

MCCOOK CITY COUNCIL

REGULAR MEETING

**Monday, September 13, 2021
5:15 PM - City Council Chambers**

Open Meetings Act Announcement.

Items

1. Approve the minutes of the August 9, 2021 regular Planning Commission meeting.
2. Public Hearings and Regular Agenda.
 - A. Public Hearing - Regarding the Final Plat for HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M, in the City of McCook, Red Willow County, Nebraska.
 1. Adjourn the Public Hearing.
 - B. Recommend to the McCook City Council approval of the Final Plat for HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.
 - C. Public Hearing - Regarding the dissolution of the Planned Unit Development for property located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M, in the City of McCook, Red Willow County, Nebraska.
 1. Adjourn the Public Hearing.
 - D. Recommend to the McCook City Council dissolution of the Planned Unit Development for property located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.
 - E. Public Hearing - Regarding a zoning change request for proposed HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M, in the City of McCook, Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Business Commercial (BC) to Residential Medium Density (RM).
 1. Adjourn the Public Hearing.
 - F. Recommend to the McCook City Council the zoning change request for proposed HCC Subdivision, a tract of land located in the Southwest 1/4 of the

Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M.,
in the City of McCook, Red Willow County, Nebraska; said zoning change to
amend the current zoning designation from Business Commercial (BC) to
Residential Medium Density (RM).

Adjournment.

**CITY MANAGER'S REPORT
SEPTEMBER 13, 2021 PLANNING COMMISSION MEETING**

ITEM: 1.

RECOMMENDATION:

Approve the minutes of the August 9, 2021 regular meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

September 9, 2021

McCook Planning Commission
Regular Meeting
August 9, 2021
5:15 P.M. 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, Lyons, McDowell, Stevens, Mockry.

Absent: Commissioner Friehe.

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 August 5, 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 July 12, 2021 regular Planning Commission meeting.

Motion to approve the minutes of the July 12, 2021 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: ABSENT, Lyons: YEA, McDowell: YEA, Stevens: YEA, Mockry: YEA
YEA: 9, NAY: 0, ABSENT: 1

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Request for a special exception by Anita Bartels to locate a Bed and Breakfast/Vacation Rental in a Residential High Density (RH) District - property located at 408 East 1st 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 from Anita Bartels to locate a Bed and Breakfast/Vacation Rental in a Residential High Density (RH) District - property located at 408 East 1st Street, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Hilker, passed.

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

Lyons: YEA, McDowell: YEA, Stevens: YEA, Mockry: YEA
YEA: 9, NAY: 0, ABSENT: 1

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the August 9, 2021 Planning Commission meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (2 pages); Exhibit #4 - Land Use Application and attachments (6 pages); and Exhibit #5 - Findings and Determinations of McCook City Council (2 pages).

City Manager Schneider reviewed the information provided in Exhibit #1 and noted that after further staff review the request meets the definition of a Vacation Rental, not the Bed and Breakfast definition. The Commission will be reviewing as a Vacation Rental.

Bob Gaulke and Emily Young, applicant, were 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 Vosburg and seconded by Stevens, passed.

Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friche: ABSENT,
Lyons: YEA, McDowell: YEA, Stevens: YEA, Mockry: YEA
YEA: 9, NAY: 0, ABSENT: 1

2.B. Recommend approval to the City Council the special exception from Anita Bartels to allow a Bed and Breakfast/Vacation Rental in a Residential High Density (RH) at property legally described as Lot Three (3), Block Ten (10), Original Town to the City of McCook, Red Willow County, Nebraska (a/k/a 408 East 1st Street); said special exception based upon special exception requirements A - I.

I move to recommend approval to the City Council the special exception from Anita Bartels to allow a Vacation Rental in a Residential High Density (RH) at property legally described as Lot Three (3), Block Ten (10), Original Town to the City of McCook, Red Willow County, Nebraska (a/k/a 408 East 1st Street); said special exception based upon special exception requirements A - I. This motion, made by Vosburg and seconded by McDowell, passed.

Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friche: ABSENT,
Lyons: YEA, McDowell: YEA, Stevens: YEA, Mockry: YEA
YEA: 9, NAY: 0, ABSENT: 1

2.C. Public Hearing - Consider Replat of Original Clary Subdivision Replat and Replat No. 1, part of Block 2 and Block 3, said replat to be known as Replat No. 6.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the proposed Replat of Original Clary Subdivision Replat and Replat No. 1, part of Block 2 and Block 3, said replat to be known as Replat No. 6, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Dueland, passed.

Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friche: ABSENT,
Lyons: YEA, McDowell: YEA, Stevens: YEA, Mockry: YEA

YEA: 9, NAY: 0, ABSENT: 1

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the August 9, 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 (5 pages); and Exhibit #5 - proposed Final Plat Bishop Acres Fourth Subdivision.

City Manager Schneider reviewed the information presented in Exhibit #1.

Andy Long, McCook Economic Development Director, was present to address their request with the Commission.

Richard Smock, owner of Lot 5 along "R" Street, expressed safety concerns with the additional traffic that would be created at the intersection of West 9th and "R" Streets; and concerns regarding the cost of the required sidewalk that he will have on his corner lot and with grade issues from his lot to the west.

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 Hilker, passed.

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

YEA: 9, NAY: 0, ABSENT: 1

2.D. Recommend to the McCook City Council approval Replat of Original Clary Subdivision and Replat No. 1, Part of Block 2 and Block 3, said replat to be known as Replat No. 6.

Motion to recommend to the McCook City Council approval of the Replat of Original Clary Subdivision and Replat No. 1, Part of Block 2 and Block 3, said replat to be known as Replat No. 6. This motion, made by McDowell and seconded by Lyons, passed.

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

YEA: 9, NAY: 0, ABSENT: 1

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:17 P.M.

Lea Ann Doak, Recording Secretary

**CITY MANAGER'S REPORT
SEPTEMBER 13, 2021 PLANNING COMMISSION MEETING**

2.A.
ITEM NO. ___ Public Hearing - Regarding the Final Plat for HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

2.B.
ITEM NO. ___ Recommend approval of the Final Plat for HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

ITEM NO. ___ Public Hearing - Regarding the dissolution of the Planned Unit Development for property located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

ITEM NO. ___ Recommend the dissolution of the Planned Unit Development for property located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

ITEM NO. ___ Public Hearing - Regarding a zoning change request for proposed HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Business Commercial (BC) to Residential Medium Density (RM).

ITEM NO. ___ Recommend approval of the zoning change request for proposed HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Business Commercial (BC) to Residential Medium Density (RM).

BACKGROUND:

A minor subdivision application has been filed by David Winder for the purpose of subdividing a tract of land located in the SW/4 of the NE/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. The proposed name for the new subdivision is HCC Subdivision. The proposed subdivision would carve out five residential lots, with all of the properties located adjacent to West 8th Street and/or West R Street. The property to the south of HCC Subdivision would not be included in the new subdivision. Currently, there is a residential structure under construction on proposed Lot 3. No additional construction can occur at this location until the subdivision occurs. All of the proposed lots within HCC Subdivision comply with the City of McCook's Zoning Ordinance, Article 9; Residential Medium Density District (RM). There are existing utilities adjacent to the proposed subdivision. One important note, the property south of proposed HCC Subdivision is in the process of an administrative lot split. The lot split paperwork will be filed prior to the HCC Subdivision finalization.

As a result of the request, the City of McCook must dissolve a Planned Unit Development that was approved by the McCook City Council for the entirety of the lot (which includes both the proposed HCC Subdivision as well as the property to the south that is home to the "bus barn" and other ancillary structures). A Planned Unit Development provides for the variance of normal zoning

EXHIBIT #1

and subdivision standards to allow for developments that may require a deviation from the City of McCook's Zoning Ordinance. A Planned Unit Development is an overlay district, and the approved Planned Unit Development takes precedence over the existing zoning rules that are varied pursuant to the Plan. The Planned Unit Development at issue was approved by the McCook City Council on August 20, 2012. The reason for the Planned Unit Development was to allow for the construction of storage units on the southern portion of the property. The Planned Unit Development that controls the lot at issue interferes with the owner's ability to comply with the City of McCook's RM zoning regulations, hindering development of the HCC Subdivision for residential purposes. The City of McCook is comfortable with removing the Planned Unit Development designation. Housing is a priority in the City of McCook, and this project could lead to 5 new single-family residential units. The requested dissolution will provide additional lots for new homes.

Finally, Mr. Winder's application requests a zoning change of the current land uses for the property at issue, from Business Commercial (BC), to Residential Medium (RM). The zoning change request is supported by the fact that the surrounding properties are zoned RM. To the north of the proposed HCC Subdivision is the North Pointe development. To the west of the proposed HCC Subdivision is the Clary Village and Quillan Court projects. Staff has noted there are additional residential properties in the vicinity. Mr. Winder's zoning change request is consistent with the character of the neighborhood.

RECOMMENDATIONS:

ITEM NO. ____ Public Hearing - Regarding the Final Plat for HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

ITEM NO. ____ Recommend approval of the Final Plat for HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

ITEM NO. ____ Public Hearing - Regarding the dissolution of the Planned Unit Development for property located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

ITEM NO. ____ Recommend the dissolution of the Planned Unit Development for property located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

ITEM NO. ____ Public Hearing - Regarding a zoning change request for proposed HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Business Commercial (BC) to Residential Medium Density (RM).

ITEM NO. ____ Recommend approval of the zoning change request for proposed HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Business Commercial (BC) to Residential Medium Density (RM).

APPROVALS:



Nathan A. Schneider, City Manager

September 9, 2021



Lea Ann Doak, City Clerk

September 9, 2021

**NOTICE OF PUBLIC HEARING
FINAL PLAT APPROVAL**

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider the final plat on the following described property to be known as HCC Subdivision:

A parcel of land being part of the Southwest Quarter of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M., in Red Willow County, Nebraska, comprising all of Deed Instrument No. 2012-01694 (2) being more particularly described as follows:

Commencing at the southeast corner of Block 1 Clary Subdivision Replat No. 2 in the City of McCook, Red Willow County, Nebraska and also being the north right of way line of "Q" Street, thence S85 40'13"E on said north right of way line a distance of 66.00 feet to the east right of way line of West 8th Street, thence N00 30'06"W on said east right of way line a distance of 466.91 feet to the south right of way line of West "R" Street, thence S85 38'55"E on said south right of way line a distance of 292.30 feet, thence S00 57'18"E a distance of 467.13 feet to said north right of way line of "Q" Street, thence N85 40'13"W on said north right of way line a distance of 296.00 feet to the point of beginning, containing 3.14 acres more or less.

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

SEPTEMBER 13, 2021 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

SEPTEMBER 20, 2021 - 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 preliminary plat may attend the public hearing 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: September 3, 2021.
Post: September 3, 2021.
Mail: September 3, 2021.

EXHIBIT #2

PAGE(S) - 1

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

CLARY VILLAGE, LLC
402 NORRIS
SUITE 301
MCCOOK, NE 69001

RED WILLOW COUNTY FAIRGROUNDS
PO BOX 876
MCCOOK, NE 69001

BEVERLY ESTERAICH
701 WEST Q
MCCOOK, NE 69001

MEDC
C/O ANDY LONG
402 NORRIS AVE
MCCOOK, NE 69001

W.A.G.S PROPERTIES, LLC
1411 EAST 5
MCCOOK, NE 69001

RICHARD AND STACEE SMOCK
903 W R
MCCOOK, NE 69001

DAVID AND JOANN BARENBERG
901 W R
MCCOOK, NE 69001

THOMAS AND MIKA LENTZ
805 W R
MCCOOK, NE 69001

ENERGY PROPERTY INV.
ATTN COLLIN HUNTER
13221 CLOUD MESA DRIVE
CHEYENNE, WY 82009

VICKI SYDOW
803 W R
MCCOOK, NE 69001

MICHAEL AND NANCY HEDKE
801 W R
MCCOOK, NE 69001

DAVE AND ANGELA MCCARTY
1700 W 4
MCCOOK, NE 69001

2

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: HCC Submission

Description of Project: Creating Five lots

Project sponsor or developer:

Name: David E. Winder

Address: 2103 West 7th McCook

Phone number: 308-340-8733

Fax number: _____

E-mail Address: dtwinder@outlook.com

Land owner or owners:

Name: HCC Leasing to Pam Klug

Address: 2106 Cedar Lane McCook

Phone number: 308-346-5460

Fax number: _____

E-Mail Address: _____

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)

David E. Winder

Printed Name:

_____ Printed Name:

David E. Winder

Signature:

_____ Signature:

8-1-21

Date:

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

Property Description (Of the parent parcel for subdivisions): A parcel of land being part of the southwest quarter of the Northeast 1/4 of section 19, Township 3 North, Range 29 West of the 6th PM in Red Willow County

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?

