

MCCOOK CITY COUNCIL

REGULAR MEETING

Monday, May 9, 2022
5:15 PM - City Council Chambers

Open Meetings Act Announcement.

Items

1. Presentations.
 - A. Presentation from Craig Bennett of Miller & Associates regarding whether to continue with the City of McCook's use of replats to modify existing subdivisions versus adopting a vacation and begin a new system.
2. Approve the minutes of the December 13, 2021 regular Planning Commission meeting.
3. Public Hearings and Regular Agenda.
 - A. Public Hearing - Request for a special exception by Jake Thieszen to allow a commercial building in the Agricultural (AG) District, with the property located at Block 1, Cappel Industrial Park, a part of the north half of the southeast quarter of Section 24, Township 3 North, Range 30, West of the 6th P.M., Red Willow County, Nebraska, property located within the two mile extra-territorial jurisdiction of the City of McCook.
 1. Adjourn the Public Hearing.
 - B. Recommend approval to the City Council the application for a special exception by Jake Thieszen for a commercial building in the Agricultural (AG) District, with the property located at Block 1, Cappel Industrial Park, a part of the north half of the southeast quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said special exception based upon compliance with special exception requirements A-I.
 - C. Public Hearing - Consider replat of a portion of South Street right-of-way located in the SE1/4 of the SE1/4 of Section 30, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.
 1. Adjourn the Public Hearing.
 - D. Recommend to the McCook City Council final approval of the replat of a portion of South Street right-of-way located in the SE1/4 of the SE1/4 of Section 30, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

Adjournment.

**CITY MANAGER'S REPORT
MAY 9, 2022 PLANNING COMMISSION MEETING**

1.A.
ITEM NO. _____ Receive and file a presentation from Craig Bennett of Miller & Associates regarding whether to continue with the City of McCook's use of replats to modify existing subdivisions versus adopting a vacation and begin anew system.

BACKGROUND:

For decades, the City of McCook has utilized the replat system for modifying existing subdivisions to account for new redevelopment projects. McCook's subdivision regulations allow for the replatting format to be used in order to address requested development changes to existing subdivisions. Increasingly, there has been some concern that the replatting process can cause confusion. An example of the confusion can be seen with the Clary Subdivision replats, which now total six in number.

For quite some time, staff has internally discussed the best practice available when modifying an existing subdivision. One approach that has been adopted by various communities is to start from scratch. For example, the City of Kearney has adopted a vacation system. If a developer wishes to modify the layout of an existing subdivision, Kearney requires the existing subdivision to be vacated. The vacation of the established subdivision serves as a termination point, providing a distinct cutoff for developers, title companies, and abstractors to rely on. Following the vacation of the existing subdivision, a new subdivision is adopted, said newly created subdivision containing the desired layout for the new development. The newly platted subdivision has a definitive starting point, eliminating the need to refer to the previous replats. For property owners and interested parties, the legal description will be clean and defined. On the downside, existing ownership documents from lenders will have to be modified in order to reflect the new subdivision. Additionally, all of the interested parties subject to the newly created subdivision will be required to execute a new plat. In some instances, this process could become onerous due to the fact that not all of the parties may be local.

Craig Bennett of Miller & Associates will be present via Zoom to discuss both options with the planning commission.

APPROVALS:



Nathan A. Schneider, City Manager

May 5, 2022



Lea Ann Doak, City Clerk

May 5, 2022

**CITY MANAGER'S REPORT
MAY 2, 2022 PLANNING COMMISSION MEETING**

ITEM: 2.

RECOMMENDATION:

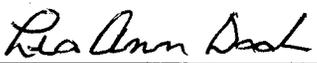
Approve the minutes of the December 13, 2021 regular meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

May 5, 2022

McCook Planning Commission
December 13, 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: Vice Chair Hilker; Commissioners Bradley, Davidson, Friehe, Lyons, McDowell, Mockry.

Absent: Chair Vosburg; Commissioners Dueland, Stevens.

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 December 9, 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.

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

1. Approve the minutes of the October 11, 2021 regular Planning Commission meeting.

Motion to approve the minutes of the October 11, 2021 regular Planning Commission meeting. This motion, made by Friehe and seconded by McDowell, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Consider Replat of a tract of land being in Block Twenty-one (21), Four Corners Addition to the City of McCook, Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the proposed Replat of a tract of land being in Block Twenty-one (21), Four Corners Addition to the City of McCook, Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by McDowell and seconded by Mockry, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the December 13, 2021 Planning Commission meeting (2 pages), 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 (7 pages); and Exhibit #5 - Proposed Replat of Block 21, Four Corners Addition.

