

MCCOOK CITY COUNCIL

REGULAR MEETING

Monday, July 13, 2020
5:15 PM - City Council Chambers

Open Meetings Act Announcement.

Items

1. Approve the minutes of the May 11, 2020 regular Planning Commission meeting.
2. Public Hearings and Regular Agenda.
 - A. Public Hearing - To consider the preliminary plat on the following described property to be known as Bishop Acres Third Subdivision, said tract generally described as a tract of land being part of the Southwest Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska.
 1. Adjourn the Public Hearing.
 - B. Recommend approval to the City Council the preliminary plat of the following described property to be known as Bishop Acres Third Subdivision, said tract generally described as a tract of land being part of the Southwest Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska.
 - C. Public Hearing - To consider the final plat on the following described property to be known as Bishop Acres Third Subdivision, said tract generally described as a tract of land being part of the Southwest Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska, and more specifically, proposed Lot 1 of said Bishop Acres Third Subdivision.
 1. Adjourn the Public Hearing.
 - D. Recommend approval to the City Council the final plat of the following described property to be known as Bishop Acres Third Subdivision, said tract generally described as a tract of land being part of the Southwest Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska, and more specifically, proposed Lot 1 of said Bishop Acres Third Subdivision.

Adjournment.

**CITY MANAGER'S REPORT
JULY 13, 2020 PLANNING COMMISSION MEETING**

ITEM: _____

RECOMMENDATION:

Approve the minutes of the May 11, 2020 regular meeting.

BACKGROUND:

Receive and approve the minutes.

FISCAL

IMPACT: None.

APPROVALS:



Lea Ann Doak, City Clerk

July 9, 2020

McCook Planning Commission
May 11, 2020
5:15 PM Central

A MEETING OF THE PLANNING COMMISSION OF THE CITY OF MCCOOK, NEBRASKA convened via public audio and teleconference means at 5:15 o'clock P.M. The meeting was open to the public via audio and teleconference means pursuant to the Governor's Executive Order No. 20-03 issued on March 17, 2020.

Present via audio/teleconference means were: Chair Vosburg; Vice Chair Hilker; Commissioners Bradley, Davidson, Dueland, Friehe, Lyons, McDowell, Stevens.

Absent: Alternate Graham.

City Officials present via audio/teleconference means were: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Deputy City Clerk Burkey.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on May 7, 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 via audio/teleconference means.

Chair Vosburg announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act was available for public review on the Home Page of the City of McCook website.

1. Approve the minutes of the April 13, 2020 regular Planning Commission meeting.

Motion to approve the minutes of the April 13, 2020 regular Planning Commission meeting. This motion, made by Stevens and seconded by Vosburg, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Request for a special exception by Chelsey Eng (Project Sponsor) to locate a daycare center in a Residential Medium Density District (RM) - property located at 1211 Norris Avenue.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the request for a special exception by Chelsey Eng (Project

Sponsor) to locate a daycare center in a Residential Medium Density District (RM) - property located at 1211 Norris Avenue, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Hilker, passed.

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

YEA: 9, NAY: 0, ABSENT: 1

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the May 11, 2020 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (2 pages); Exhibit #4 - Land Use Application and attachments (6 pages); Exhibit #5 - applicants responses to Special Exception Considerations A - I (1 page); Exhibit #6 - Real Estate Purchase Agreement (5 pages); Exhibit #7 - Findings and Determinations of McCook City Council (2 pages); Exhibit #8 - City of McCook Zoning Ordinance #2016-2929 - Article 24 - Special Exceptions (2 pages); and Exhibit #9 - City of McCook Zoning Ordinance No. 2016-2929 - Section 2111. Off-Street Parking (2 pages).

City Manager Schneider noted that because a copy of the Real Estate Purchase Agreement was attached in Exhibit #6 it was not necessary for Pat and Melanie Cherry or Robert and Carol Chalupa be present. Mr. Schneider reviewed the following information included in Exhibit #1:

“An application for a special exception has been submitted by Chelsey Eng to allow for a daycare center in a Medium Density Residential (RM) District. The property at issue is located at 1211 Norris Avenue. The owner of the property is Pat Cherry and Melanie Cherry, and Robert Chalupa and Carol Chalupa. The property owners and Ms. Eng have entered into a purchase agreement for the sale of the property. The purchase agreement is conditioned upon the grant of a special exception. Daycare centers are allowed in the Medium Density Residential District (RM) if a special exception is granted by the City Council.”

“Prior to the Cherry's and Chalupa's ownership, the property at 1211 Norris Avenue was used as a church. The property also contains a house that was used as a parsonage. Over the past few years, the property has remained vacant. If Ms. Eng's special exception application is approved, Ms. Eng would convert the "church" part of the property into a daycare facility. The "parsonage" would be used by Ms. Eng as her residence.”

“City Staff has reviewed the application and have engaged in numerous conversations with Ms. Eng about her intended use of the "church". Staff is of the opinion that the grant of a special exception with conditions is appropriate. This opinion is based on Ms. Eng's representations of her project relative to the special exception requirements found in Zoning Ordinance No. 2016-2929, Article 24 - Special Exceptions, Section 2402 (5) (A -I).”

“Attached to Ms. Eng's application is an attachment that explains how she intends to comply with the special exception requirements. The attachment adequately explains how Ms. Eng will comply with special exception considerations C-I. Upon review, Staff has worked with Ms. Eng to address potential concerns regarding considerations A and B.”

“With respect to consideration A, the property at 1211 Norris Avenue is fairly unique when compared to other properties in McCook. East “M” Street borders the property to the north. East “M” Street is extremely narrow at the East 100 block, then widens as it stretches east. For this reason, two properties in the vicinity have constructed circle drives, in part, to assure traffic safety and convenience. On review, Staff was concerned that a daycare facility at this particular location may negatively impact automotive and pedestrian safety and convenience and traffic flow and control.”

“This brings us to consideration B. Consideration B requires a property to have sufficient off-street parking and loading areas where required. Due to the narrowness of East M Street, off-street parking becomes critical. Zoning Ordinance No. 2016-2929, Section 2111 - Off-Street Parking, states that a nursery or a primary school is required to have parking spaces equal to 30% of capacity, and 20% of capacity for all other educational facilities. Ms. Eng has informed Staff that at a maximum, her proposed daycare facility would provide care for 30 children. Based on the off-street parking ordinance, Ms. Eng would need to provide 9 parking spaces. The "parsonage" sits on the east side of the property, adjacent to the alley. The parsonage has 5 parking spaces available, 6 if the garage is included (which Ms. Eng intends to utilize for her own personal vehicle). That leaves 3 or 4 spaces that must be accounted for. Ms. Eng is in the process of hiring a contractor to construct a parking area whereby 4 stalls will be created to accommodate the property's parking needs. Staff has reviewed the layout of the property. Staff believes Ms. Eng can cut the curb and extend concrete to the sidewalk running along the north side of the property. Based on our observations, Staff believes there is sufficient right-of-way to provide sufficient area for the required 4 parking stalls. The stalls would need to be angled to provide adequate space. Taken together, counting the parking area off of the alley and creating 4 parking spaces by cutting the curb and concreting an area sufficient in size to meet the City's parking regulations, would assure compliance with Section 2111 of the Zoning Ordinance.”

“City Staff has received one phone call expressing concerns. The individual wasn't opposed to the grant of a special exception provided that Ms. Eng provided sufficient fencing on the south side of her property and accounted for ingress/egress/parking issues. As noted on Ms. Eng's attachment, the plan addresses fencing on the south portion of her property. Additionally, Ms. Eng states that she intends to construct a gated play area for her daycare children. The parking situation is addressed above.”

