

# MCCOOK CITY COUNCIL

## REGULAR MEETING

**Monday, January 9, 2023  
5:15 PM - City Council Chambers**

Open Meetings Act Announcement.

Items

1. Approve the minutes of the December 12, 2022 regular Planning Commission meeting.
2. Public Hearings and Regular Agenda.
  - A. Public Hearing - Regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.
    1. Adjourn the Public Hearing.
  - B. Recommend to the McCook City Council approval of the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.
  - C. Public Hearing - Regarding a zoning change request for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).
    1. Adjourn the Public Hearing.
  - D. Recommend to the McCook City Council approval of the zoning change request for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).
  - E. Public Hearing - Regarding the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3.

1. Adjourn the Public Hearing.
- F. Approve Planning Commission Resolution No. PC2023-01, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3.

Adjournment.

**CITY MANAGER'S REPORT  
JANUARY 9, 2023 PLANNING COMMISSION MEETING**

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**ITEM:**          1.  

**RECOMMENDATION:**

Approve the minutes of the December 12, 2022 regular meeting.

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**BACKGROUND:**

Receive and approve the minutes.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

January 5, 2023

McCook Planning Commission  
December 12, 2022  
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, Dueland, Friehe, McDowell, Stevens, Mockry.

Absent: Commissioners Davidson, Lyons.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on December 9, 2022, 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 November 14, 2022 regular Planning Commission meeting.

Motion to approve the minutes of the November 14, 2022 regular Planning Commission meeting. This motion, made by Hilker and seconded by McDowell, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Request for a special exception by CK Swanson, Inc. to locate a Timeshare and Vacation Rental in a Residential Medium (RM) District, property located in Lot 7 and the S 35' of Lot 8, Block 6, Second Addition to the City of McCook, Red Willow County, Nebraska, 1001 Norris Avenue.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the request for a special exception by CK Swanson, Inc. to locate a Timeshare and Vacation Rental in a Residential Medium (RM) District, property located in Lot 7 and the S 35' of Lot 8, Block 6, Second Addition to the City of McCook, Red Willow County, Nebraska, 1001 Norris Avenue, with the City Attorney to act as hearing officer. This

motion, made by Stevens and seconded by Vosburg, passed.

Camy Bradley: YEA, Matt Davidson: ABSENT, Dale Dueland: YEA, Ron Friehe: YEA, Tammie Hilker: YEA, Chad Lyons: ABSENT, McDowell: YEA, Jamie Mockry: YEA, Jesse Stevens: YEA, Kurt Vosburg: YEA

YEA: 8, NAY: 0, ABSENT: 2

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the December 12, 2022 Planning Commission meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing published and posted (1 page); Exhibit #4 - ownership list for mailing of Notice of Hearing (3 pages); Exhibit #5 - Land Use Action Request Form and attachments (6 pages); and Exhibit #6 - Findings and Determinations of McCook City Council (2 pages).

City Manager Schneider reviewed the information presented in Exhibit #2.

Melanie Goodenberger, representative for CK Swanson, Inc., was present to address questions from the Commission. Ms. Goodenberger stated that the structure could serve as a location for events, such as graduation parties. These events would be intermittent.

Discussion was had regarding the parking on and near the property, the location is a busy intersection. Concerns were expressed with other residential property owners using their properties as vacation rentals without permission.

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 McDowell, passed.

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

YEA: 8, NAY: 0, ABSENT: 2

2.B. Recommend approval to the City Council the application for a special exception by CK Swanson, Inc. to locate a Timeshare and Vacation Rental in a Residential Medium (RM) District, property located in Lot 7 and the S 35' of Lot 8, Block 6, Second Addition to the City of McCook, Red Willow County, Nebraska, 1001 Norris Avenue, said special exception based upon compliance with special exception requirements A-I.

Motion to recommend approval to the City Council the application for a special exception by CK Swanson, Inc. to locate a Timeshare and Vacation Rental in a Residential Medium (RM) District, property located in Lot 7 and the S 35' of Lot 8, Block 6, Second Addition to the City of McCook, Red Willow County, Nebraska, 1001 Norris Avenue, said special exception based upon compliance with special exception requirements A-I. This motion, made by Friehe and seconded by Bradley, passed.

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

YEA: 7, NAY: 1, ABSENT: 2

3. Updates regarding the swimming pool and the Ballpark projects.

City Manager Schneider gave an update regarding the swimming pool and Ballpark projects.

Ballpark discussion included concerns with providing water and sewer; annexation of the area; condition of roads around the proposed location; traffic safety issues with entrance on the west from Road 383, a lot of traffic on that road, "J" street enters at the top a hill onto Road 383, safety concerns at the intersection of Highway 6 & 34 and Road 383; extending "J" Street west and entering the complex from West "J" instead of Road 383; it would be safer for pedestrian traffic to cross Highway 83 at the intersection of "J" Street; and the need for a comprehensive plan and design to be developed before construction begins, need a plan for how everything will fit together in the future.

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:33 P.M.

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Lea Ann Doak, City Clerk-Treasurer  
Recording Secretary

**CITY MANAGER'S REPORT  
JANUARY 9, 2023 PLANNING COMMISSION MEETING**

ITEM NO. 2.A. Public Hearing - Regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska.

ITEM NO. 2.B. Recommend approval of the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska.

ITEM NO. \_\_\_\_ Public Hearing - Regarding a zoning change request for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

ITEM NO. \_\_\_\_ Recommend approval of the zoning change request for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

ITEM NO. \_\_\_\_ Public Hearing - Regarding the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3.

ITEM NO. \_\_\_\_ Approve Planning Commission Resolution No. PC 2023-\_\_\_\_\_, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3.

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**BACKGROUND:**

A minor subdivision application has been filed by Jerry Gohl for the purpose of authorizing a tract of land to be known as Heritage Pointe Addition No. 3. Similar requests were filed by Mr. Gohl in 2019 and 2022. Mr. Gohl requests that a tract of land located north of West J Street (northwest of the McCook Congregation of Jehovah's Witnesses ) be divided from a larger tract. All of the property in question is currently owned by Mr. Gohl. Mr. Gohl's intent is to develop the lot for commercial purposes. Utilities have been extended to the tract at issue.

The proposed lot meets the requirements of the City of McCook's Subdivision Regulations. Additionally, the application meets the requirements of the City of McCook's Zoning Ordinance, if the applicant's zone change request is permitted.

In conjunction with the subdivision request, an application has been filed to voluntarily annex portions of the proposed Heritage Pointe Addition No. 3 subdivision. A part of the proposed

**EXHIBIT #1**

**PAGE(S) - 2**

subdivision is located within the City's corporate limits, while a portion of the property is not. The annexation request focuses on the real estate currently located outside of McCook's corporate limits, but within McCook's Two Mile Extra Territorial Jurisdiction. Mr. Gohl is requesting that the entirety of the proposed Heritage Pointe Addition No. 3 be located within McCook's corporate limits.

Finally, Mr. Gohl's application requests a zoning change of the current land uses for the property at issue, from Residential Medium Density (RM - which is the current designation for the southern portion of proposed Heritage Pointe Addition No. 3) and Agricultural (AG - which is the designation for the northern portion of proposed Heritage Pointe Addition No. 3), to Business Commercial (BC). The intent behind Heritage Pointe Addition No. 3 is to allow for the building of a commercial structure on the created lot. The current land uses prescribed to the property at issue, RM and AG, don't allow for a commercial business to be principally permitted. Staff has reviewed the zone change request. Staff has noted there are commercial businesses in close proximity to the proposed Heritage Pointe Addition No. 3. Further, the City of McCook's Comprehensive Plan/Future Land Use Map contemplates the property north of West J Street to be dedicated to Business Commercial (BC) uses and structures. Mr. Gohl's application is consistent with McCook's long term goals.

A Preliminary Plat was filed with the City of McCook in 2022 to provide a comprehensive plan for Mr. Gohl's property.