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

Bobby Gaulke, representing Donna Loop, the seller of the northern parcel, was present to address questions from the Commission.

With no one else present to comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by McDowell and seconded by Friehe, passed.

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

2.B. Recommend to the McCook City Council approval of the Replat of a tract of land being in Block Twenty-one (21), Four Corners Addition to the City of McCook, Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of the Replat of a tract of land being in Block Twenty-one (21) Four Corners Addition to the City of McCook, Red Willow County, Nebraska. This motion, made by McDowell and seconded by Bradley, passed.

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

2.C. Public Hearing - Request for a special exception from Parallel Infrastructure to construct a new 169' tall telecommunications tower in an Industrial Heavy (IH) zoning district on property owned by Frenchmen Valley Cooperative.

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 Parallel Infrastructure to construct a new 169' tall telecommunications tower in an Industrial Heavy (IH) zoning district on property owned by Frenchman Valley Cooperative, with the City Attorney to act as hearing officer. This motion, made by McDowell and seconded by Mockry, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the December 13, 2021 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (2 pages); Exhibit #4 - Land Use Action Request Form and attachments (6 pages); Exhibit #5 - Buell

Consulting, Inc. application letter dated Thursday, November 4, 2021 (4 pages); Exhibit #6 - Site Location Map and specifications (38 pages); Exhibit #7 - Federal Aviation Administration, Determination of No Hazard to Air Navigation dated September 29, 2021 (5 pages); Exhibit #8 - Zoning Ordinance Section 3008 and 3010 (2 pages); and Exhibit #9 - Findings and Determinations of McCook City Council (2 pages).

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

Christy Eichorn for Buell Consulting on behalf of Parallel Infrastructure, was present to address questions from the Commission. Parallel wanted to be in an industrial area, they have a long-term lease with Frenchman Valley, the elevators to the north are not an issue to them, and they hope to have the project completed within six to eight months.

With no one else present to comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by McDowell and seconded by Friehe, passed.

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

2.D. Recommend approval to the City Council the special exception from Parallel Infrastructure to construct a new 169' tall telecommunications tower in and Industrial Heavy (IH) District on property owned by Frenchman Valley Cooperative, South Highway 83/South 6th Street; finding that Special Exception considerations in both Article 24 and Article 30 of the McCook Zoning Ordinance have been satisfied.

Motion to recommend approval to the City Council the special exception from Parallel Infrastructure to construct a new 169' tall telecommunications tower in and Industrial Heavy (IH) District on property owned by Frenchman Valley Cooperative, South Highway 83/South 6th Street; finding that Special Exception considerations in both Article 24 and Article 30 of the McCook Zoning Ordinance have been satisfied. This motion, made by Friehe and seconded by McDowell, passed.

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

Future Business Item: Commissioner Friehe stated that since he is an adjacent property owner, he is aware of a sports complex that is proposed to be built for the City of McCook. It is an incredible project and will only be beneficial to the City. As the project moves forward, he would like to see the Commission more involved with its development.

City Manager Schneider stated that at this time the donor is working on numbers and is not ready to present the project yet. It is a huge project for the City of McCook. It is hoped that the City's funding will be able to come from an additional ½ percent sales tax, that will be shared with the pool project. The Planning Commission will need to be involved with the planning of the complex area.

Adjournment.

With no further business, Vice Chair Hilker declared the Planning Commission meeting adjourned at 6:00 P.M.

Lea Ann Doak
City Clerk/Recording Secretary

**CITY MANAGER'S REPORT
MAY 9, 2022 PLANNING COMMISSION MEETING**

ITEM 3.A Public Hearing - Request for a special exception by Jake Thieszen to allow a commercial building in the Agricultural District (AG), with the property located at Block 1, Cappel Industrial Park, a part of the north half of the southeast quarter of Section 24, Township 3 North, Range 30, West of the 6th P.M., Red Willow County, Nebraska.

ITEM 3.B Recommend approval to the City Council of the application for a special exception by Jake Thieszen for a commercial building in the Agricultural District (AG), with the property located at Block 1, Cappel Industrial Park, a part of the north half of the southeast quarter of Section 24, Township 3 North, Range 30, West of the 6th P.M., Red Willow County, Nebraska, said special exception based upon compliance with special exception requirements A-I.

