

MCCOOK CITY COUNCIL

REGULAR MEETING

Monday, February 10, 2020
5:15 PM - City Council Chambers

Open Meetings Act Announcement.

Rationale:

**A copy of the Open Meetings Act is posted by the entrance to the Council Chambers and is available for public review.*

Call to Order and Roll Call.

Items

1. Approve the minutes of the January 13, 2020 regular Planning Commission meeting.
2. Public Hearings and Regular Agenda.
 - A. Public Hearing - Regarding the modification of the City of McCook's two mile extra territorial jurisdiction (ETJ) to coordinate the City's extra territorial boundary with existing section and quarter section lines.
 1. Adjourn the Public Hearing.
 - B. Recommend approval of the modification of the City of McCook's two mile extra territorial jurisdiction (ETJ) to coordinate the City's extra territorial boundary with existing section and quarter section lines.

Adjournment.

**CITY MANAGER'S REPORT
FEBRUARY 10, 2020 PLANNING COMMISSION MEETING**

ITEM: 1

RECOMMENDATION:

Approve the minutes of the January 13, 2020 regular meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

February 4, 2020

McCook Planning Commission
January 13, 2020
5:15 PM Central

A MEETING OF THE PLANNING COMMISSION OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 5:15 o'clock P.M. in the City Council Chambers.

Present: Chair Vosburg; Vice Chair Hilker; Commissioners Davidson, Dueland, Lyons, McDowell, Stevens.

Absent: Commissioners Bradley, Friehe, Graham.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on January 9, 2020, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to all members of the Planning Commission. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

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

1. Approve the minutes of the December 9, 2019 regular Planning Commission meeting.

Motion to approve the minutes of the December 9, 2019 regular Planning Commission meeting. This motion, made by McDowell and seconded by Dueland, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Application of Jay and Susan K. Hancock for a Planned Development for property located at: New Platted Lot 2, Block 1, Fifth Park View Subdivision; to the City of McCook, Red Willow County, Nebraska (a/k/a - property located south of Cheyenne Road, between Pawnee Drive and Seminole Drive.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to an application of Jay and Susan K. Hancock for a Planned Development for property located at: New Platted Lot 2, Block 1, Fifth Park View Subdivision; to the City of McCook, Red Willow County, Nebraska (a/k/a - property located south of Cheyenne Road, between Pawnee Drive and Seminole Drive, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by McDowell, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the January 9, 2020 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published, posted, and mailed (1 page); Exhibit #3 - Ownership List for mailing notice (2 pages); Exhibit #4 - Application for Planned Development district Plan Approval Form and attachments (5 pages); Exhibit #5 - copy of Zoning Ordinance No. 2016-2929, Article 20 - Planned Development - Overlay District (3 pages); Exhibit #6 - copy of Zoning Ordinance No. 2016-2929, Article 24 - Special Exceptions (2 pages); Exhibit #7 - proposed Site Plans (7 pages); Exhibit #8 - proposed new plat (1 page); Exhibit #9 - proposed Replat of the development area; and Exhibit #9 - the plat of the Development Plan.

Comments were taken from City Staff before opening it up to the public.

City Manager Schneider reviewed the following information included in Exhibit #1:

“The City of McCook has received an Application for Planned Development from Jay and Susan Hancock for property they own south of Cheyenne Rd., between Pawnee Drive and Seminole Drive. For reference, the property is located directly north of Our Savior's Lutheran Church. Mr. and Mrs. Hancock are proposing to build 6 duplexes at this location. Two duplexes would face Pawnee Drive, two duplexes would face Cheyenne Rd., and two duplexes would face Seminole Drive. Ultimately, Mr. and Mrs. Hancock want to sell each duplex unit as a separate residence, creating 12 distinct lots. The ownership style would be similar to a condominium property.

