

MCCOOK CITY COUNCIL

REGULAR MEETING

**Monday, August 9, 2021
5:15 PM - City Council Chambers**

Open Meetings Act Announcement.

Items

1. Approve the minutes of the July 12, 2021 regular Planning Commission meeting.
2. Public Hearings and Regular Agenda.
 - A. Public Hearing - Request for a special exception by Anita Bartels to locate a Bed and Breakfast/Vacation Rental in a Residential High Density (RH) District - property located at 408 East 1st Street.
 1. Adjourn the Public Hearing.
 - B. Recommend approval to the City Council the special exception from Anita Bartels to allow a Bed and Breakfast/Vacation Rental in a Residential High Density (RH) at property legally described as Lot Three (3), Block Ten (10), Original Town to the City of McCook, Red Willow County, Nebraska (a/k/a 408 East 1st Street); said special exception based upon special exception requirements A - I.
 - C. Public Hearing - Consider Replat of Original Clary Subdivision Replat and Replat No. 1, part of Block 2 and Block 3, said replat to be known as Replat No. 6.
 1. Adjourn the Public Hearing.
 - D. Recommend to the McCook City Council approval Replat of Original Clary Subdivision and Replat No. 1, Part of Block 2 and Block 3, said replat to be known as Replat No. 6.

Adjournment.

**CITY MANAGER'S REPORT
AUGUST 9, 2021 PLANNING COMMISSION MEETING**

ITEM: 1.

RECOMMENDATION:

Approve the minutes of the July 12, 2021 regular meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

August 5, 2021

McCook Planning Commission
July 12, 2021
5:15 P.M. Central

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

Present: Chair Vosburg; Commissioners Bradley, Davidson, Friehe, Lyons, McDowell, Stevens, Mockry (arrived 5:29 P.M.).

Absent: Vice Chair Hilker; Commissioner Dueland; City Manager Schneider.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on July 8, 2021, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to all members of the Planning Commission. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

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 April 12, 2021 regular Planning Commission meeting.

Motion to approve the minutes of the April 12, 2021 regular Planning Commission meeting. This motion, made by McDowell and seconded by Friehe, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Request for a special exception by Kris Flammang/Tri-Star Investments to allow a structure containing only residential uses in the Central Business (CB) District - property located at 109 East "C" Street.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the request for a special exception from Kris Flammang/Tri-Star Investments to allow a structure containing only residential uses in the Central Business (CB) District - property located at 109 East "C" Street, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by McDowell, passed.

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

YEA: 7, NAY: 0, ABSENT: 3

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the July 12, 2021 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 (4 pages); Exhibit #5 - Findings and Determinations of McCook City Council (2 pages); Exhibit #6 - City Manager's Report and attachments prepared for the June 28, 2021 Board of Zoning Adjustment meeting (8 pages); and Exhibit #7 - minutes of the June 28, 2021 Board of Zoning Adjustment meeting (3 pages).

Kris Flammang, applicant, reviewed the special exception request with the Commission. The building that sits on the property is a two-story building, with the first floor being used for commercial purposes and the second floor for residential. The special exception would allow for the conversion of the first floor to residential, one bedroom units. The special exception requirement for providing off-street parking has been met by the Board of Zoning Adjustments approval of utilizing the parking lot located at the southwest intersection of East 1st and East "D" Streets. Mr. Flammang realizes that there is a need for residential rentals in McCook and feels that this project would help address those needs and upgrade the downtown area.

Commission comments included their support of the project and that it would be a good addition to the downtown area.

City Attorney Mustion read a statement from absent Commissioner Dueland stating that he was okay with allowing ground level residential at this location, but would have some reservation if it were other locations in the downtown area.

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

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

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

YEA: 7, NAY: 0, ABSENT: 3

- 2.B. Recommend approval to the City Council a special exception from Kris Flammang/Tri-Star Investments (in care of Mark Wacker) to allow a structure containing only residential uses in the Central Business (CB) at property legally described as the East Forty Feet (E 40') of Lot Seven (7) and Eight (8), Block Fifteen (15), Original Town to the City of McCook, Red Willow County, Nebraska (a/k/a 109 East "C" Street); said special exception based upon special exception requirements A - I.