BACKGROUND:

Jake Thieszen has filed an application for a special exception to allow for a commercial use in the AG District. The property is located south of Road 716, west of the intersection of Highway 83 and Road 716/West Q Street. The commercial property will be operated by CTS Liquid Feed. The property will be used to provide liquid feed products to cattle producers. The liquid feed will be housed in two buildings, with said buildings to sit adjacent to one another. The main plant will house the mixer, clay system, micro-ingredients, and offices. The second building will house dry ingredients. There will be truck traffic as a result of the operation. A description of the project is included with this packet.

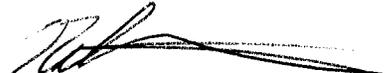
Article 24 of the McCook Zoning Ordinance contains the City of McCook's special exception requirements. Specifically, Article 24, Section 2402, Paragraph 5 is controlling. From city staff's analysis, the proposed special exception meets the established special exception considerations. Road 716 provides adequate ingress and egress to the property and proposed structures to promote safety and convenience, assure appropriate traffic flow and control, and provide access in case of a fire or catastrophe. There will be sufficient off-street parking and loading for the users of the facility. The economic, noise, glare, or odor effects will be minimal to the adjoining properties and properties generally in the district. All signs will be required to meet the City of McCook's established regulations. Due to the nature of the property, screening and buffering should not be an issue. Utility placement and distribution will not impact other properties negatively. The project is generally compatible with adjacent properties in the district. The project is compatible with the existing and future land use plans in the McCook Comprehensive Plan.

APPROVALS:



Lea Ann Doak, City Clerk

May 5, 2022



Nathan A. Schneider, City Manager

May 5, 2022

EXHIBIT #1

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**NOTICE OF HEARING
REQUEST FOR
SPECIAL EXCEPTION**

NOTICE IS HEREBY GIVEN that a public hearing will be held on a request to allow commercial uses on a parcel located in the Agricultural (AG) District located within the two mile extra-territorial jurisdiction of the City of McCook.

ADDRESS: 1 Cappel Drive

LEGAL DESCRIPTION: Block 1, Cappel Industrial Park, a part of the north half of the southeast quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

PROJECT SPONSOR/
DEVELOPER: Jake Thieszen

LAND OWNER: CTS Liquid Feed, LLC

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

MAY 9, 2021 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

MAY 16, 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 Manager, at 308-345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: April 29, 2022
Post: April 29, 2022
Mail: April 29, 2022

EXHIBIT #2

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OWNERSHIP LIST FOR MAILING:

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

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

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

Red Willow County Planning Commission
502 Norris Avenue
McCook NE 69001

Marshall and Jennifer Tucker
38355 Dr. 716
McCook, NE 69001

Carol Lashley
38335 Dr. 716
McCook, NE 69001

CCJH, LLC
c/o Curt Swanhorst
#9 Mashie Drive
McCook, NE 69001

Cappel Industrial Park 2, LLC
#5 Brassie Dr
McCook, NE 69001

Eugene and Joan Koch
38356 Drive 716
McCook, NE 69001

NE Humic Co, LLC
71313 Rd 384
McCook, NE 69001

Black Hills Gas, LLC
PO Box 1400
Rapid City, SD 57709

EXHIBIT #3

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CITY OF McCOOK

LAND USE ACTION REQUEST FORM

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

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

Name of Project: CTS Liquid Feeds, LLC

Description of Project: see project description attached

Project sponsor or developer:

Name: Jake Thiesen

Address: 38822 Road 714

Phone number: 308-340-6286

Fax number: _____

E-mail Address: CTSLiquidFeed@gmail.com

Land owner or owners:

Name: CTS Liquid Feeds, LLC

Address: 19901 Drive

Phone number: 308-340-6286

Fax number: _____

E-Mail Address: CTSLiquidFeed@gmail.com

EXHIBIT #4

PAGE(S) - 9

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)

Jake Thieszen
Printed Name:

Printed Name:

[Signature]
Signature:

Signature:

12-1-21
Date:

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

1 Cappel Drive Millock, ME 69001

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

24-3-3 PT NW/SE/4

Cappel Industrial Park

Required Information:

See Attached sheets for required information for:

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

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

Fee, complete application, and required attachments accepted by:

Printed name

Signature

Date

REQUIRED ATTACHMENTS:

For Zone Changes and Special Exceptions:

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

~~Include a description of the reason for the request for a change of zone:~~

~~_____

_____~~

Include a description of any special exception requested including the section of the zoning ordinance under which it is requested: (Example: Special exception to construct multi-family dwellings in (RM) Residential Medium Density area comprised of single family dwellings.)