The property at issue is located in a Residential Medium Density District. The applicant is requesting a Planned Development due to the fact that the 12 proposed lots fail to meet the requirements for side yard setbacks, rear yard setbacks, and lot width criteria established for Residential Medium Density District properties. Article 20 of the City of McCook's Zoning Ordinance addresses these types of situations by allowing Planned Development - Overlay Districts. A Planned Unit Development is a development tool which provides for the development of an area when the overall design of a proposed development is so outstanding as to warrant modification of the standards contained within the Zoning Ordinance. In order for a Planned Development to be eligible under Article 20, the proposal must be: 1) in accordance with the comprehensive plans of the City; 2) composed of such uses and proportions that are most appropriate for the integrated functioning of the neighborhood; 3) designed in a way that the Planned Unit development fits in with the surrounding neighborhood; and 4) arranged to provide a minimum of 300 square feet of usable open space per dwelling unit. Recent examples of Planned Developments can be seen with East Ward Village and Quillan Courts.

Mr. and Mrs. Hancock's application falls under Section 2004 (1) of Article 20. Due to the nature of the application, the same review that is utilized for a special exception application shall be used for Mr. and Mrs. Hancock's application. Copies of Article 20 (Planned Development - Overlay District) and Article 24 (Special Exceptions) are included with this report. Section 2402 (5) (A - I) are the

criteria the Planning Commission and City Council must consider when reviewing the application. A written finding of the Planning Commission's and City Council's findings must accompany any action taken as a result of the application.”

Applicant Jay Hancock and his project planner Craig Bennett presented the request and answered questions regarding the proposal. Each duplex unit would have a two car garage and driveway providing off street parking for 4 vehicles; Mr. Hancock is amenable to extending the terrace of the proposed east lots in order to make the proposed Planned Development uniform with the block to the north; each unit would have a rollout garbage container; the Planned Unit development has sewer available as a result of a sewer improvement district whereby the City has easement rights; the duplex structures would conform to the character of the neighborhood; and the open space requirements spelled out in the Planned Development criteria will be met.

Commission discussion included the total units; what the expected price range will be for the units; if there will be an alley or only a utility easement; and parking concerns and options.

Christen Johnson expressed a concern about dirt as a result of the construction; Andy Long, MEDC Director, discussed the most recent housing study and reiterated the study's findings that more housing was needed in McCook; and Brent Shaffer asked what would be the distance between duplexes, to which Mr. Bennett stated 10 feet would be the distance between the duplexes located on Pawnee Drive and Seminole Drive, while there would be 20 feet between the duplexes facing Cheyenne Rd.

Motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by Stevens, passed.

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

YEA: 7, NAY: 0, ABSENT: 3

2.B. Recommend approval of the Application for Planned Development, based upon the requirements established by Article 20 and Article 24 of the City of McCook, Nebraska - Zoning Ordinance No. 2016-2929.

Motion to recommend approval of the Application for Planned Development, based upon the requirements established by Article 20 and Article 24 of the City of McCook, Nebraska - Zoning Ordinance No. 2016-2929. This motion, made by Stevens and seconded by McDowell, passed after discussion and individual consideration of Special Exceptions A-I. All were approved unanimously.

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

YEA: 7, NAY: 0, ABSENT: 3

2.C. Public Hearing - with respect to a Blight and Substandard Study regarding an amendment to Redevelopment Area #3, the creation of Redevelopment Area #4, and the creation of Redevelopment Area #5.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to a Blight and Substandard Study regarding an amendment to Redevelopment Area #3, the creation of Redevelopment Area #4, and the creation of Redevelopment Area #5, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by McDowell, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the January 13, 2020 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (5 pages); Exhibit #3 - copies of letters mailed to required entities (5 pages); and Exhibit #4 - Blighted and Substandard Study - Amendment to Redevelopment Area #3, creation of Redevelopment Area #4, and Creation of Redevelopment #5 (57 pages).

Comments were taken from City Staff before opening it up to the public.

City Manager Schneider reviewed the following information presented in Exhibit #1:

“One of the continuous goals the McCook City Council has established is to ensure the City of McCook remains vital. In order to meet this goal, the City of McCook has championed economic development through the use of Nebraska's Community Redevelopment Law. Pursuant to the Community Redevelopment Law, the City of McCook has established three redevelopment areas which serve to identify portions of McCook that need governmental intervention to promote development. Development of these areas is encouraged through the use of Tax Increment Financing (ie. TIF). Numerous projects have occurred in the designated redevelopment areas as a result of TIF, including the completion of the Clary Village and Quillan Courts residential projects; the building of Cobblestone Hotel and Holiday Inn Express; and the construction of the Valmont Industries plant.