**APPROVALS:**

  
\_\_\_\_\_  
Nathan A. Schneider, City Manager

January 4, 2023

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

January 4, 2023

**NOTICE OF PUBLIC HEARING  
PRELIMINARY AND FINAL PLAT APPROVAL**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on January 9, 2023, at 5:15 P.M. and by the McCook City Council on January 16, 2023, at 5:30 P.M.. The hearings will be held in the City Council Chambers, 505 West "C" Street, McCook, Nebraska, to consider the final plat on a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M. in Red Willow County, Nebraska, to be known as Heritage Pointe Addition No. 3. A copy of the proposed final plat and legal description are available for public inspection at the office of the City Clerk. Any and all persons desiring to comment on the proposed preliminary plat may attend said public hearings and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City of McCook City Manager, at 345-2022 ext. 225.

-s- Lea Ann Doak  
City Clerk

Publish: December 30, 2022.

**EXHIBIT #2**

**PAGE(S) - 1**

NOTICE OF PUBLIC HEARING  
PRELIMINARY PLAT AND FINAL PLAT APPROVAL

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider the preliminary and final plat on the following described property to be known as Heritage Pointe Addition No. 3:

A tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This tract of land will be referred to as HERITAGE POINTE ADDITION NO. 3.

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

JANUARY 9, 2023 - 5:15 P.M.  
MCCOOK PLANNING COMMISSION  
CITY COUNCIL CHAMBERS  
505 WEST "C" STREET

JANUARY 16, 2023 - 5:30 P.M.  
MCCOOK CITY COUNCIL  
CITY COUNCIL CHAMBERS  
505 WEST "C" STREET

ANY AND ALL PERSONS desiring to comment on the above-described final plat may attend the public 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: December 30, 2022.  
Post: December 30, 2022.  
Mail: December 30, 2022.

**EXHIBIT #3**

**PAGE(S) - 1**

Property Owners Notified:

RED WILLOW COUNTY PLANNING  
COMMISSION  
C/O TAMI TEEL  
502 NORRIS AVENUE  
MCCOOK, NE 69001

PRESIDENT  
McCOOK SCHOOL BOARD  
302 ELIZABETH LANE  
MCCOOK, NE 69001

TYLER & TYLER SUE LOOP  
2005 WEST J  
MCCOOK, NE 69001

MIKE DEVENEY  
PO BOX 449  
MCCOOK, NE 69001

RICHARD CAPPEL  
#5 BRASSIE DRIVE  
MCCOOK, NE 69001

GENE AND CAROL ERDMAN  
PO BOX 69  
LIVERMORE, CO 80536

MAUREEN GIORGIONE  
PO BOX 756  
MCCOOK, NE 69001

DONNA LOOP  
1402 N HWY 83  
MCCOOK, NE 69001

McCOOK PUBLIC SCHOOL DISTRICT  
C/O GRANT NORGAARD  
600 WEST 7<sup>th</sup> ST  
MCCOOK, NE 69001

RED WILLOW COUNTY CLERK  
502 NORRIS AVE  
MCCOOK, NE 69001

CJC, LLC  
PO BOX 449  
MCCOOK, NE 69001

AUGUSTUS PROPERTIES, LLC  
315 WARREN  
BARTLEY, NE 69020

WANDA MICHAELIS  
#9 BRASSIE DRIVE  
MCCOOK, NE 69001

BRADLEY HAYS  
MOLLY HERZBERG  
#6 BRASSIE DRIVE  
MCCOOK, NE 69001

MCCOOK CONGREGATION OF  
JEHOVAH'S WITNESS  
C/O MARK WAGNER  
916 EAST 6  
MCCOOK, NE 69001

**EXHIBIT #4**

**PAGE(S) - 1**

SUBDIVISION AGREEMENT  
A copy of the SUBDIVISION AGREEMENT for  
HERITAGE POINTE ADDITION No. 3  
Is on file at the City of McCook Offices

FINAL PLAT  
-HERITAGE POINTE ADDITION No. 3-  
AN ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA

PLANNING COMMISSION APPROVAL

This Plat was duly approved by the City of McCook, Red Willow County, Nebraska  
Planning Commission on this \_\_\_\_ day of \_\_\_\_\_ 2023.

Nate Schneider, Secretary  
Kurt Vosburg, Chairman

MUNICIPAL APPROVAL

This Plat was duly approved by the City of McCook, Red Willow County, Nebraska  
on this \_\_\_\_ day of \_\_\_\_\_ 2023.

LeaAnn Doak, City Clerk  
Linda Taylor, Mayor

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89°26'50"W	60.00'

CURVE DATA					
NUMBER	CENTRAL ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
C1	10°32'54"	170.00'	31.30'	S 05°49'37" W	31.25'
C2	10°32'54"	230.00'	42.34'	S 05°49'37" W	42.28'

DEDICATION

HERITAGE POINTE ADDITION No. 3, as it appears on the foregoing Plat and as described herein and is with the free consent and in accordance with the desires of the undersigned owner and proprietor. The said owner hereby dedicates the streets, alleys, easements and other open areas to the Public use and benefit.

By:  
Gerald L. Gohl, Trustee

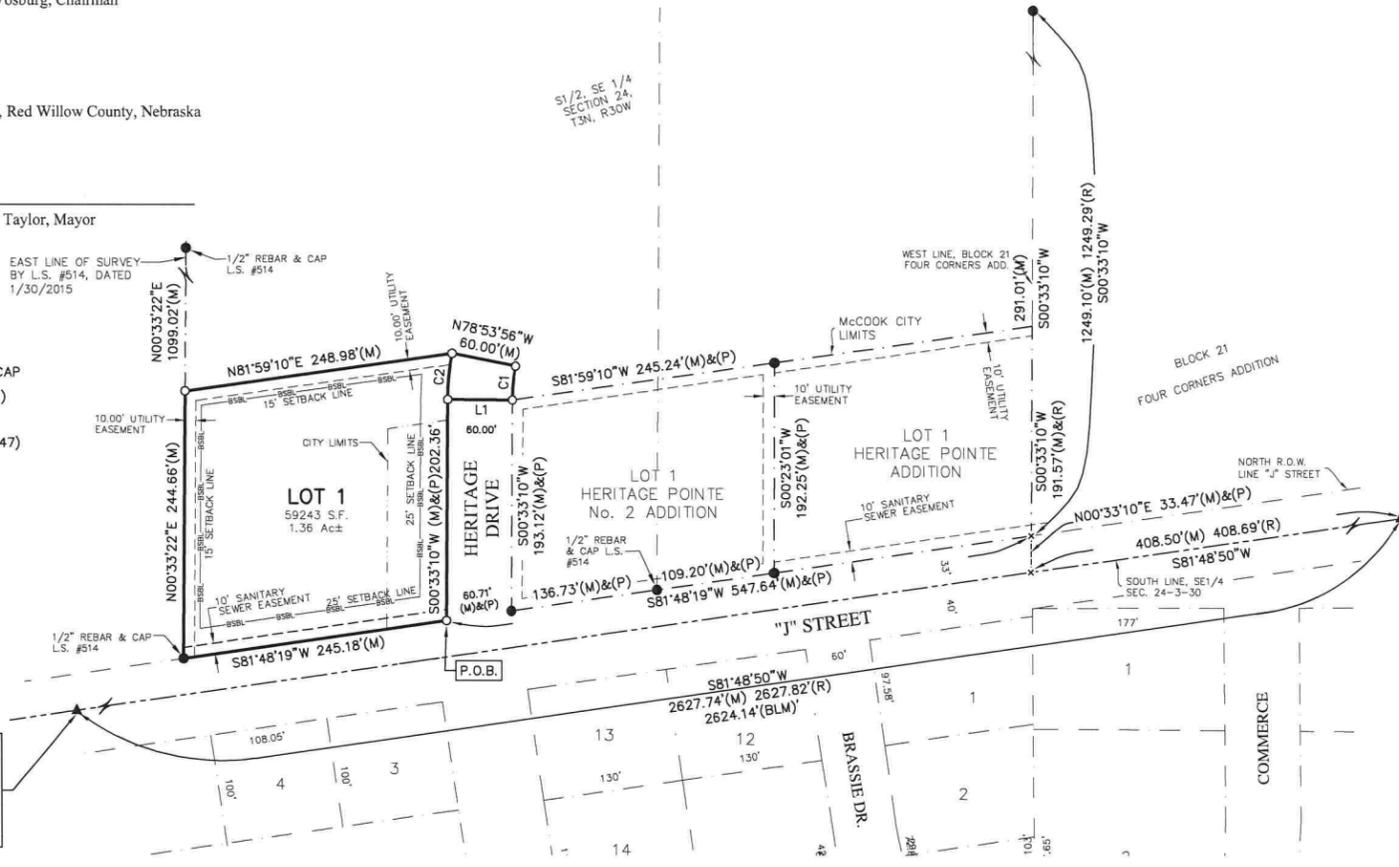
ACKNOWLEDGMENTS

STATE OF \_\_\_\_\_ )  
S.S.  
COUNTY OF \_\_\_\_\_ )  
The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_, by Gerald L. Gohl, Trustee