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;

(G) required yards and other open space;

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

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

_____ Explain how the project complies with the Comprehensive Plan: _____

Project Description

CTS Liquid Feed will be providing quality, reliable and consistent liquid feed products to cattle producers. This business will be in the feed manufacturing sector and specializing in liquids. Liquid feeds are manufactured by taking a liquid by-product such as molasses or corn syrup and using the specialized high shear mixer to add dry feed ingredients to produce a flowable feed that can provide minerals, vitamins, medication, and other nutrients.

Two buildings will house the manufacturing process. The main plant is a 60 by an 80-foot steel structure. It will house the mixer, clay system, micro-ingredients, and offices. The second building is a hoop style with a concrete floor and bunker walls. It will house dry ingredient storage. There will also be smooth cone-style bins to store small micron dry ingredients received by pneumatic trucks. Incoming liquid tanks will carrier products such as corn steep, molasses, or corn syrup. The liquid supplement is mixed and processed using raw ingredients from our storage facility. All ingredients dry and liquid will be moved into a 25-ton liquid mixer using conveyors and augers. Then the final product will be pumped into storage tanks for shipping. There will be four individual overhead tanks, so each truck that comes to pick up a load will have it pre-staged. Trucks will receive a pre-weighed product and ticket for delivery to the customers. One or two employees will operate production and maintain daily activities.

Delivering a quality product that is within specifications is of the utmost importance. Quality control standards are set in place to ensure production procedures are followed. All final products will have a sample sent to a third-party testing center to guarantee specifications. Also, all products will undergo a suspension test to provide confidence no ingredients will be lost.

CTS liquid feed will be located in the north section of McCook, Ne, on a paved road half a mile west of Highway 83, providing convenient access for incoming and outgoing trucks.