No

_____ If so, briefly explain what they might consist of.

(Attach explanation)

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

Final
~~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.

PLANNING COMMISSION APPROVAL

THIS PLAT WAS DULY APPROVED BY THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA, PLANNING COMMISSION.

ON THIS _____ DAY OF _____ 2021.

SECRETARY: NATE SCHNEIDER

CHAIRMAN: KURT VOSBURG

MUNICIPAL APPROVAL

THIS PLAT WAS DULY APPROVED BY THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA.

ON THIS _____ DAY OF _____ 2021.

CITY CLERK: LEA ANN DOAK

MAYOR: MIKE GONZALES

RECORDING INFORMATION

STATE OF NEBRASKA) COUNTY OF RED WILLOW)

INSTRUMENT NO. _____

DATE: _____ TIME: _____

REGISTER OF DEEDS: TAMI TEEL

LEGAL DESCRIPTION (TRACT 2 OF THE ADMINISTRATIVE LOT SPLIT):

A PARCEL OF LAND BEING PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST 1/4 OF SECTION 19, TOWNSHIP 3 NORTH, RANGE 29 WEST OF THE 6TH P.M., IN RED WILLOW COUNTY, NEBRASKA, COMPRISING PART OF DEED INSTRUMENT NO. 2012-01694 (2) BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF BLOCK 1 CLARY SUBDIVISION REPLAT NO. 2 IN THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA AND ALSO BEING THE NORTH RIGHT OF WAY LINE OF Q STREET, THENCE S85°40'13"E ON SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 66.00 FEET TO THE EAST RIGHT OF WAY LINE OF WEST 8TH STREET, THENCE N00°30'06"W ON SAID EAST RIGHT OF WAY LINE A DISTANCE OF 236.91 FEET TO THE POINT OF BEGINNING, THENCE S85°39'35"E A DISTANCE OF 100.00 FEET, THENCE N00°30'06"W A DISTANCE OF 150.00 FEET, THENCE S85°39'35"E A DISTANCE OF 192.93 FEET, THENCE N00°57'18"W A DISTANCE OF 80.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF WEST R STREET, THENCE N85°38'55"W A DISTANCE OF 292.30 FEET TO THE SAID WEST RIGHT OF WAY LINE OF WEST 8TH STREET, THENCE S00°30'06"E ON SAID WEST RIGHT OF WAY LINE A DISTANCE OF 230.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.88 ACRES MORE OR LESS.

HCC SUBDIVISION

A PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 19, TOWNSHIP 3 NORTH, RANGE 29 WEST OF THE 6TH P.M., IN THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA.

DEDICATION:

HCC LEASING, L.L.C. A NEBRASKA LIMITED LIABILITY COMPANY AS IT APPEARS ON THE FOREGOING PLAT AND AS DESCRIBED IS THE SURVEYOR'S CERTIFICATE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER AND PROPRIETOR, THE SAID OWNER DOES HEREBY DEDICATE ANY STREETS, ALLEYS, EASEMENT, AND ANY OTHER OPEN AREAS TO THE PUBLIC USE AND BENEFIT.

RICHARD F. KLUG (PRESIDENT)
BY: PRINTED NAME AND TITLE:

BY: SIGNATURE AND TITLE:

ACKNOWLEDGEMENT:

STATE OF NEBRASKA }
COUNTY OF RED WILLOW } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2021, BY: RICHARD F. KLUG PRINTED NAME

MY COMMISSION EXPIRES THE _____ DAY OF _____, 20_____.

NOTARY (SEAL)

SEAL

G.P.S. PROJECT # 042-2021

- LEGEND :**
D-DEED DISTANCE
M-MEASURED DISTANCE
R-RECORD DISTANCE
P-PLATTED DISTANCE
G-GOVERNMENT DISTANCE
W.C.-WITNESS CORNER

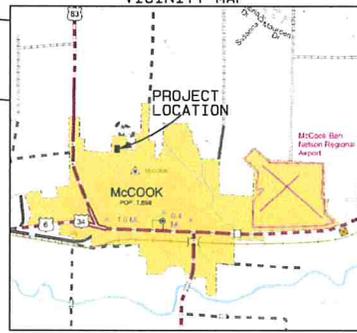
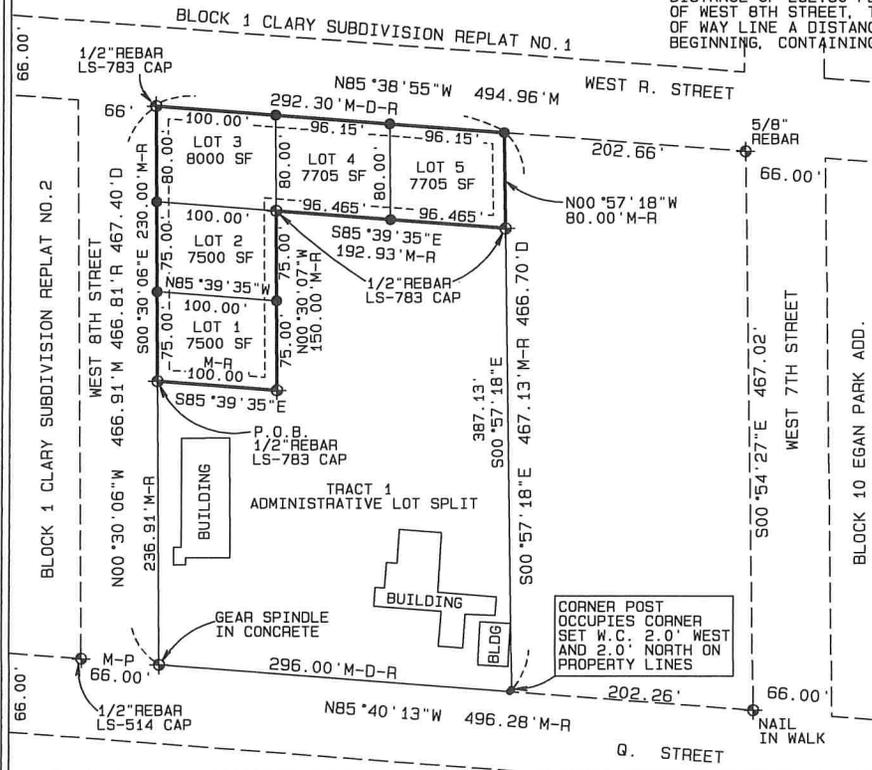
- FOUND CORNER
○ CALCULATED POINT
● SET 1/2" X 24" REBAR WITH BLUE LS-783 CAP UNLESS NOTED OTHERWISE
10' UTLY.ESMT.

SURVEYOR'S CERTIFICATE:

I JOSHUA EUGENE GRUMMERT, A LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA, DO HEREBY CERTIFY THIS PLAT OF A SURVEY AND LEGAL DESCRIPTION WAS MADE BY ME OR UNDER MY SUPERVISION, WAS COMPLETED ON 09/08/2021.

JOSHUA E. GRUMMERT | LS-783

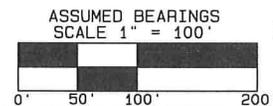
GRUMMERT PROFESSIONAL SERVICES, LLC
2837 W. HWY 6, STE 206, HASTINGS, NE 68901
PHONE 402-879-5701 EMAIL jmgrummert@yahoo.com
WWW.GRUMMERTSURVEYING.COM



OWNER:
HCC LEASING, L.L.C.
2105 CEDAR LANE
MCCOOK, NE 69001

SURVEYOR:
GRUMMERT PROFESSIONAL SERVICES
PO BOX 37, KENESAW, NE 68956

DEVELOPER:
D.E.W. CONTRACTING, L.L.C.
2103 WEST 7TH STREET
MCCOOK, NE 69001



**CITY MANAGER'S REPORT
SEPTEMBER 13, 2021 PLANNING COMMISSION MEETING**

ITEM NO. _____ Public Hearing - Regarding the Final Plat for HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

ITEM NO. _____ Recommend approval of the Final Plat for HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

2.C.
ITEM NO. _____ Public Hearing - Regarding the dissolution of the Planned Unit Development for property located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

2.D.
ITEM NO. _____ Recommend the dissolution of the Planned Unit Development for property located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

ITEM NO. _____ Public Hearing - Regarding a zoning change request for proposed HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Business Commercial (BC) to Residential Medium Density (RM).

ITEM NO. _____ Recommend approval of the zoning change request for proposed HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Business Commercial (BC) to Residential Medium Density (RM).

BACKGROUND:

A minor subdivision application has been filed by David Winder for the purpose of subdividing a tract of land located in the SW/4 of the NE/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. The proposed name for the new subdivision is HCC Subdivision. The proposed subdivision would carve out five residential lots, with all of the properties located adjacent to West 8th Street and/or West R Street. The property to the south of HCC Subdivision would not be included in the new subdivision. Currently, there is a residential structure under construction on proposed Lot 3. No additional construction can occur at this location until the subdivision occurs. All of the proposed lots within HCC Subdivision comply with the City of McCook's Zoning Ordinance, Article 9; Residential Medium Density District (RM). There are existing utilities adjacent to the proposed subdivision. One important note, the property south of proposed HCC Subdivision is in the process of an administrative lot split. The lot split paperwork will be filed prior to the HCC Subdivision finalization.

As a result of the request, the City of McCook must dissolve a Planned Unit Development that was approved by the McCook City Council for the entirety of the lot (which includes both the proposed HCC Subdivision as well as the property to the south that is home to the "bus barn" and other ancillary structures). A Planned Unit Development provides for the variance of normal zoning

and subdivision standards to allow for developments that may require a deviation from the City of McCook's Zoning Ordinance. A Planned Unit Development is an overlay district, and the approved Planned Unit Development takes precedence over the existing zoning rules that are varied pursuant to the Plan. The Planned Unit Development at issue was approved by the McCook City Council on August 20, 2012. The reason for the Planned Unit Development was to allow for the construction of storage units on the southern portion of the property. The Planned Unit Development that controls the lot at issue interferes with the owner's ability to comply with the City of McCook's RM zoning regulations, hindering development of the HCC Subdivision for residential purposes. The City of McCook is comfortable with removing the Planned Unit Development designation. Housing is a priority in the City of McCook, and this project could lead to 5 new single-family residential units. The requested dissolution will provide additional lots for new homes.

Finally, Mr. Winder's application requests a zoning change of the current land uses for the property at issue, from Business Commercial (BC), to Residential Medium (RM). The zoning change request is supported by the fact that the surrounding properties are zoned RM. To the north of the proposed HCC Subdivision is the North Pointe development. To the west of the proposed HCC Subdivision is the Clary Village and Quillan Court projects. Staff has noted there are additional residential properties in the vicinity. Mr. Winder's zoning change request is consistent with the character of the neighborhood.

RECOMMENDATIONS:

ITEM NO. _____ Public Hearing - Regarding the Final Plat for HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

ITEM NO. _____ Recommend approval of the Final Plat for HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

ITEM NO. ____ Public Hearing - Regarding the dissolution of the Planned Unit Development for property located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

ITEM NO. ____ Recommend the dissolution of the Planned Unit Development for property located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

ITEM NO. ____ Public Hearing - Regarding a zoning change request for proposed HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Business Commercial (BC) to Residential Medium Density (RM).

ITEM NO. ____ Recommend approval of the zoning change request for proposed HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Business Commercial (BC) to Residential Medium Density (RM).

APPROVALS:



Nathan A. Schneider, City Manager

September 9, 2021

Lea Ann Doak, City Clerk

September 9, 2021

NOTICE OF HEARING
REZONING AND REMOVAL OF
PLANNED DEVELOPMENT DISTRICT DESIGNATION

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider the rezoning from Business Commercial (BC) District to Residential Medium Density (RM) District and for removal of the Planned Development District designation, for the following described property:

A tract of land located in Miscellaneous McCook, part of the Southwest 1/4 of the Northwest 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M., Red Willow County, Nebraska; to be known as HCC Subdivision.

Public Hearings on the above-described Rezoning and Planned Development District designation removal will be held on the dates, times, and at the places listed below:

SEPTEMBER 13, 2021 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

SEPTEMBER 20, 2021 - 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 of McCook City Manager at 308-345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: September 3, 2021.
Post: September 3, 2021.
Mail: September 3, 2021.

