

MCCOOK CITY COUNCIL

REGULAR MEETING

Monday, April 8, 2024
5:15 PM - City Council Chambers

Call to Order and Roll Call.

Open Meetings Act Announcement.

Items

1. Approve the minutes of the February 12, 2024 regular Planning Commission meeting.
2. Public Hearings and Regular Agenda.
 - A. Public Hearing - Request for a special exception by Brian and Jessica Luke to locate a Bed and Breakfast/Vacation Rental in a Medium Density Residential District (RM) - property located at #1 Club House Drive; Lot 1, Block 7, Golf Course First Addition to the City of McCook, Red Willow County, Nebraska.
 1. Adjourn the Public Hearing.
 - B. Recommend approval to the City Council the application for a special exception by Brian and Jessica Luke to allow a Bed and Breakfast/Vacation Rental in a Medium Density Residential District (RM), said property located at #1 Club House Drive; legally described as Lot 1, Block 7, Golf Course First Addition to the City of McCook, Red Willow County, Nebraska, finding Special Exception considerations A-I are satisfied.
 - C. Public Hearing - Regarding the Redevelopment Plan for the R Perry Redevelopment Project as to its conformity with the general plan for the development of the City as a whole.
 1. Adjourn the Public Hearing.
 - D. Approve Resolution No. PC 2024-01 recommending approval of a Redevelopment Plan of the City of McCook, Nebraska, approving a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions for the purpose of development of the R Perry Redevelopment Project.
 - E. Select new officers for the term of April 2024 through March 2025 - Chair, Vice-Chair, and Secretary - pursuant to Chapter 35, Section 35.001 of the City of McCook Code of Ordinances.

Adjournment.

**CITY MANAGER'S REPORT
APRIL 8, 2024 PLANNING COMMISSION MEETING**

ITEM: 1.

RECOMMENDATION:

Approve the minutes of the February 12, 2024 regular McCook Planning Commission meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

April 4, 2024

McCook Planning Commission
February 12, 2024
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 (arrived 5:19 P.M.), Davidson, Dueland (arrived 5:25 P.M.), McDowell, Stevens, Mockry.

Absent: Commissioners Friehe, 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 February 7, 2024, 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. Open Meetings Act Announcement.

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

1. Approve the minutes of the December 11, 2023 regular Planning Commission meeting.

Motion to approve the minutes of the December 11, 2023 regular Planning Commission meeting. This motion, made by McDowell and seconded by Hilker, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Request for a special exception by the Community Hospital Association to allow a structure containing only residential uses in the Central Business District (CB), said property located at 409 West 1st Street and legally described as Lots 16, 17, 18, and the south 5 feet of Lot 19, Block 9, Original McCook 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 request for a special exception by the Community Hospital Association to allow a structure containing only residential uses in the Central Business

District (CB), said property located at 409 West 1st Street and legally described as Lots 16, 17, 18, and the south 5 feet of Lot 19, Block 9, Original McCook Addition to the City of McCook, Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Stevens, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the February 12, 2024 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Corrected Notice of Hearing published, correcting date of City Council meeting (1 page); Exhibit #4 - Notice of Hearing mailed and posted (1 page); Exhibit #5 - ownership list for mailing of Notice of Hearing (2 pages); Exhibit #6 - Land Use Action Request Form and attachments (16 pages); Exhibit #7 - City of McCook Zoning Ordinance Article 24, Special Exceptions (1 page); Exhibit #8 - Findings and Determinations of McCook City Council (2 pages); Exhibit #9 - Variance Application for front yard setback requirement (21 pages); and Exhibit #10 - Variance Application for off-street parking requirements (14 pages).

City Manager Schneider reviewed the information presented in Exhibit #1 and noted that recommended approval should include that it be conditioned to the two requested variances being approved by the Board of Zoning Adjustment.

Sean Wolfe, Community Hospital CFO and Matt Clouse, W Design Associates, reviewed the request with the Council. Community Hospital was contacted by UMC and UNK regarding the need to provide housing to students that are in the community completing internships, medical residencies and other training programs. The special exception is requested to allow a non-mixed use, multi-family only building with apartments on the first and second floor of the structure without any retail space. The surrounding neighborhood is a mix of commercial, multi-family and residential. This property is on the edge of full commercial, the rectilinear design helps with the transition of uses and fits into the urban surrounds. The materials used are a modern look, and will fit into the newly created art district, as well as create a connection between private housing and the public spaces, like Norris Alley. Two variances requests have been submitted for the project. The first for permission to use the city parking lot and on-street parking to fulfill the off-street parking requirements, since the property is in the Central Business District, which is exempt from the off-street parking requirements; and the second to allow for a front yard setback from 20'0" to 10'0".

Commission discussion included parking, having no concerns with the current request, with limited public parking in the downtown area, other options as may need to be considered for any new requests in the future; sharing their dumpster with the MEDC; and the space in between the property to the south and if the current retaining walls will remain.

Jim Plienus, representing the Fox Theater expressed possible concerns with parking and limited access to the back of the theater.

City Attorney Mustion added as Exhibit #11 - Letter dated February 8, 2024 from the High Plains

Historical Society, Linda Buck, Site Manager endorsing the request from the Community Hospital Association.

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 Mockry, passed.

Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, 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 the Community Hospital Association (landowner Michael and Linda Nielsen) for a structure containing only residential uses in the Central Business District (CB), said property legally described as Lots 16, 17, 18, and the south 5 feet of Lot 19, Block 9, Original McCook Addition to the City of McCook, Red Willow County, Nebraska (a/k/a 409 West 1st Street), finding Special Exception considerations A-I are satisfied, and conditional to the Board of Zoning Adjustment granting the two variance requests.

Commissioners completed their Special Exception Findings and Determinations and all found that Considerations A - I have been made.

Motion to recommend approval to the City Council the application for a special exception by the Community Hospital Association (landowner Michael and Linda Nielsen) for a structure containing only residential uses in the Central Business District (CB), said property legally described as Lots 16, 17, 18, and the south 5 feet of Lot 19, Block 9, Original McCook Addition to the City of McCook, Red Willow County, Nebraska (a/k/a 409 West 1st Street), finding Special Exception considerations A-I are satisfied, and conditional to the Board of Zoning Adjustment granting the two variance requests. This motion, made by Vosburg and seconded by McDowell, passed.

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

Adjournment.

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

Lea Ann Doak, City Clerk-Treasurer
Recording Secretary

**CITY MANAGER'S REPORT
APRIL 8, 2024 MCCOOK PLANNING COMMISSION MEETING**

ITEM: 2.A. Public Hearing - Request for a special exception by Brian and Jessica Luke to locate a Bed and Breakfast/Vacation Rental in a Medium Density Residential District (RM) - property located at #1 Club House Drive; Lot 1, Block 7, Golf Course First Addition to the City of McCook.

ITEM: 2.B. Recommend approval of a special exception to the City Council to allow a Bed and Breakfast/Vacation Rental in a Medium Density Residential District (RM) - property located #1 Club House Drive; Lot 1, Block 7, Golf Course First Addition to the City of McCook, finding that Special Exception considerations A - I are satisfied.

BACKGROUND:

The City of McCook has received a special exception request from Brian and Jessica Luke. Specifically, the applicants have requested that the property located at #1 Club House Drive be granted special exception status for the purpose of operating a bed and breakfast and/or a vacation rental. The property at issue is a duplex structure, said special exception to specifically run with the unit on the east side of the duplex. Brian and Jessica Luke live in the west duplex unit. The property is located southeast of the Heritage Hills Clubhouse. The duplex is the only residential property located west of the Wedgewood Drive Club House Drive intersection on the south side of Club House Drive.

The application addresses McCook's Zoning Ordinance, Article 24 Special Exception requirements relative to the RM District. Based on staff's review, it is believed a grant of special exception will not adversely impact ingress and/or egress. The property is located on a through street, and the structure would not house numerous individuals. Additionally, there is adequate off-street parking on the lot to accommodate individuals that are renting the property. The residential structure's footprint would remain the same. Also, staff believes the request generally complies with the City of McCook's Comprehensive Plan.

The recommendation of staff is based upon review of the City's special exception criteria. Any restrictions placed upon the property via a covenant falls beyond the scope of the City's acceptable criteria.

APPROVALS:



Lea Ann Doak, City Clerk

April 3, 2024



Nathan A. Schneider, City Manager

April 3, 2024

EXHIBIT #1

PAGE(S) - 1

**NOTICE OF PUBLIC HEARING
REQUEST FOR A SPECIAL EXCEPTION**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on April 8, 2024, at 5:15 P.M. and by the McCook City Council on April 15, 2024, at 5:30 P.M. The hearings will be held in the City Council Chambers, 505 West "C" Street, McCook, Nebraska, to consider a request for a special exception to allow a Bed and Breakfast/Vacation Rental in a Residential Medium Density (RM) District in the City of McCook. Property located at #1 Club House Drive; Lot 1, Block 7, Golf Course First Addition to the City of McCook, Red Willow County, Nebraska. Land Owner, Brian and Jessica Luke. Any and all persons desiring to comment on the above-described special exception 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: March 29, 2024.

EXHIBIT #2

PAGE(S) - 1

NOTICE OF HEARING

REQUEST FOR

SPECIAL EXCEPTION

NOTICE IS HEREBY GIVEN that a public hearing will be held on a request to allow a Bed and Breakfast/Vacation Rental in a Residential Medium Density (RM) District in the City of McCook.