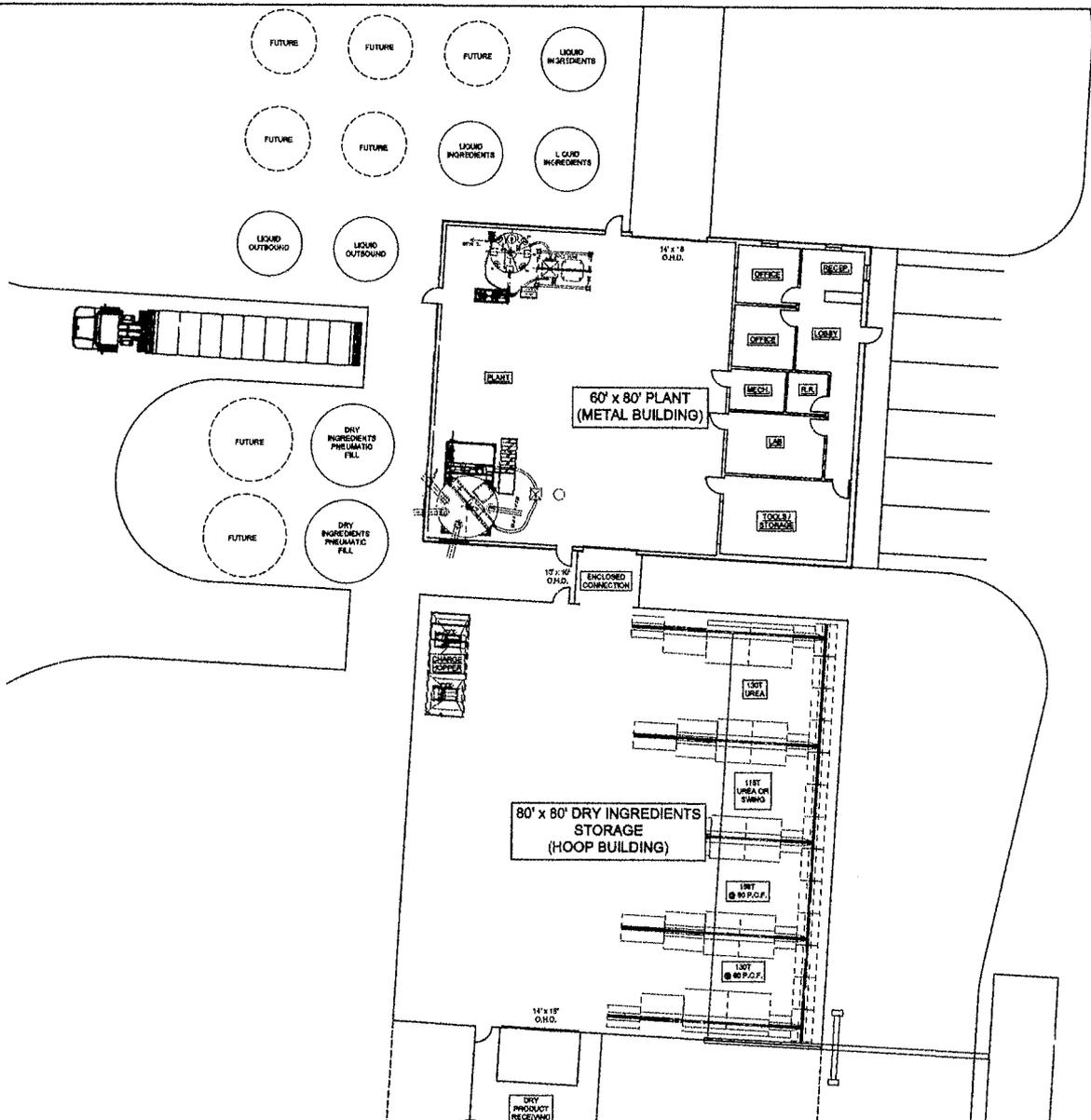
CTS Liquid Feed, LLC

Attachments

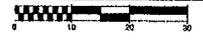
Incoming traffic will be traveling on road 716 and entering Cappel Drive, going south for 550 feet, and turning right into the property. Tractor-trailers either picking up or delivering products will proceed 325 feet to the west, turn towards the south and stop under the overhead tank structure to receive outgoing liquids, deliver incoming liquid ingredients to bulk tanks on the north side, or have incoming dry ingredients to the smooth cone style bins on the west side of the 80 by 60 steel frame building. After delivery or pickup, the tractor-trailer will proceed straight north 300 feet back to road 716. The outgoing driveway is on the northwest side of the property, and the incoming driveway is on the southeast side of the property. Private vehicles will have parking on the east side of the 80 by 60 steel frame building leading into the offices.

We will have signs posted for incoming and outgoing traffic. There will be lighting for parking areas and unloading and loading zones. All lighting will be pointed toward the ground to prevent glare or affect traffic. Noise will not be an issue; all outdoor equipment is electrical and quiet. Incoming dry ingredients will be unloaded inside the 80 by 80 hoop style building preventing any dust or debris. Outgoing liquid products will be loaded onto tractor-trailers by gravity with no noise.

Electrical will be entering the property from the east side and into the 80 by 60 steel frame building on the east side. A water well will be drilled directly in the middle from north to south on the east side of the property. It will be trenched into the 80 by 60 steel frame building also. All utilities will enter the 80 by 60 steel building on the east side into a mechanical room, which will include natural gas, fiber optic, electrical, water, and sewer. A Septic system will be placed on the north side of the property, away from any traffic lanes.