EXHIBIT #2

PAGE(S) - 1

OWNERSHIP LIST FOR MAILING:

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

CLARY VILLAGE, LLC
402 NORRIS
SUITE 301
MCCOOK, NE 69001

RED WILLOW COUNTY FAIRGROUNDS
PO BOX 876
MCCOOK, NE 69001

BEVERLY ESTERAICH
701 WEST Q
MCCOOK, NE 69001

MEDC
C/O ANDY LONG
402 NORRIS AVE
MCCOOK, NE 69001

W.A.G.S PROPERTIES, LLC
1411 EAST 5
MCCOOK, NE 69001

RICHARD AND STACEE SMOCK
903 W R
MCCOOK, NE 69001

DAVID AND JOANN BARENBERG
901 W R
MCCOOK, NE 69001

THOMAS AND MIKA LENTZ
805 W R
MCCOOK, NE 69001

ENERGY PROPERTY INV.
ATTN COLLIN HUNTER
13221 CLOUD MESA DRIVE
CHEYENNE, WY 82009

VICKI SYDOW
803 W R
MCCOOK, NE 69001

MICHAEL AND NANCY HEDKE
801 W R
MCCOOK, NE 69001

DAVE AND ANGELA MCCARTY
1700 W 4
MCCOOK, NE 69001

2

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: HCC Subdivision

Description of Project: Creating five lots

Project sponsor or developer:

Name: David E. Winder

Address: 2103 West 7th McCook

Phone number: 308-340-8733

Fax number: _____

E-mail Address: dtwinder@outlook.com

Land owner or owners:

Name: HCC Leasing & Pam Klug

Address: 2106 Cedar Lane McCook

Phone number: 308-346-5460

Fax number: _____

E-Mail Address: _____

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)

David E. Winder
Printed Name:

Printed Name:

David E. Winder
Signature:

Signature:

8-1-21
Date:

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

Property Description (Of the parent parcel for subdivisions): A parcel of land
being part of the southwest quarter of the Northeast
1/4 of section 19, Township 3 North, Range 29 West
of the 6th PM in Red Willow County

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?

 No

If so, briefly explain what they might consist of.

(Attach explanation)

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

Final
~~Preliminary~~

_____ ~~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.

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.)

___ 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;
- (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;
- (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;

To whom it may concern,

HCC Leasing would like to request a zoning change required for the development of residential medium density housing on our commercial property located on West Q and West R St. This property is in the Southeast corner of Block 1 Clary Subdivision Replat # 2 in the city of McCook, Red Willow County, Nebraska. This will be for a single-family dwelling and will fit in with the single and multi-family housing currently in the area.

David Winder
D.E.W. Contracting

**CITY MANAGER'S REPORT
AUGUST 20, 2012 CITY COUNCIL MEETING**

ITEM: 5

ITEM A Public Hearing - Request to consider a Planned Development District request from HCC Leasing, LLC and the rezoning from Residential Medium Density District (RM) to Business Commercial District (BC), for the following described property:

A tract of land located in Miscellaneous McCook, part of the SW/4NE of Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska; generally described as a lot on the north side of "Q" Street West, commonly known as the "School Bus Barn".

ITEM B Introduce and approve under suspension of the rule Ordinance No. 2012-2883 approving the request from HCC Leasing, LLC for a Planned Development District and the rezoning from Residential Medium Density District (RM) to Business Commercial District (BC), for the following described property:

A tract of land located in Miscellaneous McCook, part of the SW/4NE of Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska; generally described as a lot on the north side of "Q" Street West, commonly known as the "School Bus Barn".

**CITY MANAGER'S REPORT
AUGUST 20, 2012 CITY COUNCIL MEETING**

ITEM: _____

RECOMMENDATION:

ITEM A Public Hearing - Request to consider a Planned Development District Request from HCC Leasing, LLC and rezoning from Residential Medium Density (RM) to Business Commercial District (BC) for the following described property:
A tract of land located in Miscellaneous McCook, part of the SW/4NE of Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska; generally described as a lot on the north side of "Q" Street West, commonly known as the "School Bus Barn".

ITEM B Consider a request from HCC Leasing, LLC for a Planned Development District Request and rezoning from Residential Medium Density (RM) to Business Commercial District (BC) for the following described property:
A tract of land located in Miscellaneous McCook, part of the SW/4NE of Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska; generally described as a lot on the north side of "Q" Street West, commonly known as the "School Bus Barn".

BACKGROUND:

The School Bus Barn property owned by the McCook School District is located on the northeast corner of Q Street and West 8th Street. Because the property is zoned Residential Medium, the school barn is a non-conforming use. The McCook School District has entered into a contract with HCC Leasing, LLC for HCC Leasing, contingent upon the City approving the appropriate zoning, to purchase the property.

The applicants, HCC Leasing, LLC have applied for both a Planned Development District and a rezoning of the southern portion of the property from Residential Medium to Business Commercial. They plan to build storage units on the southern portion of the property. Approximately 100 feet of the north portion of the property would remain a residential medium zone and the applicants plan to build housing in that location.

The attached Planned Development Area Application was approved by the Planning Commission, with an addition that fences be constructed between the proposed buildings on the east. Approval of this Planned Development Area Application is now at the discretion of the City Council. A Planned Development Area provides the ability to allow structures, with additional environmental, buffering etc., to not conflict with the neighborhood. It is allowed to enhance the overall area. Once approved it provides and acts as an overlay district and the applicant must conform to the planned development in its entirety. The applicants and future owners cannot deviate from the plan unless approved by the Planning Commission and the City Council.

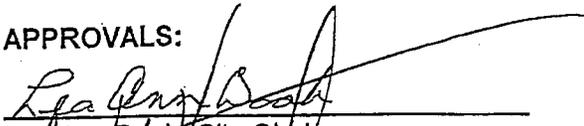
FISCAL IMPACT:

None

RECOMMENDATION:

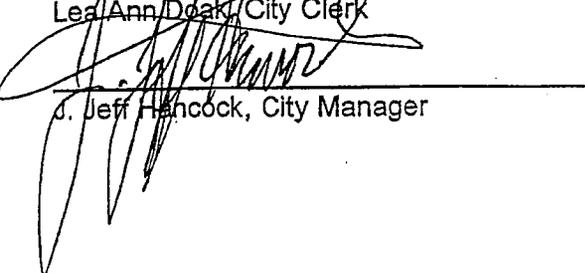
Because of the nature of both the long time and existing surrounding non-conforming development and the potential positive nature of enhancing residential activity in the surrounding area, City Staff concurs with the recommended approval of the Planning Commission of the applicants request of a Planned Development District Request and the rezoning from Residential Medium Density (RM) to Business Commercial District (BC).

APPROVALS:



Lea Ann Doak, City Clerk

August 14, 2012



J. Jeff Hancock, City Manager

August 14, 2012

NOTICE OF HEARING
PLANNED DEVELOPMENT DISTRICT

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider the Planned Development District request from HCC Leasing, LLC and the rezoning from Residential Medium Density District (RM) to Business Commercial District (BC), for the following described property:

A tract of land located in Miscellaneous McCook, part of the SW/4NE of Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska; generally described as a lot on the north side of "Q" Street West, commonly known as the "School Bus Barn".

Public Hearings on the above-described Planned Development District will be held on the dates, times, and at the places listed below:

AUGUST 13, 2012 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
302 WEST 5TH STREET

AUGUST 20, 2012 - 7:30 P.M.
MCCOOK CITY COUNCIL
CITY COUNCIL CHAMBERS
302 WEST 5TH 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 Fred Baugher, City of McCook Building Official at 308-345-2022 ext. 232.

-s- Lea Ann Doak
City Clerk

Publish: August 3, 2012.
Post: August 3, 2012.
Mail: August 3, 2012.

OWNERSHIP LIST FOR MAILING:

Beverly Estraich
701 West Q
McCook, NE 69001

SW Nebraska Properties LLC
c/o Wallis Marsh
5065 Westheimer, Ste. 625
Houston, TX 77056

Giant Steps Mobile Home Park McCook
c/o Kimberly Neckers
5650 Greenwood Plaza Blvd., Ste. 203
Greenwood Village, CO 80111

Red Willow County
502 Norris Avenue
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: HCC Planned Development

Description of Project: Rezone property from residential to commercial for storage buildings. Leaving the North 100' of this lot for residential lots. + Planned Development Overlay

Project sponsor or developer:

Name: HCC Leasing LLC
Address: 8205 Paederosa Drive
Phone number: 308-340-3420
Fax number: _____
E-mail Address: hcc07@Hotmail.com

Land owner or owners:

Name: McCook City Schools
Address: 200 W 9th, McCook, NE 69001
Phone number: 308-345-2510
Fax number: _____
E-Mail Address: _____

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)

HCC Leasing LLC by
Wm J Davis
Printed Name:

Printed Name:

HCC Leasing LLC by
[Signature]
Signature:

Signature:

7-30-12
Date:

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

811 N Q Street

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

Tract of Land located in Miscellaneous McCook,
part of the SW/4NE of Section 19, Township
3 North, Range 29 West of the 6th P.M. Red W. 102d
County, Nebraska - known as "School Bus Barn".

Required Information:

See Attached sheets for required information for:

- Subdivisions
- Zone Changes and special exceptions
- Planned developments

FEE PAID: \$ 75⁰⁰ (See attached schedule of fees)

Fee, complete application, and required attachments, accepted by:

J. Jeff Hancock
Printed name

[Signature]
Signature

8-6-12
Date



For Office Use Only	
Date Filed:	_____
Fee:	\$75.00
Receipt No.	_____
Revised 09/11	_____

APPLICATION FOR PLANNED *Staff Report*
DEVELOPMENT DISTRICT PLAN APPROVAL

- Property Zoned: Residential - Medium
- Met with Staff: 8-6-12, 7-19-12
- Applicant's Name: HCC Leasing LLC
- Applicant's Address: 2205 PONDROZA DRIVE
- Telephone (daytime): 308-340-3420
- Email Address: hcc07@hotmail.com
- Owner's Name: McCook Public School Dist
- Owner's Address: 700 W. 7th, McCook, NE 69001
- Telephone (daytime): 308-345-2510
- Project description: HCC Planned Development - North 3/8 Planned Development Overlay + Change of Zoning RM-BC
- Legal description of property to be developed (attach additional sheets if necessary):
See Application

- General Location/Address of property to be developed: 811 W Q Street
- Area of property (square feet and/or acres): 2.5 Acres

Submittal Requirements

- Certified copy of last deed of record must be attached. (Obtain from Register of Deeds Office). Check deed restrictions on subject property prior to making plans to avoid violations of such restrictions.
- Three sets of full size plans (minimum scale: 1" = 100').
- One set of reduced plans (8 1/2" X 11")

Building and Parking information

- | | |
|---|---|
| a. Total site area (a) | <u>108,534</u> sq. ft. |
| b. Number of buildings | <u>9</u> |
| c. Building coverage (c) | <u>27,263</u> sq. ft. |
| d. Building coverage (c + a) | <u>25.11</u> % |
| e. Building height | <u>10 + 14 ft</u> ft. |
| f. Total Floor area including basement | <u>27,263</u> sq. ft. |
| g. Paved Area (h) | <u>None</u> sq. ft. |
| h. Total Impervious Coverage (c + h + a) | <u>25</u> % |
| i. Number of parking stalls provided | <u>None</u> |
| j. Number of parking stalls required | <u>2</u> |
| k. Front yard setback | <u>70</u> ft. |
| l. Side yard setback | <u>20</u> ft. |
| m. Street side yard setback | <u>29</u> ft. |
| n. Rear yard setback | <u>15 1/4</u> ft. |
| o. Length of street frontage | <u>662</u> ft. |
| p. 5' terrace sidewalk (minimum 5' from curb) | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| q. Irrigation provided | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| r. Bufferyard required | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

Multi-Family Residential Uses Only

- | | |
|------------------------------|-------|
| Number of Buildings | _____ |
| Units per Building | _____ |
| No. of Efficiencies | _____ |
| No. of 1 Bedrooms | _____ |
| No. of 2 Bedrooms | _____ |
| No. of 3 Bedrooms | _____ |
| Density - units per lot area | _____ |

PLANNED DISTRICT CHECKLIST

Development Plan Package (All plans shall be drawn to scale)

A complete plan package including all the elements listed below shall be submitted to provide a complete representation of the development project.

200-Foot Radius Map.

- All improvements, streets, drives, parking areas, land uses and zoning within 200 feet of the boundary of the site.

Site Plan.