Over the course of the past few years, Staff has identified some areas that would benefit from a blight and substandard designation, as defined in the Community Redevelopment Law. In order to access TIF in a certain area, the City Council must make a blight and substandard determination. It is important to note, a blight and substandard designation has little to no negative impact on property valuations. On the contrary, a blight and substandard designation allows for public involvement with development projects which makes growth and improvement more likely. The ultimate goal is not only to improve a particular lot in distress, but also to improve the quality of life for the property owners who own land near these project areas.

Staff has worked with Miller & Associates to identify additional areas of McCook that could benefit from a blight and substandard designation. As a result of the research developed through this study, Staff is advocating for the adoption of a new Blight and Substandard Study. The new Blight and Substandard Study would amend Redevelopment Area # 3, create Redevelopment Area # 4, and create Redevelopment Area # 5.

Redevelopment Area # 3 originated in 2013. Redevelopment Area # 3 stretches from Highway 83

to East 11th Street. An amendment to Redevelopment Area # 3 occurred in 2015 which served to include the Four Corners Addition to McCook. With respect to the newly proposed 2019 Amendment, additional land would adjoin Redevelopment Area # 3, with the primary point of emphasis being the West 5th Street and West D Street intersection. Included in this area would be some commercial buildings, most notably the Charlie's building located along West 5th Street. In order to assure we meet the requirements of the Nebraska Community Development law, Staff proposes to include 13 residential homes adjacent to current Redevelopment Area # 3. It is Staff's and Miller & Associate's understanding that the redevelopment areas must be contiguous. In order to achieve this requirement, 12 residential structures have been included in the proposed amendment.

Proposed Redevelopment Area # 4 is located just east of the intersection of Highway 83 and Highways 6 and 34. This area includes several commercial buildings and residential homes north of Highway 6 and 34. Redevelopment Area # 4 is a stand-alone location and would not amend Redevelopment Area # 3. With that said, Redevelopment Area # 4 is contiguous to Redevelopment Area # 3, assuring compliance with the Nebraska Community Development law.

Proposed Redevelopment Area # 5 is located partially within and partially outside the corporate limits of McCook. It is located on the east side of Highway 83 and the north side of West Q Street. It includes a number of commercial buildings and a few residential structures. It is contiguous to Redevelopment Area # 3. Additionally, the Nebraska Community Development Law allows for the inclusion of a portion of land located outside of the corporate limits in the City's designated redevelopment area. An example of this occurred with the inclusion of land located north of West J Street and Highway 83 as a part of Redevelopment Area # 3.

Earlier in 2019, the City Council approved a resolution forwarding the Blight and Substandard Study for these areas to the McCook Planning Commission. The Planning Commission is charged with reviewing the Study and making a subsequent recommendation to the City Council regarding the Study's suitability.

The Planning Commission reviewed the Blight and Substandard Study at the December 9, 2019 Planning Commission meeting. At the meeting, Commissioner Member Friehe asked whether two lots on the west side of Hwy 83 should be included. After the meeting, Staff reviewed the lots and asked Miller & Associates to determine whether the lots could be included in Redevelopment Area # 5. After review, Miller & Associates determined the lots fit the State's definition. Staff is including the two lots in the Blight and Substandard Study for the Planning Commission's consideration.

Craig Bennett, Miller Associates, reviewed the Blight Study with the Commission.

Motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by Hilker, passed.

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

YEA: 7, NAY: 0, ABSENT: 3

2.D. Recommend approval of the Blight and Substandard Study regarding an amendment to

Redevelopment Area #3, the creation of Redevelopment Area #4, and the creation of Redevelopment Area #5.

Motion to recommend approval of the Blight and Substandard Study regarding an amendment to Redevelopment Area #3, the creation of Redevelopment Area #4, and the creation of Redevelopment Area #5. This motion, made by Vosburg and seconded by Lyons, passed.

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

YEA: 7, NAY: 0, ABSENT: 3

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:41 P.M.

Lea Ann Doak, Recording Secretary

**CITY MANAGER'S REPORT
FEBRUARY 10, 2020 PLANNING COMMISSION MEETING**

ITEM NO. 2A Public Hearing - Regarding the modification of the City of McCook's two mile extra territorial jurisdiction (ETJ) to coordinate the City's extra territorial boundary with existing section and quarter section lines.