“Staff is comfortable with the grant of a special exception conditioned upon the construction of adequate parking spaces. Ms. Eng has stated to Staff that she is amenable to a condition being placed on the special exception that would require the 4 parking stalls on the north side of the property to be constructed as part of a special exception grant. Ms. Eng has spoke with James Hegwood about doing the work. Mr. Hegwood has stated that he can construct the parking area, but that it will take time before he can complete the work due to other work obligations.”

“Staff encourages the Planning Commission to create a timed condition for the off-street parking to be completed. At this time, Staff is unsure of when Mr. Hegwood would be able to complete the work. As such, any conditional grant should include a time commitment component. Ms. Eng can provide information on the estimated time of completion at the Planning Commission meeting.”

City Manager Schneider added that he, Ms. Eng, Public Works Director Potthoff, and Building Official Mooney met this morning and determined that only 4 spaces would be provided in the parsonage area, making it necessary to require that Ms. Eng install 5 off-street stalls on the north side of the building, and may need to provide ADA parking.

Ms. Eng expressed concerns with college students utilizing the parking area and snow removal from the area; to provide service for 30 children she will be required to have two staff, including herself, one more would be required if she for infants; to accommodate local businesses, her hours will be 5:15 A.M. to 7:15 P.M.; her biggest time for drop-offs would be from 7:30 A.M. to 8:00 A.M., with the average drop-off being two minutes, five minutes at the most; she can address her ADA requirements in her application to the state; when first opening she would place someone outside to help parents unload their children; when first opening the main entrance would be on the east, when the "M" Street parking was completed the main entrances would be on the west and north side; she would like to extend the play area further to the west; she has visited with the property owner to the south and he would like to maintain his chainlink fence, so she plans to utilize a privacy fence along with the chainlink; she believes that it will take three to four months for Mr. Hegwood to complete the parking; and the planned closing date is set for July 1.

Commissioner discussion included what the distance is from the existing sidewalk on the north to the curb, the distance is less than the required 13' for the 45° parking angle, which could be adjusted during construction; what are the fencing requirements, the fence will need to meet building code when constructed; will the parking be required to be completed before opening, no, that is why the need for the condition on approval; how long will be needed for construction of the parking; Norris Avenue is wide enough and can be used for parking before construction is completed; and verifying that only one concern was received from the public regarding parking,

Andy Long, McCook Economic Development Director, spoke in support of the project

With no further comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by Lyons, passed.

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

YEA: 9, NAY: 0, ABSENT: 1

2.B. Recommend approval of a special exception to the City Council to allow a daycare center in a Residential Medium Density District (RM) - property located at 1211 Norris Avenue with the condition that sufficient off-street parking be constructed within a specified time period to be determined by the Planning Commission.

Motion to recommend approval of a special exception to the City Council to allow a daycare center in a Residential Medium Density District (RM) - property located at 1211 Norris Avenue with the condition that five off-street parking stalls be constructed within five months from closing. This motion, made by Stevens and seconded by Hilker.

Discussion occurred regarding what was an adequate time to allow for construction.

Motion to amend the motion on the floor, recommending approval of a special exception to the City Council to allow a daycare center in a Residential Medium Density District (RM) - property located at 1211 Norris Avenue with the conditions that five off-street parking stalls be constructed on the north side of the property by January 1, 2021 and that all federal, state, and local requirements be followed. This motion, made by Lyons and seconded by Dueland, passed.

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

3. Select new officers for the term of April 2020 through March 2021 - Chair, Vice-Chair, and Secretary - pursuant to Chapter 35, Section 35.001 of the City of McCook Code of Ordinances.

Motion to retain the current officers for another term; Kurt Vosburg, Chair; Tammie Hilker, Vice-Chair; and Chad Lyons, Secretary. This motion, made by McDowell and seconded by Dueland, passed.

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

City Manager Schneider stated that a meeting will likely be scheduled in June.

Adjournment.

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

Lea Ann Doak, Recording Secretary

**CITY MANAGER'S REPORT
JULY 13, 2020 PLANNING COMMISSION MEETING**

- ITEM: 2.A.** Public Hearing - To consider the preliminary plat on the following described property to be known as Bishop Acres Third Subdivision, said tract generally described as a tract of land being part of the Southwest Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska.
- ITEM: 2.B.** Recommend approval to the City Council the preliminary plat of the following described property to be known as Bishop Acres Third Subdivision, said tract generally described as a tract of land being part of the Southwest Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska.
- ITEM:** Public Hearing - To consider the final plat on the following described property to be known as Bishop Acres Third Subdivision, said tract generally described as a tract of land being part of the Southwest Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska, and more specifically, proposed Lot 1 of said Bishop Acres Third Subdivision.
- ITEM:** Recommend approval to the City Council the final plat of the following described property to be known as Bishop Acres Third Subdivision, said tract generally described as a tract of land being part of the Southwest Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska, and more specifically, proposed Lot 1 of said Bishop Acres Third Subdivision.

BACKGROUND:

An application for a minor subdivision has been submitted by Miller & Associates Consulting Engineers, P.C., on behalf of the A.M. Bishop Family Trust. Staff and Miller & Associates have worked together to determine the best way to bring this item forward to the Planning Commission and City Council. The A.M. Bishop Family Trust would like to break a portion of the property they own in the SW1/4 of Section 24, T3N, R30W, of the 6th P.M., Red Willow County, Nebraska into a separate lot. A communication tower is located on the land that the applicant would like to create into a separate lot. While the land at issue is currently zoned for agriculture, McCook's Comprehensive Plan contemplates the future land use to be residential. Despite the designation, the proposed lot would not be used, nor could it be used, for residential purposes due to the existing tower.

The tract of property considered in this request has already been subdivided by the owner, both administratively and through the minor subdivision process. The Planning Commission has stated that before there is additional development, a comprehensive development plan needs to be developed. As such, city staff has asked the developer and owner to provide a more concrete plan. In order to provide a more definite vision for the development of the Bishop property, the developer and owner agreed to provide a preliminary plat of the entirety of the Bishop property located in Section 24, T3N, R30W. The preliminary plat is similar to the conceptual design proffered by the owner when Bishop Acres Second Subdivision was created in 2019. The preliminary plat of Bishop Acres Third Subdivision has been attached for the Planning Commission's review. The proposal consists of four blocks, with each block containing a varying number of lots. All of the proposed lots would have access to street frontage as required by McCook's Subdivision Regulations. All of the lots meet the size requirements required by McCook's Zoning Code.

EXHIBIT #1

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If approved, the preliminary plat would be filed with the City of McCook. It would not be filed with the Red Willow County Register of Deeds. This is because a preliminary plat may be modified if the owner believes a change is warranted due to development needs. McCook's Subdivision Regulations allow for the adoption of a preliminary plat in anticipation of a final plat. The final plat will need to be brought back to the Planning Commission and City Council for adoption at a later date.

As for the creation of Lot 1, staff is comfortable with completing the final plat at this time. As mentioned, proposed Lot 1 currently is home to a communication tower. Due to the tower, proposed Lot 1 is unique in that it would not be suitable for a residence. It is an area that is better fit for commercial. Staff asked the developer and owner to take into consideration the road frontage issue when developing the proposal. The developer's proposal envisions a "flag lot", with the northern portion being wide enough to provide for adequate ingress and egress. There is an easement that straddles proposed Lot 1 and anticipated Lot 2. The easement provides access to a communication tower located to the south. If proposed Lot 1 is created through this subdivision process, the owner of Lot 1 would be subject to the easement.