ADDRESS: #1 Club House Drive

LEGAL DESCRIPTION: Lot One (1), Block Seven (7), Golf Course First Addition to the City of McCook, Red Willow County, Nebraska.

LAND OWNER: Brian and Jessica Luke

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

APRIL 8, 2024 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

APRIL 15, 2024 - 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: March 29, 2024
Post: March 29, 2024
Mail: March 29, 2024

EXHIBIT #3

PAGE(S) - 1

OWNERSHIP LIST FOR MAILING:

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
% Penny Cooper
502 Norris Avenue
McCook NE 69001

Red Willow County Planning Commission
502 Norris Avenue
McCook NE 69001

Elizabeth Nothnagel
805 Spruce Rd
McCook, NE 69001

Steven and Sharon Frimann
22264 N Maxwell Road
Stapleton, NE 69163

Heritage Hills Golf Corp
6000 Club House Drive
McCook, NE 69001

Michael and Krystal Paz
#24 Wedgewood Drive
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: Bogies Airbnb
Description of Project: Airbnb short term Rental,
vacation rental

Project sponsor or developer:
Name: Brian & Jessica Luke
Address: 3 Club House Dr. MCCOOK, NE 69001
Phone number: 308-340-8501, 424-202-4680
Fax number: _____
E-mail Address: _____

Land owner or owners:
Name: Brian & Jessica Luke
Address: 3 Club House Dr. MCCOOK NE 69001
Phone number: 308-340-8501, 424-202-4680
Fax number: _____
E-Mail Address: _____

Authorization of the land use action by land owner:

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

Brian Luke
Printed Name:
[Signature]
Signature:
3.13.24
Date:

Jessica Luke
Printed Name:
[Signature]
Signature:

Address and physical location of the Proposed Land Use Action: 1 Club House Dr. MCCOOK. NE 69001

Property Description (Of the parent parcel for subdivisions): Single Family home. duplex. 4 bedroom 2 bathroom. We occupy one half and the other will be used for the airbnb. As we occupy half as our primary residence we will be on-site to monitor.

Required Information:

See Attached sheets for required information for:

- Subdivisions
- Zone Changes and special exceptions
- Planned developments

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

Fee, complete application, and required attachments accepted by:

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:

X 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.) X

We are requesting a special exception to operate a short term rental, vacation rental airbnb in a residential, medium density area

_____ Include a site plan (minimum 17" X 11") and a letter of explanation showing and explaining the following special exception requirements: X

- (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;

Regarding a special exception to allow a short term rental, vacation rental:

(A) As indicated on the schematic, there is ample off-street parking that can accommodate up to 4 vehicles. The driveway is shared but it is easily wide enough for two vehicles side by side, and we will dedicate the north half for the occupants. The property is easily accessible from Club House Drive in the event of an emergency.

(B) We do not perceive any increase in noise, glare or odor. As we will be occupying the other half of this duplex as our primary place of residence, we will have a strict, no parties, noise policy in place. As a family of young children, having a shared wall with this property, that is important to us as well as those around us.

(C) We have city trash collection services that come twice weekly to collect refuse.

(D) Utilities are supplied through the city water and trash collection services, and electric through NPPD.

(E) N/A

(F) We do not intend to have any signs in place, or any lighting that would cause a traffic safety concern.

(G) This property does have a large yard that is fenced in with chain link fencing.

(H) We feel this property is compatible with adjacent properties in the area. Given the location of this property, there is not a close neighbor, that would share a yard or sidewalk.

(I) We do feel this plan is compatible.

In addition, we feel as though our plan complies and fits in with the Comprehensive plan for the City of McCook. In section 5, of the McCook comprehensive plan, it discusses how Heritage Hills Golf Course is one of the main recreational draws to the city. By granting this exception, we will be able to provide tourists with an accommodation option specifically geared towards families and larger groups in a location on the course. The McCook comprehensive plan also lists strategies for continued growth and development in sections 6.10 and 6.11, in specific regards to promoting tourism related activities.

(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: _____



Parcel Information	
Parcel ID:	001106800
Map Number	
State Geo Code	4283-00-0-00000-000-0000
Cadastral #	
Images	Photo #1 Sketch #1
Current Owner:	LUKE/BRIAN #1 CLUBHOUSE DRIVE MCCOOK, NE 69001
Situs Address:	#1 CLUB HOUSE DRIVE MCCOOK
Tax District:	80
School District:	S.D. #17 GEN/SPEC BLD, 73-0017
Account Type:	Residential
Legal Description:	0 3 30 GOLF COURSE FIRST ADDITION MCCOOK BLK 7, LOT 1
Lot Width:	N/A
Lot Depth:	N/A
Total Lot Size:	7730.00 sq ft

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2023	\$186,036	\$13,528	\$0	\$172,508
2022	\$155,384	\$11,595	\$0	\$143,789

Yearly Tax Information		
Year	Amount	Levy
2023	\$3,062.88	1.75769
2022	\$2,715.96	1.854491

2023 Tax Levy	
Description	Rate
ED UNIT #15	0.01470800
NATURAL RESOURCE	0.03242900
MID-PLAINS GEN/CAP IMP	0.07462600
S.D. #17 BOND	0.05528700
CITY OF MCCOOK GEN	0.34081400
HIGH PLAINS HISTORICAL	0.00300000
COUNTY	0.29046800
S.D. #17 GEN/SPEC BLD	0.94635800

Sales Information				
Sale Date	Sale Price	Book & Page	Grantor	Parcel Ids
10/13/2023	\$180,000.00	2023 / 01304	DUFFIELD/MARY A	
10/13/2023	\$0.00	2023 / 01303	DUFFIELD/CHARLIE J & MARY A	
07/06/2012	\$100,000.00	2012 / 01406	HAGER/JANELLA M	
10/05/2007	\$0.00	2007 / 01624	HAGER/JAMES J & JANELLA M	

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

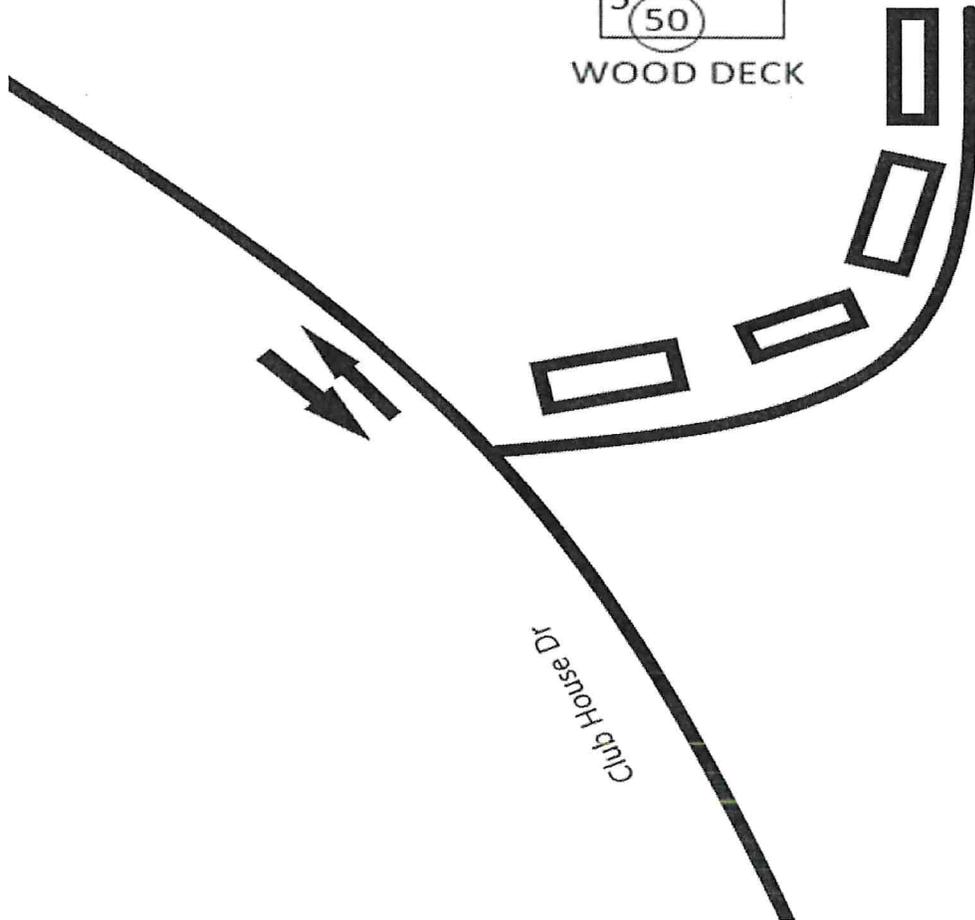
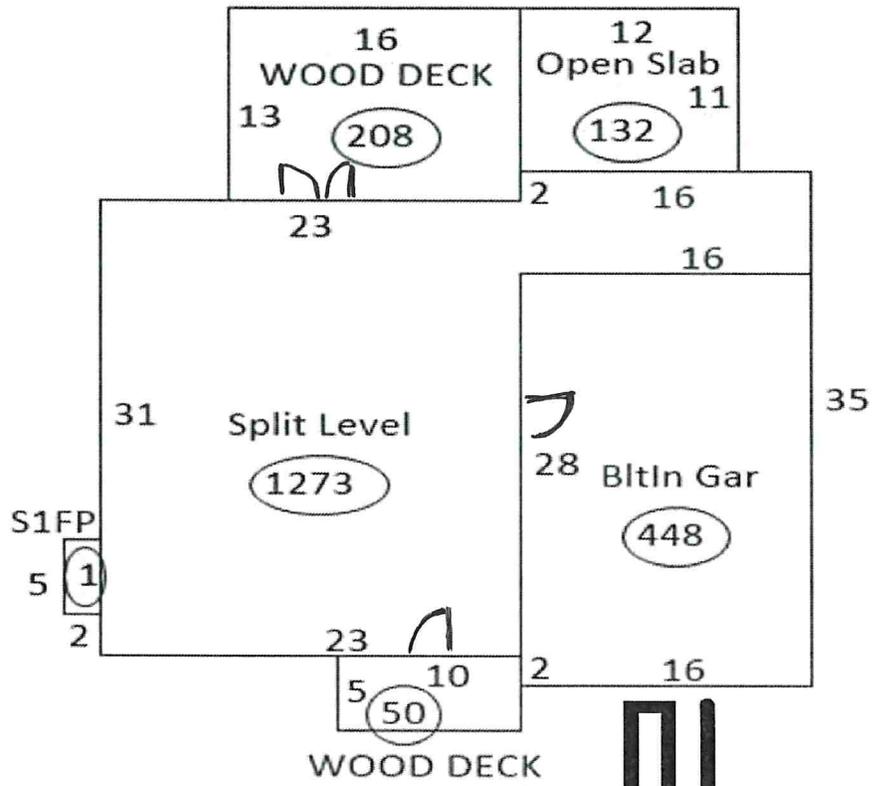
Property Notes	
Date	Note