ITEM NO. 2B Recommend approval of modifying the City of McCook's two mile extra territorial jurisdiction (ETJ) to coordinate the City's extra territorial boundary with existing section and quarter section lines.

BACKGROUND:

At two prior Planning Commission meetings, reviews of the City's ETJ were held. The reviews focused on potentially amending the City's ETJ to adopt a boundary that was based on section and quarter section lines as opposed to the current radius system. Based on input from the two reviews, Staff has developed a proposed ETJ map for consideration. Staff has coordinated its efforts to develop the proposed map with Red Willow County officials. The main reason for this proposal is to eliminate unintentional ETJ lot bisections that have created jurisdictional issues for both the City of McCook and Red Willow County. It is our hope that the adoption of a new ETJ will remedy the issue.

A recommendation in favor of the proposal would be forwarded to the City Council as an ordinance. A similar request for consideration will be heard by the Red Willow County Planning Commission, and if approval is recommended by the Red Willow County Planning Commission, the matter will be acted upon by the Red Willow County Board of Commissioners.

APPROVALS:



Nathan A. Schneider, City Manager

February 4, 2020



Lea Ann Doak, City Clerk

February 4, 2020

Exhibit #1

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that public hearings will be held to consider approval of the Official Extraterritorial Jurisdiction (ETJ) Zoning Map for the City of McCook, Nebraska.

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

February 10, 2020 - 5:15 P.M.
McCook Planning Commission
City Council Chambers
505 West "C" Street

February 17, 2020 - 5:30 P.M.
McCook City Council
City Council Chambers
505 West "C" Street

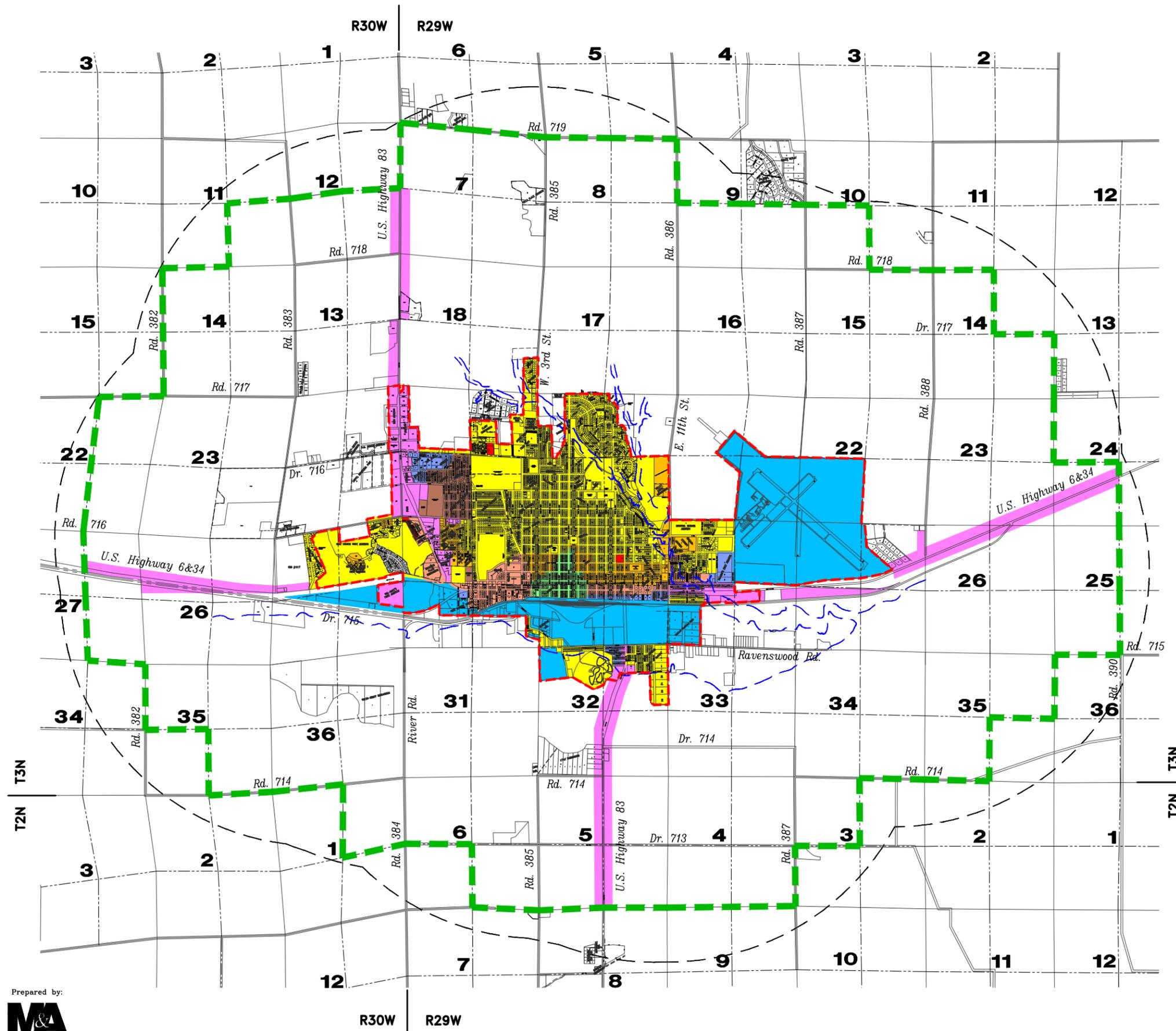
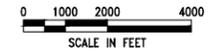
ANY AND ALL PERSONS desiring to comment on the above-described request will be given an opportunity to be heard. Please direct all inquiries to Nate Schneider, City of McCook City Manager at 308-345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: January 31, 2020.