RECOMMENDATIONS:

ITEM: ___ Public Hearing - To consider the preliminary plat on the following described property to be known as Bishop Acres Third Subdivision, said tract following described property to be known as Bishop Acres Third Subdivision, said tract generally described as a tract of land being part of the Southwest Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska.

ITEM: ___ Recommend approval to the City Council the preliminary plat of the following described property to be known as Bishop Acres Third Subdivision, said tract generally described as a tract of land being part of the Southwest Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska.

ITEM: ___ Public Hearing - To consider the final plat on the following described property to be known as Bishop Acres Third Subdivision, said tract following described property to be known as Bishop Acres Third Subdivision, said tract generally described as a tract of land being part of the Southwest Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska, and more specifically, proposed Lot 1 of said Bishop Acres Third Subdivision.

ITEM: ___ Recommend approval to the City Council the final plat of the following described property to be known as Bishop Acres Third Subdivision, said tract following described property to be known as Bishop Acres Third Subdivision, said tract generally described as a tract of land being part of the Southwest Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska, and more specifically, proposed Lot 1 of said Bishop Acres Third Subdivision.

APPROVALS:



Lea Ann Doak, City Clerk

July 8, 2020



Nathan A. Schneider, City Manager

July 8, 2020

**NOTICE OF PUBLIC HEARING
PRELIMINARY PLAT APPROVAL**

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider the preliminary plat on the following described property to be known as Bishop Acres Third Subdivision:

A tract of land being part of the Southwest Quarter (SW1/4) of Section Twenty-Four (24), Township Three (3) North, Range Thirty (30) West of the Sixth Principal Meridian, in Red Willow County, Nebraska. This tract of land will be referred to as BISHOP ACRES THIRD SUBDIVISION, and more particularly described as follows:

Commencing at the Brass Cap at the Southwest corner of said Southwest Quarter of Section 24; thence N 10°22'33" E on the West line of said Southwest Quarter, and all bearings contained herein are relative thereto, a distance of 974.42 feet to the Westerly extension of the North line of Lot 1 of Bishop Acres Second Subdivision, part of the SW1/4 of Section 24, T3N, R30W of the Sixth Principal Meridian, Red Willow County, Nebraska and the POINT OF BEGINNING; thence continuing N 10°22'33" E on said West line of the Southwest Quarter a distance of 1932.17 feet to the Brass Cap at the Northwest corner of said Southwest Quarter; thence N 83°24'36" E on the North line of said Southwest Quarter a distance of 1724.61 feet to a 5/8" rebar with cap at the Northwest corner of property described in Warranty Deed recorded as Instrument No. 2014-00639, Red Willow County, Nebraska records; thence S 10°21'21" W on the West line of property described in said Warranty Deed a distance of 338.17 feet to a 5/8" rebar, thence N 83°30'07" E on the South line of property described in said Warranty Deed a distance of 561.02 feet to a 5/8" rebar, thence N 03°12'45" W on the East line of property described in said Warranty Deed a distance of 324.95 feet to a 5/8" rebar with cap on said North line of the Southwest Quarter; thence N 83°24'36" E on said North line of the Southwest Quarter a distance of 171.67 feet to a 1" bar at the Northeast corner of said Southwest Quarter, thence S 05°34'03" W on the East line of said Southwest Quarter a distance of 1385.55 feet to a 5/8" rebar with cap at the East 1/16 corner of said Southwest Quarter; thence continuing S 05°34'03" W on said East line of the Southwest Quarter a distance of 1352.01 feet to the North right-of-way line of J Street, being 33.00 feet, measured at right angles, Northerly of the South line of said Southwest Quarter; thence S 81°52'36" W on said North right-of-way line a distance of 1402.09 feet to the Southerly extension of the East line of Lot 4 of Bishop Acres Subdivision, part of the SW1/4 of Section 24 Township 3 North Range 30 West of the 6th Principal Meridian, Red Willow County, Nebraska; thence N 10°04'44" E on said Southerly extension and on said East line of Lot 4 a distance of 360.59 feet to a 5/8" rebar at the Northeast corner of said Lot 4; thence S 81°51'13" W on the North line of said Lot 4 and on the North line of Lot 3 of said Bishop Acres Subdivision a distance of 620.76 feet to a 5/8" rebar at the Southeast corner of Lot 1 of said Bishop Acres Subdivision; thence N 10°09'13" E on the East line of said Lot 1 of Bishop Acres Subdivision and on the East line of said Lot 1 of Bishop Acres Second Subdivision a distance of 499.90 feet to a 5/8" rebar at the Northeast corner of said Lot 1 of Bishop Acres Second Subdivision; thence S 89°03'01" W on the North line of said Lot 1 of Bishop Acres Second Subdivision and it's Westerly extension a distance of 593.36 feet to the Point of Beginning. Containing 134.76 Acres, more or less.

EXHIBIT #2

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

JULY 13, 2020 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

JULY 20, 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 preliminary plat may attend the public hearing and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City of McCook City Manager, at 345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: July 3, 2020.

Property Owners Notified:

LLOYD & ELIZABETH BENJAMIN
71603 RD 383
MCCOOK, NE 69001

GREGORY & NANCY BROADFOOT
71604 RD 383
MCCOOK, NE 69001

AARON MARK BISHOP, TRUSTEE
9001 OLD 81 LOOP
RUDY, AR 72952-8519

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

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

CURTIS AND JENNIFER SMITH
38306 RD 716
MCCOOK, NE 69001

MICHAEL AND CATHY SIS
38686 DR 713
MCCOOK, NE 69001

RONALD AND DORIS FRIEHE
#1 SPYGLASS
MCCOOK, NE 69001

TROY AND TAMMIE BRUNTZ
434 SEMINOLE
MCCOOK, NE 69001

MARSHALL AND JENNIFER TUCKER
108 W 9
MCCOOK, NE 69001

STEVEN AND DEBRA WALTER
#3 BRASSIE DR
MCCOOK, NE 69001

CAROL LASHLEY
38335 DR 716
MCCOOK, NE 69001

CARL & JILL KOENIG
71608 RD 383
MCCOOK, NE 69001

JOHN & MELINDA PALIC
38272 FINCH TRAIL
MCCOOK, NE 69001

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

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

STEPHEN PERES
71653 RD 383
MCCOOK, NE 69001

BRIAN ESCH
#3 SANDPIPER
MCCOOK, NE 69001

BRENDEN FUNK
71580 RD 383
MCCOOK, NE 69001

EUGENE AND JOAN KOCH
2402 W J
MCCOOK, NE 69001

NEIL AND SARAH GOHL
2311 WEST J
MCCOOK, NE 69001

RANDY AND CAROL LASHLEY
38355 DRIVE 716
MCCOOK, NE 69001

JAMES AND JEAN COADY
38337 DR 716
MCCOOK, NE 69001

CURTIS AND EMILY LASHLEY
38331 DR 716
MCCOOK, NE 69001

EXHIBIT #3

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MARVIN AND MICHELE WILKE
38325 DR 716
MCCOOK, NE 69001

