

MCCOOK CITY COUNCIL

REGULAR MEETING

**Monday, May 10, 2021
5:15 PM - City Council Chambers**

AMENDED AGENDA AND CANCELED MEETING

Open Meetings Act Announcement.

Items

1. Approve the minutes of the April 12, 2021 regular Planning Commission meeting.
2. Regular Agenda.
 - A. Recommend to the McCook City Council denial of the Final Plat (for a minor subdivision) for proposed Bishop Acres Fourth Subdivision, Part of the SW 1/4 Section 24, T3N, R30W, of the 6th P.M., Red Willow County, Nebraska.

Adjournment.

**CITY MANAGER'S REPORT
MAY 10, 2021 PLANNING COMMISSION MEETING**

ITEM: 1

RECOMMENDATION:

Approve the minutes of the April 12, 2021 regular meeting.

BACKGROUND:

Receive and approve the minutes.

FISCAL

IMPACT: None.

APPROVALS:



Lea Ann Doak, City Clerk

May 6, 2021

McCook Planning Commission
Regular Meeting
April 12, 2021
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, Davidson, Dueland, Friehe, Lyons, McDowell.

Absent: Commissioners Stevens, 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 April 8, 2021, 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 December 14, 2020 regular Planning Commission meeting.

Motion to approve the minutes of the December 14, 2020 regular Planning Commission meeting.

This motion, made by Vosburg and seconded by McDowell, passed.

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

YEA: 8, NAY: 0, ABSENT: 2

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Application regarding the Final Plat (for a minor subdivision) for proposed Bishop Acres Fourth Subdivision, Part of the SW 1/4 Section 24, T3N, R30W, of the 6th P.M., 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 the application regarding the Final Plat (for a minor subdivision) for proposed Bishop Acres Fourth Subdivision, Part of the SW 1/4 Section 24, T3N, R30W, of the 6th P.M., Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Lyons, passed.

Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: YEA,

Graham: ABSENT, Lyons: YEA, McDowell: YEA, Stevens: ABSENT
YEA: 8, NAY: 0, ABSENT: 2

Exhibit #1 - City Manager's Report prepared for the April 12, 2021 Planning Commission meeting (1 page), Exhibit #2 - Notice of Hearing published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (13 pages); and Exhibit #5 - proposed Final Plat Bishop Acres Fourth Subdivision were offered an accepted into evidence by the City Attorney, comments were taken from City Staff before opening to the public for comment.

City Manager Schneider reviewed the following information presented in Exhibit #1: "In July of 2020, the McCook Planning Commission and the McCook City Council approved a preliminary plat for a major subdivision known as Bishop Acres Third Subdivision. The approval paved the way for a developer to potentially develop the A.M. Bishop Family Trust property located southeast of the intersection of Drive 716 and Road 383. The Planning Commission and City Council requested the owner to develop a preliminary plat after Bishop Acres Second Subdivision was developed. The Planning Commission and City Council both expressed a desire to see a more concrete plan developed so subdivision projects weren't done in a piecemeal fashion. That was the impetus behind the preliminary plat's approval in July of 2020."

"The current application does not address developing Bishop Acres Third Subdivision as was expected at the time of the passage of the preliminary plat. The application requests that the northwest corner of the Bishop Acres Third Subdivision be subdivided from the current lot. Unfortunately, the application fails to tie the proposed fourth subdivision into the overarching preliminary plat concept. For that reason, staff is recommending that the application be denied."

"As a side note, in preparation of this Planning Commission meeting, Staff discovered the preliminary plat mylar for Bishop Acres Third Subdivision was not filed as was required. Miller & Associates will be working on completing the mylar for the City of McCook's records."

Scott Clifford of Miller & Associates, representing Mr. Bishop, was present to answer questions from the Commission. He presented copies of the Bishop Acres Third Preliminary Plat.

Discussion included paving requirements of the City's Subdivision Regulations, could they be amended to allow for gravel/rock streets instead of paved; what lots are impacted by the creation of an improvement district; and the requirements necessary to properly develop Bishop Acres Subdivision per the Preliminary Plat adopted on July 20, 2020.

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 McDowell, passed.
Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: YEA,
Graham: ABSENT, Lyons: YEA, McDowell: YEA, Stevens: ABSENT
YEA: 8, NAY: 0, ABSENT: 2

2.B. Recommend to the McCook City Council denial of the Final Plat (for a minor subdivision)

for proposed Bishop Acres Fourth Subdivision, Part of the SW 1/4 Section 24, T3N, R30W, of the 6th P.M., Red Willow County, Nebraska.