- Major environmental site features/concerns such as tree masses, drainage ways, 100-year floodplains, floodways, wetlands, steep slopes, and problematic soils.
- Footprint of all proposed buildings including square footage, number of stories and finish floor elevation.
- All property lines with dimensions and all building setback lines.
- Internal and external transportation and circulation systems including location and dimensions of existing and proposed streets, alleys, driveways, curb cuts, parking lots, parking spaces including ADA handicap spaces, and pedestrian and bicycle paths.
- Location of existing and proposed utilities including, sanitary sewers, manholes, storm water facilities, municipal water, gas and electrical distribution systems and all associated easements of record or proposed easements
- Location and design of proposed site lighting. Sharp cut-off fixtures only.
- Location of all trash enclosures and loading docks.

Building Elevations.

- Exterior architectural building elevations and floor plans, including height, building materials, and other information necessary to describe the project and use of the building.

Grading and Drainage Plan.

- Shall demonstrate site grading and drainage by showing existing contours at 2-foot intervals and proposed grading at 2-foot intervals with spot elevations at critical locations.
- Shall show location and approximate size and depth of stormwater detention facilities.

Erosion and Sediment Control Plan. (May be combined with Site Grading and Drainage Plan if all information legible)

- Shall demonstrate erosion control and sediment control in compliance with NPDES requirements.

Other.

- If applicable, a proposed development schedule including a phasing plan and area calculations for each phase.
- If applicable, a complete listed of deviations of variances from the zoning code that are not proposed for the project.

Owner's signature

Date

Applicant's signature (If different than property owner,
Applicant certifies by signature that s/he is the authorized
agent of the property owner.)

If you have any questions about this application form, please contact the City Manager at (308) 345-2022, ext. 225 or the Building Official at (308) 345-2022, ext. 232.

THIS IS A LEGALLY BINDING AGREEMENT. IF NOT UNDERSTOOD, SEEK LEGAL ADVICE.
The REALTOR® negotiating this agreement is a member of the Nebraska REALTORS® Association
And as such is governed by its Code of Ethics and Rules and Regulations.



COMMERCIAL
PURCHASE AGREEMENT

Golden Plains Realty 907 West B Street, McCook, NE July 3, 2012
(firm and address) (date)

The undersigned, as Buyer, agrees to purchase the following property on the following terms:
Address: West O Street (School Bus Barn), McCook, NE 69001
Legal Description: Misc McCook Pt SW/4NE 19-1-29, Red Willow County, Nebraska (Property)

including all fixtures and equipment permanently attached to Property owned by Seller provided Seller has a marketable title in fee simple. The only personal property included as follows:

Buyer shall be furnished a current title insurance commitment before closing and a title insurance policy insuring marketability. The cost of title insurance issued for this sale shall be paid as follows: half each party. Buyer agrees that should a valid title defect exist, Seller has a reasonable time to correct said defect, not to exceed 30 days from the date of the title commitment. If the title defects are not cured within such time period, Buyer may declare this agreement null and void, and the earnest money shall be refunded. Seller agrees to convey to Buyer by warranty deed or or equal fee and clear of all liens and encumbrances except no exceptions and subject to all assessments and restrictions or covenants now of record. Special assessments for items such as paving, curbing, sidewalk or utilities previously constructed, now under construction, or ordered to be constructed by public authority, levied, assessed or not yet assessed as of the date of this agreement shall be paid by Seller assumed by Buyer. The documentary stamp tax shall be paid by Seller.

Personal Property. If checked, the purchase price includes all furniture and furnishings and any other personal property owned by Seller and used in the operation of the property per attached signed inventory, receipt of which is hereby acknowledged. The inventory is hereby made an integral part of this agreement upon its execution by both parties. Said personal property is to be transferred by Bill of Sale in favor of Buyer at closing.

Price. Buyer agrees to pay \$ 250,000.00, on the following terms: an earnest money deposit of \$ 50,000.00 at this time as shown by the receipt herein. If paid by check, it will be cashed. The earnest money will be transferred to the listing broker on acceptance. If the selling broker is other than the listing broker. All monies shall be deposited in a trust account, to be held until the time of closing or until transferred to an escrow agent by agreement of Buyer and Seller; balance to be paid as shown in the following Paragraph(s) # 2.

#1 All Cash: Balance shall be paid in cash, or by certified or cashier's check at the time of delivery of deed, no financing being required.

#2 Conditional Upon Loan: Balance of \$ 200,000.00 shall be paid in cash, or certified or cashier's check at time of delivery of deed, contingent upon Buyer's ability to obtain a loan, to be secured by first mortgage or deed of trust, on above described Property in the amount of \$ 130,000.00 on the following terms: initial interest not exceeding 6 % per annum; amortized over not less than 30 years; points not to exceed 0. Loan origination or service fees shall be paid by Buyer. Buyer agrees to make application for the loan within 15 days of acceptance of this offer, sign all papers, pay all costs, except as provided herein, and to establish escrow reserves for taxes and insurance if required by Lender. If processing of the application has not been completed by the listing date stated elsewhere in this Agreement, such time limit shall be automatically extended until the lending agency has, in the normal course of its business, advised either approval or rejection. Seller may cancel this agreement any time after 60 unless Buyer shall have previously provided to Seller a copy of Buyer's written, non-contingent loan approval from a regulated lender.

#3 Other Provisions: Contingent upon city allowing buyers to use as and build storage units.

#4 Addendum: Buyer shall rent property back to seller at rates and amount to be determined.

#4 Addendum: The attached addenda shall be made a part of the Purchase Agreement. (List Addenda)

Real Estate Taxes/Promotions: Seller shall pay all taxes to and including 2011. Taxes for the calendar year 2012, together with interest, rents, prepaid services, and other expenses of the property, if any, shall be prorated to the date of possession/closing. Taxes shall be prorated on the basis of the county assessor's valuation at the date of closing and the most recently certified mill levy.

Compliance with Law: Seller shall comply with any federal, state or local law applicable to the sale or transfer of the property, including but not limited to installing smoke detectors or providing inspections.

Maintenance/Repairs/Replacements, Cost to Seller: Seller agrees to maintain the property in its condition on the date hereof until initial delivery of possession which maintenance shall include, but not be limited to, the building, the heating, air conditioning, water heater, sewer, plumbing, electrical system, any appliances and the lawn.

Insects: If checked, Buyer requests a termite and wood destroying insect inspection of the property and all buildings thereon at Buyer's expense. Should evidence of termites or wood destroying insects be found, the property shall be treated at Seller's expense. Buyer agrees to accept the treated property, if visible evidence of previously treated infestation which is now inactive, is found, treatment shall not be required. Should damage from such insects be found, the damage shall be corrected at Seller's expense. However, if the cost required for repairs exceeds 1% of the purchase price, either Seller or Buyer may rescind this agreement.

Liability Limit: Except for the costs required by the preceding two paragraphs, Seller's total liability for any cost for maintenance, repairs or replacements required by terms of this agreement or by Buyer's lender, shall not exceed \$ 5,000.00. Should maintenance, repairs or replacement exceed the stated amount Seller may elect to pay the cost in excess of such amount. If Seller does not, Buyer may elect to take the Property without the repairs or maintenance and such amount (the full limit) shall be a credit to the purchase price. Otherwise, either party may rescind this agreement.

Inspections: Unless otherwise provided specifically in this agreement, Buyer, or any designee, at Buyer's expense (or as otherwise agreed), shall have the right to any inspections desired of the real estate and personal property to be sold hereunder on or before July 15, 2012, which is the inspection deadline. Buyer shall have 5 calendar days after the inspection deadline to give notice to the Seller of any unsatisfactory conditions of the property (the "rescission deadline"). If the Buyer fails to notify the Seller of an unsatisfactory condition Buyer agrees to accept the property in its condition on the inspection deadline. If such a notice is received by the Seller, as set forth above, this agreement shall terminate on July 23, 2012, the settlement deadline, unless Seller and Buyer have agreed to a settlement in writing or Buyer has waived such condition in writing.

Access to Property: Seller shall provide reasonable access to Buyer, his inspectors or agents to timely fulfill this agreement and to representatives of Buyer's Lender to accommodate financing.

Condition of Property: Seller represents (1) that to the best of Seller's knowledge, there are no defects in the property that are not readily ascertainable and which significantly affect the desirability or value of the property, or which the Seller has not disclosed to Buyer in writing dated July 3, 2012 and (2) that Seller has no notice of violations of any local state or federal laws, rules and regulations relating to the property. If checked, a disclosure is attached.

Risk of Loss: Risk of loss or damage to Property, prior to closing date, shall be the responsibility of Seller. If, prior to closing, the Property is materially damaged by fire, explosion or any other cause, Buyer shall have the right (i) to require the premises to be restored to the condition at execution hereof; (ii) to adjust the price to the value subject to the damage; or (iii) to rescind this agreement.

Possession and Closing: Closing of the sale shall be on September 4, 2012, or within 30 days after loan approval, whichever shall first occur. Possession of Property shall be given on September 4, 2012 at closing, at 12:00 PM but not before closing. This agreement shall in no manner be construed to convey Property or to give any right of possession. Buyer shall have the right to make a final inspection of Property prior to closing to ascertain that all conditions of this agreement have been met. Time is of the essence in this agreement.

Escrow Closings: Buyer and Seller agree that the closing of the sale may be handled by an escrow agent. If so, the listing broker is authorized to transfer to the escrow agent the earnest money, other trust funds received by the listing broker and all documents and other items received by the listing broker in connection with the sale. After the transfer, the listing broker shall have no further responsibility or liability to Buyer or Seller to account for funds or preparation of documents in connection with the closing of the sale. Escrow agent will not be required to disburse funds or deliver or record any documents until it has received certified funds or other good, sufficient and collected funds, and all conditions, terms and provisions of this agreement have been satisfied, performed and met. Closing charges shall be paid as follows: 1/2 buyer, 1/2 seller.

Buyer [Signature] Seller [Signature]

August 13, 2012

To: McCook Planning Commission

Re: "School Bus Barn" proposed building plan

From: Brent and Bev Klein

The purpose of this note is to offer a few comments and observations concerning the proposed zoning change and storage garage facility at the site of the school bus barn located immediately adjacent to our home at 701 West Q Street. We are not necessarily for or against this project at the present time.

(1). We learned the details and obtained a copy of the proposal on Friday, 8-10 from Jeff Hancock, City Manager. We notice that the plan calls for several large structures which, if built will change the status of the property to be permanently non-conforming in its use as a property with residences on both sides. We are aware that recently, there was a plan proposed to use the bus barn site for a semi truck repair service. A major difference between the two proposals is that building the storage facility will be a permanent change to the residential area surrounding it, while a use such as the repair business would leave the door open for future use of the site for conforming uses such as building homes.

(2). We notice that on the proposed plan there is a neighborhood buffer of trees on the west side of the project to provide a buffer for the residents on West 8th Street from the lights, noise and activities of the business that is proposed in this residential area. There is no buffer at all on the east side of the plan which borders our property. By contrast, when Randy Lashley was attempting to plan for his semi repair business, he

came to us, shared his plans and offered to pay for and build a privacy fence as a buffer along our entire property line. We feel it is necessary for the developers of this project, if it is approved to provide a buffer on both the east and west sides of the property, not just the west as is currently proposed.

(3). As many of you know, our property at 701 West Q Street has been occupied by us for 30+ years. During that span of time, we have used our property for our own share of non-conforming uses. We have had a commercial sod farm, a preschool and storage garage rentals ourselves. Over the many years of renting our garages we have come to be very concerned about the quality of renters we have as we have had several very scary experiences with renting garages to strangers. One involved a major case of interstate drug trafficking and illegal firearms, and another involved a man who was out of prison on parole after being convicted of murder. As a result of these experiences and others, we no longer rent to people we do not know personally. In addition, the new managers of Lazy L trailer court, Skeet and Lane Brawdy, rent lots only to people who can pass a thorough background check. We think it is important for the developers of the proposed storage facility to make a similar commitment to provide security checks on their renters to protect the residents of this area, particularly the many families with children who live in the trailer courts.

(4). It is apparent to us that the proposed storage facility will require at least some security lighting. That is a concern to us as all of our bedrooms are located on the west side of our home. We do not want to have our back yard flooded with light at night. Maybe this concern could be addressed with some considerate planning by the developers.

(5). We were hoping to contact at least one of the developers of this project to discuss our concerns this past weekend, but ended up spending the weekend in Kansas City with our kids and grandkids. As a Planning Commission, City Staff, City Council and project developers, we do ask that you all be very sure before approving this plan that you would have no hesitation to approve this project being built in your neighborhood adjacent to your home.

(6). We apologize that we are unable to attend this meeting today as we had planned, but some issues came up with my precious little student, Isaiah Casillas, and we made a commitment to be with his family tonight. As you may know, Isaiah is in a battle for his life with brain cancer. We would gladly build storage garages on every side of our property if we could reverse his very poor prognosis. Please keep Isaiah in your prayers.