SBA TOWERS IV, LLC
TAX DEPT/NE 15315-A 8051
CONGRESS
AVE BOCA RATON, FL 33487

MARK AND CATHY CARMAN
38323 DR 716
MCCOOK, NE 69001

TONY AND DARCY ROUSE
38303 DR 716
MCCOOK, NE 69001

CITY OF McCOOK

LAND USE ACTION REQUEST FORM

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

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

Name of Project: _____

Description of Project: _____

Project sponsor or developer:

Name: Miller & Associates Consulting Engineers, P.C.
Address: 1111 Central Avenue, Kearney, NE 68847
Phone number: 308-234-6456
Fax number: 308-234-1146
E-mail Address: cbennett@miller-engineers.com

Land owner or owners:

Name: A.M. Bishop Family Trust
Address: 9001 Old Loop 82, Rudy, AR 72952
Phone number: 479-459-2271
Fax number: NA
E-Mail Address: accu-temp@hotmail.com

Authorization of the land use action by land owner:

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

Mark Bishop

Printed Name: _____

Printed Name: _____

Mark Bishop

Signature: *By Scott Clifford*

Signature: _____

6-24-2020

Date: _____

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

Final Plat = West Drive 716, McCook, NE (1 lot for a proposed communication tower)

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

Preliminary Plat = West Drive 716, McCook, NE will consist of primarily residential rural lots with individual well and septic tank systems.

Required Information:

See Attached sheets for required information for:

- Subdivisions
- Zone Changes and special exceptions
- Planned developments

FEE PAID: \$ 700 (\$500 preliminary plat, \$200 per lot final plat)
(See attached schedule of fees)

Fee, complete application, and required attachments accepted by:

Printed name

Signature

Date

REQUIRED ATTACHMENTS:

For Subdivisions:

Sketch Plan:

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

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

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

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

(Attach explanation)

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

X Preliminary Plat Submission:

X (a) Plat Submission Requirements: The subdivider shall submit to the Zoning Administrator:

five (5) copies of the preliminary plat and any supplemental materials specified by the Planning Commission of conditional approval. (The plat submission requirements are stipulated under C-3 Procedure for conditional approval of Preliminary Plat of the City of McCook Subdivision Regulations)

X (b) Fees: A plat review fee shall accompany the preliminary plat in the amount specified in the City Fee Ordinance. (See Attached list of fees for building, zoning, and subdivision actions)

X (c) Scale and Preliminary Plat contents. Preliminary plats shall be a scale of one (1) inch to one hundred (100) feet or 1" = 200' if seventy-five percent (75%) of the lots are one (1) acre or larger, and shall be prepared with the following information:

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

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

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

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

X (5) Date of preparation and north point.

X (6) Present zoning.

X (7) Existing conditions:

X aa. Location, width and name of platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision shall be shown on the Preliminary Plat.

X bb. All existing sewers, water mains, gas mains, culverts, or other underground installations, within the proposed subdivision, or adjacent thereto, with pipe size and manholes, grades and location shall be shown. Control elevation of surface drainage entering and existing from the property.

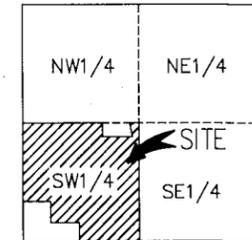
X cc. Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land shall be shown.

- dd. Topography (unless specifically waived) with contour intervals of not more than five (5) feet, referred to City or U.S.G.S. datum shall be shown; also location of water courses, bridges, wooded areas, lakes, ravines, and such other features as may be pertinent to the subdivision shall be shown.
- (8) The general arrangement of lots and their approximate size.
- (9) Location and width of proposed streets, alleys, pedestrian ways, and easements. Control elevation shall be shown for all street intersections.
- (10) The general plan of sewage disposal, water supply and utilities in areas where public sewers and/or water are proposed to serve the subdivision. In other cases a notation shall be made on the plat indicating type of sewage disposal, and water system proposed.
- (11) Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for reservation for public use.
- (12) General layout of adjacent unsubdivided property to show how streets and other public facilities, in the proposed subdivision, relate to the unsubdivided property.
- (13) The subdivider shall indicate by letter when improvements as required will be installed or requested.
- (14) Any proposed restrictive covenants for the land involved shall accompany the plat.
- (15) a letter requesting annexation of the subdivision if it is in the planning jurisdiction to be served with city utilities.

**PRELIMINARY PLAT
-BISHOP ACRES THIRD SUBDIVISION-
PART OF THE SW1/4 SECTION 24, T3N, R30W,
OF THE SIXTH PRINCIPAL MERIDIAN, RED WILLOW COUNTY, NEBRASKA**

LOCATION MAP

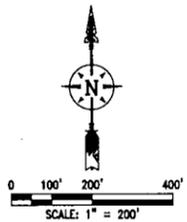
SEC. 24-T3N-R30W



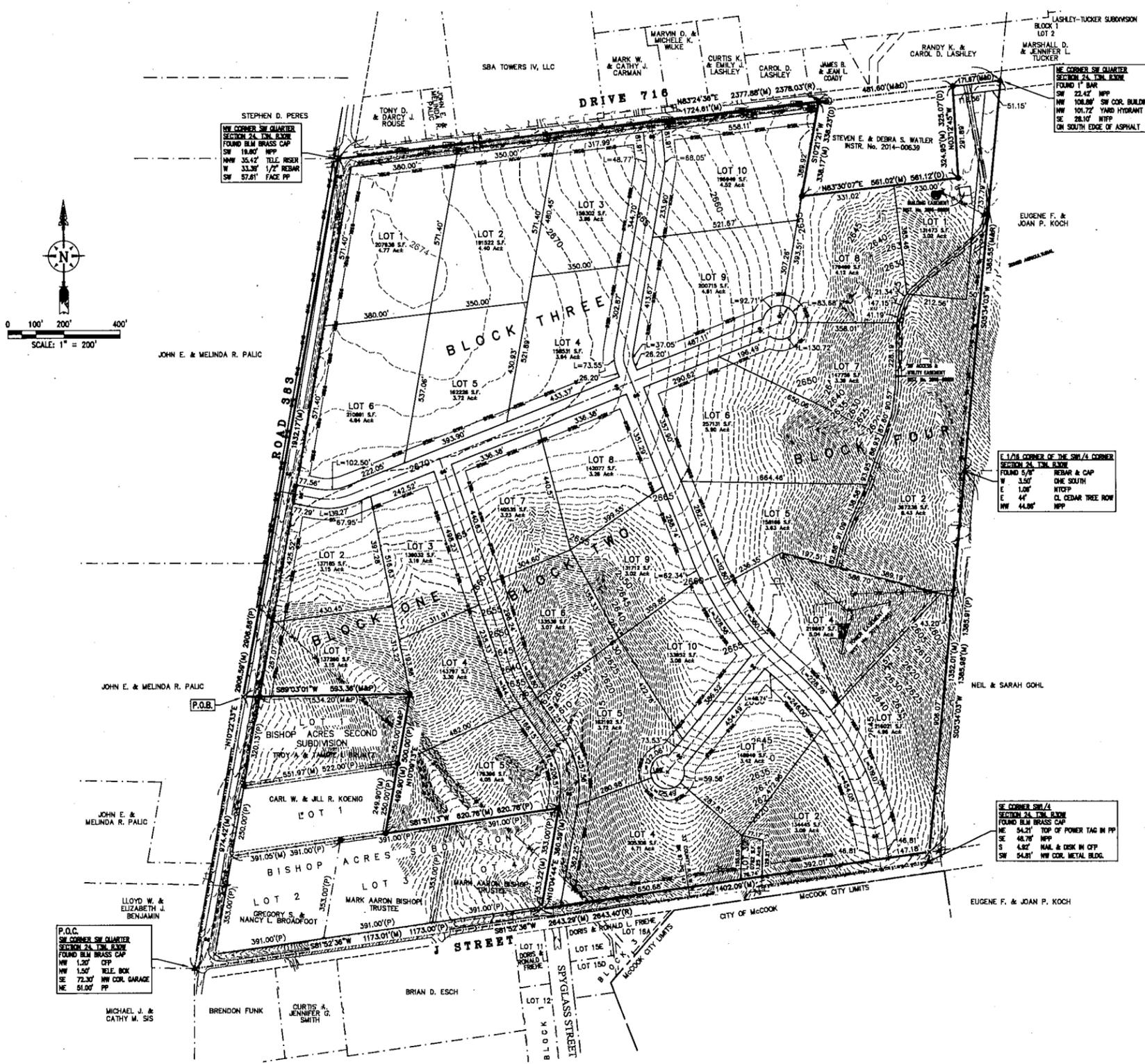
NOT TO SCALE

LEGAL DESCRIPTION:

Part of the Southwest Quarter (SW1/4) of Section Twenty-Four (24), Township Three (3) North, Range Thirty (30) West of the Sixth Principal Meridian, Red Willow County, Nebraska, described as follows:
Commencing at the Brass Cap at the Southwest corner of said Southwest Quarter of Section 24; thence N 10°22'33" E on the West line of said Southwest Quarter, and all bearings contained herein are relative thereto, a distance of 974.42 feet to the Westerly extension of the North line of Lot 1 of Bishop Acres Second Subdivision, part of the SW1/4 of Section 24, T3N, R30W of the Sixth Principal Meridian, Red Willow County, Nebraska and the POINT OF BEGINNING; thence continuing N 10°22'33" E on said West line of the Southwest Quarter a distance of 1932.17 feet to the Brass Cap at the Northwest corner of said Southwest Quarter; thence N 83°24'36" E on the North line of said Southwest Quarter a distance of 1724.61 feet to a 5/8" rebar with cap at the Northwest corner of property described in Warranty Deed recorded as Instrument No. 2014-00639, Red Willow County, Nebraska records; thence S 10°21'21" W on the West line of property described in said Warranty Deed a distance of 338.17 feet to a 5/8" rebar; thence N 83°30'07" E on the South line of property described in said Warranty Deed a distance of 561.02 feet to a 5/8" rebar; thence N 03°12'45" W on the East line of property described in said Warranty Deed a distance of 324.95 feet to a 5/8" rebar with cap on said North line of the Southwest Quarter; thence N 83°24'36" E on said North line of the Southwest Quarter a distance of 171.67 feet to a 1" bar at the Northeast corner of said Southwest Quarter; thence S 05°34'03" W on the East line of said Southwest Quarter a distance of 1385.55 feet to a 5/8" rebar with cap at the East 1/16 corner of said Southwest Quarter; thence continuing S 05°34'03" W on said East line of the Southwest Quarter a distance of 1352.01 feet to the North right-of-way line of J Street, being 33.00 feet, measured at right angles, Northerly of the South line of said Southwest Quarter; thence S 81°52'36" W on said North right-of-way line a distance of 1402.09 feet to the Southerly extension of the East line of Lot 4 of Bishop Acres Subdivision, part of the SW1/4 of Section 24 Township 3 North Range 30 West of the 6th Principal Meridian, Red Willow County, Nebraska; thence N 10°04'44" E on said Southerly extension and on said East line of Lot 4 a distance of 360.59 feet to a 5/8" rebar at the Northeast corner of said Lot 4; thence S 81°51'13" W on the North line of said Lot 4 and on the North line of Lot 3 of said Bishop Acres Subdivision a distance of 620.76 feet to a 5/8" rebar at the Southeast corner of Lot 1 of said Bishop Acres Subdivision; thence N 10°09'13" E on the East line of said Lot 1 of Bishop Acres Subdivision and on the East line of said Lot 1 of Bishop Acres Second Subdivision a distance of 499.90 feet to a 5/8" rebar at the Northeast corner of said Lot 1 of Bishop Acres Second Subdivision; thence S 89°03'01" W on the North line of said Lot 1 of Bishop Acres Second Subdivision and its Westerly extension a distance of 593.36 feet to the Point of Beginning. Containing 134.76 Acres, more or less.



SCALE: 1" = 200'



LEGEND

- ▲ - SECTION CORNERS FOUND
- - CORNERS FOUND (5/8" REBAR UNLESS OTHERWISE NOTED)
- - CORNERS ESTABLISHED (CAPPED 5/8" x 24" REBAR)
- x - TEMPORARY POINT
- (M) - MEASURED DISTANCES
- (P) - PLATTED DISTANCES
- (R) - RECORDED DISTANCES
- (D) - DEEDED DISTANCES
- - SECTION LINE
- - BOUNDARY LINE
- - NEW EASEMENT LINE
- - EXISTING EASEMENT LINE
- - EXISTING LOT LINES
- - 40' BUILDING SETBACK LINE
- - OVERHEAD ELECTRIC LINE
- - UNDERGROUND ELECTRIC LINE
- - STORM SEWER LINE
- - SANITARY SEWER LINE
- - FENCE
- - UNDERGROUND FIBER-OPTIC LINE
- - UNDERGROUND TELEPHONE LINE
- - GAS LINE
- - WATER LINE
- - ELECTRIC TRANSFORMER
- - CITY ANCHOR
- - TELEPHONE PEDESTAL
- - GAS METER OR RISER
- - SIGN
- - FINE HYDRANT
- - WATER VALVE
- - POWER OR TELEPHONE POLE
- - LIGHT POLE
- - YARD HYDRANT
- - MARKER

EXHIBIT #5

PAGE(S)-1

THIS PLAT PREPARED JUNE, 2020 FOR:
A.M. BISHOP TRUSTEE OF THE A.M. BISHOP FAMILY TRUST
1608 N. HIGHWAY 83
MCCOOK, NEBRASKA 69001
CURRENT ZONING: AG (AGRICULTURAL)
PROPOSED ZONING: AG (AGRICULTURAL)

SHEET 1 OF 1

MA
Miller & Associates
Consulting Engineers, P.C.

PROJECT: RBD WILLOW CO-BISHOP ACRES SUB

DATE: 6/24/2020 11:05 AM

**CITY MANAGER'S REPORT
JULY 13, 2020 PLANNING COMMISSION MEETING**

- ITEM: ___** Public Hearing - To consider the preliminary plat on the following described property to be known as Bishop Acres Third Subdivision, said tract generally described as a tract of land being part of the Southwest Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska.
- ITEM: ___** Recommend approval to the City Council the preliminary plat of the following described property to be known as Bishop Acres Third Subdivision, said tract generally described as a tract of land being part of the Southwest Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska.
- ITEM: 2.C.** Public Hearing - To consider the final plat on the following described property to be known as Bishop Acres Third Subdivision, said tract generally described as a tract of land being part of the Southwest Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska, and more specifically, proposed Lot 1 of said Bishop Acres Third Subdivision.
- ITEM: 2.D.** Recommend approval to the City Council the final plat of the following described property to be known as Bishop Acres Third Subdivision, said tract generally described as a tract of land being part of the Southwest Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska, and more specifically, proposed Lot 1 of said Bishop Acres Third Subdivision.