Land Information			
Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
0.00	0.00	7730 S.F.	7730.00 sq ft

Residential Datasheet			
Zoning:		Condition:	Average - Good
Year Built:	1983	Style:	100% Split Level
Exterior:	100% Frame, Siding, Vinyl	Bathrooms:	2.00
Bedrooms:	2	Heating/Cooling:	100% Heat Pump
Roof Cover:	Composition Shingle	Min Finish:	643 sq. ft
Basement Size:	825 sq. ft	Part Finish:	0 sq. ft
Building Size:	1,273 sq. ft	Garage 1:	Built-in Garage(SF)
Quality:	Average +	Garage 1 Size:	448 sq. ft

Dwelling Data			
Description	Units	Value	
Wood Deck	50	\$2,258	
Wood Deck	208	\$5,097	
Open Slab Porch	132	\$1,278	
Single 1-Story Fireplace	1	\$5,885	

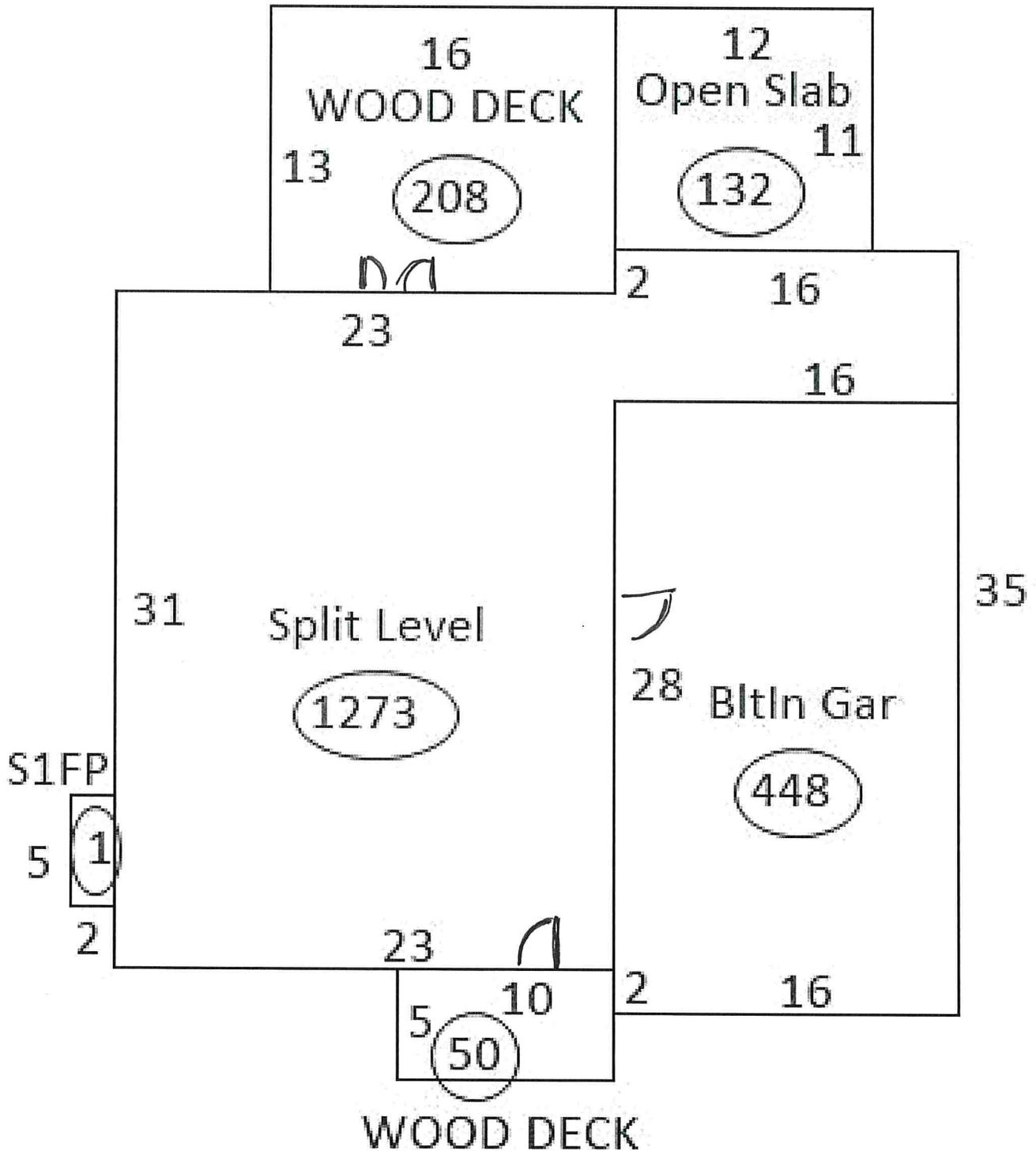
Outbuilding Data			
Description	Units	Year Built	Cost



Google Maps



Map data ©2024, Map data ©2024 Google 20 ft

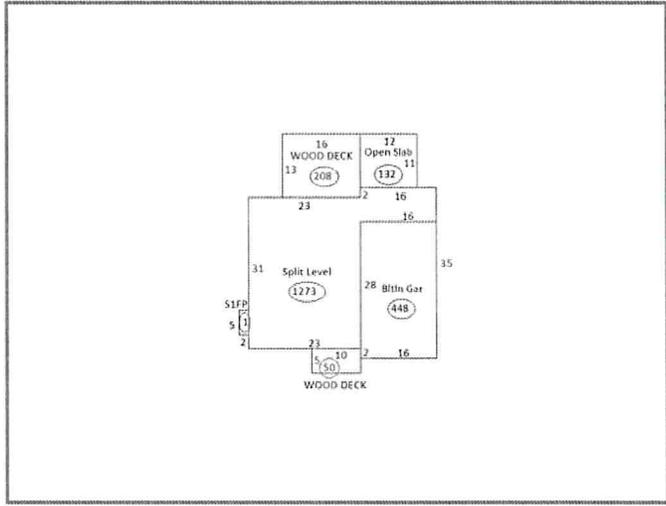
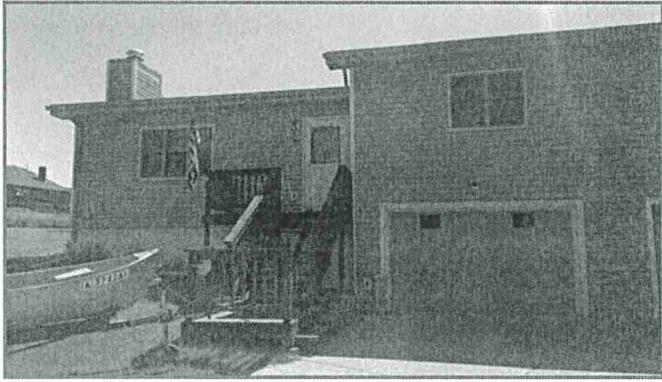


3/13/2024

Red Willow County Assessor



Photo/Sketch



ARTICLE 9

RESIDENTIAL MEDIUM DENSITY DISTRICT (RM)

Article 9 - Residential Medium Density District (RM)

Section 901. Intent. The intent of a Residential - Medium Density District (RM) is to provide for medium density residential use areas together with certain prescribed compatible uses.

Section 902. Permitted Principal Uses and Structures. The following principal uses and structures shall be permitted in Residential - Medium Density Districts (RM):

1. Dwellings, single family.
2. Manufactured homes under the prescribed conditions of Section 2113 of this Ordinance.
3. Dwellings, duplex.
4. Churches, places of worship and cemeteries.
5. Public uses: including but not limited to parks, playgrounds, recreational uses, fire stations, public utilities and utility distribution systems.
6. Child care homes.
7. Group Homes.