Brent and Bev Klein

345-6252 (home) 340-4286 (Brent) 340-4300 (Bev)

ORDINANCE NO. 2012-2883

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF MCCOOK ZONING ORDINANCE NO. 1580 BY DESIGNATING A TRACT OF LAND AS A PLANNED DEVELOPMENT DISTRICT AND BY CHANGING THE ZONING CLASSIFICATION OF SAID TRACT OF LAND FROM RESIDENTIAL MEDIUM DENSITY DISTRICT (RM) TO BUSINESS COMMERCIAL DISTRICT (BC); PROVIDING FOR THE REPEAL OF ANY AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

SECTION 1. In accordance with Article 20 of Ordinance No. 1580 of the City of McCook, Red Willow County, Nebraska, the following described tract of land shall be and is hereby designated as a Planned Development District, to wit:

A tract of land located in Miscellaneous McCook, part of the SW/4NE of Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska; generally described as a lot on the north side of "Q" Street West, commonly known as the "School Bus Barn".

SECTION 2. In accordance with Article 27 of Ordinance No. 1580 of the City of McCook, Red Willow County, Nebraska, the zoning classification of the above-described property shall be and are hereby changed from Residential Medium Density District (RM) to Business Commercial District (BC), to wit:

SECTION 3. The City Clerk of the City of McCook, Nebraska is hereby directed to change the official zoning map of the City of McCook, Nebraska to show the above-described property to be designated as a Planned Development District and to have a zoning classification of Business Commercial District (BC) as so designated.

SECTION 4. The provisions of Ordinance No. 1580 are hereby amended as provided herein.

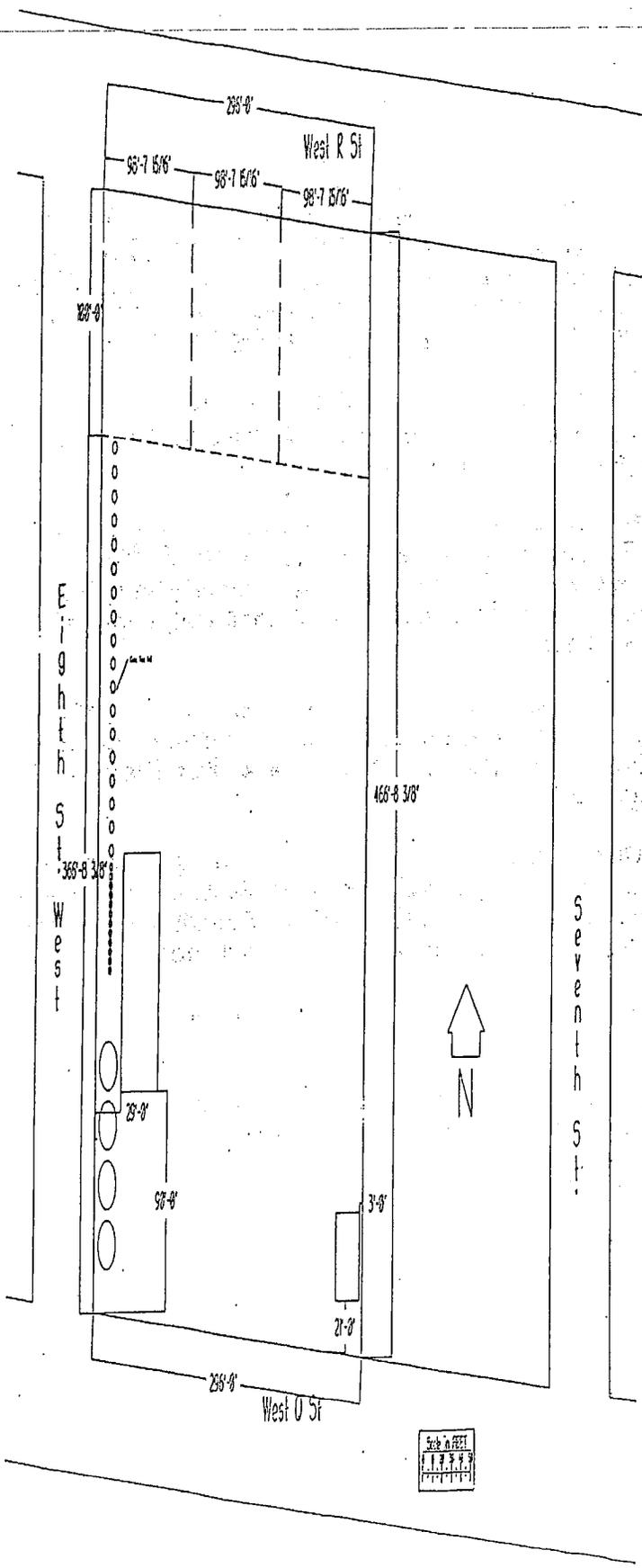
SECTION 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

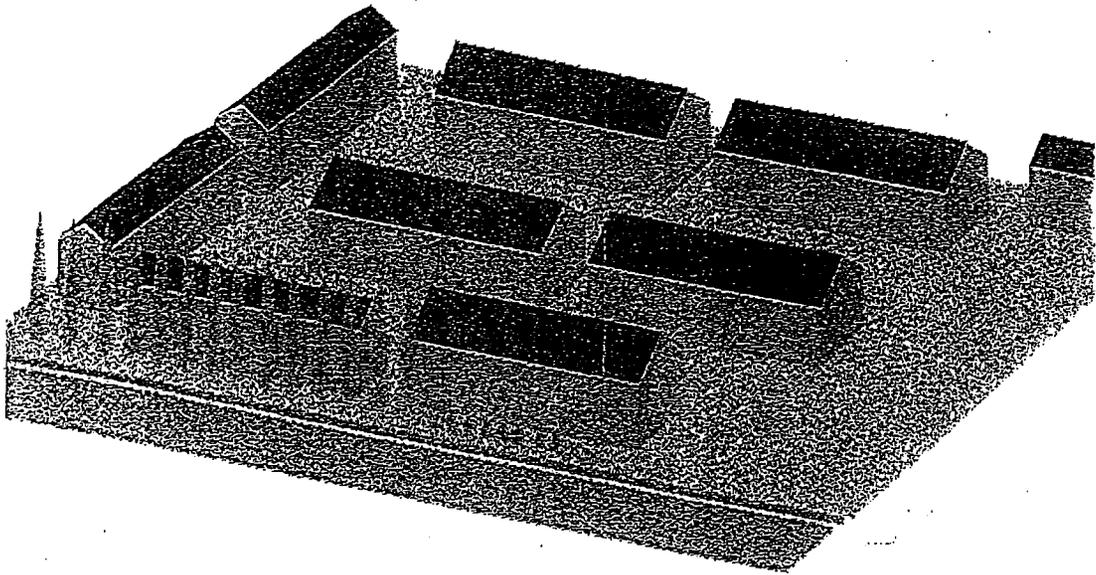
PASSED AND APPROVED this _____ day of _____, 2012.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk





CORNFIELD

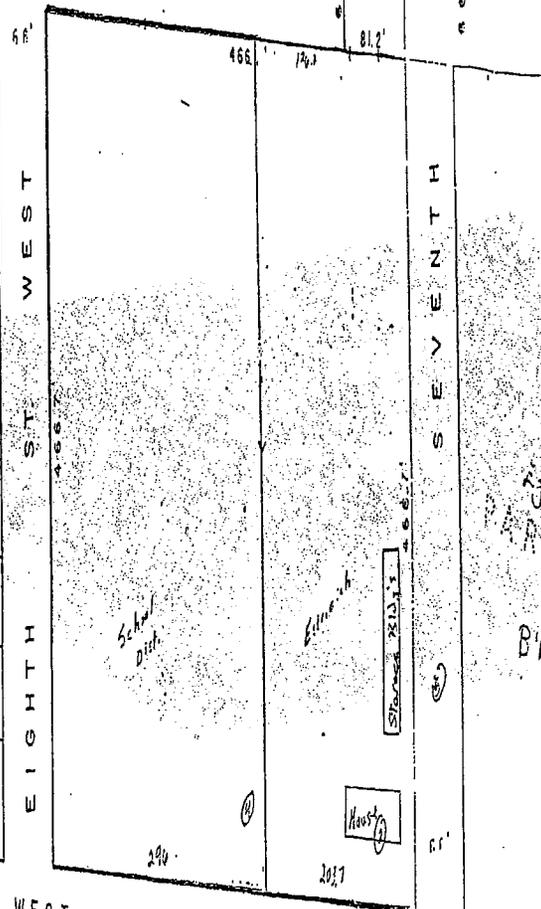
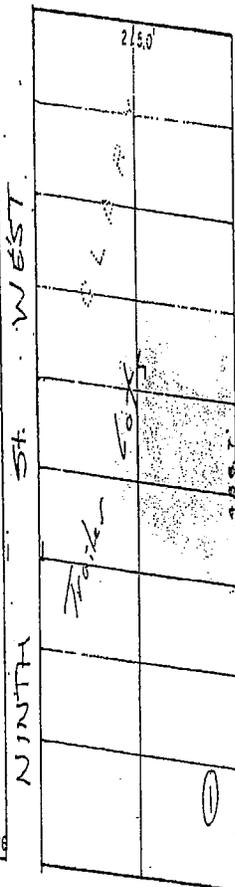
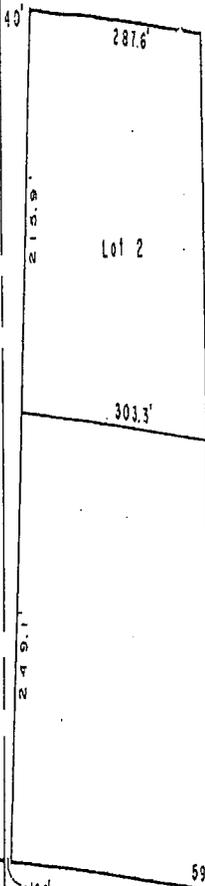
200.6'

841.5'

WEST

Rth

ST.



100'

598

290

2027

6.1'

Calc. Sec. 19

1/4 Sec. 19

WEST

10th

ST.

FAIRGROUNDS

PART OF APPLICATION

EXHIBIT #4

**CITY MANAGER'S REPORT
SEPTEMBER 13, 2021 PLANNING COMMISSION MEETING**

ITEM NO. ____ Public Hearing - Regarding the Final Plat for HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

ITEM NO. ____ Recommend approval of the Final Plat for HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

ITEM NO. ____ Public Hearing - Regarding the dissolution of the Planned Unit Development for property located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

ITEM NO. ____ Recommend the dissolution of the Planned Unit Development for property located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

2.E.

ITEM NO. ____ Public Hearing - Regarding a zoning change request for proposed HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Business Commercial (BC) to Residential Medium Density (RM).

ITEM NO. **2.F.** Recommend approval of the zoning change request for proposed HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Business Commercial (BC) to Residential Medium Density (RM).

BACKGROUND:

A minor subdivision application has been filed by David Winder for the purpose of subdividing a tract of land located in the SW/4 of the NE/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. The proposed name for the new subdivision is HCC Subdivision. The proposed subdivision would carve out five residential lots, with all of the properties located adjacent to West 8th Street and/or West R Street. The property to the south of HCC Subdivision would not be included in the new subdivision. Currently, there is a residential structure under construction on proposed Lot 3. No additional construction can occur at this location until the subdivision occurs. All of the proposed lots within HCC Subdivision comply with the City of McCook's Zoning Ordinance, Article 9; Residential Medium Density District (RM). There are existing utilities adjacent to the proposed subdivision. One important note, the property south of proposed HCC Subdivision is in the process of an administrative lot split. The lot split paperwork will be filed prior to the HCC Subdivision finalization.

As a result of the request, the City of McCook must dissolve a Planned Unit Development that was approved by the McCook City Council for the entirety of the lot (which includes both the proposed HCC Subdivision as well as the property to the south that is home to the "bus barn" and other ancillary structures). A Planned Unit Development provides for the variance of normal zoning

and subdivision standards to allow for developments that may require a deviation from the City of McCook's Zoning Ordinance. A Planned Unit Development is an overlay district, and the approved Planned Unit Development takes precedence over the existing zoning rules that are varied pursuant to the Plan. The Planned Unit Development at issue was approved by the McCook City Council on August 20, 2012. The reason for the Planned Unit Development was to allow for the construction of storage units on the southern portion of the property. The Planned Unit Development that controls the lot at issue interferes with the owner's ability to comply with the City of McCook's RM zoning regulations, hindering development of the HCC Subdivision for residential purposes. The City of McCook is comfortable with removing the Planned Unit Development designation. Housing is a priority in the City of McCook, and this project could lead to 5 new single-family residential units. The requested dissolution will provide additional lots for new homes.