BACKGROUND:

An application for a minor subdivision has been submitted by Miller & Associates Consulting Engineers, P.C., on behalf of the A.M. Bishop Family Trust. Staff and Miller & Associates have worked together to determine the best way to bring this item forward to the Planning Commission and City Council. The A.M. Bishop Family Trust would like to break a portion of the property they own in the SW1/4 of Section 24, T3N, R30W, of the 6th P.M., Red Willow County, Nebraska into a separate lot. A communication tower is located on the land that the applicant would like to create into a separate lot. While the land at issue is currently zoned for agriculture, McCook's Comprehensive Plan contemplates the future land use to be residential. Despite the designation, the proposed lot would not be used, nor could it be used, for residential purposes due to the existing tower.

The tract of property considered in this request has already been subdivided by the owner, both administratively and through the minor subdivision process. The Planning Commission has stated that before there is additional development, a comprehensive development plan needs to be developed. As such, city staff has asked the developer and owner to provide a more concrete plan. In order to provide a more definite vision for the development of the Bishop property, the developer and owner agreed to provide a preliminary plat of the entirety of the Bishop property located in Section 24, T3N, R30W. The preliminary plat is similar to the conceptual design proffered by the owner when Bishop Acres Second Subdivision was created in 2019. The preliminary plat of Bishop Acres Third Subdivision has been attached for the Planning Commission's review. The proposal consists of four blocks, with each block containing a varying number of lots. All of the proposed lots would have access to street frontage as required by McCook's Subdivision Regulations. All of the lots meet the size requirements required by McCook's Zoning Code.

EXHIBIT #1

PAGE(S)-2

If approved, the preliminary plat would be filed with the City of McCook. It would not be filed with the Red Willow County Register of Deeds. This is because a preliminary plat may be modified if the owner believes a change is warranted due to development needs. McCook's Subdivision Regulations allow for the adoption of a preliminary plat in anticipation of a final plat. The final plat will need to be brought back to the Planning Commission and City Council for adoption at a later date.

As for the creation of Lot 1, staff is comfortable with completing the final plat at this time. As mentioned, proposed Lot 1 currently is home to a communication tower. Due to the tower, proposed Lot 1 is unique in that it would not be suitable for a residence. It is an area that is better fit for commercial. Staff asked the developer and owner to take into consideration the road frontage issue when developing the proposal. The developer's proposal envisions a "flag lot", with the northern portion being wide enough to provide for adequate ingress and egress. There is an easement that straddles proposed Lot 1 and anticipated Lot 2. The easement provides access to a communication tower located to the south. If proposed Lot 1 is created through this subdivision process, the owner of Lot 1 would be subject to the easement.

RECOMMENDATIONS:

ITEM: ___ Public Hearing - To consider the preliminary plat on the following described property to be known as Bishop Acres Third Subdivision, said tract following described property to be known as Bishop Acres Third Subdivision, said tract generally described as a tract of land being part of the Southwest Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska.

ITEM: ___ Recommend approval to the City Council the preliminary plat of the following described property to be known as Bishop Acres Third Subdivision, said tract generally described as a tract of land being part of the Southwest Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska.

ITEM: ___ Public Hearing - To consider the final plat on the following described property to be known as Bishop Acres Third Subdivision, said tract following described property to be known as Bishop Acres Third Subdivision, said tract generally described as a tract of land being part of the Southwest Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska, and more specifically, proposed Lot 1 of said Bishop Acres Third Subdivision.

ITEM: ___ Recommend approval to the City Council the final plat of the following described property to be known as Bishop Acres Third Subdivision, said tract following described property to be known as Bishop Acres Third Subdivision, said tract generally described as a tract of land being part of the Southwest Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska, and more specifically, proposed Lot 1 of said Bishop Acres Third Subdivision.

APPROVALS:



Lea Ann Doak, City Clerk

July 8, 2020



Nathan A. Schneider, City Manager

July 8, 2020

**NOTICE OF PUBLIC HEARING
FINAL PLAT APPROVAL**

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

A tract of land being part of the Southwest Quarter (SW1/4) of Section Twenty-Four (24), Township Three (3) North, Range Thirty (30) West of the Sixth Principal Meridian, in Red Willow County, Nebraska. This tract of land will be referred to as BISHOP ACRES THIRD SUBDIVISION, and more particularly described as follows:

Commencing at the 1" Bar at the Northeast corner of the Southwest Quarter of Section 24; thence S 83°24'36" W on the North line of said Southwest Quarter, and all bearing contained herein are relative thereto, a distance of 51.15 feet to the POINT OF BEGINNING; thence S 05°34'03" W parallel with and 50.00 feet, measured at right angles, Westerly of the East line of said Southwest Quarter a distance of 771.55 feet to a 5/8" rebar with cap; thence N 84°25'57" W a distance of 212.56 feet to a 5/8" rebar with cap; thence N 06°29'53" W a distance of 385.46 feet to a 5/8" rebar with cap on the South line of property described in Warranty Deed recorded as Instrument No. 2014-00639, Red Willow County, Nebraska records; thence N 83°30'07" E on the South line of property described in said Warranty Deed a distance of 230.00 feet to a 5/8" rebar at the Southeast corner of property described in said Warranty Deed; thence N 03°12'45" W on the East line of property described in said Warranty Deed a distance of 324.95 feet to a 5/8" rebar with cap on said North line of the Southwest Quarter and the Northeast corner of property described in said Warranty Deed; thence N 83°24'36" E on said North line of the Southwest Quarter a distance of 120.52 feet to the Point of Beginning. Containing 3.11 Acres, more or less.

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

JULY 13, 2020 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

JULY 20, 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 preliminary plat may attend the public hearing and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City of McCook City Manager, at 345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: July 3, 2020.

EXHIBIT #2

PAGE(S)-1

Property Owners Notified:

LLOYD & ELIZABETH BENJAMIN
71603 RD 383
MCCOOK, NE 69001

GREGORY & NANCY BROADFOOT
71604 RD 383
MCCOOK, NE 69001

AARON MARK BISHOP, TRUSTEE
9001 OLD 81 LOOP
RUDY, AR 72952-8519

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

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

CURTIS AND JENNIFER SMITH
38306 RD 716
MCCOOK, NE 69001

MICHAEL AND CATHY SIS
38686 DR 713
MCCOOK, NE 69001

RONALD AND DORIS FRIEHE
#1 SPYGLASS
MCCOOK, NE 69001

TROY AND TAMMIE BRUNTZ
434 SEMINOLE
MCCOOK, NE 69001

MARSHALL AND JENNIFER TUCKER
108 W 9
MCCOOK, NE 69001

STEVEN AND DEBRA WALTER
#3 BRASSIE DR
MCCOOK, NE 69001

CAROL LASHLEY
38335 DR 716
MCCOOK, NE 69001

CARL & JILL KOENIG
71608 RD 383
MCCOOK, NE 69001

JOHN & MELINDA PALIC
38272 FINCH TRAIL
MCCOOK, NE 69001

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

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

STEPHEN PERES
71653 RD 383
MCCOOK, NE 69001

BRIAN ESCH
#3 SANDPIPER
MCCOOK, NE 69001

BRENDEN FUNK
71580 RD 383
MCCOOK, NE 69001

EUGENE AND JOAN KOCH
2402 W J
MCCOOK, NE 69001

NEIL AND SARAH GOHL
2311 WEST J
MCCOOK, NE 69001

RANDY AND CAROL LASHLEY
38355 DRIVE 716
MCCOOK, NE 69001

JAMES AND JEAN COADY
38337 DR 716
MCCOOK, NE 69001

CURTIS AND EMILY LASHLEY
38331 DR 716
MCCOOK, NE 69001

EXHIBIT #3

PAGE(S)-2

MARVIN AND MICHELE WILKE
38325 DR 716
MCCOOK, NE 69001

SBA TOWERS IV, LLC
TAX DEPT/NE 15315-A 8051
CONGRESS
AVE BOCA RATON, FL 33487

MARK AND CATHY CARMAN
38323 DR 716
MCCOOK, NE 69001

TONY AND DARCY ROUSE
38303 DR 716
MCCOOK, NE 69001

CITY OF McCOOK

LAND USE ACTION REQUEST FORM

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

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

Name of Project: _____

Description of Project: _____

Project sponsor or developer:

Name: Miller & Associates Consulting Engineers, P.C.