Motion to recommend approval to the City Council a special exception from Kris Flammang/Tri-Star Investments (in care of Mark Wacker) to allow a structure containing only residential uses in the Central Business (CB) at property legally described as the East Forty Feet (E 40') of Lot Seven (7) and Eight (8), Block Fifteen (15), Original Town to the City of McCook, Red Willow County,

Nebraska (a/k/a 109 East "C" Street); said special exception based upon special exception requirements A - I. This motion, made by Vosburg and seconded by Stevens, passed.

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

YEA: 7, NAY: 0, ABSENT: 3

3. Select new officers for the term of April 2021 through March 2022 - 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 Friehe, passed.

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

YEA: 8, NAY: 0, ABSENT: 2

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 5:34 P.M.

Lea Ann Doak, Recording Secretary

**CITY MANAGER'S REPORT
AUGUST 9, 2021 MCCOOK PLANNING COMMISSION MEETING**

ITEM: 2.A Public Hearing - Request for a special exception by Anita Bartels to locate a Bed and Breakfast/Vacation Rental in a High Density Residential District (HRM) - property located at 408 East 1st Street.

ITEM: 2.B Recommend approval of a special exception to the City Council to allow a Bed and Breakfast/Vacation Rental in a High Density Residential District (HRM) - property located at 408 East 1st Street, finding that Special Exception considerations A - I are satisfied.

BACKGROUND:

The City of McCook has received a special exception request from Anita Bartels and Emily Young. Specifically, the applicants have requested that the property located at 408 East 1st Street be granted special exception status for the purposes of operating a bed and breakfast and/or a vacation rental. Currently, the property is used for single family dwelling purposes. The applicants want to use the property as a vacation rental or bed and breakfast for a period of time. Ultimately, the applicants plan to move to McCook and make the property their permanent residence.

The application addresses McCook's Zoning Ordinance, Article 24 Special Exception requirements. 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 applicant is proposing that a sign be located on the property's facade. The proposed sign would be 12" x 12", which complies with our sign regulations. The residential structure's footprint would remain the same. Also, staff believes the request generally complies with the City of McCook's Comprehensive Plan.

APPROVALS:



Lea Ann Doak, City Clerk

August 4, 2021



Nathan A. Schneider, City Manager

August 4, 2021

EXHIBIT #1

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**NOTICE OF HEARING
REQUEST FOR
SPECIAL EXCEPTION**

NOTICE IS HEREBY GIVEN that a public hearing will be held on a request to allow a Bed and Breakfast/Vacation Rental in a Residential High Density (RH) District.

ADDRESS: 408 East 1st Street

LEGAL DESCRIPTION: Lot Three (3), Block Ten (10), Original Town of the City of McCook, Red Willow County, Nebraska

PROJECT SPONSOR/
DEVELOPER: Anita Bartels & Emily Young

LAND OWNER: Douglas and Anita Bartels

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

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

AUGUST 16, 2021 - 5:30 P.M.
MCCOOK CITY COUNCIL
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

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

-s- Lea Ann Doak
City Clerk

Publish: July 30, 2021
Post: July 30, 2021
Mail: July 30, 2021

EXHIBIT #2

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OWNERSHIP LIST FOR MAILING:

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

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

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

Red Willow County Planning Commission
502 Norris Avenue
McCook NE 69001

Masonic Temple Craft
PO Box 962
McCook, NE 69001

MEDC-Keystone
402 Norris
Suite 301
McCook, NE 69001

Alliance for Encouragement of Visual
& Performing Arts
PO Box 211
McCook, NE 69001

Jon and Ronda Graff
38575 Dr. 713
McCook, NE 69001

Dan Miller
71363 Rd 385
McCook, NE 69001

PRP Holdings Mccook, LLC
Attn: Phil Perry
9200 Andermatt Dr.
Lincoln, NE 68526

Mark and Dee Friehe
1017 Country Club
McCook, NE 69001

McCook Methodist Church
105 E E
McCook, NE 69001

High Plains Historical Society
421 Norris
McCook, NE 69001

Sharon Huegel
515 Norris
McCook, NE 69001

Kim and Jay Schilling
37957 Rd 713
McCook, NE 69001

Randy and Kim Bauer
PO Box 91
McCook, NE 69001

Harris and Judith Anderson
PO Box 56
McCook, NE 69001

Chayton Owens
404 East 1st
McCook, NE 69001

Sid and Sue Doak
PO Box 761
McCook, NE 69001

West Central Inc.
PO Box 922
McCook, NE 69001

Jenifer Carbajal
209 E 3
McCook, NE 69001

Roger and Coralee Krizek
503 E 1st
McCook, NE 69001

Mark Botts
501 E 1st
McCook, NE 69001

JGR Rentals, LLC
1506 Parkway
McCook, NE 69001

EXHIBIT #3

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Kyle and Kaylee Stewart
411 East 1st
McCook, NE 69001