Finally, Mr. Winder's application requests a zoning change of the current land uses for the property at issue, from Business Commercial (BC), to Residential Medium (RM). The zoning change request is supported by the fact that the surrounding properties are zoned RM. To the north of the proposed HCC Subdivision is the North Pointe development. To the west of the proposed HCC Subdivision is the Clary Village and Quillan Court projects. Staff has noted there are additional residential properties in the vicinity. Mr. Winder's zoning change request is consistent with the character of the neighborhood.

RECOMMENDATIONS:

ITEM NO. ____ Public Hearing - Regarding the Final Plat for HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

ITEM NO. ____ Recommend approval of the Final Plat for HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

ITEM NO. ____ Public Hearing - Regarding the dissolution of the Planned Unit Development for property located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

ITEM NO. ____ Recommend the dissolution of the Planned Unit Development for property located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

ITEM NO. ____ Public Hearing - Regarding a zoning change request for proposed HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Business Commercial (BC) to Residential Medium Density (RM).

ITEM NO. ____ Recommend approval of the zoning change request for proposed HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Business Commercial (BC) to Residential Medium Density (RM).

APPROVALS:



Nathan A. Schneider, City Manager

September 9, 2021

Lea Ann Doak, City Clerk

September 9, 2021

NOTICE OF HEARING
REZONING AND REMOVAL OF
PLANNED DEVELOPMENT DISTRICT DESIGNATION

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider the rezoning from Business Commercial (BC) District to Residential Medium Density (RM) District and for removal of the Planned Development District designation, for the following described property:

A tract of land located in Miscellaneous McCook, part of the Southwest 1/4 of the Northwest 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M., Red Willow County, Nebraska; to be known as HCC Subdivision.

Public Hearings on the above-described Rezoning and Planned Development District designation removal will be held on the dates, times, and at the places listed below:

SEPTEMBER 13, 2021 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

SEPTEMBER 20, 2021 - 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 of McCook City Manager at 308-345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: September 3, 2021.
Post: September 3, 2021.
Mail: September 3, 2021.

EXHIBIT #2

PAGE(S) - 1

OWNERSHIP LIST FOR MAILING:

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

CLARY VILLAGE, LLC
402 NORRIS
SUITE 301
MCCOOK, NE 69001

RED WILLOW COUNTY FAIRGROUNDS
PO BOX 876
MCCOOK, NE 69001

BEVERLY ESTERAICH
701 WEST Q
MCCOOK, NE 69001

MEDC
C/O ANDY LONG
402 NORRIS AVE
MCCOOK, NE 69001

W.A.G.S PROPERTIES, LLC
1411 EAST 5
MCCOOK, NE 69001

RICHARD AND STACEE SMOCK
903 W R
MCCOOK, NE 69001

DAVID AND JOANN BARENBERG
901 W R
MCCOOK, NE 69001

THOMAS AND MIKA LENTZ
805 W R
MCCOOK, NE 69001

ENERGY PROPERTY INV.
ATTN COLLIN HUNTER
13221 CLOUD MESA DRIVE
CHEYENNE, WY 82009

VICKI SYDOW
803 W R
MCCOOK, NE 69001

MICHAEL AND NANCY HEDKE
801 W R
MCCOOK, NE 69001

DAVE AND ANGELA MCCARTY
1700 W 4
MCCOOK, NE 69001

2

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: HCC Subdivision

Description of Project: Creating five lots

Project sponsor or developer:

Name: David E. Winder

Address: 2103 West 7th McCook

Phone number: 308-340-8733

Fax number: _____

E-mail Address: dtwinder@outlook.com

Land owner or owners:

Name: HCC Leasing Co. Pam Klug

Address: 2106 Cedarlane McCook

Phone number: 308-346-5460

Fax number: _____

E-Mail Address: _____

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)

David E. Winder
Printed Name:

Printed Name:

David E. Winder
Signature:

Signature:

8-1-21
Date:

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

Property Description (Of the parent parcel for subdivisions): A parcel of land
being part of the southwest quarter of the Northeast
1/4 of section 19, Township 3 North, Range 29 West
of the 6th PM in Red Willow County

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?

 No

If so, briefly explain what they might consist of.

(Attach explanation)

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

Final

~~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.

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.)

___ 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;
- (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;
- (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;

To whom it may concern,

HCC Leasing would like to request a zoning change required for the development of residential medium density housing on our commercial property located on West Q and West R St. This property is in the Southeast corner of Block 1 Clary Subdivision Replat # 2 in the city of McCook, Red Willow County, Nebraska. This will be for a single-family dwelling and will fit in with the single and multi-family housing currently in the area.

David Winder
D.E.W. Contracting

**CITY MANAGER'S REPORT
AUGUST 20, 2012 CITY COUNCIL MEETING**

ITEM: 5

ITEM A Public Hearing - Request to consider a Planned Development District request from HCC Leasing, LLC and the rezoning from Residential Medium Density District (RM) to Business Commercial District (BC), for the following described property:

A tract of land located in Miscellaneous McCook, part of the SW/4NE of Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska; generally described as a lot on the north side of "Q" Street West, commonly known as the "School Bus Barn".

ITEM B Introduce and approve under suspension of the rule Ordinance No. 2012-2883 approving the request from HCC Leasing, LLC for a Planned Development District and the rezoning from Residential Medium Density District (RM) to Business Commercial District (BC), for the following described property:

A tract of land located in Miscellaneous McCook, part of the SW/4NE of Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska; generally described as a lot on the north side of "Q" Street West, commonly known as the "School Bus Barn".

CITY MANAGER'S REPORT
AUGUST 20, 2012 CITY COUNCIL MEETING

ITEM: _____

RECOMMENDATION:

ITEM A Public Hearing - Request to consider a Planned Development District Request from HCC Leasing, LLC and rezoning from Residential Medium Density (RM) to Business Commercial District (BC) for the following described property:
A tract of land located in Miscellaneous McCook, part of the SW/4NE of Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska; generally described as a lot on the north side of "Q" Street West, commonly known as the "School Bus Barn".

ITEM B Consider a request from HCC Leasing, LLC for a Planned Development District Request and rezoning from Residential Medium Density (RM) to Business Commercial District (BC) for the following described property:
A tract of land located in Miscellaneous McCook, part of the SW/4NE of Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska; generally described as a lot on the north side of "Q" Street West, commonly known as the "School Bus Barn".

BACKGROUND:

The School Bus Barn property owned by the McCook School District is located on the northeast corner of Q Street and West 8th Street. Because the property is zoned Residential Medium, the school barn is a non-conforming use. The McCook School District has entered into a contract with HCC Leasing, LLC for HCC Leasing, contingent upon the City approving the appropriate zoning, to purchase the property.

The applicants, HCC Leasing, LLC have applied for both a Planned Development District and a rezoning of the southern portion of the property from Residential Medium to Business Commercial. They plan to build storage units on the southern portion of the property. Approximately 100 feet of the north portion of the property would remain a residential medium zone and the applicants plan to build housing in that location.

The attached Planned Development Area Application was approved by the Planning Commission, with an addition that fences be constructed between the proposed buildings on the east. Approval of this Planned Development Area Application is now at the discretion of the City Council. A Planned Development Area provides the ability to allow structures, with additional environmental, buffering etc., to not conflict with the neighborhood. It is allowed to enhance the overall area. Once approved it provides and acts as an overlay district and the applicant must conform to the planned development in its entirety. The applicants and future owners cannot deviate from the plan unless approved by the Planning Commission and the City Council.

FISCAL IMPACT:

None

RECOMMENDATION:

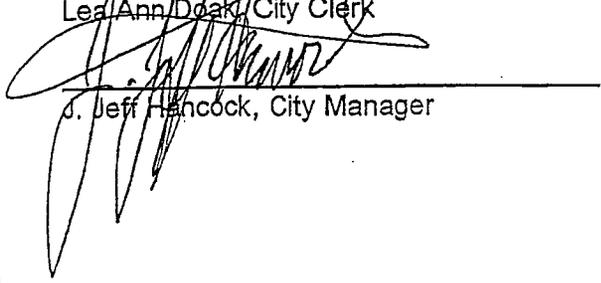
Because of the nature of both the long time and existing surrounding non-conforming development and the potential positive nature of enhancing residential activity in the surrounding area, City Staff concurs with the recommended approval of the Planning Commission of the applicants request of a Planned Development District Request and the rezoning from Residential Medium Density (RM) to Business Commercial District (BC).

APPROVALS:



Lea Ann Doak, City Clerk

August 14, 2012



J. Jeff Hancock, City Manager

August 14, 2012

NOTICE OF HEARING
PLANNED DEVELOPMENT DISTRICT

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider the Planned Development District request from HCC Leasing, LLC and the rezoning from Residential Medium Density District (RM) to Business Commercial District (BC), for the following described property:

A tract of land located in Miscellaneous McCook, part of the SW/4NE of Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska; generally described as a lot on the north side of "Q" Street West, commonly known as the "School Bus Barn".

Public Hearings on the above-described Planned Development District will be held on the dates, times, and at the places listed below:

AUGUST 13, 2012 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
302 WEST 5TH STREET

AUGUST 20, 2012 - 7:30 P.M.
MCCOOK CITY COUNCIL
CITY COUNCIL CHAMBERS
302 WEST 5TH 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 Fred Baugher, City of McCook Building Official at 308-345-2022 ext. 232.

-s- Lea Ann Doak
City Clerk

Publish: August 3, 2012.
Post: August 3, 2012.
Mail: August 3, 2012.

OWNERSHIP LIST FOR MAILING:

Beverly Eстераich
701 West Q
McCook, NE 69001

SW Nebraska Properties LLC
c/o Wallis Marsh
5065 Westheimer, Ste. 625
Houston, TX 77056

Giant Steps Mobile Home Park McCook
c/o Kimberly Neckers
5650 Greenwood Plaza Blvd., Ste. 203
Greenwood Village, CO 80111

Red Willow County
502 Norris Avenue
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: HCC Planned Development

Description of Project: Rezone property from residential to commercial for storage buildings. leaving the North 100' of this lot for residential lots. + Planned Development Overlay

Project sponsor or developer:

Name: HCC Leasing LLC
Address: 3205 Panderosa Drive
Phone number: 308-340-3420
Fax number: _____
E-mail Address: hcc07@hotmail.com

Land owner or owners:

Name: McCook City Schools
Address: 200 W 7th, McCook, NE 69001
Phone number: 308-345-2510
Fax number: _____
E-Mail Address: _____

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)

HCC Leasing LLC by
Wm J Davis
Printed Name:

Printed Name:

HCC Leasing LLC by
[Signature]
Signature:

Signature:

7-30-12
Date:

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

811 N Q Street

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

Tract of Land located in Miscellaneous McCook,
part of the SW/4NE of Section 19, Township
3 North, Range 29 West of the 6th P.M. Red W. 11th
County, Nebraska - known as "School Bus Barn".

