West 10th Street will more than likely not be developed in the future. The City acknowledges the extreme topographic and cost considerations that would be required to develop West 10th Street. As a result, the parties to this agreement stipulate that the Developer shall not construct any of the structures to extend west beyond the West 10th Street east right-of-way line extending from West Q Street to West K Street.
 - d) That the RM District requirement that the maximum lot coverage for all buildings shall not be more than fifty-five (55) percent of the total lot area is waived for all lots which will contain duplex units. Those lots are: Lot 1, 2, 4, 5, 6, 7, 9 and 10 of Block 1 and Lot 1, 2, 3 and 4 of Block 2.
 - e) There shall be a 10 foot (5 foot on each respective lot) utility easement between Lot 2 and Lot 3, Lot 5 and Lot 6 and Lot 8 and Lot 9 of Block 1 and Lot 2 and Lot 3, Lot 4 and Lot 5 and Lot 6 and Lot 7A and 7B of Block 2.
2. This Preliminary Planned Unit Development Agreement contains the entire subdivision agreement between the parties, and no statements, promises or inducements made by either party or agent of either party that are not contained in this written contract shall be valid or binding; this contract may not be enlarged, modified, or altered except in writing signed by both parties and endorsed on this agreement.
3. This agreement shall run with the land and be binding upon and inure to the benefit of the parties hereto and shall be binding upon heirs, executors, administrators, and subsequent title owners in interest, devisees, assignees, and successors of the Owner hereto.

Dated this ____ day of _____, 2020.

By:

Dennis Berry, President of the McCook
Economic Development Corporation

Quillan Courts L.L.C., President

Mike Gonzales, Mayor of the City of McCook