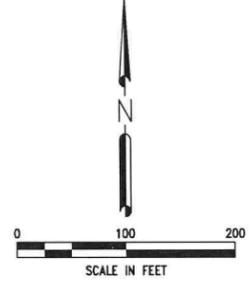
Notary Public \_\_\_\_\_ (S E A L)  
My commission expires \_\_\_\_\_

- LEGEND**
- ▲ = SECTION CORNERS FOUND
  - = CORNERS FOUND (5/8" REBAR & CAP L.S. 672 UNLESS OTHERWISE NOTED)
  - = CORNERS ESTABLISHED OR FOUND (CAPPED 5/8" x 24" REBAR L.S. 647)
  - x = TEMPORARY POINT
  - (M) = MEASURED DISTANCES
  - (P) = PLATTED DISTANCES
  - (R) = RECORDED DISTANCES
  - = SECTION LINE
  - = BOUNDARY LINE
  - = NEW EASEMENT LINE
  - = EXISTING EASEMENT LINE
  - = EXISTING LOT LINES
  - = BUILDING SETBACK LINE
  - = CITY LIMITS LINE
  - L.S. #514 = GERHARD H. DICENTA

SOUTH QUARTER CORNER,  
SECTION 24, T 3 N, R 30 W  
FOUND BLM BRASS CAP.  
NE 54.21' TOP OF POWER TAG IN PP  
SE 48.78' NAIL IN POWER POLE  
S 4.92' NAIL/DISK IN CFP  
SW 54.81' NW CORNER METAL BLDG.



SOUTHEAST CORNER,  
SECTION 24, T 3 N, R 30 W  
FOUND 2-1/2" PIPE  
SSW 33.44' 5/8" REBAR  
SW 26.33' NAIL IN TOP FENCE POST  
W 20.89' 5/8" REBAR  
W 21.29' NAIL IN TOP FENCE POST  
NW 31.25' NAIL IN TOP FENCE POST



LEGAL DESCRIPTION

A tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, being more particularly described as follows:

Considering the south line of the SE1/4 of said Section 24 as assumed bearing S81°48'50"W and with all bearings contained herein relative thereto:

Commencing at the SE corner of said Section 24;  
thence S81°48'50"W on the south line of the SE1/4 of said Section 24, a distance of 408.50 feet;  
thence N00°33'10"E leaving said south line, a distance of 33.47 feet to a point on the north right-of-way line of "J" Street in the City of McCook, Nebraska, also being the southwest corner of Block 21, Four Corners Addition to the City of McCook, Nebraska, and the southeast corner of Lot 1, Heritage Pointe Addition to the City of McCook, Nebraska;  
thence S81°48'19"W on the north right-of-way line of said "J" Street and the south line of said Heritage Pointe Addition and the south line of Heritage Pointe Addition No. 2, an addition to the City of McCook, Red Willow County, Nebraska, a distance of 547.64 feet to the POINT OF BEGINNING being on the north right-of-way line of said "J" Street and the west right-of-way line of Heritage Drive in the City of McCook, Nebraska;  
thence continuing on said north right-of-way line S81°48'19"W a distance of 245.18 feet;  
thence N00°33'22"E and leaving said north right-of-way line a distance of 244.66 feet;  
thence N81°59'10"E a distance of 248.98 feet;  
thence S78°53'56"E a distance of 60.00 feet;  
thence southerly on a non-tangent curve to the left having a central angle of 10°32'54", a radius of 170.00 feet, an arc length of 31.30 feet, and a chord bearing of S05°49'37"W a distance of 31.25 feet to the Northwest corner of said Lot 1, Heritage Pointe Addition No. 2;  
thence N89°26'50"W a distance of 60.00 feet to the west right-of-way line of said Heritage Drive;  
thence S00°33'10"W on said west right-of-way line a distance of 202.36 feet to the Point of Beginning Said tract containing 1.41 acres more or less, subject to any easements, rights-of-way now on record or indicated on the attached survey or reservations of record.

SURVEYOR'S CERTIFICATE

I, Scott S. Clifford, Nebraska Professional Registered Land Surveyor No. 647, do hereby certify that the survey on "Heritage Pointe Addition No. 3", an addition to the City of McCook, Red Willow County, Nebraska, was performed under my direct supervision, the lots are well and accurately staked off and marked, the dimensions of the lots are as shown on the above plat, the lots bear their own number, and that the survey was made using known and recorded monuments. All information shown on the above plat is accurate and correct to the best of my knowledge and belief.

Scott S. Clifford  
Nebraska Professional Registered Land Surveyor No. 647

Date \_\_\_\_\_

ZONING NOTES:

- BUSINESS COMMERCIAL DISTRICT (BC)
- FRONT YARD SETBACK = 25 FEET
- SIDE YARD SETBACK = 10 FEET
- REAR YARD SETBACK = 15 FEET

RECORDING INFORMATION

State of Nebraska) County of Red Willow)

Instrument Number: \_\_\_\_\_

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

Register of Deeds: Tami Teel

NOTES

This plat prepared July 2022 for:

Jerry Gohl  
37146 Old Highway 17  
Culbertson, NE 69024

Current Zoning: RM & AG  
Proposed Zoning: BC

**MA**  
Miller & Associates  
109 EAST 2ND STREET  
MCCOOK, NE 68001  
Tel: 308-245-3710  
Fax: 308-245-3700  
www.miller-engineers.com  
F.S.#

PARTY CHIEF:  
Scott S. Clifford L.S. #647  
DATE & REASON:  
December 5, 2022  
REVISION:  
F.S.#

SURVEY COMPLETED:  
December 5, 2022

RED WILLOW CO - MCCOOK - HERITAGE POINTE ADD. No. 3

EXHIBIT #5

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PLOTTED: 12/29/2022 11:10 AM SAVED: 12/29/2022 11:09 AM G:\Projects\200\200-LS-556-22 SURVEYS\200-LS-556-22 HERITAGE POINTE ADD No. 3 FP.dwg

**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: Heritage Point Addition No. 3

Description of Project: Create one lot for commercial construction. Sewer was extended through the two previously created lots in 2019. It will need to be extended through the proposed "Heritage Drive" and to the proposed lot.

Project sponsor or developer:

Name: Jerry Gohl  
Address: 38278 Road 717, McCook, NE 69001  
Phone number: 308-340-5432  
Fax number: \_\_\_\_\_  
E-mail Address: Jerry@golight.com

Land owner or owners:

Name: Gerald L. Gohl Revocable Trust  
Address: 37146 Old Highway 17, Culbertson, NE 69024  
Phone number: 308-278-3131  
Fax number: \_\_\_\_\_  
E-Mail Address: Jerry@golight.com

Authorization of the land use action by land owner:

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

Jerry Gohl

Printed Name:

Printed Name:

Jerry Gohl  
Signature:

\_\_\_\_\_  
Signature:

12-16-2022  
Date:

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

Property Description (Of the parent parcel for subdivisions): S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 W of the 6<sup>th</sup> P.M.