Required Information:

See Attached sheets for required information for:

- Subdivisions
- Zone Changes and special exceptions
- Planned developments

FEE PAID: \$ 75⁰⁰ (See attached schedule of fees)

Fee, complete application, and required attachments, accepted by:

J. Jeff Hancock
Printed name

[Signature]
Signature

8-6-12
Date



For Office Use Only	
Date Filed:	_____
Fee:	\$75.00
Receipt No.	_____
Revised 09/11	_____

APPLICATION FOR PLANNED - *Staff Report*
DEVELOPMENT DISTRICT PLAN APPROVAL

- Property Zoned: Residential - Medium
- Met with Staff: 8-6-12, 7-19-12
- Applicant's Name: HCC LEASING LLC
- Applicant's Address: 2205 PONDROZA DRIVE
- Telephone (daytime): 308-340-3420
- Email Address: hcc07@hotmail.com
- Owner's Name: McCook Public School Dist
- Owner's Address: 700 W. 7th, McCook, NE 69001
- Telephone (daytime): 308-345-2510
- Project description: HCC Planned Development - North 3/8 Planned Development Overlay + Change of Zoning RM-BC
- Legal description of property to be developed (attach additional sheets if necessary):
See Application
- General Location/Address of property to be developed: 811 W Q Street
- Area of property (square feet and/or acres): 2.5 Acres

Submittal Requirements

- Certified copy of last deed of record must be attached. (Obtain from Register of Deeds Office). Check deed restrictions on subject property prior to making plans to avoid violations of such restrictions.
- Three sets of full size plans (minimum scale: 1" = 100').
- One set of reduced plans (8 1/2" X 11")

Building and Parking information

- | | |
|---|---|
| a. Total site area (a) | <u>108,534</u> sq. ft. |
| b. Number of buildings | <u>9</u> |
| c. Building coverage (c) | <u>27,263</u> sq. ft. |
| d. Building coverage (c + a) | <u>25.11</u> % |
| e. Building height | <u>10 + 14 ft</u> ft. |
| f. Total Floor area including basement | <u>27,263</u> sq. ft. |
| g. Paved Area (h) | <u>None</u> sq. ft. |
| h. Total Impervious Coverage (c + h + a) | <u>25</u> % |
| i. Number of parking stalls provided | <u>None</u> |
| j. Number of parking stalls required | <u>2</u> |
| k. Front yard setback | <u>70</u> ft. |
| l. Side yard setback | <u>20</u> ft. |
| m. Street side yard setback | <u>29</u> ft. |
| n. Rear yard setback | <u>15 1/4</u> ft. |
| o. Length of street frontage | <u>662</u> ft. |
| p. 5' terrace sidewalk (minimum 5' from curb) | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| q. Irrigation provided | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| r. Bufferyard required | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

Multi-Family Residential Uses Only

- | | |
|------------------------------|-------|
| Number of Buildings | _____ |
| Units per Building | _____ |
| No. of Efficiencies | _____ |
| No. of 1 Bedrooms | _____ |
| No. of 2 Bedrooms | _____ |
| No. of 3 Bedrooms | _____ |
| Density - units per lot area | _____ |

PLANNED DISTRICT CHECKLIST

Development Plan Package (All plans shall be drawn to scale)

A complete plan package including all the elements listed below shall be submitted to provide a complete representation of the development project.

200-Foot Radius Map.

All improvements, streets, drives, parking areas, land uses and zoning within 200 feet of the boundary of the site.

Site Plan.

- Major environmental site features/concerns such as tree masses, drainage ways, 100-year floodplains, floodways, wetlands, steep slopes, and problematic soils.
- Footprint of all proposed buildings including square footage, number of stories and finish floor elevation.
- All property lines with dimensions and all building setback lines.
- Internal and external transportation and circulation systems including location and dimensions of existing and proposed streets, alleys, driveways, curb cuts, parking lots, parking spaces including ADA handicap spaces, and pedestrian and bicycle paths.
- Location of existing and proposed utilities including, sanitary sewers, manholes, storm water facilities, municipal water, gas and electrical distribution systems and all associated easements of record or proposed easements
- Location and design of proposed site lighting. Sharp cut-off fixtures only.
- Location of all trash enclosures and loading docks.

Building Elevations.

- Exterior architectural building elevations and floor plans, including height, building materials, and other information necessary to describe the project and use of the building.

Grading and Drainage Plan.

- Shall demonstrate site grading and drainage by showing existing contours at 2-foot intervals and proposed grading at 2-foot intervals with spot elevations at critical locations.
- Shall show location and approximate size and depth of stormwater detention facilities.

Erosion and Sediment Control Plan. (May be combined with Site Grading and Drainage Plan if all information legible)

- Shall demonstrate erosion control and sediment control in compliance with NPDES requirements.

Other.

- If applicable, a proposed development schedule including a phasing plan and area calculations for each phase.
- If applicable, a complete listed of deviations of variances from the zoning code that are not proposed for the project.

Owner's signature

Date

Applicant's signature (If different than property owner,
Applicant certifies by signature that s/he is the authorized
agent of the property owner.)

If you have any questions about this application form, please contact the City Manager at (308) 345-2022, ext. 225 or the Building Official at (308) 345-2022, ext. 232.

THIS IS A LEGALLY BINDING AGREEMENT, IF NOT UNDERSTOOD, SEEK LEGAL ADVICE.
The REALTORS negotiating this agreement is a member of the Nebraska REALTORS Association
And as such is governed by the Code of Ethics and Rules and Regulations.



COMMERCIAL
PURCHASE AGREEMENT

Golden Plains Realty 907 West 8 Street, McCook, NE Jul 3, 2012
(firm and address) (date)

The undersigned, as Buyer, agrees to purchase the following property on the following terms:
Address: West 6 Street (School Bus Barn), McCook, NE 69001
Legal Description: Misc McCook Pk SW/4NE 19-3-29, Red Willow County, Nebraska (Property)

including all fixtures and equipment permanently attached to Property owned by Seller provided Seller has a marketable title in fee simple. The only personal property included as follows:

Buyer shall be furnished a current title insurance commitment before closing and a title insurance policy insuring marketability. The cost of title insurance issued for this sale shall be paid as follows: half each way. Buyer agrees that should a valid title defect exist, Seller has a reasonable time to correct said defect, not to exceed 30 days from the date of the title commitment. If the title defects are not cured within such time period, Buyer may declare this agreement null and void, and the earnest money shall be refunded. Seller agrees to convey to Buyer by warranty deed or or equal free and clear of all liens and encumbrances except no exceptions and subject to all easements and restrictions or covenants now of record. Special assessments for items such as paving, curbing, sidewalk or utilities previously constructed, now under construction, or ordered to be constructed by public authority, levied, assessed or not yet assessed as of the date of this agreement shall be paid by Seller assumed by Buyer. The documentary stamp tax shall be paid by Seller.

Personal Property. If checked, the purchase price includes all furniture and furnishings and any other personal property owned by Seller and used in the operation of the property per attached signed inventory, receipt of which is hereby acknowledged. The inventory is hereby made an integral part of this agreement upon its execution by both parties. Said personal property is to be transferred by Bill of Sale in favor of Buyer at closing.

Price. Buyer agrees to pay \$ 200,000, on the following terms: an earnest money deposit of \$ 500.00 at this time as shown by the receipt herein. If paid by check, it will be cashed. The earnest money will be transferred to the listing broker on acceptance. If the selling broker is other than the listing broker. All moneys shall be deposited in a trust account, to be held until the time of closing or until transferred to an escrow agent by agreement of Buyer and Seller. Balances to be paid as shown in the following Paragraph(s) # 2

#1 All Cashier Balances shall be paid in cash, or by certified or cashier's check at the time of delivery of deed, no financing being required.

#2 Conditional Upon Loan: Balance of \$ 150,000.00 shall be paid in cash, or certified or cashier's check at time of delivery of deed, contingent upon Buyer's ability to obtain a loan, to be secured by first mortgage or deed of trust, on above described Property in the amount of \$ 150,000.00 on the following terms: initial interest not exceeding 6.00 % per annum, amortized over not less than 30 years; points not to exceed 0.

Loan origination or service fees shall be paid by Buyer. Buyer agrees to make application for the loan within 15 days of acceptance of this offer, sign all papers, pay all costs, except as provided herein, and to establish escrow reserves for taxes and insurance if required by Lender. If processing of the application has not been completed by the lending agency by the closing date stated elsewhere in this Agreement, such date limit shall be automatically extended until the lending agency has, in the normal course of its business, advised either approval or rejection. Seller may cancel this agreement any time after 60 unless Buyer shall have previously provided to Seller a copy of Buyer's written, non-contingent loan approval from a regulated lender.

#3 Other Provisions: Contingent upon city allowing buyers to use as and build storage units.
Buyer shall rent property back to seller at terms and amount to be determined.

#4 Addendums: The attached addenda shall be made a part of the Purchase Agreement. (List Addenda) _____ (Seller) _____ (Buyer)

Real Estate Taxes/Provisions: Seller shall pay all taxes to and including 2011. Taxes for the calendar year 2012, together with interest, rents, prepaid services, and other expenses of the property, if any, shall be prorated to the date of possession/closing. Taxes shall be prorated on the basis of the county assessor's valuation at the date of closing and the most readily certified mill levy.

Compliance with Law: Seller shall comply with any Federal, state or local law applicable to the sale or transfer of the property, including but not limited to installing smoke detectors or providing inspections.

Maintenance/Repairs/Replacements, Cost to Seller: Seller agrees to maintain the property in its condition on the date hereof until initial delivery of possession which maintenance shall include, but not be limited to, the building, the heating, air conditioning, water heater, sewer, plumbing, electrical system, any appliances and the lawn.

Insects: If checked, Buyer requests a termite and wood destroying insect inspection of the property and all buildings thereon at Buyer's expense. Should evidence of termites or wood destroying insects be found, the property shall be treated at Seller's expense. Buyer agrees to accept the treated property. If visible evidence of previously treated infestation which is now inactive, is found, treatment shall not be required. Should damage from such insects be found, the damage shall be corrected at Seller's expense. However, if the cost required for repairs exceeds 1% of the purchase price, either Seller or Buyer may rescind this agreement.

Liability Limit: Except for the costs required by the preceding two paragraphs, Seller's total liability for any costs for maintenance, repairs or replacements required by terms of this agreement or by Buyer's lender, shall not exceed \$ 5,000.00. Should maintenance, repairs or replacement exceed the stated amount Seller may elect to pay the cost in excess of such amount. If Seller does not, Buyer may elect to make the Property without the repairs or maintenance and such amount (the full limit) shall be a credit to the purchase price. Otherwise, either party may rescind this agreement.

Inspections: Unless otherwise provided specifically in this agreement, Buyer, or any designee, at Buyer's expense (or as otherwise agreed), shall have the right to any inspections desired of the real estate and personal property to be sold hereunder on or before July 16, 2012 which is the inspection deadline. Buyer shall have 5 calendar days after the inspection deadline to give notice to the Seller of any unsatisfactory condition of the property (the "rescission deadline"). If the Buyer fails to notify the Seller of an unsatisfactory condition Buyer agrees to accept the property in its condition on the inspection deadline. If such a notice is received by the Seller, as set forth above, this agreement shall terminate on July 23, 2012, the settlement deadline, unless Seller and Buyer have agreed to a settlement in writing or Buyer has waived such condition in writing.

Access to Property: Seller shall provide reasonable access to Buyer, his inspectors or agents to timely fulfill this agreement and to representatives of Buyer's Lender to accommodate financing.

Condition of Property: Seller represents (1) that to the best of Seller's knowledge, there are no defects in the property that are not readily ascertainable and which significantly affect the desirability or value of the property, or which the Seller has not disclosed to Buyer in writing dated _____ and (2) that Seller has no notice of violations of any local state or federal laws, rules and regulations relating to the property. If checked, a disclosure is attached.

Risk of Loss: Risk of loss or damage to Property, prior to closing date, shall be the responsibility of Seller. If, prior to closing, the Property is materially damaged by fire, explosion or any other cause, Buyer shall have the right (i) to require the premises to be restored to the condition at execution hereof; (ii) to adjust the price to the value subject to the damage; or (iii) to rescind this agreement.

Possession and Closing: Closing of the sale shall be on September 4, 2012, or within 15 days after loan approval, whichever shall last occur. Possession of Property shall be given on at closing, at _____ but not before closing. This agreement shall in no manner be construed to convey Property or to give any right of possession. Buyer shall have the right to make a final inspection of Property prior to closing to ascertain that all conditions of this agreement have been met. Time is of the essence in this agreement.

Escrow Closing: Buyer and Seller agree that the closing of the sale may be handled by an escrow agent. If so, the listing broker is authorized to transfer to the escrow agent the earnest money, other trust funds received by the listing broker and all documents and other items received by the listing broker in connection with the sale. After the transfer, the listing broker shall have no further responsibility or liability to Buyer or Seller to account for funds or preparation of documents in connection with the closing of the sale. Escrow agent will not be required to disburse funds or deliver or record any documents until it has received certified funds or other good, sufficient and collected funds, and all conditions, terms and provisions of this agreement have been satisfied, performed and met. Closing charges shall be paid as follows: 1/2 buyer, 1/2 seller

Buyer: DJM Seller: MDP

August 13, 2012

To: McCook Planning Commission

Re: "School Bus Barn" proposed building plan

From: Brent and Bev Klein

The purpose of this note is to offer a few comments and observations concerning the proposed zoning change and storage garage facility at the site of the school bus barn located immediately adjacent to our home at 701 West Q Street. We are not necessarily for or against this project at the present time.

(1). We learned the details and obtained a copy of the proposal on Friday, 8-10 from Jeff Hancock, City Manager. We notice that the plan calls for several large structures which, if built will change the status of the property to be permanently non-conforming in its use as a property with residences on both sides. We are aware that recently, there was a plan proposed to use the bus barn site for a semi truck repair service. A major difference between the two proposals is that building the storage facility will be a permanent change to the residential area surrounding it, while a use such as the repair business would leave the door open for future use of the site for conforming uses such as building homes.