Section 903. Permitted Accessory Uses and Structures. The following accessory uses and structures shall be permitted in Residential - Medium Density Districts (RM):

1. Home occupations under the prescribed conditions of Section 2116 of this Ordinance.
2. Mobile homes under the prescribed conditions of Section 2109 of this Ordinance.
3. Accessory uses and structures normally appurtenant to the permitted uses and structures when established within the space limits of this district, and under the prescribed conditions of Section 2103 of this Ordinance.

Section 904. Special Exceptions. After the provisions of this Ordinance relating to special exceptions have been fulfilled, the City Council may permit as special exceptions in Residential - Medium Density Districts (RM):

1. Dwellings, multiple-family
2. Professional offices.
3. Colleges and universities.
4. Dwellings, Townhouses.
5. Public and parochial nursery, primary, intermediate and secondary schools.
6. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001 to 2005 (August 30, 2009, as amended). Individual or "Small Wind Energy Conversion Systems (SWECS) shall also be in conformance with the provisions of Section 2117 of this Ordinance.

7. Private golf courses and country clubs.
8. Child care center.
9. Hospitals, nursing homes, retirement and elderly housing facilities.
10. Medical clinics and other health facilities.
11. Funeral homes and funeral chapels.
12. Mobile home parks under the prescribed conditions of Section 2110 of this Ordinance.
13. Museums; historic and monument sites.
14. Telecommunication Towers under the prescribed conditions of Article 30 of this Ordinance.
15. Boarding House, Rooming House, or Bed and Breakfast.
16. Timeshare and Vacation Rental.

Section 905. Prohibited Uses and Structures. All other uses and structures which are not specifically permitted or not permissible as special exceptions shall be prohibited from Residential Medium Density Districts (RM).

Section 906. Height and Area Regulations. The minimum lot and maximum height provisions shall be as follows:

	Lot Area (Sq. Ft.)	Lot Width	Front Yard	Side Yard	Rear Yard	Height Principle/Acces.
Single Family Dwelling	5,000	50' interior lots, or 60' for corner lots, or 45' on cul-de-sac curve.(4)	20' (1)	8' on 1 side & 5' on 2 nd side of interior lots. (2) (3)	15'	35' / 35'
Duplex Dwelling	2,500 per dwelling unit	50' interior lots, or 60' for corner lots, or 45' on cul-de-sac curve.(4)	20' (1)	8' on 1 side & 5' on 2 nd side of interior lots. (2) (3)	15'	35' / 35'
Multifamily Dwelling	2,500 per dwelling unit	50' interior lots, or 60' for corner lots, or 45' on cul-de-sac curve.(4)	20' (1)	8' on 1 side & 5' on 2 nd side of interior lots. (2) (3)	15'	45' / 35'
Townhouse dwelling	2,500 per dwelling unit	50' interior lots, or 60' for corner lots, or 45' on cul-de-sac curve.(4)	20' (1)	8' on 1 side & 5' on 2 nd side of interior lots. (2) (3)	15'	45' / 35'
Other Permitted Uses	5,000	50' interior lots, or 60' for corner lots, or 45' on cul-de-sac curve.(4)	20' (1)	8' on 1 side & 5' on 2 nd side of interior lots. (2) (3)	15'	35'

Notes: (1) In the case of structures erected on lots adjacent to lots which have structures existing at the effective date of this Ordinance, the required front yard may be the average of the front yards existing on the adjacent lots.

- (2) Side yards for corner lots facing the street shall be one-half of the front yard setback minimum requirements.
- (3) A non-combustible carport may be constructed with a minimum side yard clearance of three feet (3') feet and shall be attached to an existing structure.
- (4) Platted lots in existence as of the 2013 update of this Ordinance may have a lot width of fifty (50) feet or less, as long as the lot meets the front, side and rear yard setback requirements. (See Section 2202 of this Ordinance.)

Section 907. Maximum Lot Coverage. The maximum lot coverage for all buildings shall not be more than fifty-five (55) percent of the total lot area.

Section 909. Parking Regulations. Parking within the Residential Medium Density District (RM) shall be in conformance with the provisions of Section 2111 of this Ordinance.

Section 910. Fence Regulations. Fences, walls and hedges within the Residential Medium Density District (RM) shall be in conformance with the provisions of Section 2102 of this Ordinance.

Section 911. Sign Regulations. Signs within the Residential Medium Density District (RM) shall be in conformance with the provisions of Section 2112 of this Ordinance.

ARTICLE 24

SPECIAL EXCEPTIONS

Article 24 - Special Exceptions

Section 2401. Special Exceptions. As the zoning ordinance is established at the present time, the McCook City Council has been given the authority to hear and decide requests for special exceptions. This is consistent with State Law; however, the City also has the option to delegating this power to the Planning Commission through the Zoning Ordinance.

Section 2402. Conditions for Granting Special Exceptions. A special exception shall not be granted by the City Council unless and until:

1. A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested;
2. Notice shall be given at least ten (10) days in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by certified mail. Notice of such hearings shall be posted on the property for which special exception is sought at least ten (10) days prior to the public hearing;
3. The public hearing shall be held. Any party may appear in person, or agent or attorney;
4. The City Council shall make a finding that is empowered under the section of this Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest;
5. Before any special exception shall be issued, the City Council shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provisions and arrangements have been made concerning the following where applicable:
 - 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 area, 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 property in the district.
 - I. compatibility with the existing and future land use plans in the McCook Comprehensive Plan.

EXHIBIT #7

PAGE(S) - 1

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.

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 _____, 20_____.

**CITY MANAGER'S REPORT
APRIL 8, 2024 PLANNING COMMISSION MEETING**

2.C
ITEM NO. 2.C Public Hearing - Regarding the Redevelopment Plan for the R Perry Redevelopment Project.

2.D
ITEM NO. 2.D Approve Resolution No. PC2024-1 recommending approval of a Redevelopment Plan of the City of McCook, Nebraska, approving a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions for the purpose of the development of the R Perry Redevelopment Project.

BACKGROUND:

In 2013, a Blight and Substandard Determination Study for the Redevelopment Area #3 was approved, said Study including property adjacent to Highway 83. An application has been received from R Perry Construction, Inc., requesting Tax Increment Financing (TIF) consideration for a project along Highway 83 and within Redevelopment Area #3. City Staff has reviewed R Perry Construction's application and it has been determined that the request is eligible for Tax Increment Financing (TIF).

The project site is located on three vacant lots east of Heritage Hills Golf Course and west of Highway 83, just north of the Coppermill Restaurant. In 2003, a developer subdivided the land with the hopes of developing six duplex units. In 2007, an administrative lot split was executed whereby the six lots were combined into three lots, allowing for the future development of single family residential units. The lots at issue are large enough to accommodate the developer's plan of building three single family, workforce development houses. Based upon the application it is apparent to Staff that "but for" TIF, the project will not occur and the structure will not be improved.

The redevelopment of the current building/site will help eliminate the current blight and substandard conditions of the Project Site and further the purposes of the Nebraska Community Development Law. As part of the Project, the CDA would capture available tax increment from the Project Site improvements to assist in payment for the improvements listed as eligible expenses within the Redevelopment Plan and acceptable under the Community Development Law. A copy of the eligible expenses can be found on page 4 of the Redevelopment Plan.

The Redevelopment Plan contains a recitation of the Statutory Elements required to be satisfied beginning on Page 4. The Plan also contains a Cost-Benefit Analysis that illustrates the breakdown of the tax shift resulting from the proposed Plan. Currently, the property at issue is valued at \$34,689. It is anticipated that the property will be valued at \$1,005,000 following completion of the improvements. The difference between the current valuation and estimated valuation is \$970,311. Based upon the estimated tax levy of 1.75769, it is estimated that the annual projected tax shift will be \$17,055. These funds are the eligible amounts available to pay back the TIF note over a period of 15 years.

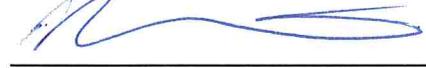
With respect to the City's Comprehensive Plan, the Redeveloper's Redevelopment Plan addresses several important goals in the Comprehensive Plan. The Redevelopment Plan promotes job creation, encourages business diversification, aids in community development, and assists in the rehabilitation of a structure in need of attention.

EXHIBIT #1

PAGE(S) - 2

Additionally, due to the fact that the eligible costs relate to the construction of workforce housing, the Redevelopment Plan contains an explanation of how the project complies with the Nebraska Community Development Act's provisions specific to the construction of the three workforce housing structures. At the April 1, 2024 McCook City Council meeting, the City Council adopted an Incentive Plan which contemplates and authorizes the use of TIF for the single family dwellings. An important feature of the proposed Redevelopment Plan is found on Page 6, which recites the review taken by the City to ensure the project will not result in the unjust enrichment of the Redeveloper. The anticipated ROI for the project is included on Page 7.

APPROVALS:



April 3, 2024

Nathan A. Schneider, City Manager



April 3, 2024

Lea Ann Doak, City Clerk

NOTICE OF PUBLIC HEARING

Public notice is hereby given by the Planning Commission of the City of McCook, Nebraska, that a public hearing will be held at 5:15 p.m. on Monday, April 8, 2024, in the City Council Chambers at the McCook Municipal Center, 505 West C Street, McCook, Nebraska.

The purpose of the hearing is to obtain public comment prior to the review and consideration of a proposed redevelopment plan for certain property within the City of McCook, which plan shall include a redevelopment project that will utilize tax increment financing.