Darrell and Natalie Mickey
405 East 1st
McCook, NE 69001

David Baker, Sr.
205 E D
McCook, NE 69001

Serena Knight
309 ½ E 1st
McCook, NE 69001

1st Congregational Church
212 East E
McCook, NE 69001

Terence Stevens
404 E 2
McCook, NE 69001

David and Linda Buck
312 E 2
McCook, NE 69001

1st National Bank and Trust
409 E 1
McCook, NE 69001

Matt and Michelle Sehnert
401 E 1st
McCook, NE 69001

Sharon Blackwell
PO Box 426
McCook, NE 69001

Travis and Christine Lindsay
506 E 2
McCook, NE 69001

Russell & Kip Jones
765 Bedford Oaks Dr.
Marietta, GA 30068

Kristie Lewandowski
402 E 2
McCook, NE 69001

Josiah and Victoria Hegwood
310 E 2nd
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: Sage Haus

Description of Project: Using an existing single family home as a Bed and Breakfast

Project sponsor or developer:

Name: Anita Bartels & Emily Young
Address: 12323 W. Buckeye Road, DeWitt Nebraska 68341
Phone number: 402-806-0469 or 402-821-2374
Fax number: 402-821-3381
E-mail Address: anitabartels@hotmail.com or clerk@salinecountyne.us

Land owner or owners:

Name: Douglas and Anita Bartels
Address: 12323 W. Buckeye Road, DeWitt, Nebraska 68341
Phone number: 402-806-0469
Fax number: 402-821-3381
E-Mail Address: anitabartels@hotmail.com or clerk@salinecountyne.us

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) We are in the process of purchasing the property

Anita K. Bartels
Printed Name:

Anita K. Bartels
Signature:

Printed Name:

Signature:

07-19-2021
Date:

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

408 E. 1st Street, McCook, NE

Property Description (Of the parent parcel for subdivisions): Single family residence

Required Information:

See Attached sheets for required information for:

_____ Subdivisions
X Zone Changes and special exceptions
_____ Planned developments

FEE PAID: \$ 75.00 (See attached schedule of fees)

Fee, complete application, and required attachments accepted by:

Anita K. Bartels
Printed name

Anita K. Bartels
Signature

07-19-2021
Date



Parcel Information	
Parcel ID:	000710500
Map Number	
State Geo Code	4281-00-0-00000-000-0000
Cadastral #	C1-66-84
Images	Photo #1 Sketch #1
Current Owner:	SHANER/STEVEN W & SUSAN J 651 E 350 S KAMAS, UT 84036
Situs Address:	408 EAST 1ST STREET MCCOOK
Tax District:	80
School District:	S.D. #17 GEN/SPEC BLD, 73-0017
Account Type:	Residential
Legal Description:	0 3 29 ORIGINAL MCCOOK BLK 10 LOT 3
Lot Width:	50.00
Lot Depth:	140.00
Total Lot Size:	7000.00 sq ft

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$147,847	\$4,900	\$0	\$142,947
2020	\$147,847	\$4,900	\$0	\$142,947

Yearly Tax Information		
Year	Amount	Levy
2020	\$2,691.68	1.922795
2019	\$2,672.20	1.911555

2020 Tax Levy	
Description	Rate
S.D. #17 GEN/SPEC BLD	1.04970300
CITY OF MCCOOK GEN	0.34904400
HIGH PLAINS HISTORICAL	0.00167100
MID-PLAINS GEN/CAP IMP	0.07456000
S.D. #17 BOND	0.06913100
NATURAL RESOURCE	0.03224400
COUNTY	0.33145700
ED UNIT #15	0.01498500