**Required Information:**

See Attached sheets for required information for:

- \_\_\_\_\_ Subdivisions
- \_\_\_\_\_ Zone Changes and special exceptions
- \_\_\_\_\_ Planned developments

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

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

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## REQUIRED ATTACHMENTS:

For Subdivisions:

Sketch Plan:

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

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

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

\_\_\_\_\_  
If so, briefly explain what they might consist of.  
\_\_\_\_\_  
\_\_\_\_\_

(Attach explanation)

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

X Preliminary Plat Submission:

X (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)

X (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)

X (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:

X (1) The proposed name of the subdivision (the name shall not duplicate or too closely resemble the name or names of any existing subdivision).

X (2) The location of the boundary lines of the subdivision and reference to the section or quarter section lines.

X (3) The names and addresses of the owner, developer, and the engineer who prepared the plat.

X (4) Scale of the plat, one inch = one hundred feet or larger.

X (5) Date of preparation and north point.

X (6) Present zoning.

X (7) Existing conditions:

X 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.

X 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.

X cc. Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land shall be shown.

- X 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.
- X (8) The general arrangement of lots and their approximate size.
- X (9) Location and width of proposed streets, alleys, pedestrian ways, and easements. Control elevation shall be shown for all street intersections.
- X (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.
- NA (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.
- X (12) General layout of adjacent unsubdivided property to show how streets and other public facilities, in the proposed subdivision, relate to the unsubdivided property.
- X (13) The subdivider shall indicate by letter when improvements as required will be installed or requested.
- X (14) Any proposed restrictive covenants for the land involved shall accompany the plat.
- X (15) a letter requesting annexation of the subdivision if it is in the planning jurisdiction to be served with city utilities.

**SECTION 7. PROCEDURES**

**7.1 General Procedure.** When the subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any building permits are granted, the subdivision owner shall apply for and secure approval of such proposed subdivision in accordance with the following procedure:

1. **Administrative Subdivision.** An administrative subdivision shall not be considered a subdivision subject to the requirements of a minor or major subdivision. A Plat reviewed and approved by Zoning Administrator, Utilities Director and City Manager. See Section 7.17.
2. **Minor Subdivision.** A Final Plat is submitted to the City Council for Approval. See Section 7.12
3. **Major Subdivision.** Major Subdivisions are required to submit a Preliminary and Final Plat to the Planning Commission and City Council for approval. See Sections 7.2 and 7.12

**7.2 PRELIMINARY PLAT SUBMISSION REQUIREMENTS.** The applicant of Major Subdivisions shall prepare and submit an application for preliminary plat approval. The applicant shall prepare and file three (3) copies of a proposed preliminary plat, one (1) full size copy, one (1) copy reduced to 8 ½ by 11 inches, and one (1) full-size electronic copy in portable document format (pdf). The application for preliminary plat approval shall be submitted to the Zoning Administrator at least twenty (20) calendar days before the McCook Planning Commission meeting at which the application will be considered.

**7.3 Fees.** Fees are set by the McCook City Council.

**7.4 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 (75) percent of the lots are one (1) acre or larger, and shall be prepared with the following information:

- A. Name, location, acreage, owner and designer of subdivision with legal description as shown by land records.
- B. Present zoning.
- C. Date, north arrow and graphic scale.
- D. Location of property lines, roads, existing utilities with size of lines, and other underground installations and easement.
- E. Names of adjoining properties or subdivisions.
- F. Proposed utility system, including water, sewer and paving.
- G. Dimensions, lot lines, except that in industrial type subdivisions, lot lines may be excluded.
- H. Location of proposed drainage.
- I. Contours at five (5') feet intervals at 1" = 200' scale.
- J. Proposed improvements and grading concepts.
- K. Location of existing buildings.
- L. Proposed easements, dedications and reservations of land required.

**EXHIBIT #7**

**7.5 Notification of Initial Improvement Schedule and Subdivision Financing Process.** Subdivider shall indicate by a letter when improvements as required will be provided; any proposed restrictive covenants for the land involved shall accompany the letter. The options for financing subdivision improvements shall be in conformance with the provisions of Sections 10 and 11 of this Ordinance and the subdivider shall indicate in a letter what financing options are planned to be used for the proposed subdivision.

**7.6 Notification of County Planning Commission.** The City shall notify the Red Willow County Planning Commission of any proposed subdivision plat and provide the Commission with all available materials on the proposed plat, when such proposed plat lies partially or totally within the extraterritorial subdivision jurisdiction being exercised by that Municipality in such County. The Commission shall be given four (4) weeks to officially comment on the appropriateness of the design and improvements proposed in the plat. The review period shall run concurrently with subdivision review activities of the City after the Commission receives all available material for a proposed subdivision plat.

**7.7 Notification of School Board.** At least ten (10) days prior to the McCook Planning Commission meeting at which the preliminary plat is to be considered for approval, the Planning Commission shall submit a copy of the proposal to the School Board of each School District which the proposed development affects, and shall notify the School Board of the meeting date. Copies of the plat may be submitted to any other agency which may be affected.

**7.8 Approval or Rejection.** After review of the preliminary plat and negotiations with the subdivider, and before the City Council reviews and acts on the Preliminary Plat, the McCook Planning Commission shall reject or conditionally approve the preliminary plat, within thirty (30) days after the official meeting at which the plat was considered.

**7.9 Recording of Action.** The action of the McCook Planning Commission shall be noted on three (3) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider, one (1) copy relayed to the City Council and one (1) copy retained by the Planning Commission.

**7.10 Approval is Conditional.** Approval of a preliminary plat shall not constitute approval of the final plat; it shall be deemed an expression of approval or conditional approval of the submitted plat, as a guide for the preparation of the final plat, which will be subject to further consideration by the McCook Planning Commission and the McCook City Council. Any conditional approval of the preliminary plat shall be effective for a period of one (1) year unless an extension is granted by the Planning Commission.

**7.11 Installation of Improvements for Final Plat Approval.** The subdivision design standards contained in this ordinance and hereinafter referred to as Subdivision Regulations are formulated to assure that the style, character, and form of new developments will conform to minimum requirements promoting the health, safety, and general welfare of the public. In addition to these regulations and to insure that future developments are consistent with the growth objectives and goals of the City and its Two-Mile Planning Jurisdiction, subdivisions shall conform to the Comprehensive Plan of the City of McCook, to the Zoning and Subdivision Ordinances and to any other applicable ordinances of the City of McCook. Following approval of the preliminary plat, the subdivider shall:

- (1) Agree to install the required improvements or;
- (2) Sign an agreement, which shall be entered into only at the option of the City, thereby guaranteeing the installation of improvements; or
- (3) Furnish a bond or enter into an escrow or security agreement approved by the City Attorney in an amount sufficient to guarantee the installation of the required improvements.

**7.12 FINAL PLAT SUBMISSION REQUIREMENTS.** The Subdivider of Major Subdivisions shall submit a Final Plat, showing entire concept, to the City Clerk within twelve (12) months of approval of the preliminary plat, unless an extension is granted by the Planning Commission. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and State statutes; and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these Regulations.

A Subdivider of a Minor Subdivision can submit the final plat to the City Clerk after review and approval of the City Manager.

**7.13 Scale and Final Plat Contents.** One (1) original and two (2) original ink copies of the final plat and other exhibits required for approval shall be submitted. The final plat shall be drawn in ink on mylar and shall be at a scale of one (1") inch to one hundred (100') feet or larger. The final plat shall show the following:

- A. Date, title, name and location of subdivision.
- B. Streets and street names, lots, setback lines, lot numbers, etc, except that in industrial type subdivision lot designation may be excluded.
- C. Graphic scale and north arrow.
- D. Monuments (ferrous) minimum one-half (1/2) inch diameter, maximum, Twenty-Four (24) inches in length with surveyor's cap and number.
- E. Dimensions, angles and bearings, and complete legal description of the property.
- F. Sufficient survey data to reproduce any line on the ground.
- G. Names of adjoining subdivisions.
- H. Location and dimensions of any easements.