Address: 1111 Central Avenue, Kearney, NE 68847

Phone number: 308-234-6456

Fax number: 308-234-1146

E-mail Address: cbennett@miller-engineers.com

Land owner or owners:

Name: A.M. Bishop Family Trust

Address: 9001 Old Loop 82, Rudy, AR 72952

Phone number: 479-459-2271

Fax number: NA

E-Mail Address: accu-temp@hotmail.com

Authorization of the land use action by land owner:

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

Mark Bishop

Printed Name: _____

Printed Name: _____

Mark Bishop

Signature: _____

By Scott Clifford

Signature: _____

6-24-2020

Date: _____

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

Final Plat = West Drive 716, McCook, NE (1 lot for a proposed communication tower)

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

Preliminary Plat = West Drive 716, McCook, NE will consist of primarily residential rural lots with individual well and septic tank systems.

Required Information:

See Attached sheets for required information for:

Subdivisions
 Zone Changes and special exceptions
 Planned developments

FEE PAID: \$ 700 (\$500 preliminary plat, \$200 per lot final plat)
(See attached schedule of fees)

Fee, complete application, and required attachments accepted by:

Printed name

Signature

Date

REQUIRED ATTACHMENTS:

For Subdivisions:

 X Sketch Plan:

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

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

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

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

(Attach explanation)

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

X Preliminary Plat Submission:

X (a) Plat Submission Requirements: The subdivider shall submit to the Zoning Administrator:

five (5) copies of the preliminary plat and any supplemental materials specified by the Planning Commission of conditional approval. (The plat submission requirements are stipulated under C-3 Procedure for conditional approval of Preliminary Plat of the City of McCook Subdivision Regulations)

X (b) Fees: A plat review fee shall accompany the preliminary plat in the amount specified in the City Fee Ordinance. (See Attached list of fees for building, zoning, and subdivision actions)

X (c) Scale and Preliminary Plat contents. Preliminary plats shall be a scale of one (1) inch to one hundred (100) feet or 1" = 200' if seventy-five percent (75%) of the lots are one (1) acre or larger, and shall be prepared with the following information:

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

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

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

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

X (5) Date of preparation and north point.

X (6) Present zoning.

X (7) Existing conditions:

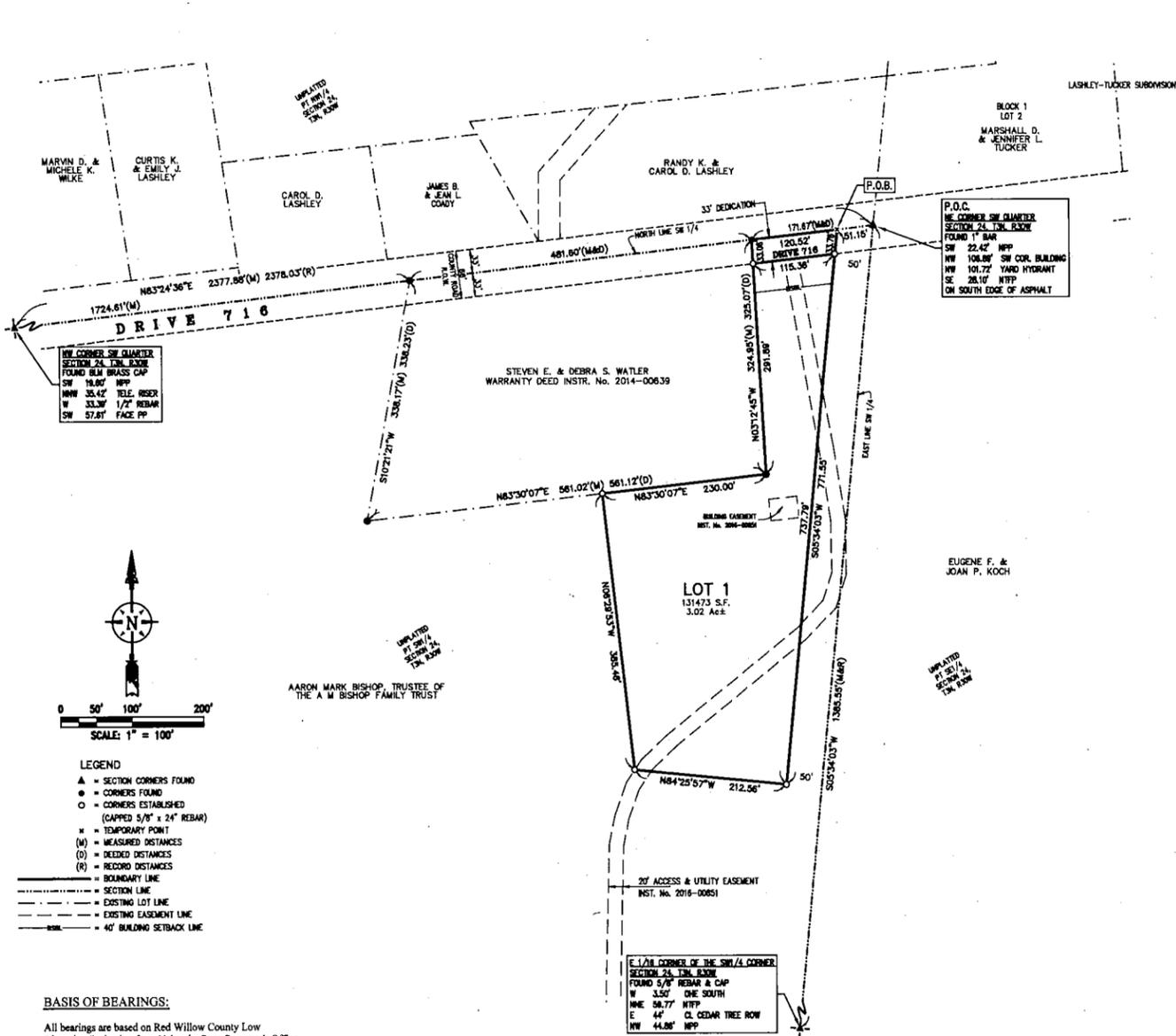
X aa. Location, width and name of platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision shall be shown on the Preliminary Plat.

X bb. All existing sewers, water mains, gas mains, culverts, or other underground installations, within the proposed subdivision, or adjacent thereto, with pipe size and manholes, grades and location shall be shown. Control elevation of surface drainage entering and existing from the property.