EXHIBIT #2
PAGE(S) - 1

McCook, Nebraska ETJ Zoning Map



LEGEND

■	Planned Development
■	Business Commercial
■	Central Business District
■	Highway Commercial
■	Industrial Heavy
■	Industrial Light
■	Residential High Density
■	Residential Medium Density, Mobile Homes
■	Residential Medium Density
■	Residential Low Density
■	Agricultural District
—	Floodway
- - -	McCook City Limits
- - -	Existing ETJ Boundary
- - -	Proposed ETJ Boundary

Preliminary

Prepared by:
MA
Miller & Associates
109 EAST 2ND STREET
McCOOK, NE 69001
PH. (308) 345-3710
FAX. (308) 345-7370

This is to certify that this is the Official Extraterritorial Jurisdiction (ETJ) Zoning Map for the City of McCook, Nebraska. It was approved by Ordinance No. 20xx-xx which supersedes and replaces Ordinance No. 2013-2897 or any other conflicting ordinances.

Mayor: Michael D. Gonzales Date: _____ City Clerk: Lea Ann Dook Date: _____



Extraterritorial Jurisdiction Boundary Description

Beginning at a point located at the NW corner of the NW $\frac{1}{4}$, Sec. 7-T3N-R29W; thence east to the NE corner of the NW $\frac{1}{4}$, Sec. 7-T3N-R29W; thence east to the NE corner of the NE $\frac{1}{4}$, Sec. 7-T3N-R29W; thence east to the NE corner of the NW $\frac{1}{4}$, Sec. 8-T3N-R29W; thence east to the NE corner of the NE $\frac{1}{4}$, Sec. 8-T3N-R29W; thence south to the SE corner of the NE $\frac{1}{4}$, Sec. 8-T3N-R29W; thence east to the NE corner of the SW $\frac{1}{4}$, Sec. 9-T3N-R29W; thence east to the NE corner of the SE $\frac{1}{4}$, Sec. 9-T3N-R29W; thence east to the NE corner of the SW $\frac{1}{4}$, Sec. 10-T3N-R29W; thence south to the SE corner of the SW $\frac{1}{4}$, Sec. 10-T3N-R29W; thence east to the NE corner of the NE $\frac{1}{4}$, Sec. 15-T3N-R29W; thence east to the NE corner of the NW $\frac{1}{4}$, Sec. 14-T3N-R29W; thence south to the SE corner of the NW $\frac{1}{4}$, Sec. 14-T3N-R29W; thence east to the NE corner of the SE $\frac{1}{4}$, Sec. 14-T3N-R29W; thence south to the SE corner of the SE $\frac{1}{4}$, Sec. 14-T3N-R29W; thence south to the SE corner of the NE $\frac{1}{4}$, Sec. 23-T3N-R29W; thence east to the NE corner of the SW $\frac{1}{4}$, Sec. 24-T3N-R29W; thence south to the SE corner of the SW $\frac{1}{4}$, Sec. 24-T3N-R29W; thence south to the SE corner of the NW $\frac{1}{4}$, Sec. 25-T3N-R29W; thence south to the SE corner of the SW $\frac{1}{4}$, Sec. 25-T3N-R29W; thence west to the SW corner of the SW $\frac{1}{4}$, Sec. 25-T3N-R29W; thence south to the SE corner of the