- I. Purpose for which sites are dedicated or reserved, and the transfer of ownership of the same.
- J. Certification by surveyor as to accuracy of survey and plat.
- K. Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted.
- L. Certification recording the approval by the Planning Commission.
- M. Certification recording the approval by the City Council and the acceptance of any dedications.

**7.14 Supplementary Data Required.** The final plat shall be accompanied with Construction plans of all required public improvements, and a Drainage Study approved and sealed by a Nebraska Professional Engineer and any State Offices requiring review and approval.

**7.15 Professional Assistance.** The City Council or the Planning Commission may request such professional assistance as it deems necessary to properly evaluate the plats submitted.

**7.16 Planning Commission Recommendations.** The Planning Commission shall reject or approve the final plat and have prepared a recommendation to the City Council recommending rejection or approval. All reasons for recommending rejection shall be clearly stated. Notification of approval or rejection by the Planning Commission or City Council shall be given the subdivider within sixty (60) days after submission of the final plat to the Planning Commission.

**7.17 ADMINISTRATIVE SUBDIVISION.** An owner may file application with the Zoning Administrator of the City for approval of a proposed administrative subdivision plat as provided in this section. As used herein, the term "administrative subdivision" shall mean the re-subdivision of existing subdivided lots and blocks, involving the adjustment of existing lot boundaries or the consolidation of lots, in a manner consistent with the Zoning Ordinance concerning minimum area and dimensions of lots, but not necessitating the dedication of additional public right-of-way or easements or the installation of required public improvements.

1. **Plat.** The property owner shall submit an accurately drawn plat showing the proposed lots including all pertinent dimension lines. The plat shall be on eight and one-half (8½) by eleven (11) inch sheet(s) of paper; be drawn to a scale of not less than one (1) inch equals one hundred (100) feet; show the direction north by an arrow; reflect all adjoining public streets and alleys and public easements; and show any existing buildings or structures on the tract of land being changed. Except in the case of the consolidation of lots or the re-subdivision of two lots where a portion of a lot is added to the other lot, attached to the plat shall be a certificate signed by a registered land surveyor licensed in the State of Nebraska certifying that each proposed lot has been accurately surveyed and that each lot corner has been well and accurately staked and marked.

**CITY MANAGER'S REPORT  
JANUARY 9, 2023 PLANNING COMMISSION MEETING**

ITEM NO. \_\_\_\_ Public Hearing - Regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska.

ITEM NO. \_\_\_\_ Recommend approval of the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska.

ITEM NO. ~~2.C.~~ Public Hearing - Regarding a zoning change request for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

ITEM NO. ~~2.D.~~ Recommend approval of the zoning change request for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

ITEM NO. \_\_\_\_ Public Hearing - Regarding the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3.

ITEM NO. \_\_\_\_ Approve Planning Commission Resolution No. PC 2023-\_\_\_\_\_, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3.

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**BACKGROUND:**

A minor subdivision application has been filed by Jerry Gohl for the purpose of authorizing a tract of land to be known as Heritage Pointe Addition No. 3. Similar requests were filed by Mr. Gohl in 2019 and 2022. Mr. Gohl requests that a tract of land located north of West J Street (northwest of the McCook Congregation of Jehovah's Witnesses ) be divided from a larger tract. All of the property in question is currently owned by Mr. Gohl. Mr. Gohl's intent is to develop the lot for commercial purposes. Utilities have been extended to the tract at issue.

The proposed lot meets the requirements of the City of McCook's Subdivision Regulations. Additionally, the application meets the requirements of the City of McCook's Zoning Ordinance, if the applicant's zone change request is permitted.

In conjunction with the subdivision request, an application has been filed to voluntarily annex portions of the proposed Heritage Pointe Addition No. 3 subdivision. A part of the proposed

subdivision is located within the City's corporate limits, while a portion of the property is not. The annexation request focuses on the real estate currently located outside of McCook's corporate limits, but within McCook's Two Mile Extra Territorial Jurisdiction. Mr. Gohl is requesting that the entirety of the proposed Heritage Pointe Addition No. 3 be located within McCook's corporate limits.

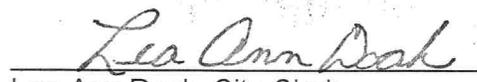
Finally, Mr. Gohl's application requests a zoning change of the current land uses for the property at issue, from Residential Medium Density (RM - which is the current designation for the southern portion of proposed Heritage Pointe Addition No. 3) and Agricultural (AG - which is the designation for the northern portion of proposed Heritage Pointe Addition No. 3), to Business Commercial (BC). The intent behind Heritage Pointe Addition No. 3 is to allow for the building of a commercial structure on the created lot. The current land uses prescribed to the property at issue, RM and AG, don't allow for a commercial business to be principally permitted. Staff has reviewed the zone change request. Staff has noted there are commercial businesses in close proximity to the proposed Heritage Pointe Addition No. 3. Further, the City of McCook's Comprehensive Plan/Future Land Use Map contemplates the property north of West J Street to be dedicated to Business Commercial (BC) uses and structures. Mr. Gohl's application is consistent with McCook's long term goals.

A Preliminary Plat was filed with the City of McCook in 2022 to provide a comprehensive plan for Mr. Gohl's property.

**APPROVALS:**

  
\_\_\_\_\_  
Nathan A. Schneider, City Manager

January 4, 2023

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

January 4, 2023

**NOTICE OF PUBLIC HEARING  
REZONING**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on January 9, 2023, at 5:15 P.M. and by the McCook City Council on January 16, 2023 at 5:30 P.M. The hearings will be held in the City Council Chambers, 505 West "C" Street, McCook, Nebraska, to consider the rezoning of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M. in Red Willow County, Nebraska, said tract will be referred to as HERITAGE POINTE ADDITION NO. 3; from Agricultural (AG) to Business Commercial (BC) District. Any and all persons desiring to comment may attend said 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: December 30, 2022.

**EXHIBIT #2**

**PAGE(S) - 1**

**NOTICE OF PUBLIC HEARING  
REZONING**

NOTICE IS HEREBY GIVEN that public hearings will be held to rezone the following described property from Agricultural District (AG) to Business Commercial District (BC), to-wit:

A tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This tract of land will be referred to as HERITAGE POINTE ADDITION NO. 3.

Project Sponsor/  
Land Owner: Jerry Gohl - Gerald L. Gohl Revocable Trust

Public Hearings on the above-described Rezoning will be held on the Dates, Times, and at the places listed below:

January 9, 2023 - 5:15 P.M.  
McCook Planning Commission  
City Council Chambers  
505 West "C" Street

January 16, 2023 - 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: December 30, 2022.  
Post: December 30, 2022.  
Mail: December 30, 2022.

**EXHIBIT #3**

**PAGE(S) - 1**

Notices Mailed to:

RED WILLOW COUNTY PLANNING  
COMMISSION  
C/O TAMI TEEL  
502 NORRIS AVENUE  
MCCOOK, NE 69001

PRESIDENT  
McCOOK SCHOOL BOARD  
302 ELIZABETH LANE  
MCCOOK, NE 69001

TYLER & TYLER SUE LOOP  
2005 WEST J  
MCCOOK, NE 69001

MIKE DEVENEY  
PO BOX 449  
MCCOOK, NE 69001

RICHARD CAPPEL  
#5 BRASSIE DRIVE  
MCCOOK, NE 69001

GENE AND CAROL ERDMAN  
PO BOX 69  
LIVERMORE, CO 80536

MAUREEN GIORGIONE  
PO BOX 756  
MCCOOK, NE 69001

DONNA LOOP  
1402 N HWY 83  
MCCOOK, NE 69001

McCOOK PUBLIC SCHOOL DISTRICT  
C/O GRANT NORGAARD  
600 WEST 7<sup>th</sup> ST  
MCCOOK, NE 69001

RED WILLOW COUNTY CLERK  
502 NORRIS AVE  
MCCOOK, NE 69001

CJC, LLC  
PO BOX 449  
MCCOOK, NE 69001

AUGUSTUS PROPERTIES, LLC  
315 WARREN  
BARTLEY, NE 69020

WANDA MICHAELIS  
#9 BRASSIE DRIVE  
MCCOOK, NE 69001

BRADLEY HAYS  
MOLLY HERZBERG  
#6 BRASSIE DRIVE  
MCCOOK, NE 69001

MCCOOK CONGREGATION OF JEHOVAH'S  
WITNESS  
C/O MARK WAGNER  
916 EAST 6  
MCCOOK, NE 69001

**EXHIBIT #4**

**PAGE(S) - 1**

**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: Heritage Point Addition No. 3

Description of Project: Create one lot for commercial construction. Sewer was extended through the two previously created lots in 2019. It will need to be extended through the proposed "Heritage Drive" and to the proposed lot.