(2). We notice that on the proposed plan there is a neighborhood buffer of trees on the west side of the project to provide a buffer for the residents on West 8th Street from the lights, noise and activities of the business that is proposed in this residential area. There is no buffer at all on the east side of the plan which borders our property. By contrast, when Randy Lashley was attempting to plan for his semi repair business, he

came to us, shared his plans and offered to pay for and build a privacy fence as a buffer along our entire property line. We feel it is necessary for the developers of this project, if it is approved to provide a buffer on both the east and west sides of the property, not just the west as is currently proposed.

(3). As many of you know, our property at 701 West Q Street has been occupied by us for 30+ years. During that span of time, we have used our property for our own share of non-conforming uses. We have had a commercial sod farm, a preschool and storage garage rentals ourselves. Over the many years of renting our garages we have come to be very concerned about the quality of renters we have as we have had several very scary experiences with renting garages to strangers. One involved a major case of interstate drug trafficking and illegal firearms, and another involved a man who was out of prison on parole after being convicted of murder. As a result of these experiences and others, we no longer rent to people we do not know personally. In addition, the new managers of Lazy L trailer court, Skeet and Lane Brawdy, rent lots only to people who can pass a thorough background check. We think it is important for the developers of the proposed storage facility to make a similar commitment to provide security checks on their renters to protect the residents of this area, particularly the many families with children who live in the trailer courts.

(4). It is apparent to us that the proposed storage facility will require at least some security lighting. That is a concern to us as all of our bedrooms are located on the west side of our home. We do not want to have our back yard flooded with light at night. Maybe this concern could be addressed with some considerate planning by the developers.

(5). We were hoping to contact at least one of the developers of this project to discuss our concerns this past weekend, but ended up spending the weekend in Kansas City with our kids and grandkids. As a Planning Commission, City Staff, City Council and project developers, we do ask that you all be very sure before approving this plan that you would have no hesitation to approve this project being built in your neighborhood adjacent to your home.

(6). We apologize that we are unable to attend this meeting today as we had planned, but some issues came up with my precious little student, Isaiah Casillas, and we made a commitment to be with his family tonight. As you may know, Isaiah is in a battle for his life with brain cancer. We would gladly build storage garages on every side of our property if we could reverse his very poor prognosis. Please keep Isaiah in your prayers.

Brent and Bev Klein

345-6252 (home) 340-4286 (Brent) 340-4300 (Bev)

ORDINANCE NO. 2012-2883

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF MCCOOK ZONING ORDINANCE NO. 1580 BY DESIGNATING A TRACT OF LAND AS A PLANNED DEVELOPMENT DISTRICT AND BY CHANGING THE ZONING CLASSIFICATION OF SAID TRACT OF LAND FROM RESIDENTIAL MEDIUM DENSITY DISTRICT (RM) TO BUSINESS COMMERCIAL DISTRICT (BC); PROVIDING FOR THE REPEAL OF ANY AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

SECTION 1. In accordance with Article 20 of Ordinance No. 1580 of the City of McCook, Red Willow County, Nebraska, the following described tract of land shall be and is hereby designated as a Planned Development District, to wit:

A tract of land located in Miscellaneous McCook, part of the SW/4NE of Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska; generally described as a lot on the north side of "Q" Street West, commonly known as the "School Bus Barn".

SECTION 2. In accordance with Article 27 of Ordinance No. 1580 of the City of McCook, Red Willow County, Nebraska, the zoning classification of the above-described property shall be and are hereby changed from Residential Medium Density District (RM) to Business Commercial District (BC), to wit:

SECTION 3. The City Clerk of the City of McCook, Nebraska is hereby directed to change the official zoning map of the City of McCook, Nebraska to show the above-described property to be designated as a Planned Development District and to have a zoning classification of Business Commercial District (BC) as so designated.

SECTION 4. The provisions of Ordinance No. 1580 are hereby amended as provided herein.

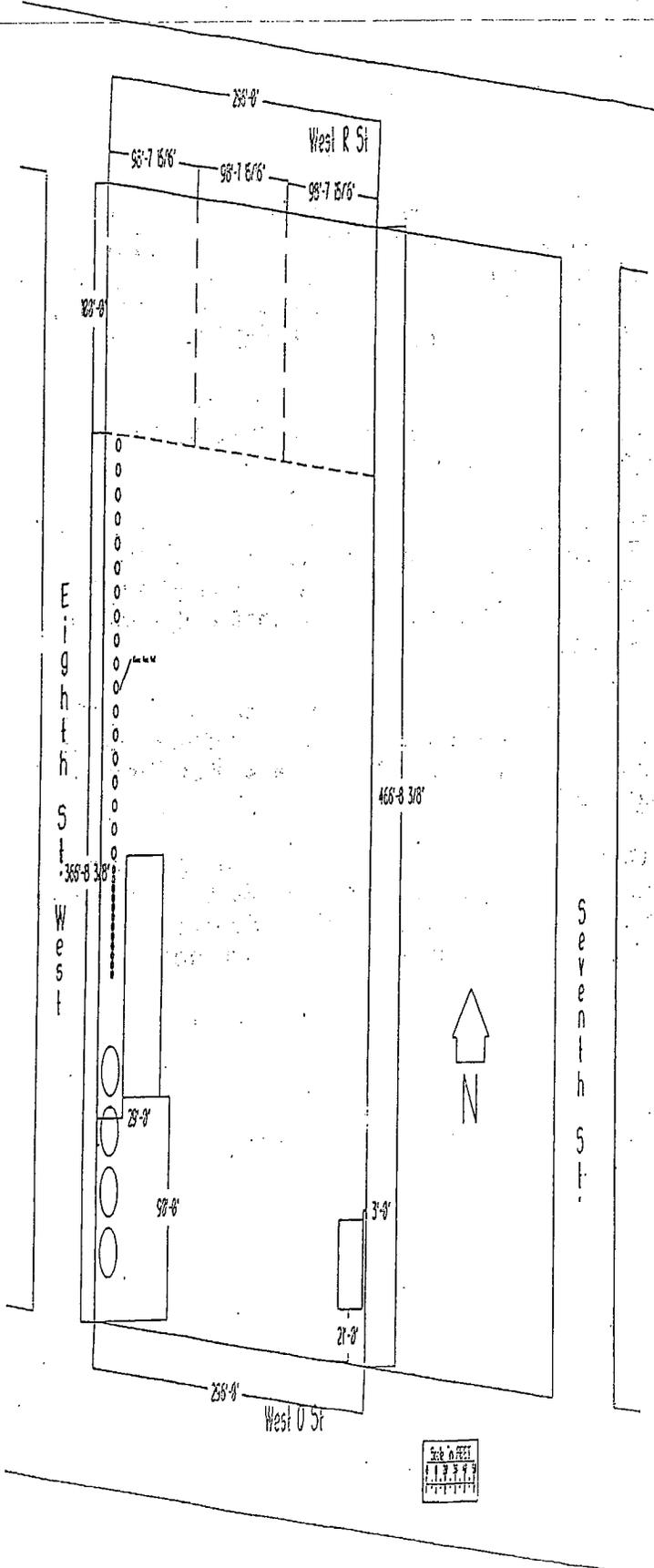
SECTION 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

PASSED AND APPROVED this _____ day of _____, 2012.

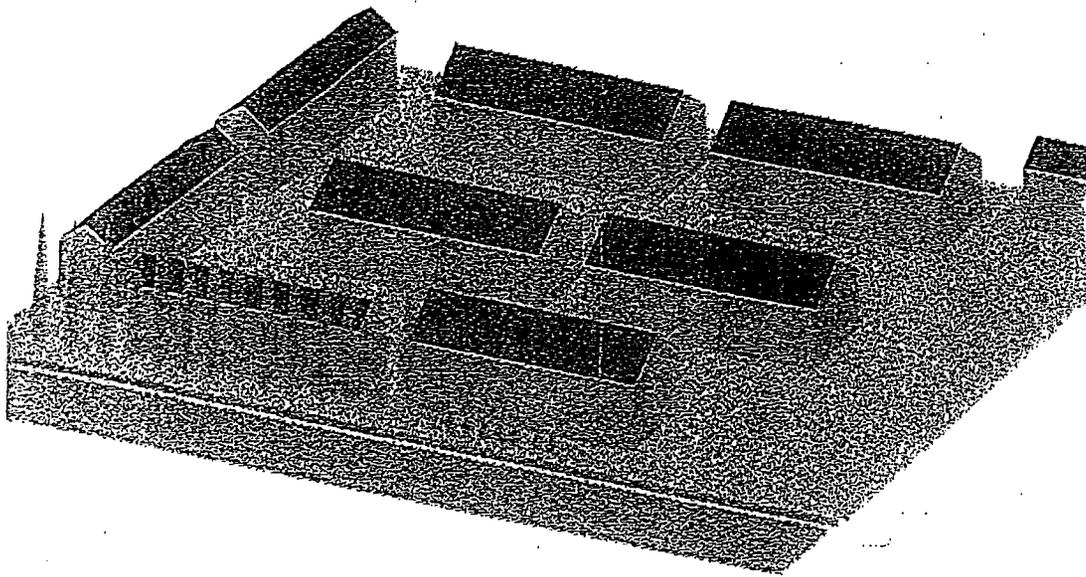
Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk



Scale in FEET
 1" = 10'-0"
 1" = 20'-0"
 1" = 30'-0"
 1" = 40'-0"
 1" = 50'-0"
 1" = 60'-0"
 1" = 70'-0"
 1" = 80'-0"
 1" = 90'-0"
 1" = 100'-0"



CORNFIELD

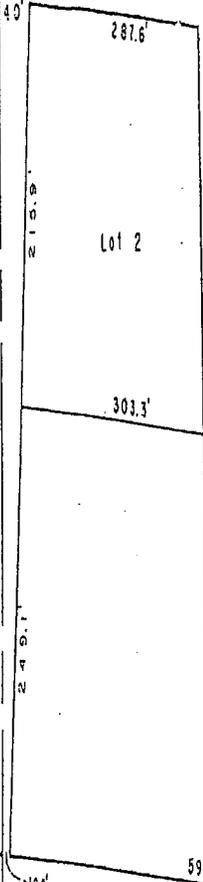
200.6'

841.5'

WEST

Rth

ST.

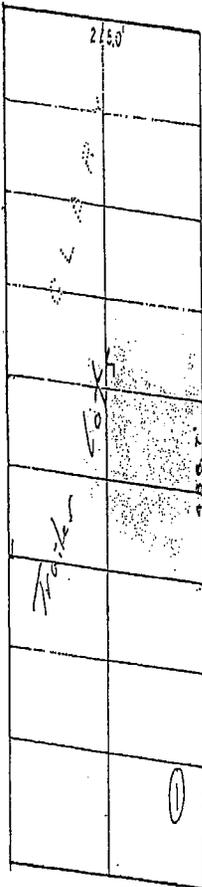


Lot 2

303.3'

WEST NINTH ST.

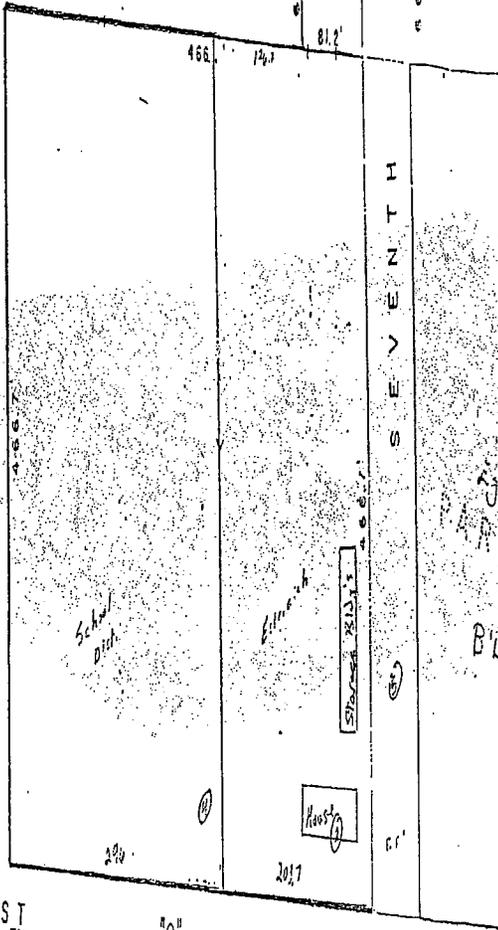
598



275.0'

66'

WEST NINTH ST. HIGHWAY



466.1'

174.7'

81.2'

HIGHWAY SEVENTH ST.

201.7'

201.7'

WEST

Rth

ST.

FAIRGROUNDS

PART OF APPLICATION

EXHIBIT #4