The property which is the subject of this Notice and of the public hearing is legally described as follows:

Lots 3, 4 and 5 in the Villas at Heritage Hills in the City of McCook, Red Willow County, Nebraska according to the recorded plat thereof, recorded in the plat records of said County in Plat# 22A, replatted by administrative lot line adjustment as Instrument #2007-01519.

All interested parties shall be afforded at such public hearing a reasonable opportunity to express their views regarding the proposed redevelopment plan. A map of the redevelopment area and a copy of the redevelopment plan and cost-benefit analysis for the project shall be maintained at the office of the City Clerk.

/s/ Lea Ann Doak, City Clerk

Publish: March 22 and 29, 2024

EXHIBIT #2

PAGE(S) - 1

COPY OF NOTICE MAILED TO:

McCook Community College
President
1205 East 3rd
McCook, NE 69001

Chairman of the Board
Educational Service Unit No 15
344 Main
PO Box 398
Trenton, NE 69044

Chairman of the Board
Middle Republican NRD
208 Center Ave
PO Box 81
Curtis, NE 69025

Chairman of the Board
Red Willow County Commissioners
502 Norris Avenue
McCook, NE 69001

Board President
McCook School District
600 West 7th
McCook, NE 69001

EXHIBIT #3

PAGE(S) - 1



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

CERTIFIED MAIL

March 29, 2024

To: McCook Community College
President
1205 East 3rd
McCook NE 69001

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Lea Ann Doak, City Clerk-Treasurer

EXHIBIT #4

PAGE(S) - 5



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

CERTIFIED MAIL

March 29, 2024

To: Chairman of the Board
Educational Service Unit No. 15
344 Main Street
PO Box 398
Trenton NE 69044

NOTICE OF PUBLIC HEARING

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All interested parties shall be afforded at such public hearing a reasonable opportunity to express their views regarding the proposed redevelopment plan. A map of the redevelopment area and a copy of the redevelopment plan and cost-benefit analysis for the project shall be maintained at the office of the City Clerk.



Lea Ann Doak, City Clerk-Treasurer



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

CERTIFIED MAIL

March 29, 2024

To: Chairman of the Board
Middle Republican NRD
208 Center Avenue
PO Box 81
Curtis NE 69025

NOTICE OF PUBLIC HEARING

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All interested parties shall be afforded at such public hearing a reasonable opportunity to express their views regarding the proposed redevelopment plan. A map of the redevelopment area and a copy of the redevelopment plan and cost-benefit analysis for the project shall be maintained at the office of the City Clerk.

Lea Ann Doak, City Clerk-Treasurer



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

CERTIFIED MAIL

March 29, 2024

To: Chairman of the Board
Red Willow County Commissioners
502 Norris Avenue
McCook NE 69001

NOTICE OF PUBLIC HEARING

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All interested parties shall be afforded at such public hearing a reasonable opportunity to express their views regarding the proposed redevelopment plan. A map of the redevelopment area and a copy of the redevelopment plan and cost-benefit analysis for the project shall be maintained at the office of the City Clerk.

Lea Ann Doak, City Clerk-Treasurer



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

CERTIFIED MAIL

March 29, 2024

To: Board President
McCook School District
600 West 7th
McCook NE 69001

NOTICE OF PUBLIC HEARING

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The purpose of the hearing is to obtain public comment prior to the review and consideration of a proposed redevelopment plan for certain property within the City of McCook, which plan shall include a redevelopment project that will utilize tax increment financing.

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All interested parties shall be afforded at such public hearing a reasonable opportunity to express their views regarding the proposed redevelopment plan. A map of the redevelopment area and a copy of the redevelopment plan and cost-benefit analysis for the project shall be maintained at the office of the City Clerk.

Lea Ann Doak, City Clerk-Treasurer

**PLANNING COMMISSION
CITY OF MCCOOK, NEBRASKA**

RESOLUTION No. PC2024-01
(Redevelopment Plan–R Perry Redevelopment Project)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MCCOOK, NEBRASKA, MAKING A RECOMMENDATION TO THE COMMUNITY DEVELOPMENT AGENCY AND THE CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA, WITH RESPECT TO THE REDEVELOPMENT PLAN FOR THE CITY OF MCCOOK, NEBRASKA, INCLUDING THE R PERRY REDEVELOPMENT PROJECT.

RECITALS

- A. The Community Development Agency of the City of McCook, Nebraska (“CDA”) has submitted the question of whether a Redevelopment Plan for the City of McCook, should be approved for the redevelopment of certain real property within the Redevelopment Area #3 identified in said plan (the “Project Site”). A copy of the proposed Redevelopment Plan is on file and available for public inspection with the McCook City Clerk (the “Redevelopment Plan”).
- B. Notice of public hearing regarding the question of whether the Redevelopment Plan should be recommended to the City Council and ultimately be adopted and approved by the City was provided in conformity with the Open Meetings Act, Neb. Rev. Stat. § 84-1407 et seq., the Community Development Law, Neb. Rev. Stat. §§ 18-2115 and 18-2115.01, and Nebraska law.
- C. On April 8, 2024, the Planning Commission held a public hearing relating to the question of whether the Redevelopment Plan should be recommended to the City Council and ultimately be adopted and approved by the City. All interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting the submitted question.
- D. The Planning Commission has reviewed the Redevelopment Plan and has duly considered all statements made and material submitted related to the submitted question.

NOW THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of McCook, Nebraska, in accordance with the Community Development Law, Neb. Rev. Stat. §§ 18-2101 to 18-2157 (the “Act”), as follows:

1. The Project Site is in need of redevelopment to remove blight and substandard conditions identified pursuant to the Act.
2. The Redevelopment Plan will, in accordance with the present and future needs of the City of McCook, promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community in conformance with the legislative declarations and determinations set forth in the Act.

EXHIBIT #5

PAGE(S) - 2

3. The Redevelopment Plan is in conformance with the general plan for development of the City of McCook as a whole, as set forth in the City of McCook Comprehensive Plan, as amended.

BE IT FURTHER RESOLVED, that pursuant to the provisions of the Act and in light of the foregoing findings and determinations, the Planning Commission does hereby recommend: (i) recommendation of the Redevelopment Plan by the CDA to the City Council; and (ii) approval of the Redevelopment Plan by the City Council as the governing body for the City of McCook.

Passed and approved by the Planning Commission on this 8th day of April, 2024.

PLANNING COMMISSION OF THE
CITY OF MCCOOK, NEBRASKA

By: _____
Kurt Vosburg, Chairman

ATTEST:

By: _____
Chad Lyons, Secretary

**REDEVELOPMENT PLAN FOR THE
R PERRY REDEVELOPMENT PROJECT
IN THE CITY OF MCCOOK, NEBRASKA**

Introduction

The City of McCook, Nebraska ("City") has undertaken a plan of redevelopment within a certain redevelopment area in the City identified as Redevelopment Area #3 (the "Redevelopment Area"). A Blight and Substandard Determination Study for the Redevelopment Area was prepared in January, 2013 by Hanna:Keelan Associates, P.C., and the Redevelopment Area was declared blighted and substandard in January, 2013. This Redevelopment Plan is a project-specific redevelopment plan and shall serve as the guide for the implementation of redevelopment activities on the Project Site, as defined herein, which is located in the Redevelopment Area.

Pursuant to the Nebraska Community Development Law codified at Neb. Rev. Stat. §§ 18-2101 through 18-2157 (the "Act"), the City created the Community Development Authority of the City of McCook ("CDA"), which has administered the overall plan of redevelopment for the City. The purpose of this Redevelopment Plan is to identify specific property within the Redevelopment Area that is in need of redevelopment to cause the removal of blight and substandard conditions identified as the site legally described on the attached and incorporated Exhibit "A" (the "Project Site").

The Project Site

The Project Site consists of three (3) vacant lots which are adjacent to the Heritage Hills Golf Course. The Project Site is located within the Redevelopment Area and has been declared blighted and substandard. A depiction of the general area and the Project Site is set forth below:



The Project Site is platted for residential development and has the necessary infrastructure and utilities to support such development. Yet, no private development has occurred on the Project Site. In recent years, increased construction and financing costs have created a significant barrier to the development of housing at a reasonable price point for the area.

The City and CDA wish to incentivize the development of single family dwellings on the Project Site via authorizing the use of Workforce Housing TIF to facilitate the development of houses on the lots at a middle-income (i.e., workforce) price point. Without such additional housing, the City will be unable to grow – both in population and economically – which will lead to the spread and/or increase in blighted and substandard conditions throughout the community. This Redevelopment Plan is necessary to prevent the same.

The CDA has considered whether redevelopment of the Project Site will conform to the general plan and the coordinated, adjusted, and harmonious development of the City and its environs. In this consideration, the CDA finds that such a redevelopment of the Project Site will promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community, as well as efficiency and economy in the process of development, including, among other things, the promotion of safety from fire, the promotion of the healthful and convenient distribution of population, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary and unsafe dwelling accommodations or conditions of blight.

Description of the Project

R Perry Construction, Inc., an Iowa corporation (the “Redeveloper”), has submitted a proposal for the redevelopment of the Project Site. The project under consideration will consist of the construction of three (3) single family dwellings and associated improvements on the Project Site (the “Project”). As further detailed below, the homes will be constructed and sold at a price point that meets the criteria for Workforce Housing TIF, of which there is a low supply and high demand within the City.

The homes will be ranch style and will have approximately 1,280 square feet of living area with 3 bedrooms and 2 bathrooms, an unfinished basement with the potential for 2 bedrooms and 1 bathroom, and a 2-stall attached garage. The preliminary elevations and floorplans are attached hereto as Exhibit “B” and incorporated herein by this reference.