Sales Information				
Sale Date	Sale Price	Book & Page	Grantor	Parcel Ids
09/05/2003	\$113,000.00	130 / 618	PIERCE/SHANE C	
01/14/2000	\$80,100.00	127 / 680	ZIKMUND 'ETAL'/DAVID G	

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

Land Information			
Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
50.00	140.00	7000 S.F.	7000.00 sq ft

Residential Datasheet			
Zoning:		Condition:	Average - Good
Year Built:	1917	Style:	100% Two Story
Exterior:	100% Frame, Siding, Wood	Bathrooms:	2.00
Bedrooms:	4	Heating/Cooling:	100% Heat Pump
Roof Cover:	Composition Shingle	Min Finish:	0 sq. ft
Basement Size:	647 sq. ft	Part Finish:	0 sq. ft
Building Size:	2,614 sq. ft	Garage 1:	Detached Garage(SF)
Quality:	Average +	Garage 1 Size:	400 sq. ft

Dwelling Data			
Description	Units	Value	
Single 2-Story Fireplace	1	\$5,665	
Enclosed Porch, Solid Walls	98	\$5,485	
Raised Slab Porch with Roof	368	\$9,945	

Photo/Sketch	

REQUIRED ATTACHMENTS:

For Zone Changes and Special Exceptions:

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

- X Include a description of the reason for the request for a change of zone:
To use 408 E. 1st Street as a Bed and Breakfast. It is a currently
a single family residence. We would make no change to egress.
-
- 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.)
Article 9, Section 904 #15 Bed and Breakfast
in the City of McCook Zoning Ordinance No. 2016-2929
-
- X Include a site plan (minimum 17" X 11") and a letter of explanation showing and explaining the following special exception requirements:
- (A) ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - (B) off-street parking and loading areas where required, with particular attention to the items in (A) above, the economic, noise, glare or odor effects of the special exception or change of zone on adjoining properties and the properties generally in the district or the area;
 - (C) the location of refuse and service areas, with particular reference to the items in (A) and (B) above;
 - (D) utilities, with reference to locations, availability, and compatibility;
 - (E) screening and buffering with reference to type, dimensions, and character;
 - (F) signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

(G) required yards and other open space;

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

X Explain how the project complies with the Comprehensive Plan: To open a
small business using an existing single family dwelling with
no change to the egress. Maintaining the same footprint, parking
is also available off street.

No signage or obstructions at intersections or the street. The
only signage would be an approx. 12" square attached to the house.

PROPOSED EXAMPLE:



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.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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 _____, 2012.

**CITY MANAGER'S REPORT
AUGUST 9, 2021 PLANNING COMMISSION MEETING**

ITEM NO. 2.C. Public Hearing - Consider Replat of Original Clary Subdivision and Replat Number One, Part of Block 2 and Block 3, said replat to be known as Replat Number 6.

ITEM NO. 2.D. Recommend final approval to the McCook City Council of Replat of Original Clary Subdivision and Replat Number One, Part of Block 2 and Block 3, said replat to be known as Replat Number 6.

BACKGROUND:

An application has been received from the McCook Economic Development Corporation requesting the replat of Clary Subdivision through the minor subdivision process. In particular, the MEDC is requesting that two parcels of land be subdivided from the property listed above. The properties would be described as Lot 7A and Lot 7B. Due to the fact that Block 2 and Block 3 were previously subdivided, this request must be treated as a minor subdivision as opposed to an administrative lot split.

MEDC would like to subdivide these two lots from the whole in order to provide for two residential lots. Per our zoning regulations, there is sufficient space to build a house on each of the proposed new lots. The two lots will also have access to R Street and West 7th Street, respectively, through the use of "flag" extensions. Ultimately, the property owner will dedicate the "flag" extensions to the City of McCook, with said extensions to be held by the City of McCook in trust for street purposes.

APPROVALS:



Nathan A. Schneider, City Manager

August 4, 2021



Lea Ann Doak, City Clerk

August 4, 2021

EXHIBIT #1

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**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 Clary Subdivision Replat No. 6, Replat of Original Clary Subdivision & Replat No. 1 Part of Block 2 & Block 3:

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is part of Lot 7 of the CLARY SUBDIVISION REPLAT NO. 1, to be known as Lot 7A; and

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is part of the ORIGINAL CLARY SUBDIVISION, to be known as Lot 7B.