Project sponsor or developer:

Name: Jerry Gohl  
Address: 38278 Road 717, McCook, NE 69001  
Phone number: 308-340-5432  
Fax number: \_\_\_\_\_  
E-mail Address: Jerry@golight.com

Land owner or owners:

Name: Gerald L. Gohl Revocable Trust  
Address: 37146 Old Highway 17, Culbertson, NE 69024  
Phone number: 308-278-3131  
Fax number: \_\_\_\_\_  
E-Mail Address: Jerry@golight.com

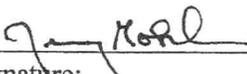
Authorization of the land use action by land owner:

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

Jerry Gohl

Printed Name:

Printed Name:

  
Signature:

Signature:

12-16-2022  
Date:

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

Property Description (Of the parent parcel for subdivisions): S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 W of the 6<sup>th</sup> P.M.

**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)

- X Include a description of the reason for the request for a change of zone:

For a Commercial Business

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- NA 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.)

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- NA 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.

X Explain how the project complies with the Comprehensive Plan:

Consistent with effective comprehensive plan. Plans future land  
maps designation of commercial.

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December 15, 2022

Nate Schneider  
City Manager, City of McCook  
505 West 5<sup>th</sup> & C Street  
McCook, Nebraska 69001

RE: Heritage Pointe Addition No. 3 – Rezoning and Annexation

Dear Nate,

This letter is a formal request on behalf of the owner, Jerry Gohl, to change the zoning for the above described property, which is located northwest of the intersection of "J" Street and Brassie Drive. The proposed project consists of a commercial office development, similar to the property built on the Heritage Pointe Addition No.1 and the planned building on Heritage Pointe Addition No.2 located just east of the property.

The current zoning is both Residential Medium Density District (RM) and Agricultural District (AG) for the proposed subdivision area. The owner has requested the proposed Heritage Pointe Addition No. 2 subdivision to be rezoned for RM and AG to Business Commercial District (BC).

The current Comprehensive Plan Future Land Use Map for the proposed subdivision area is delineated as Commercial. The proposed zoning of Business Commercial District (BC) is compatible and consistent with the future land use map use map designation of Commercial.

Portions of the proposed Heritage Pointe subdivision are located within the corporate limits of the City of McCook and the Two Mile Extra Territorial Jurisdiction. The owner is requesting this subdivision to be annexed entirely into the City Limits of the City of McCook, Nebraska.

We are requesting the rezoning and annexation changes to be presented at the upcoming associated Planning Commission and City Council meetings. If you have any further questions or comments, please do not hesitate to give us a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Davidson", is written over a horizontal line.

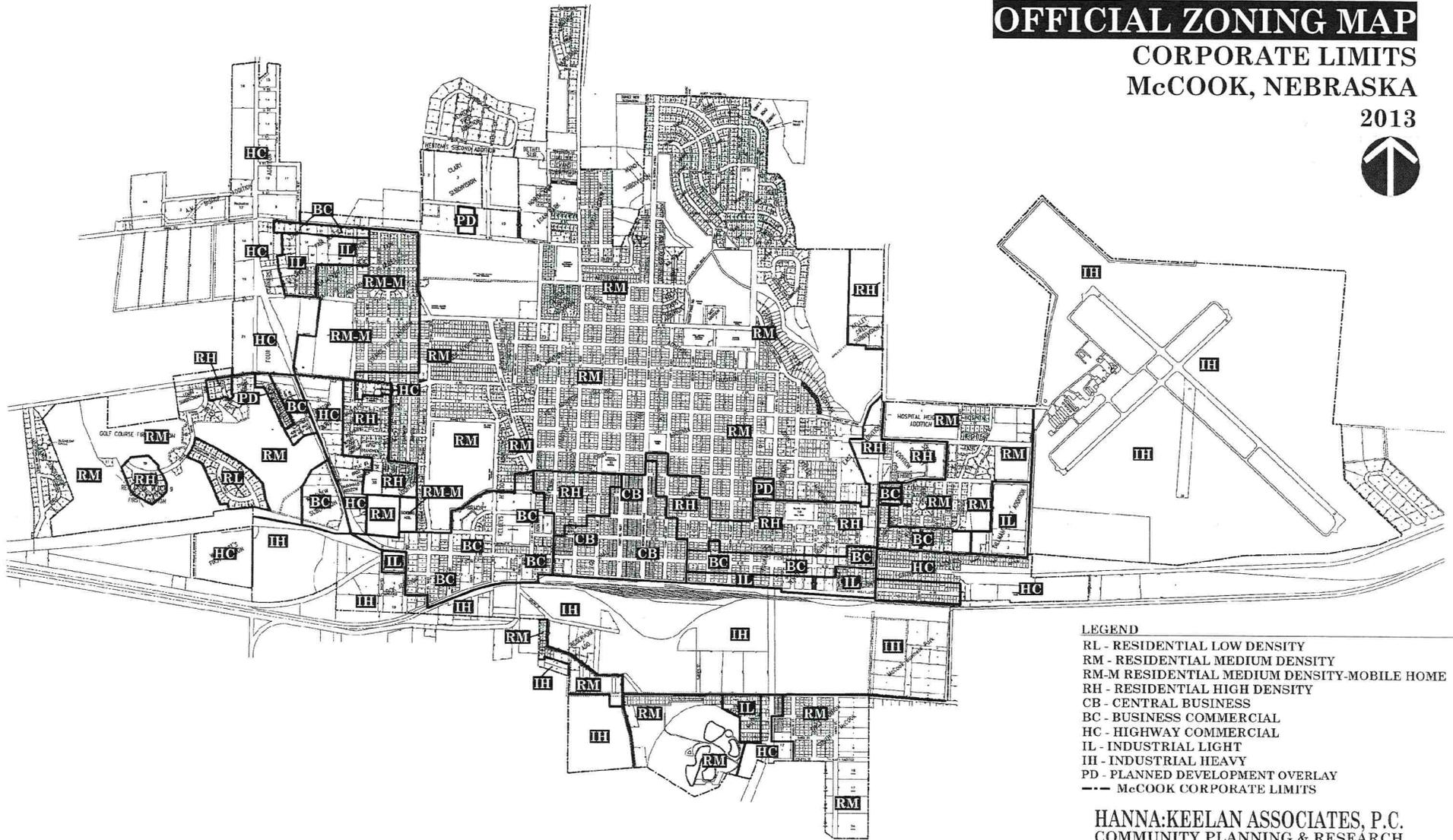
Matt Davidson

Cc: Jerry Gohl, 38278 Road 717, McCook, NE 69001

# OFFICIAL ZONING MAP

CORPORATE LIMITS  
McCOOK, NEBRASKA

2013



### LEGEND

- RL - RESIDENTIAL LOW DENSITY
- RM - RESIDENTIAL MEDIUM DENSITY
- RM-M RESIDENTIAL MEDIUM DENSITY-MOBILE HOME
- RH - RESIDENTIAL HIGH DENSITY
- CB - CENTRAL BUSINESS
- BC - BUSINESS COMMERCIAL
- HC - HIGHWAY COMMERCIAL
- IL - INDUSTRIAL LIGHT
- IH - INDUSTRIAL HEAVY
- PD - PLANNED DEVELOPMENT OVERLAY
- McCOOK CORPORATE LIMITS

HANNA:KEELAN ASSOCIATES, P.C.  
COMMUNITY PLANNING & RESEARCH

\* Lincoln, Nebraska \* 402.464.5383 \*

EXHIBIT #6

PAGE(S) - 1

**CITY MANAGER'S REPORT  
JANUARY 9, 2023 PLANNING COMMISSION MEETING**

ITEM NO. \_\_\_\_ Public Hearing - Regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska.