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

- dd. Topography (unless specifically waived) with contour intervals of not more than five (5) feet, referred to City or U.S.G.S. datum shall be shown; also location of water courses, bridges, wooded areas, lakes, ravines, and such other features as may be pertinent to the subdivision shall be shown.
- (8) The general arrangement of lots and their approximate size.
- (9) Location and width of proposed streets, alleys, pedestrian ways, and easements. Control elevation shall be shown for all street intersections.
- (10) The general plan of sewage disposal, water supply and utilities in areas where public sewers and/or water are proposed to serve the subdivision. In other cases a notation shall be made on the plat indicating type of sewage disposal, and water system proposed.
- (11) Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for reservation for public use.
- (12) General layout of adjacent unsubdivided property to show how streets and other public facilities, in the proposed subdivision, relate to the unsubdivided property.
- (13) The subdivider shall indicate by letter when improvements as required will be installed or requested.
- (14) Any proposed restrictive covenants for the land involved shall accompany the plat.
- (15) a letter requesting annexation of the subdivision if it is in the planning jurisdiction to be served with city utilities.

**FINAL PLAT
-BISHOP ACRES THIRD SUBDIVISION-
PART OF THE SW1/4 SECTION 24, T3N, R30W,
OF THE SIXTH PRINCIPAL MERIDIAN, RED WILLOW COUNTY, NEBRASKA**

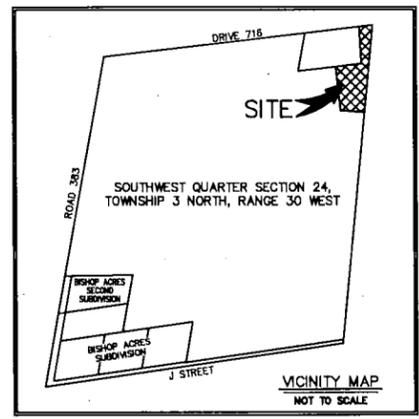


LEGEND
 ▲ = SECTION CORNERS FOUND
 ● = CORNERS FOUND
 ○ = CORNERS ESTABLISHED
 (CAPPED 5/8" x 24" REBAR)
 * = TEMPORARY POINT
 (M) = MEASURED DISTANCES
 (D) = DEEDED DISTANCES
 (R) = RECORD DISTANCES
 --- = BOUNDARY LINE
 - - - = SECTION LINE
 - · - · - = EXISTING LOT LINE
 - · - · - = EXISTING EASEMENT LINE
 - · - · - = 40' BUILDING SETBACK LINE

BASIS OF BEARINGS:
 All bearings are based on Red Willow County Low Distortion Projection from Nebraska State Surveyor's Office.
 Projection = Transverse Mercator
 Scale Factor = 1.0001155
 Central Meridian = 100°20'00" West
 Standard Parallel = 40°10'00" North
 False N/E = 25000/40000 (meters)
 Spheroid - Datum = GRS80 - NAD83

LEGAL DESCRIPTION:
 Part of the Southwest Quarter (SW1/4) of Section Twenty-Four (24), Township Three (3) North, Range Thirty (30) West of the Sixth Principal Meridian, Red Willow County, Nebraska, described as follows:
 Commencing at the 1" Bar at the Northeast corner of the Southwest Quarter of Section 24; thence S 83°24'36" W on the North line of said Southwest Quarter, and all bearings contained herein are relative thereto, a distance of 51.15 feet to the POINT OF BEGINNING; thence S 05°34'03" W parallel with and 50.00 feet, measured at right angles, Westerly of the East line of said Southwest Quarter a distance of 771.55 feet to a 5/8" rebar with cap; thence N 84°25'57" W a distance of 212.56 feet to a 5/8" rebar with cap; thence N 06°29'53" W a distance of 385.46 feet to a 5/8" rebar with cap on the South line of property described in Warranty Deed recorded as Instrument No. 2014-00639, Red Willow County, Nebraska records; thence N 83°30'07" E on the South line of property described in said Warranty Deed a distance of 230.00 feet to a 5/8" rebar at the Southeast corner of property described in said Warranty Deed; thence N 03°12'45" W on the East line of property described in said Warranty Deed a distance of 324.95 feet to a 5/8" rebar with cap on said North line of the Southwest Quarter and the Northeast corner of property described in said Warranty Deed; thence N 83°24'36" E on said North line of the Southwest Quarter a distance of 120.52 feet to the Point of Beginning. Containing 3.11 Acres, more or less.

SURVEYOR'S CERTIFICATE
 I, Stanley P. Blackmore, Nebraska Professional Registered Land Surveyor No. 795, do hereby certify that the survey of "Bishop Acres Third Subdivision", Red Willow County, Nebraska, was performed by D. Don Terry, R.L.S. 812, under my direct supervision, the lots are well and accurately staked off and marked, the dimensions of the lots are as shown on the above plat, the lots bear their own number, and that the survey was made using known and recorded monuments. All information shown on the above plat is accurate and correct to the best of my knowledge and belief.
 (S B A L)
 Stanley P. Blackmore
 Nebraska Professional Registered Land Surveyor No. 795
 Date _____



SUBDIVISION AGREEMENT
 A copy of the SUBDIVISION AGREEMENT for BISHOP ACRES THIRD SUBDIVISION is on file at the City of McCook Offices

DEDICATION

BISHOP ACRES THIRD SUBDIVISION, as it appears on the foregoing Plat and as described herein is with the free consent and in accordance with the desires of the undersigned owner and proprietor. The said owner hereby dedicates the streets, alleys, easements and other open areas, if any, to the Public use and benefit.

By: _____
 A.M. Bishop Family Trust, Aaron Mark Bishop, Trustee

ACKNOWLEDGMENT

STATE OF _____)
) S.S.
 COUNTY OF _____)
 The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Aaron Mark Bishop, Trustee.

 Notary Public (S E A L)
 My commission expires _____

RECORDING INFORMATION

State of Nebraska)
) S.S.
 County of Red Willow)
 Instrument Number: _____
 Date: _____ Time: _____
 Register of Deeds: _____
 Tami Teel

PLANNING COMMISSION APPROVAL

This Plat was duly approved by the City of McCook, Red Willow County, Nebraska Planning Commission on this _____ day of _____, 2020.
 Kurt Vosburg, Chairman
 Chad Lyons, Secretary

MUNICIPAL APPROVAL

This Plat was duly approved by the City of McCook, Red Willow County, Nebraska on this _____ day of _____, 2020.
 Lea Ann Doak, City Clerk
 Mike Gonzales, Mayor

ZONING NOTES:

- AGRICULTURAL DISTRICT (AG)
- FRONT YARD SETBACK = 40 FEET
- SIDE YARD SETBACK = 20 FEET
- RRAR YARD SETBACK = 50 FEET

**EXHIBIT #5
PAGE(S)-1**

THIS PLAT PREPARED JUNE, 2020 FOR:
 A.M. BISHOP TRUSTEE OF THE A.M. BISHOP FAMILY TRUST
 1608 N. HIGHWAY 83
 MCCOOK, NEBRASKA 69001
 CURRENT ZONING: AG (AGRICULTURAL)
 PROPOSED ZONING: AG (AGRICULTURAL)

SHEET 1 OF 1

	PARTY SHEET: DON & TERRY: 812 812 SHEET NO: STANLEY P. BLACKMORE: 795 JOB NUMBER: 130-2-20-10
	1711 CENTRAL AVENUE KEOSAUQUO, NE 68645-8433 Tel: 308-234-4448 Fax: 308-234-1146 www.miller-engineers.com

PLOTTED: 6/29/2020 1:05 PM C:\Projects\2020\130-2-20-10\130-2-20-10.dwg User: Stanley P. Blackmore