Motion to postpone consideration of the Final Plat (for a minor subdivision) for proposed Bishop Acres Fourth Subdivision to a definite time, that date being May 10, 2021 at 5:15 P.M. This motion, made by Vosburg and seconded by McDowell, passed.

Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: YEA, Graham: ABSENT, 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 6:12 P.M.

Lea Ann Doak, Recording Secretary

**CITY MANAGER'S REPORT
MAY 10, 2021 PLANNING COMMISSION MEETING**

ITEM NO. Recommend denial of the Final Plat (for a minor subdivision) for proposed Bishop Acres Fourth Subdivision, Part of the SW 1/4 Section 24, T3N, R30W, of the 6th P.M., Red Willow County, Nebraska.

BACKGROUND:

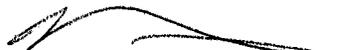
At the April 12, 2021, McCook Planning Commission meeting, the minor subdivision application for proposed Bishop Acres Fourth Subdivision was heard. The Planning Commission went into a public hearing to take evidence and testimony. During the public hearing, Staff expressed concerns that the application failed to tie into the Bishop Acres Preliminary Plat that was approved in July of 2020. Additionally, Staff was concerned that the proposed subdivision could potentially create obligations for the prospective owner of the proposed lot through the street improvement district process. Finally, Staff expressed some concerns regarding whether the name of the projects may cause some confusion relative to approved Preliminary Plat. The Planning Commission voted to continue the public hearing to May 10, 2021 at 5:15.

Since the April 12th Planning Commission meeting, Staff has met with Craig Bennett and Scott Clifford of Miller & Associates to discuss the above mentioned concerns. Mr. Bennett advised Staff that the lot would not be subjected to an improvement district due to the fact that the land is not located within McCook's corporate limits. In order for a non-adjacent property to be incorporated into a street improvement district, the property must be physically within the corporate boundaries. That said, the potential owner would not have any financial obligations with regard to future street development. Additionally, Mr. Bennett stated that there are no concerns regarding the name of the individual subdivisions that have occurred, as the Preliminary Plat is modifiable and any plat recordings would differentiate each division of property.

Ultimately, the question is whether it is in the best interest of the City to proceed with the requested subdivision. While the proposed subdivision can occur without impacting the concept set out in the current Preliminary Plat, the request fails to address how a comprehensive development project would benefit from the subdivision of the single lot. At some point, the applicant will be required to develop streets, utilities, and additional infrastructure. By piecemealing the development, it becomes difficult to address the necessary issues associated with developing the parcel in its entirety. For example, the City's Subdivision Regulations only allow for streets to be developed if they are paved. At this point, the City and the developer have not agreed on an acceptable method for addressing this concern.

Staff does agree that proposed Lot 1 can be developed without impacting the Preliminary Plat that has been filed. However, due to its flexible nature, Staff would prefer that a development plan be implemented by the owner in order to ease concerns about insufficient streets and other needed amenities.

APPROVALS:


Nathan A. Schneider, City Manager

May 5, 2021

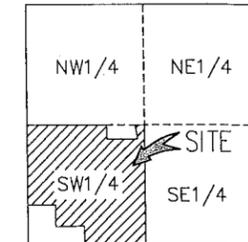

Lea Ann Doak, City Clerk

May 5, 2021

**PRELIMINARY PLAT
-BISHOP ACRES THIRD SUBDIVISION-
PART OF THE SW1/4 SECTION 24, T3N, R30W,
OF THE SIXTH PRINCIPAL MERIDIAN, RED WILLOW COUNTY, NEBRASKA**