ITEM NO. \_\_\_\_ Recommend approval of the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska.

ITEM NO. \_\_\_\_ Public Hearing - Regarding a zoning change request for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

ITEM NO. \_\_\_\_ Recommend approval of the zoning change request for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

ITEM NO. 2.E. Public Hearing - Regarding the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3.

ITEM NO. 2.F. Approve Planning Commission Resolution No. PC 2023- 01, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3.

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**BACKGROUND:**

A minor subdivision application has been filed by Jerry Gohl for the purpose of authorizing a tract of land to be known as Heritage Pointe Addition No. 3. Similar requests were filed by Mr. Gohl in 2019 and 2022. Mr. Gohl requests that a tract of land located north of West J Street (northwest of the McCook Congregation of Jehovah's Witnesses ) be divided from a larger tract. All of the property in question is currently owned by Mr. Gohl. Mr. Gohl's intent is to develop the lot for commercial purposes. Utilities have been extended to the tract at issue.

The proposed lot meets the requirements of the City of McCook's Subdivision Regulations. Additionally, the application meets the requirements of the City of McCook's Zoning Ordinance, if the applicant's zone change request is permitted.

In conjunction with the subdivision request, an application has been filed to voluntarily annex portions of the proposed Heritage Pointe Addition No. 3 subdivision. A part of the proposed

**EXHIBIT #1**

subdivision is located within the City's corporate limits, while a portion of the property is not. The annexation request focuses on the real estate currently located outside of McCook's corporate limits, but within McCook's Two Mile Extra Territorial Jurisdiction. Mr. Gohl is requesting that the entirety of the proposed Heritage Pointe Addition No. 3 be located within McCook's corporate limits.

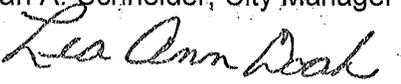
Finally, Mr. Gohl's application requests a zoning change of the current land uses for the property at issue, from Residential Medium Density (RM - which is the current designation for the southern portion of proposed Heritage Pointe Addition No. 3) and Agricultural (AG - which is the designation for the northern portion of proposed Heritage Pointe Addition No. 3), to Business Commercial (BC). The intent behind Heritage Pointe Addition No. 3 is to allow for the building of a commercial structure on the created lot. The current land uses prescribed to the property at issue, RM and AG, don't allow for a commercial business to be principally permitted. Staff has reviewed the zone change request. Staff has noted there are commercial businesses in close proximity to the proposed Heritage Pointe Addition No. 3. Further, the City of McCook's Comprehensive Plan/Future Land Use Map contemplates the property north of West J Street to be dedicated to Business Commercial (BC) uses and structures. Mr. Gohl's application is consistent with McCook's long term goals.

A Preliminary Plat was filed with the City of McCook in 2022 to provide a comprehensive plan for Mr. Gohl's property.

**APPROVALS:**

  
\_\_\_\_\_  
Nathan A. Schneider, City Manager

January 4, 2023

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

January 4, 2023

**NOTICE OF PUBLIC HEARING  
PROPOSED VOLUNTARY ANNEXATION**

**NOTICE IS HEREBY GIVEN** that a public hearing will be held by the City of McCook Planning Commission on January 9, 2023, at 5:15 P.M. and by the McCook City Council on January 16, 2023, at 5:30 P.M. The hearings will be held in the City Council Chambers at the McCook Municipal Center, 505 West "C" Street, concerning the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M. in Red Willow County, Nebraska.

All interested parties are invited to attend the public hearings at which time you will have an opportunity to be heard regarding the voluntary annexation.

Individuals requiring physical or sensory accommodations including interpreter service, braille, large print, or recorded materials, please contact the City Clerk at 308-345-2022.

-s-   Lea Ann Doak, City Clerk  
          PO Box 1059  
          McCook, Nebraska 69001-1059

Publish: December 30, 2022.

**EXHIBIT #2**

**PAGE(S) - 1**

# GOLIGHT

INC.

December 15, 2022

Nate Schneider  
City Manager, City of McCook  
505 West 5<sup>th</sup> & C Street  
McCook, Nebraska 69001

RE: Heritage Pointe Addition No. 3 – Rezoning and Annexation

Dear Nate,

This letter is a formal request on behalf of the owner, Jerry Gohl, to change the zoning for the above described property, which is located northwest of the intersection of "J" Street and Brassie Drive. The proposed project consists of a commercial office development, similar to the property built on the Heritage Pointe Addition No.1 and the planned building on Heritage Pointe Addition No.2 located just east of the property.

The current zoning is both Residential Medium Density District (RM) and Agricultural District (AG) for the proposed subdivision area. The owner has requested the proposed Heritage Pointe Addition No. 2 subdivision to be rezoned for RM and AG to Business Commercial District (BC).

The current Comprehensive Plan Future Land Use Map for the proposed subdivision area is delineated as Commercial. The proposed zoning of Business Commercial District (BC) is compatible and consistent with the future land use map use map designation of Commercial.

Portions of the proposed Heritage Pointe subdivision are located within the corporate limits of the City of McCook and the Two Mile Extra Territorial Jurisdiction. The owner is requesting this subdivision to be annexed entirely into the City Limits of the City of McCook, Nebraska.

We are requesting the rezoning and annexation changes to be presented at the upcoming associated Planning Commission and City Council meetings. If you have any further questions or comments, please do not hesitate to give us a call.

Sincerely,



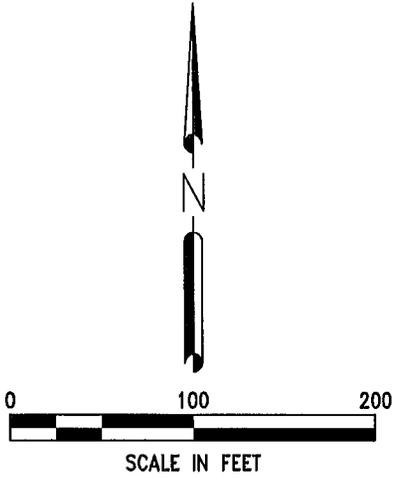
Matt Davidson

Cc: Jerry Gohl, 38278 Road 717, McCook, NE 69001

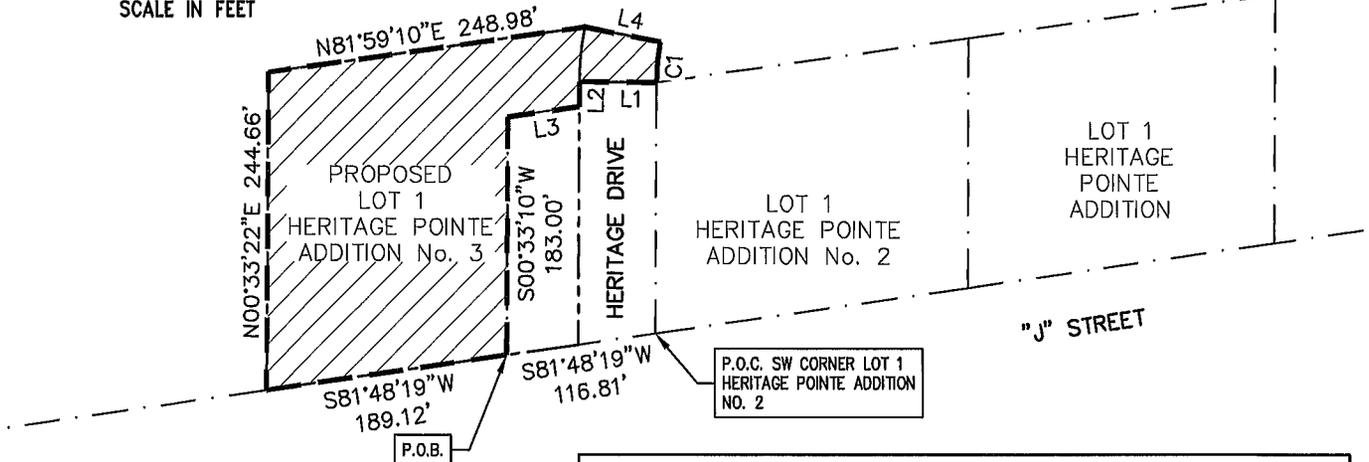
**EXHIBIT #3**

**PAGE(S) - 1**

## ANNEXATION LEGAL DESCRIPTION HERITAGE POINTE ADDITION



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89°26'50"W	60.00'
L2	S00°33'10"W	19.10'
L3	S81°49'56"W	56.10'
L4	S78°53'56"E	60.00'