PROPOSED PLANT LAYOUT PLAN



NEW FEED BLENDING FACILITY
CTS LIQUID FEEDS
 MCCOOK, NEBRASKA

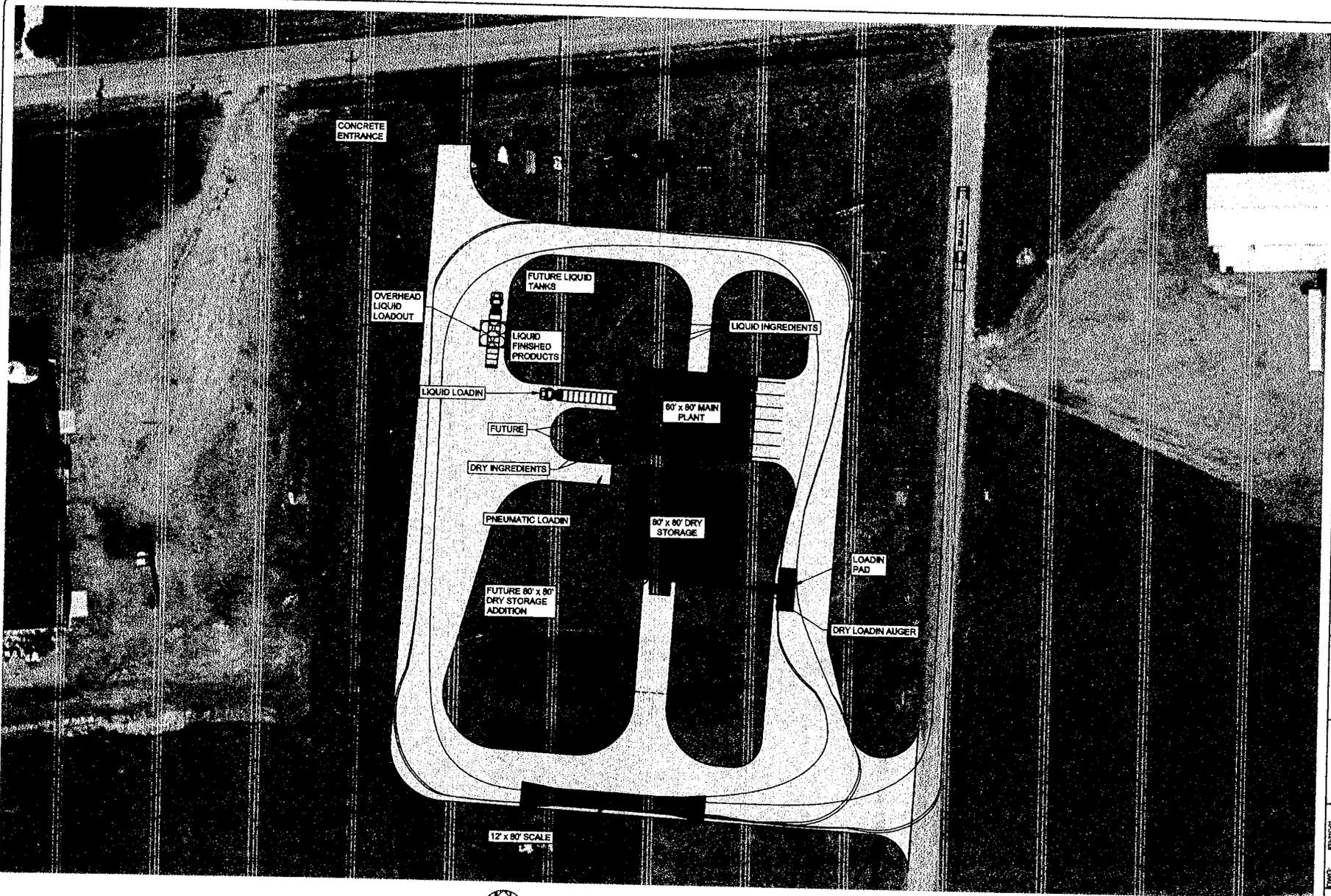
DESIGN ASSOCIATES
 1000 S. 10TH STREET, SUITE 100
 MCCOOK, NEBRASKA 68801
 PHONE: (402) 792-1111
 FAX: (402) 792-1112
 WWW: WWW.DESIGNASSOCIATES.COM

PRELIMINARY
NOT FOR CONSTRUCTION

DATE:	REVISION:
DRAWN:	CHECKED:
BY:	BY:
DATE:	DATE:

A-1

DATE: APRIL, 2021



PROPOSED SITE PLAN
 0 50 100

NEW FEED BLENDING FACILITY
CTS LIQUID FEEDS
 McCOOK, NEBRASKA

DESIGN ASSOCIATES
 1000 S. 10TH STREET, SUITE 100
 LINCOLN, NEBRASKA 68502
 TEL: 402.476.1111
 FAX: 402.476.1112
 WWW.DESIGNASSOCIATES.COM

PRELIMINARY
NOT FOR CONSTRUCTION

DWG:	REVISION
DRAWN:	T.A.S.
CHECKED:	
REVISIONS:	

C-1

DATE: APRIL, 2011

*This drawing is to be used for informational purposes only. It is not to be used for construction without the approval of the Designer. The Designer is not responsible for any errors or omissions in this drawing.