There is a demand for workforce housing in the City. However, the price point for the same would not provide a commercially reasonable return on investment for the Project. Without TIF, the price point of the housing units would need to be increased significantly to provide acceptable cash-flow, which is not desirable to Redeveloper, and would not satisfy the housing demand for middle-income (i.e., workforce) housing in the City. In order to achieve a price point needed/desired for housing within the City, Redeveloper anticipates that it will sell the homes at a discounted price that is nearly equal to Redeveloper’s building costs. Specifically, Redeveloper anticipates that the fair market value of the homes constructed will be approximately \$336,000+, but Redeveloper will sell the homes at or near its own cost to build of between \$275,000 and

\$300,000. Redeveloper's ability to do so depends entirely on the utilization of Workforce Housing TIF to facilitate a profit margin and mitigate cost/risk. Thus, it is the finding of this Redevelopment Plan that the Project, as presented, would not be feasible without the use of TIF (and specifically, Workforce Housing TIF), and Redeveloper would not construct the Project without TIF.

Redeveloper intends to commence construction in April 2024 and complete construction before the end of 2024. The base year for the Project is anticipated to be 2024 and the effective date for the division of taxes shall be January 1, 2025.

Tax Increment Financing

The CDA contemplates the use of TIF for the Project. Section 18-2147 of the Act authorizes the use of TIF. It provides that any ad valorem tax levied upon real property, or any portion thereof, in a redevelopment project shall be divided, for a period not to exceed fifteen years after the effective date as identified in the redevelopment contract, or amendment thereof, or in the resolution(s) of the authority authorizing the issuance of TIF Indebtedness pursuant to the Act, as follows:

- (a) That portion of the ad valorem tax the levy produces at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body ("Base Tax Amount"); and
- (b) That portion of the ad valorem tax on real property, as provided in the redevelopment contract or bond resolution, in the redevelopment project in excess of the Base Tax Amount, if any, shall be allocated to and, when collected, paid into a special fund of the authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes, or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such authority for financing or refinancing, in whole or in part, the redevelopment project.

With respect to the Project, the actual base tax year and Base Tax Amount for Project Site will be set forth in the redevelopment agreement for the Project. It is anticipated that the CDA will issue one TIF note for the entire Project. Notwithstanding any provision herein to the contrary, all incremental tax revenues resulting from the Project shall only be divided and allocated for no more than the applicable 15-year increment period provided by the Act.

The base value of the Project Site is \$34,689 (\$11,563/lot). The projected completed valuation of the Project Site is \$1,005,000 (\$335,00/lot). While the maximum sales price will be \$300,000/lot, it is anticipated that the fair market value (and thus, the tax assessed value) will eventually be higher than such amount. This is due to Redeveloper selling the homes at cost and deriving its profit from the Workforce Housing TIF, which acts as a reduction to the purchase price from the home's actual fair market value as compared to the housing stock within the City. Based upon the anticipated completed valuation of \$1,005,000 and a 0.0% interest rate for the TIF Note, the Project

will yield TIF Indebtedness in the amount of approximately \$253,300.

Redeveloper estimates that the total Project costs shall be approximately \$900,000. Redeveloper shall also be responsible for: (i) the CDA's cost of issuance related to the Project, including attorney fees; and (ii) the CDA's administrative fee in the amount of three percent (3%) of the TIF Indebtedness, which costs are TIF-eligible expenses. The estimated TIF uses are set forth below:

Cost of Issuance (TBD)	\$7,000
CDA Administrative Fee	\$7,599
Site Acquisition	\$65,000
<u>Building Costs</u>	<u>\$835,000</u>
Total estimated TIF uses:	\$914,599

All TIF uses identified above are estimated amounts and the actual TIF Uses shall be determined based upon actual costs and documented invoices for all eligible public uses. Eligibility of hard construction costs shall be subject to meeting the criteria of Workforce Housing TIF, as further detailed below.

Statutory Elements

As described above, the Project envisions the capture of the incremental taxes created by the Project on the Project Site to pay for those eligible expenditures as set forth in the Act. The consideration of the statutory elements under the Act for this Project is set forth in this Section.

A. Property Acquisition, Demolition and Disposal

No public acquisition of private property, relocation of families or businesses, or the sale of property is necessary to accomplish the Project. Redeveloper recently purchased the Project Site in preparation to undertake the Project.

B. Population Density

The Project Site is currently vacant. The Project is residential in nature, consisting of the construction of three (3) single family dwellings on the Project Site. As such, the Project will result in an increase in population density within the Project Site. According to the Housing Study, the persons per household in McCook was an estimated 2.23 in 2022. Therefore, the density increase is estimated to be between 6 and 9 people. The increase in population density is supported by the City's desire to provide additional housing. The Project Site is properly platted, and adequate public infrastructure improvements exist, to accommodate the increase in population density anticipated as part of the Project.

C. Land Coverage

The Project Site currently consists of three (3) vacant lots. Each lot is 13,215 square feet. The footprint of each home is anticipated to be approximately 1,780 square feet (1,280 SF living area; 500 SF garage area). The Project is subject to and must

comply with all applicable land-coverage ratios required by the City.

D. Traffic Flow, Street Layouts, and Street Grades

Public access to the Project Site currently exists via Coppermill Court. Redeveloper will construct paved driveways for ingress and egress therefrom. No impacts to public rights-of-ways, traffic flow, or street layouts is expected.

E. Parking

Each single family dwelling will have a driveway and 2-stall attached garage. The Project is subject to and must comply with all applicable parking requirements of the City.

F. Zoning, Building Code, and Ordinances

The Project Site is currently zoned as RH (Residential High Density District). The Project is a permitted use in the existing zoning district for the Project Site. No additional zoning, building code, or ordinance changes will be necessary for the Project.

Cost-Benefit Analysis

Pursuant to Section 18-2113 of the Act, the CDA must conduct a cost-benefit analysis for any redevelopment project that will utilize TIF. The Cost-Benefit Analysis for the Project is attached hereto as Exhibit "C" and incorporated by this reference.

Comprehensive Plan/Housing Study

The McCook, Nebraska Comprehensive Plan 2013–2023 (the "Comprehensive Plan") sets forth several Housing & Residential Development goals, including but not limited to:

- **Goal 1: Community Housing Initiative.** The City of McCook should implement a housing development initiative as a primary economic development activity.
- **Goal 2: New Housing Developments.** New housing developments in the City of McCook should address the needs of both owner- and renter households, of all age and income sectors, of varied price

Further, the McCook, Nebraska Community Housing Study July 2022 (the "Housing Study") found, in relevant part, that:

- The Housing Unit Target Demand in McCook is 187 housing units, including 111 owner and 76 rental units, by 2027.
- Of the 187 housing units needed in McCook, 106 housing units (62 owner, 44 rental) should be built to support the local workforce.

- The most needed housing types for the workforce population in McCook during the next 5 years are: 3-bedroom owner units at a purchase price of \$180,000+, and 3+ bedroom rental units with a monthly rent of \$580+.

The existing land use map and future land use map from the Comprehensive Plan are included for reference in this Redevelopment Plan. The future land use of the site is designated for commercial use. However, the Project Site is now zoned for residential use, so it is assumed that such land use is desired with respect to future development.

The Project meets and furthers the foregoing goals and objectives and is thus in conformance with the Comprehensive Plan.

Note: This section is not a comprehensive analysis of the Project’s conformance with the Comprehensive Plan, but is meant to highlight and summarize the key points on this topic.

Use of Workforce Housing TIF; Conformance with Incentive Plan

Pursuant to the Act and the “Workforce Housing Incentive Plan” for the City (the “Incentive Plan”) adopted by the City, this Redevelopment Plan specifically contemplates and authorizes the use of TIF for the single family dwellings constructed on the Project Site, provided that all such housing units do not exceed the “cost to construct” limits set forth under Section 18-2103(32) of the Act, as may be adjusted from time to time.¹

Subject to the foregoing, the City and the CDA have found and determined that the proposed construction of single family dwellings on the Project Site meets the definition of “workforce housing” under the Act and meets the criteria for the use of Workforce Housing TIF under the Incentive Plan, in that it:

- Is housing that meets the needs of today’s working families;
- Is housing that is attractive to new residents considering relocation to a rural community;
- Will address certain housing needs identified in the Housing Study;
- Will prevent the spread of blight and substandard conditions within the City; and
- Will help address the City’s lack of safe and suitable housing within a price range that is attainable for the City’s workforce.

The City and CDA have further found and determined that the use of Workforce Housing TIF authorized hereunder will not result in the unjust enrichment of Redeveloper. Redeveloper has agreed to sell the homes at a discounted price equal to Redeveloper’s approximate cost to build each home (i.e., \$300,000). The foregoing restriction shall be set forth in the redevelopment agreement for the Project.