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

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

AUGUST 16, 2021 - 5:30 P.M.
MCCOOK CITY COUNCIL
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

ANY AND ALL PERSONS desiring to comment on the above-described final plat may attend the 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: July 30, 2021.
Mail: July 30, 2021.
Post: July 30, 2021.

EXHIBIT #2

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Property Owners Notified:

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

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

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

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

JOHN D ALLEN
1203 W Q
MCCOOK, NE 69001

JOHN WALTERS
71822 OLD HWY 17
CULBERTSON, NE 69024

TYLER & HILARY NEFF
1001 W R ST
MCCOOK, NE 69001

MEDC
C/O ANDY LONG
402 NORRIS AVE
MCCOOK, NE 69001

CRAIG AND CHERYL CHRISTNER
808 SPRUCE
MCCOOK, NE 69001

RICHARD AND STACEE SMOCK
903 W R
MCCOOK, NE 69001

DAVID AND JOANN BARENBERG
901 W R
MCCOOK, NE 69001

THOMAS AND MIKA LENTZ
805 W R
MCCOOK, NE 69001

JOHN AND ELIZABETH NOTHNAGEL
805 SPRUCE
MCCOOK, NE 69001

VICKI SYDOW
803 W R
MCCOOK, NE 69001

MICHAEL AND NANCY HEDKE
801 W R
MCCOOK, NE 69001

BENJAMIN AND LINDSAY WEBB
802 SPRUCE
MCCOOK, NE 69001

DAVE AND ANGELA MCCARTY
1700 W 4
MCCOOK, NE 69001

MICHAEL R WIGGS
3292 E 3180 SOUTH ST
ST GEORGE, UT 84790

TOM AND JODY BENNETT
2101 W 7TH
MCCOOK, NE 69001

GARFIELD GEORGE GRIM
801 SPRUCE
MCCOOK, NE 69001

DARIN AND JENNIFER MORGAN
304 ELIZABETH
MCCOOK, NE 69001

EXHIBIT #3

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CITY OF McCOOK

LAND USE ACTION REQUEST FORM

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

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

Name of Project: Clary Subdivision Replat No. 6

Description of Project: Replat of Original Clary Subdivision & Replat No. 1
to accomodate Lots 7A and 7B.

Project sponsor or developer:

Name: McCook Economic Development Corporation

Address: 402 Norris Avenue, McCook, NE 69001

Phone number: (308)345-1200

Fax number: _____

E-mail Address: andy@mccookne.org

Land owner or owners:

Name: McCook Economic Development Corporation

Address: 402 Norris Avenue, McCook, NE 69001

Phone number: (308)345-1200

Fax number: _____

E-Mail Address: andy@mccookne.org

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)

_____ Preliminary Plat Submission:

- _____ (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)
- _____ (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)
- _____ (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:
- _____ (1) The proposed name of the subdivision (the name shall not duplicate or too closely resemble the name or names of any existing subdivision).
- _____ (2) The location of the boundary lines of the subdivision and reference to the section or quarter section lines.
- _____ (3) The names and addresses of the owner, developer, and the engineer who prepared the plat.
- _____ (4) Scale of the plat, one inch = one hundred feet or larger.
- _____ (5) Date of preparation and north point.
- _____ (6) Present zoning.
- _____ (7) Existing conditions:
- _____ 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.
- _____ 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.
- _____ 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.

CLARY SUBDIVISION REPLAT NO. 6

REPLAT OF ORIGINAL CLARY SUBDIVISION & REPLAT NO. 1

PART OF BLOCK 2 & BLOCK 3

City of McCook, Red Willow County, Nebraska

DEDICATION

McCOOK ECONOMIC DEVELOPMENT CORPORATION, as it appears on the foregoing Plat and as described with the desires of the undersigned owner and proprietor. The said owner hereby dedicates the streets, alleys, easements and other open areas to the Public use and benefit.

By: _____
Dennis Berry, President MEDC

ACKNOWLEDGMENT

Personally appeared before me a Notary Public in and for the State of Nebraska, Dennis Berry, known to me to be the identical person whose name is affixed to the foregoing instrument and he acknowledges the same to be his voluntary act and deed.