LOCATION MAP

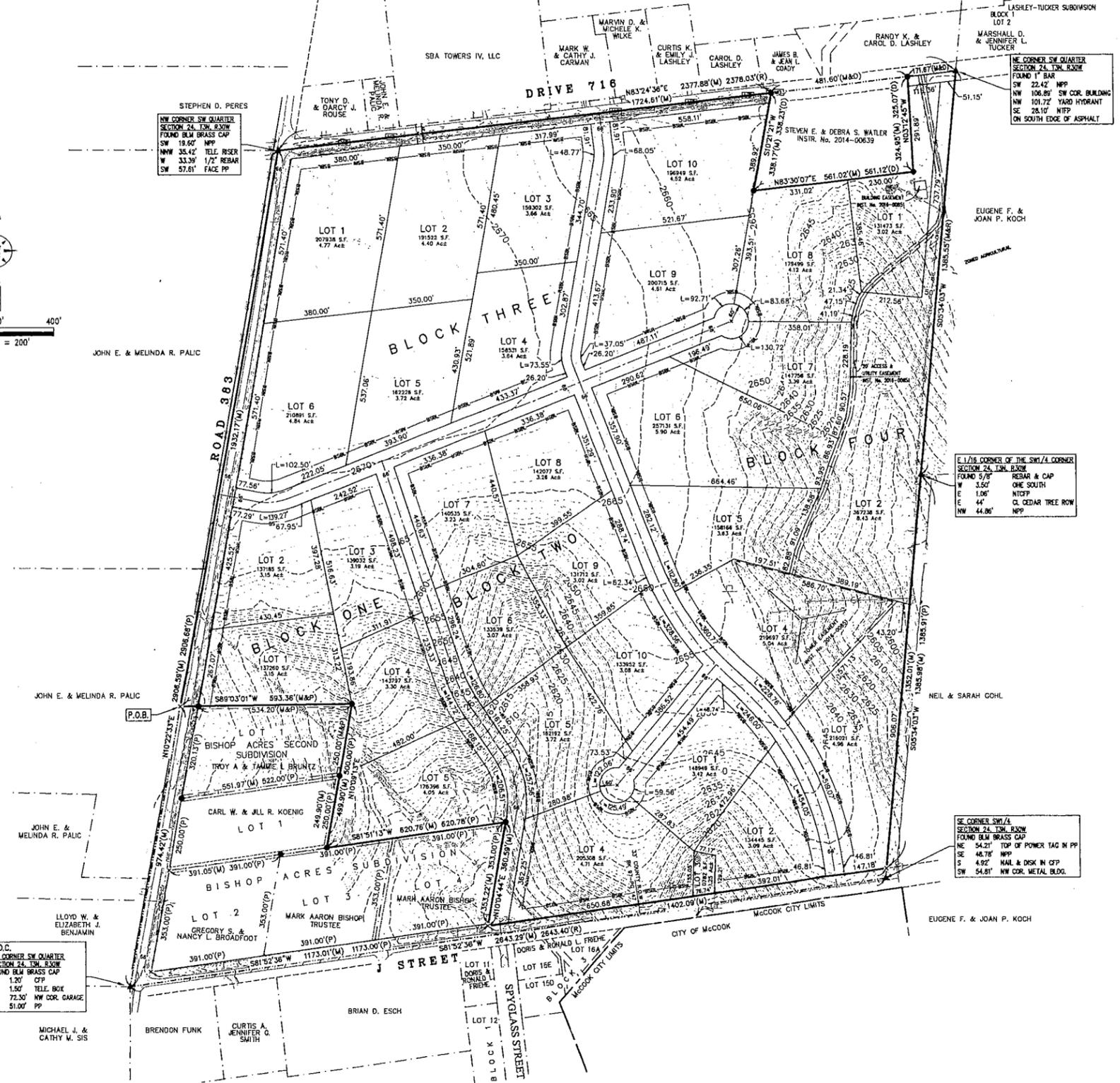
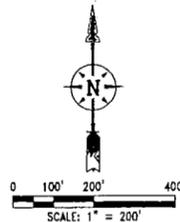
SEC. 24-T3N-R30W



NOT TO SCALE

LEGAL DESCRIPTION:

Part of the Southwest Quarter (SW1/4) of Section Twenty-Four (24), Township Three (3) North, Range Thirty (30) West of the Sixth Principal Meridian, Red Willow County, Nebraska, described as follows:
Commencing at the Brass Cap at the Southwest corner of said Southwest Quarter of Section 24; thence N 10°22'33" E on the West line of said Southwest Quarter, and all bearings contained herein are relative thereto, a distance of 974.42 feet to the Westerly extension of the North line of Lot 1 of Bishop Acres Second Subdivision, part of the SW1/4 of Section 24, T3N, R30W of the Sixth Principal Meridian, Red Willow County, Nebraska and the POINT OF BEGINNING; thence continuing N 10°22'33" E on said West line of the Southwest Quarter a distance of 1932.17 feet to the Brass Cap at the Northwest corner of said Southwest Quarter; thence N 83°24'36" E on the North line of said Southwest Quarter a distance of 1724.61 feet to a 5/8" rebar with cap at the Northwest corner of property described in Warranty Deed recorded as Instrument No. 2014-00639, Red Willow County, Nebraska records; thence S 10°21'21" W on the West line of property described in said Warranty Deed a distance of 338.17 feet to a 5/8" rebar; thence N 83°30'07" E on the South line of property described in said Warranty Deed a distance of 561.02 feet to a 5/8" rebar; thence N 03°12'45" W on the East line of property described in said Warranty Deed a distance of 324.95 feet to a 5/8" rebar with cap on said North line of the Southwest Quarter; thence N 83°24'36" E on said North line of the Southwest Quarter a distance of 171.67 feet to a 1" bar at the Northeast corner of said Southwest Quarter; thence S 05°34'03" W on the East line of said Southwest Quarter a distance of 1385.55 feet to a 5/8" rebar with cap at the East 1/16 corner of said Southwest Quarter; thence continuing S 05°34'03" W on said East line of the Southwest Quarter a distance of 1352.01 feet to the North right-of-way line of I Street, being 33.00 feet, measured at right angles, Northerly of the South line of said Southwest Quarter; thence S 81°52'36" W on said North right-of-way line a distance of 1402.09 feet to the Southerly extension of the East line of Lot 4 of Bishop Acres Subdivision, part of the SW1/4 of Section 24 Township 3 North Range 30 West of the 6th Principal Meridian, Red Willow County, Nebraska; thence N 10°04'44" E on said Southerly extension and on said East line of Lot 4 a distance of 360.59 feet to a 5/8" rebar at the Northeast corner of said Lot 4; thence S 81°51'13" W on the North line of said Lot 4 and on the North line of Lot 3 of said Bishop Acres Subdivision a distance of 620.76 feet to a 5/8" rebar at the Southeast corner of Lot 1 of said Bishop Acres Subdivision; thence N 10°09'13" E on the East line of said Lot 1 of Bishop Acres Subdivision and on the East line of said Lot 1 of Bishop Acres Second Subdivision a distance of 499.90 feet to a 5/8" rebar at the Northeast corner of said Lot 1 of Bishop Acres Second Subdivision; thence S 89°03'01" W on the North line of said Lot 1 of Bishop Acres Second Subdivision and its Westerly extension a distance of 593.36 feet to the Point of Beginning. Containing 134.76 Acres, more or less.



LEGEND

- ▲ = SECTION CORNERS FOUND
- = CORNERS FOUND (5/8" REBAR UNLESS OTHERWISE NOTED)
- = CORNERS ESTABLISHED (CAPPED 5/8" x 24" REBAR)
- x = TEMPORARY POINT
- (M) = MEASURED DISTANCES
- (P) = PLATTED DISTANCES
- (R) = RECORDED DISTANCES
- (D) = DEEDED DISTANCES
- = SECTION LINE
- - - = BOUNDARY LINE
- - - = NEW EASEMENT LINE
- - - = EXISTING EASEMENT LINE
- - - = EXISTING LOT LINES
- - - = 40' BUILDING SETBACK LINE
- = OVERHEAD ELECTRIC LINE
- = UNDERGROUND ELECTRIC LINE
- = STORM SEWER LINE
- = SANITARY SEWER LINE
- = FENCE
- = UNDERGROUND FIBER-OPTIC LINE (CAPPED 5/8" x 24" REBAR)
- = UNDERGROUND TELEPHONE LINE
- = GAS LINE
- = WATER LINE
- = ELECTRIC TRANSFORMER
- = GUY ANCHOR
- = TELEPHONE PEDESTAL
- = GAS METER OR RISER
- = SIGN
- = FIRE HYDRANT
- = WATER VALVE
- = POWER OR TELEPHONE POLE
- = LIGHT POLE
- = YARD HYDRANT
- = MANHOLE

THIS PLAT PREPARED JUNE, 2020 FOR:

A.M. BISHOP TRUSTEE OF THE A.M. BISHOP FAMILY TRUST
1608 N. HIGHWAY 83
MCCOOK, NEBRASKA 69001

CURRENT ZONING: AG (AGRICULTURAL)
PROPOSED ZONING: AG (AGRICULTURAL)

SHEET 1 OF 1

MA
Miller & Associates
Consulting Engineers, P.C.
1111 CENTRAL AVENUE
MCCOOK, NE 68901-6431
TEL: 308-334-6436
FAX: 308-334-1146
www.miller-engineers.com

P.LOT28: 6/20/2020 1:05 PM C:\Projects\2020\06-21-2020\1111-Cent-Ave-Design\Drawings\DWG\1111-Subdiv\1111-Subdiv.dwg