CURVE DATA					
NUMBER	CENTRAL ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
C1	10°32'54"	170.00'	31.30'	S 05°49'37" W	31.25'

### ANNEXATION TRACT DESCRIPTION

A tract of land in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, more particularly described as follows:

Considering the South line of Lot 1, Heritage Pointe Addition No. 2, an addition to the City of McCook, Nebraska and north right-of-way line of "J" Street in the City of McCook, Nebraska, with the platted bearing being S81°48'19"W and with all bearings contained herein relative thereto;

Commencing at the Southwest corner of said Lot 1, Heritage Pointe Addition No. 2, a distance of 116.81 feet to the POINT OF BEGINNING;  
 Thence continuing S81°48'19"W on south line of said Lot 1, Heritage Pointe Addition No. 2 and the north right-of-way line of said "J" Street, a distance of 189.12 feet;  
 Thence leaving said north right-of-way line N00°33'22"E, a distance of 244.66 feet;  
 Thence N81°59'10"E, a distance of 248.98 feet;  
 Thence S78°53'56"E, a distance of 60.00 feet;  
 Thence southerly on a non-tangent curve to the left having a central angle of 10°32'54", a radius of 170.00 feet, an arc length of 31.30 feet, and a chord bearing of S05°49'37"W, a distance of 31.25 feet to the Northwest corner of said Lot 1, Heritage Pointe Addition No. 2  
 Thence N89°26'50"W, a distance of 60.00 feet to the West line of Heritage Drive in McCook Nebraska;  
 Thence S00°33'10"W on said west right-of-way line, a distance of 19.10 feet;  
 Thence S81°49'56"W, distance of 56.10 feet;  
 Thence S00°33'10"W, a distance of 183.00 feet to the Point of Beginning.

**EXHIBIT #4**

**PAGE(S) - 1**

The above described tract contains 51264 square feet more or less.

**LEGEND**  
 P.O.B. = POINT OF BEGINNING  
 P.O.C. = POINT OF COMMENCEMENT

**NOTE:**  
 This exhibit is not a boundary survey and no field measurements were performed

109 EAST 2ND STREET  
 McCOOK, NE 69001  
 Tel: 308-345-3710  
 Fax: 308-345-7370  
[www.miller-engineers.com](http://www.miller-engineers.com)

HERITAGE POINTE ADDITION No. 3

**MCCOOK PLANNING COMMISSION**

**RESOLUTION NO. PC2023-01**

**A RESOLUTION OF THE MCCOOK PLANNING COMMISSION RECOMMENDING APPROVAL OF THE VOLUNTARY ANNEXATION OF A TRACT OF LAND LOCATED IN THE S1/2 OF THE SE1/4 OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 30 WEST OF THE 6TH P.M. IN RED WILLOW COUNTY, NEBRASKA, SAID TRACT OF LAND INCLUDED IN THE PARCEL TO BE REFERRED TO AS HERITAGE POINTE ADDITION NO. 3.**

**WHEREAS**, at their meeting on January 9, 2023, the Planning Commission held a public hearing concerning the annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M. in Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3, more particularly described in **Exhibit "A"**.

**WHEREAS**, this commission has reviewed the proposed annexation.

**NOW, THEREFORE, BE IT RESOLVED BY THE MCCOOK PLANNING COMMISSION AS FOLLOWS:**

**Section 1.** The Commission hereby recommends approval of the annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M. in Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3.

**Section 2.** All prior resolutions of the Commission in conflict with the terms and provisions of this resolution are hereby expressly repealed to the extent of such conflicts.

**Section 3.** This resolution shall be in full force and effect from and after its passage as provided by law.

PASSED AND APPROVED by the McCook Planning Commission this 9<sup>th</sup> day of January, 2023.

MCCOOK PLANNING COMMISSION

\_\_\_\_\_  
Kurt Vosburg, Chair

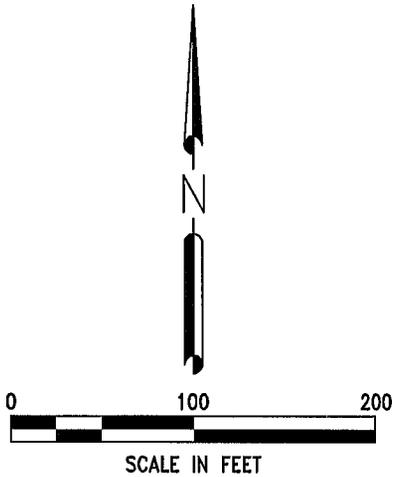
ATTEST:

\_\_\_\_\_  
Chad Lyons, Secretary

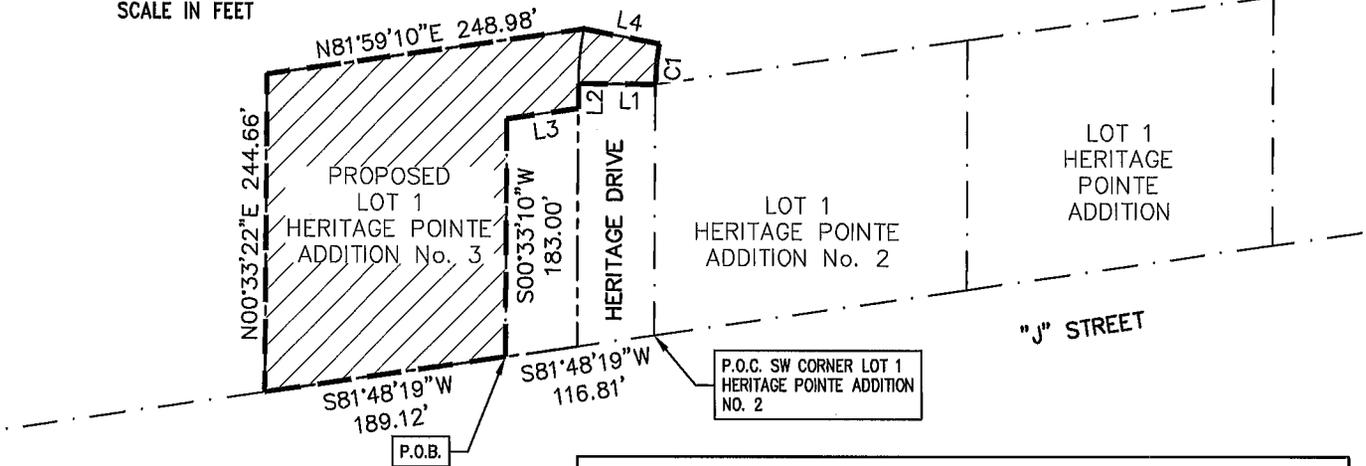
**EXHIBIT #5**

**PAGE(S) - 2**

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**EXHIBIT "A"**

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#### LEGEND

P.O.B. = POINT OF BEGINNING  
 P.O.C. = POINT OF COMMENCEMENT

#### NOTE:

This exhibit is not a boundary survey and no field measurements were performed

	109 EAST 2ND STREET McCOOK, NE 69001 Tel: 308-345-3710 Fax: 308-345-7370 <a href="http://www.miller-engineers.com">www.miller-engineers.com</a>
Miller & Associates Consulting Engineers, P.C.	

HERITAGE POINTE ADDITION No. 3