Witness my hand and official Seal this _____ day of _____
My commission expires _____
Notary Public _____

PLANNING COMMISSION APPROVAL

This Plat was duly approved by the City of McCook, Red Willow County, Nebraska Planning Commission on this _____ day of _____, 2021.

Nate Schneider, City Manager Kurt Vosburg, Chairman Chad Lyons, Secretary

MUNICIPAL APPROVAL

This Plat was duly approved by the City of McCook, Red Willow County, Nebraska Planning Commission on this _____ day of _____, 2021.

LesAnn Doak, City Clerk Michael Gonzalez, Mayor

RECORDING INFORMATION

State of Nebraska) County of Red Willow)
Instrument No. _____

DATE: _____
TIME: _____

Register of Deeds: Tami Teel

SURVEYOR
GRUMMERT PROFESSIONAL SERVICES, LLC
2837 W. HWY 6, STE 206, HASTINGS, NE 68901
PHONE 402-879-5701 EMAIL jmgrummert@yahoo.com
WWW.GRUMMERTSURVEYING.COM

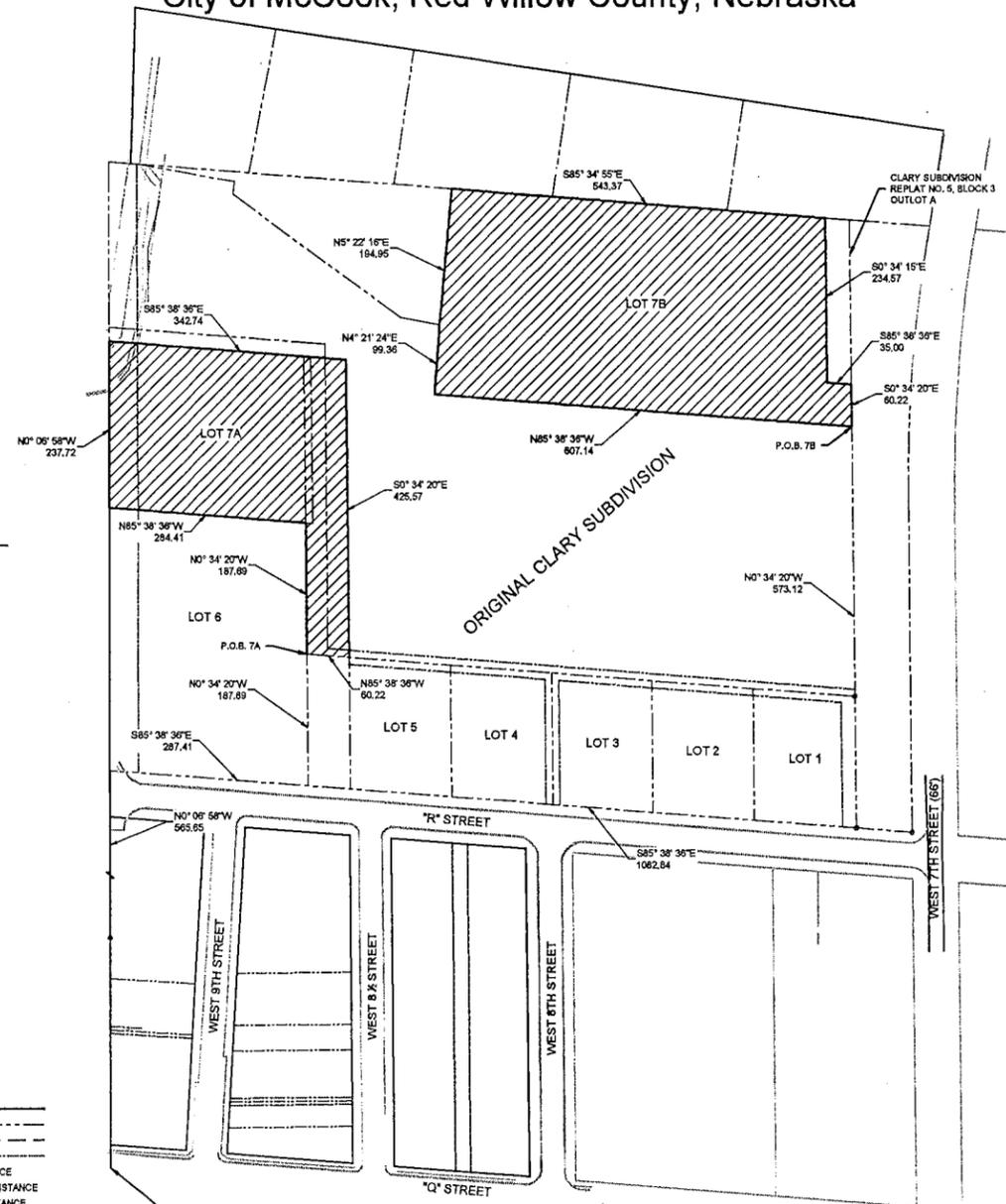
ENGINEER
W DESIGN ASSOCIATES
211 E. 1ST ST., MCCOOK, NE 68901 | (402) 463-1111 | WWW.WDESIGN.COM
303 W. 2ND ST., HASTINGS, NE 68901 | (402) 463-1111