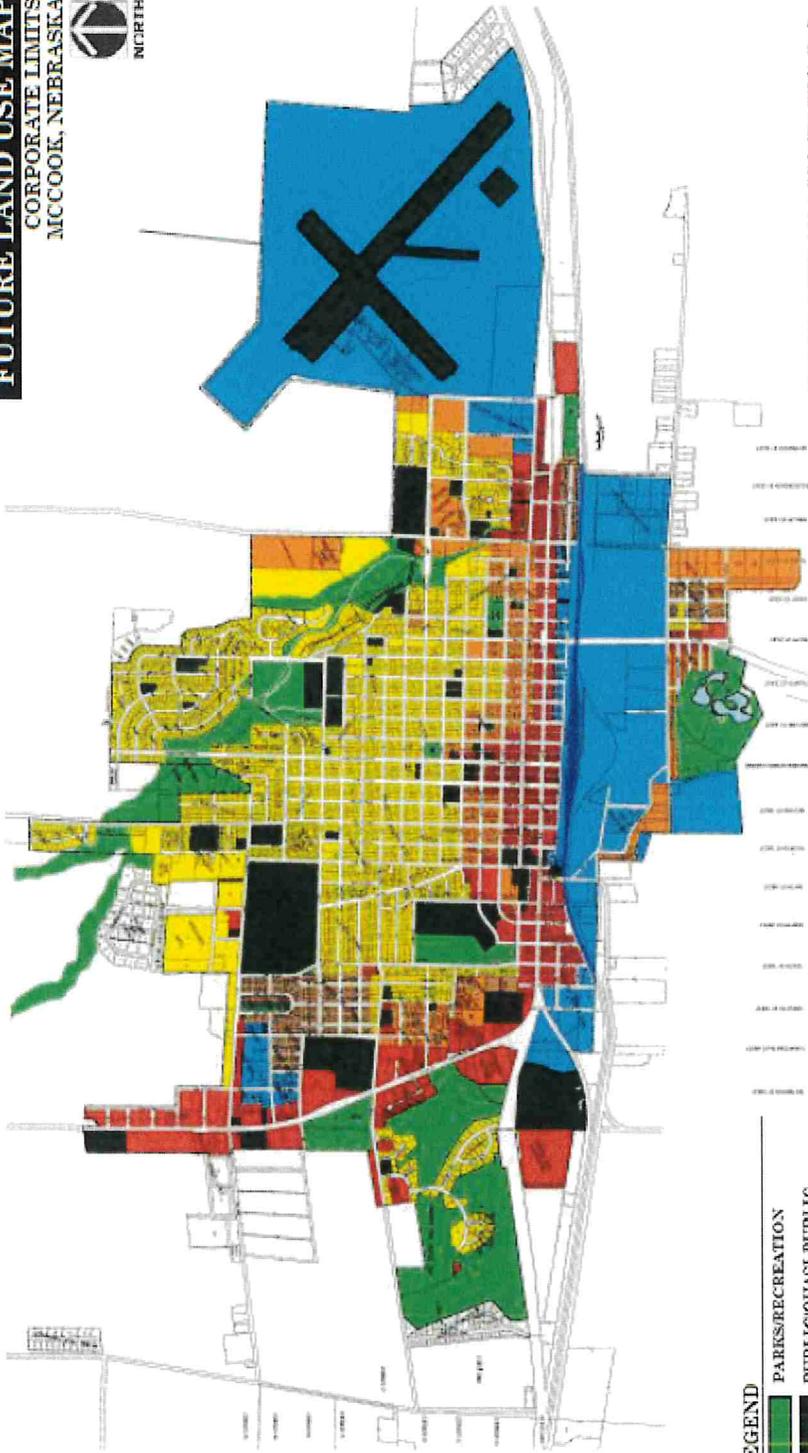
¹ The current “cost to construct” limit for owner-occupied housing units is \$300,000. See Nebraska Department of Economic Development Memo 23-02 dated December 8, 2023.

Redeveloper's ability to sell at such discounted price depends entirely on the utilization of Workforce Housing TIF. At the maximum sales price, Redeveloper's return on investment would be ~0.0% without Workforce Housing TIF. The use of Workforce Housing TIF will provide for a commercially reasonable rate of return of approximately 10.6% over 15 years. Without TIF, it is anticipated that Redeveloper would sell the homes for \$336,000+. In such case, Redeveloper's return on investment would be approximately 12.0%+ immediately upon the sale of the homes. Further, because the infrastructure and utilities for the Project Site are already in place, ordinary TIF could not achieve an adequate return. In consideration of the above, the return on investment for the Project with Workforce Housing TIF is in line with (and not greater than) what would ordinarily be considered adequate by prudent investors and developers, thereby demonstrating that Workforce Housing TIF will not result in unjust enrichment.

Redeveloper's anticipated return on investment (ROI) for the Project is set forth below:

		Project	Per House	Rate of Return on Investment 2.5%		
Expense	Actual Construction Costs	\$900,000	\$300,000	Yr1	\$36,000.00	
	CDA Fees	\$14,599	\$4,866	Yr2	\$ 900.00	
	Builder Profit (12%)	\$108,000	\$36,000	Yr3	\$ 922.50	
	Rate of Return on Investment (2.5%)	\$44,601	\$14,867	Yr4	\$ 945.56	
	Requested TIF	(\$253,300)	(\$84,433)	Yr5	\$ 969.20	
	Net Expense	\$813,900	\$271,300	Yr6	\$ 993.43	
				Yr7	\$ 1,018.27	
Income	Home Sale	\$900,000	\$300,000	Yr8	\$ 1,043.72	
	Net Income	\$900,000	\$300,000	Yr9	\$ 1,069.82	
				Yr10	\$ 1,096.56	
Profit	With TIF	\$86,100	\$28,700	10.6%	Yr11	\$ 1,123.98
	Without TIF	\$108,000	\$36,000	12.0%	Yr12	\$ 1,152.08
				Yr13	\$ 1,180.88	
				Yr14	\$ 1,210.40	
Homeowner	Purchase Price with TIF	\$900,000	\$300,000	Yr15	\$ 1,240.66	
Benefit	Purchase Price Without TIF	\$1,008,000	\$336,000			
	Saved Interest (7% x 15yrs) with TIF	\$66,732	\$22,244	TOTAL	\$14,867.06	
	Total Reduced Housing Cost	\$174,732	\$58,244			
	Monthly Payment Difference	\$972	\$324			

FUTURE LAND USE MAP
CORPORATE LIMITS
MCCOOK, NEBRASKA



- LEGEND**
- PARKS/RECREATION
 - PUBLIC/QUASI-PUBLIC
 - SINGLE FAMILY RESIDENTIAL
 - MULTIFAMILY RESIDENTIAL
 - MOBILE HOME RESIDENTIAL
 - COMMERCIAL
 - INDUSTRIAL
 - RAILROAD CORRIDOR
 - CORPORATE LIMIT LINE

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

* Lincoln, Nebraska * 402.464.5388 *

ILLUSTRATION 4.4

EXHIBIT "A"
Legal Description of the Project Site

The Project Site is identified as Parcel IDs 001675003, 001675005, and 001675007 and legally described as follows:

Lots 3, 4 and 5 in the Villas at Heritage Hills in the City of McCook, Red Willow County, Nebraska according to the recorded plat thereof, recorded in the plat records of said County in Plat# 22A, replatted by administrative lot line adjustment as Instrument #2007-01519.

The general location of the Project Site is depicted below:



Exhibit "B"

Preliminary Elevations and Floorplans

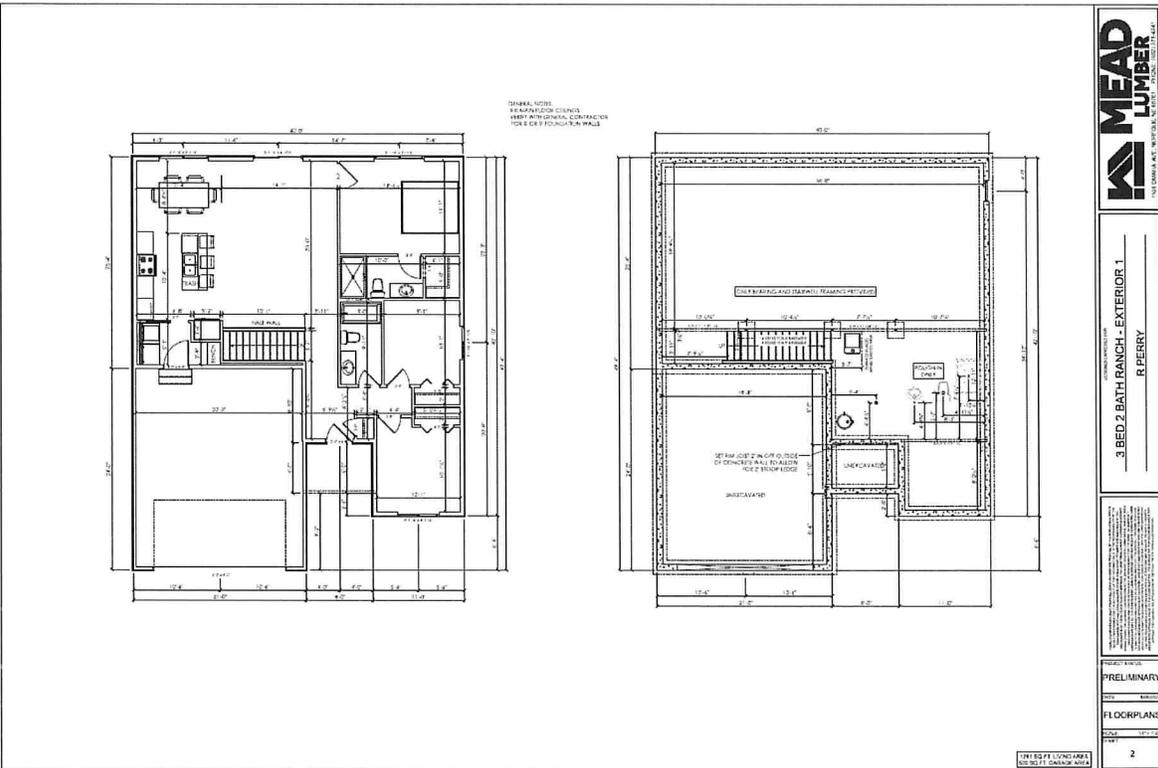




MEAD LUMBER
1000 CONRAD AVE. WYOMING, NE 68192

3 BED 2 BATH RANCH - EXTERIOR 1
R. PERRY

PRELIMINARY
ELEVATIONS
1





MEAD LUMBER
1000 CONRAD AVE. WYOMING, NE 68192

3 BED 2 BATH RANCH - EXTERIOR 1
R. PERRY

PRELIMINARY
FLOORPLANS
2

Exhibit “C”
Cost-Benefit Analysis
(Pursuant to Neb. Rev. Stat. § 18-2113)

The cost-benefit analysis for the R Perry Redevelopment Project, as described in the Redevelopment Plan to which this cost-benefit analysis is attached, is presented below. The above-referenced project will utilize Tax Increment Financing (“TIF”) funds authorized by Neb. Rev. Stat. § 18-2147.