NE $\frac{1}{4}$, Sec. 35-T3N-R29W; thence west to the SW corner of the NE $\frac{1}{4}$, Sec. 35-T3N-R29W; thence south to the SE corner of the SW $\frac{1}{4}$, Sec. 35-T3N-R29W; thence west to the SW corner of the SW $\frac{1}{4}$, Sec. 35-T3N-R29W; thence west to the SW corner of the SE $\frac{1}{4}$, Sec. 34-T3N-R29W; thence south to the SE corner of the NW $\frac{1}{4}$, Sec. 3-T2N-R29W; thence west to the SW corner of the NW $\frac{1}{4}$, Sec. 3-T2N-R29W; thence south to the SE corner of the SE $\frac{1}{4}$, Sec. 4-T2N-R29W; thence west to the SW corner of the SE $\frac{1}{4}$, Sec. 4-T2N-R29W; thence west to the SW corner of the SW $\frac{1}{4}$, Sec. 4-T2N-R29W; thence west to the SW corner of the SE $\frac{1}{4}$, Sec. 5-T2N-R29W; thence west to the SW corner of the SW $\frac{1}{4}$, Sec. 5-T2N-R29W; thence west to the SW corner of the SE $\frac{1}{4}$, Sec. 6-T2N-R29W; thence north to the NW corner of the SE $\frac{1}{4}$, Sec. 6-T2N-R29W; thence west to the SW corner of the NW $\frac{1}{4}$, Sec. 6-T2N-R29W; thence west to the SW corner of the NE $\frac{1}{4}$, Sec. 1-T2N-R30W; thence north to the NW corner of the NE $\frac{1}{4}$, Sec. 1-T3N-R30W; thence west to the SW corner of the SW $\frac{1}{4}$, Sec. 36-T3N-R30W; thence west to the SW corner of the SE $\frac{1}{4}$, Sec. 35-T3N-R30W; thence north to the NW corner of the SE $\frac{1}{4}$, Sec. 35-T3N-R30W; thence west to the SW corner of the NW $\frac{1}{4}$, Sec. 35-T3N-R30W; thence north to the NW corner of the NW $\frac{1}{4}$, Sec. 35-T3N-R30W; thence west to the SW corner of the SE $\frac{1}{4}$, Sec. 27-T3N-R30W; thence north to the NW corner of the SE $\frac{1}{4}$, Sec. 27-T3N-R30W; thence north to the NW corner of the NE $\frac{1}{4}$, Sec. 27-T3N-R30W; thence north to the NW corner of the SE $\frac{1}{4}$, Sec. 22-T3N-R30W; thence north to the NW corner of the NE $\frac{1}{4}$, Sec. 22-T3N-R30W; thence east to the NE corner of the NE $\frac{1}{4}$, Sec. 22-T3N-R30W; thence north to the NW corner of the SW $\frac{1}{4}$, Sec. 14-T3N-R30W; thence north to the NW corner of the NW $\frac{1}{4}$, Sec. 14-T3N-R30W; thence east to the NE corner of the NW $\frac{1}{4}$, Sec. 14-T3N-R30W; thence north to the NW corner of the SE $\frac{1}{4}$, Sec. 11-T3N-R30W; thence east to the NE corner of the SE $\frac{1}{4}$, Sec. 11-T3N-R30W; thence east to the NE corner of the SW $\frac{1}{4}$, Sec. 12-T3N-R30W; thence east to the NE corner of the SE $\frac{1}{4}$, Sec. 12-T3N-R29W; thence north to the Point of Beginning.