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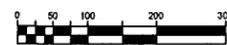
LEGEND

- | | |
|--------------------|---|
| PROPERTY LINE | ————— |
| LOT LINE | - - - - - |
| BLDG. SETBACK LINE | - · - · - |
| EASEMENT | ————— |
| D | DEED DISTANCE |
| M | MEASURED DISTANCE |
| R | RECORD DISTANCE |
| P | PLATTED DISTANCE |
| G | GOVERNMENT DISTANCE |
| W.C. | WITNESS CORNER |
| ◆ | FOUND CORNER |
| ⊙ | CALCULATED POINT |
| ● | SET # x 24" REBAR WITH BLUE LS-783 CAP UNLESS NOTED OTHERWISE |



- SW COR. NE 1/4 SEC 19-3-29
2" ALUM. CAP IN ASPHALT ST.
1. BRASS REF. CORNER 32.98' N
2. RR TIE C/P 32.32' N
3. CENTER STORM MH 33.50' NE
4. CENTER STORM MH 33.39' SW
5. NAIL/BOTTLE CAP IN PP 31.23' S
6. CENTER STORM MH 30.39' SW

REPLAT NO. 6, PART OF BLOCK 2 & 3



SURVEYORS CERTIFICATE

LOT 7A
A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is part of Lot 7 of the CLARY SUBDIVISION REPLAT NO. 1, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 287.41 feet, thence N00°34'20"W a distance of 187.89 feet to a point, which is the Point of Beginning, thence N00°34'20"W a distance of 187.89 feet, thence N85°38'36"W a distance of 284.41, thence N00°06'58"W a distance of 237.72, thence S85°38'36"E a distance of 342.74, thence S00°34'20"E a distance of 425.57 feet, thence N85°38'36"W a distance of 60.22 feet, to the Point of Beginning.

Said tract containing 2.13 acres more or less subject to any easement, right-of-ways and reservations of record.

LOT 7B

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is part of the ORIGINAL CLARY SUBDIVISION, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, thence N00°34'20"W a distance of 573.12 feet, to a point, which is the Point of Beginning, thence N85°38'36"W a distance of 607.14 feet, thence N04°21'24"E a distance of 99.36 feet, thence N85°22'19"E a distance of 194.95 feet, thence S85°34'50"E a distance of 543.37 feet, thence S00°34'15"E a distance of 234.57 feet, thence S85°38'36"E a distance of 35.00 feet, S00°34'20"E a distance of 60.22 feet to the Point of Beginning.

Said tract containing 3.82 acres more or less subject to any easement, right-of-ways and reservations of record.

I, Joshua Eugene Grummert, a Licensed Professional Land Surveyor under the laws of the State of Nebraska, do hereby certify this plat of a survey was made by me or under my supervision, this _____ day of _____, 2021.

Joshua E. Grummert LS-783



VICINITY MAP

OWNER
McCOOK ECONOMIC DEVELOPMENT CORPORATION
DENNIS BERRY, PRESIDENT
402 NORRIS AVE SUITE 301
MCCOOK, NE 68901

RESIDENTIAL MEDIUM DENSITY ZONING

- MINIMUM LOT = 5,000 SQ. FEET
- MINIMUM FRONT YARD = 20 FEET
- MINIMUM REAR YARD = 15 FEET
- MINIMUM SIDE YARD = 5 & 8 FEET