1. Tax shifts resulting from the approval of the use of funds pursuant to Section 18-2147:

The taxes generated by the current value of the property shall continue to be allocated between taxing jurisdictions pursuant to standard statutory requirements. Only the incremental taxes created by the Project will be captured to pay eligible public expenditures. Since the incremental taxes would not exist without the use of TIF to support the Project, the true tax shift of this Project is a positive shift in taxes after 15 years. However, for the purposes of illustrating the incremental taxes used for TIF, the 15 year tax shift is as follows:

a.	Redevelopment Project Valuation:	\$34,689
b.	Projected Completed Project Assessed Valuation:	\$1,005,000
c.	Projected Tax Increment Base:	\$970,311
d.	Estimated Tax Levy:	1.75769
e.	Annual Projected Tax Shift:	\$17,055

Note: The Projected Tax Increment is based on assumed values and levy rates; actual amounts and rates will vary from those assumptions, and it is understood that the actual tax shift may vary materially from the projected amount. The levy rate is assumed to be the 2023 levy rate. There has been no accounting for incremental growth or change in the tax levy over the 15 year TIF period.

2. Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project:

- a. Public infrastructure improvements and impacts:

No substantial effects are anticipated on the public infrastructure and community public service needs. The public infrastructure serving the Project Site is sufficient for the Project. No public infrastructure improvements are anticipated to be necessary based on this Project, and the Project will not have a material adverse effect on any community public services.

- b. Local Tax impacts (in addition to impacts of tax shifts described above):

The Project will create material tax and other public revenue for the City and other local taxing jurisdictions. While the use of tax increment financing will defer receipt of a majority of new ad valorem real property taxes generated by the Project, the Project should generate immediate tax growth through sales tax paid by the new

residents of the housing units on the Project Site. Additionally, the residents will pay for City services. It is not anticipated that the Project will have any material adverse impact on such City services, but will generate revenue providing support for those services.

3. Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project:

It is not anticipated that the Project will have a material adverse impact on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project. The Project will create three (3) additional housing units in the City. This is viewed as a positive impact for employers, as additional housing is needed in the City for current and new employees of businesses in the surrounding area. Without an adequate housing stock, businesses are unlikely to expand or relocate to the area.

4. Impacts on other employers and employees within the City and the immediate area that is located outside of the boundaries of the area of the redevelopment project:

As stated in Section 3, above, the Project should have a positive impact on private sector businesses in and around the area outside the boundaries of the redevelopment project. The Project will provide needed housing in the community, which will benefit employers, employees, and the City in general. The Project is not anticipated to impose a burden or have a negative impact on other local area employers. In addition to the general benefits of the needed additional housing already mentioned, the Project should also generally increase the need for services and products from existing businesses as the new residents will require typical goods and services from local businesses.

5. Impacts on the student populations of school districts within the City:

It is not anticipated that the Project will have a material adverse impact on the student populations of the school district within the City. It is a City goal to increase the housing stock and population of the City. This will naturally increase the student population in the City. The school district has capacity for additional students. There is a general desire in the City to create population growth. The population of the City has been steady or decreasing for some time, and the additional housing needed to help with this problem has not been able to be addressed without the assistance of TIF, so any tax shift must be considered acceptable to achieve the desired population growth in the City/school.

6. Other impacts determined by the agency to be relevant to the consideration of costs and benefits arising from the redevelopment project:

The discounted price of the homes (i.e., \$300,000) will have a material benefit to the home buyer(s). Redeveloper estimates that this will reduce the total housing cost by \$58,244 per house. Further, Redeveloper estimates that this will reduce the home buyer(s) monthly payment by \$324 per month (based on a 15-year loan, 12 payments per year, at a 7% interest rate). This will directly benefit the local economy as the home

buyer(s) will have more money to spend on local goods and services.

There are no other material impacts determined by the agency relevant to the consideration of the cost of benefits arising from the Project.

7. Summary of Findings:

The Project will facilitate the redevelopment of a blighted and substandard area of the City without the incurrence of significant public cost. Additionally, the Project will increase property tax revenue in the long-term. The Project will help bring additional workforce housing to the City. The benefits outweigh the costs of the proposed Project.

**CITY MANAGER'S REPORT
APRIL 8, 2024 PLANNING COMMISSION MEETING**

ITEM: _____

RECOMMENDATION:

Select new officers for the term of April 2024 through March 2025 - Chair, Vice-Chair, and Secretary - pursuant to Chapter 35, Section 35.001 of the City of McCook Code of Ordinances.

BACKGROUND:

Current officers are Kurt Vosburg, Chair; Tammie Hilker, Vice-Chair; and Chad Lyons, Secretary. They were elected at the April 13, 2023 meeting.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

April 4, 2024

§ 35.001 PLANNING COMMISSION.

(A) The Planning Commission shall consist of nine regular members who shall represent, insofar as is possible, the different professions or occupations in the city and shall be appointed by the Mayor, by and with the approval of a majority vote of the members elected to the City Council. Two of the regular members may be residents of the area over which the city is authorized to exercise extraterritorial zoning and subdivision regulation. When there is a sufficient number of residents in the area over which the city exercises extraterritorial zoning and subdivision regulation, one regular member of the Commission shall be a resident from such area. If it is determined by the City Council that a sufficient number of residents reside in the area subject to extraterritorial zoning and subdivision regulation, and no such resident is a regular member of the Commission, the first available vacancy on the Commission shall be filled by the appointment of such an individual.

(B) For purposes of this section, a sufficient number of residents shall mean 1,000 residents. The term of each regular member shall be three years, except that three regular members of the first Commission shall serve for terms of one year, three for terms of two years, and three for terms of three years. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before the City Council, be removed by the Mayor, with the consent of a majority vote of the members elected to the City Council, for inefficiency, neglect of duty or malfeasance in office, or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired portion of the term by the Mayor.

(C) All regular members of the Commission shall serve without compensation and shall hold no other city office except when appointed to serve on the Board of Adjustment as provided in Neb. RS 19-908. All members of the Commission may be required, in the discretion of the City Council, to give bond in a sum set by resolution of the Council, and conditioned upon the faithful performance of their duties. The Commission shall elect its Chairperson and a Secretary from its members and create and fill other offices as it may determine. The term of the Chairperson and the Secretary shall be one year, and they shall be eligible for reelection. No member of the Commission shall serve in the capacity of both the Chairperson and Secretary of the Commission. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings and to file the same with the City Clerk where they shall be available for public inspection during office hours. The Commission shall be funded by the City Council from time to time out of the General Fund. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the City Council, and no expenditures nor agreements for expenditures shall be valid in excess of those amounts.

(D) A number of Commissioners equal to a majority of the number of regular members appointed to the Commission shall constitute a quorum for the transaction of any business. The Commission shall hold at least one regular meeting in each calendar quarter, except the City Council may require the Commission to meet more frequently and the Chairperson of the Commission may call for a meeting when necessary to deal with business pending before the Commission. Special meetings may also be held upon the call of any three members of the Commission. The Commission shall adopt rules and regulations for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record. The Commission shall make and adopt plans for the physical development of the city, including any areas outside its boundaries which, in the Commission's judgment, bear relation to the planning of the city, and shall carry out the other duties and exercise the powers specified in Neb. RS 19-929.

(E) All actions by the Commission shall be subject to the review and supervision of the Mayor and City Council. The Commission shall make its recommendations to the City Council so that they are received by the City Council within 30 days after the Commission begins consideration of a matter relating to the comprehensive development plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning. The Commission shall be responsible for making such reports and performing such other duties as the City Council may, from time to time, designate.

(F) The Mayor, with the approval of a majority vote of the elected members of the City Council, shall appoint one alternate member to the Commission. The alternate member shall serve without compensation and shall hold no other city office. The term of the alternate member shall be three years, and he or she shall hold office until his or her successor is appointed and approved. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the Mayor with the approval of a majority vote of the elected members of the City Council. The alternate member may attend any meeting and may serve as a voting and participating member of the Commission at any time when less than the full number of regular Commission members is present and capable of voting.

(Prior Code, § 2-101) (Ord. 99-2514, passed 4-15-1999)

Statutory reference:

Similar state law provisions, see Neb. RS 19-924 through 19-929