Don't do this

FINDINGS AND DETERMINATIONS OF MCCOOK CITY COUNCIL

CASE NO. _____

SIGNED: _____

Mayor

DATE _____

ATTEST: _____

City Clerk

SPECIAL EXCEPTION CONSIDERATIONS:

YES

NO

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

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

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

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

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

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

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

g) required yard and other open space;

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

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

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

EXHIBIT #5

Don't do
this.

CITY COUNCIL FINDINGS AND DECISION:

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

THIS _____ DAY OF _____, 2018.

**CITY MANAGER'S REPORT
MAY 9, 2022 PLANNING COMMISSION MEETING**

ITEM NO. 3.C. Public Hearing - Consider Replat of a portion of South Street right-of-way located in the SE1/4 of the SE1/4 of Section 30, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

ITEM NO. 3.D. Recommend final approval to the McCook City Council of a Replat of a portion of South Street right-of-way located in the SE1/4 of the SE1/4 of Section 30, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

BACKGROUND:

This agenda item is a “clean-up” matter. The City of McCook has been aware that South Street has some unique right-of-way issues due to the way development occurred in this area decades ago. Recently, the McCook Humane Society purchased a lot adjacent to South Street, identified as Parcel ID #001433800. A copy of a GIS printout is attached to this packet to assist with identifying the location of the McCook Humane Society’s property. On the southwest corner of the McCook Humane Society’s lot, there are city and private utilities. Due to the odd layout of South Street and inaccurate property development that occurred decades ago, the utilities are actually located on the McCook Humane Society’s property, not within the City of McCook’s right-of-way. The McCook Humane Society is willing to deed the portion of its property that contains the utilities in order to grant the City of McCook right-of-way access. The portion that is carved out from the Humane Society’s lot will become a part of the South Street right-of-way, providing the city and utility companies access to the essential infrastructure without the need of easements.

Staff believes two items are necessary to accomplish the property swap. First, a replat should occur in order to put the public on notice of the change to the City’s right-of-way. Second, a deed from the McCook Humane Society to the City of McCook will need to be recorded.

The City of McCook appreciates the willingness of the McCook Humane Society to work with the City of McCook to correct this issue.

APPROVALS:



Nathan A. Schneider, City Manager

May 5, 2022



Lea Ann Doak, City Clerk

May 5, 2022

EXHIBIT #1

PAGE(S) - 1

**NOTICE OF PUBLIC HEARING
REPLAT APPROVAL**

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider the replat of a portion of South Street right-of-way located in the SE1/4 of the SE1/4 of Section 30, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

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

MAY 9, 2022 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

MAY 16, 2022 - 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 308-345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: April 29, 2022.
Mail: April 29, 2022.
Post: April 29, 2022.

EXHIBIT #2

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Property Owners Notified:

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

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

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

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

LINDA BRUNSWICK
71370 DR 387
MCCOOK, NE 69001

LESTER WARREN
#3 SOUTH ST
MCCOOK, NE 69001

MICHAEL AND NADIA SCHOUP
#7 SOUTH
MCCOOK, NE 69001

GREG EMERSON
#9 SOUTH
MCCOOK, NE 69001

MITCHELL DEUTER
13901 GREENFIELD RD
OMAHA, NE 68138

CARLOS MADRIGAL
609 EAST 6TH ST
LADYSMITH, WI 54848

JASON BLOMSTEDT
603 EAST M
MCCOOK, NE 69001

MINDI RELAFORD
#13 SOUTH
MCCOOK, NE 69001

MICHAEL AND TERRI SKOLOUT
71405 US HWY 83
MCCOOK, NE 69001

HARRY AND MARY LEBSACK
#14 SOUTH ST
MCCOOK, NE 69001

TYSON REUTER
3253 RD 45E
KIMBALL, NE 69145

STACIA FOSTER
#15 SOUTH
MCCOOK, NE 69001

TERRY AND TAMARA HILKER
512 EAST 5
MCCOOK, NE 69001

MCCOOK HUMANE SOCIETY, INC
ATTN DARRIN GLADING
100 SOUTH ST.
MCCOOK, NE 69001

PLAT OF SURVEY FOR AMENDED R.O.W.
SE1/4, SE1/4, SECTION 30, T3N, R29W, of the 6th P.M., RED WILLOW COUNTY, NEBRASKA

