

MCCOOK CITY COUNCIL

REGULAR MEETING

Monday, September 12, 2022
5:15 PM - City Council Chambers

Open Meetings Act Announcement.

Items

1. Approve the minutes of the August 8, 2022 regular Planning Commission meeting.
2. Public Hearings and Regular Agenda.
 - A. Public Hearing - Consider a request from William Watts to rezone the following described property from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska.
 1. Adjourn the Public Hearing.
 - B. Recommend the approval of a rezone from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska.
 - C. Public Hearing - Regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.
 1. Adjourn the Public Hearing.
 - D. Recommend to the McCook City Council approval of the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.
 - E. Public Hearing - Regarding a zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).
 1. Adjourn the Public Hearing.

- F. Recommend to the McCook City Council approval of the zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).
- G. Public Hearing - Regarding the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2.
 - 1. Adjourn the Public Hearing.
- H. Approve Planning Commission Resolution No. PC2022-03, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2.
- I. Public Hearing - To consider the preliminary plat of Heritage Pointe which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.
 - 1. Adjourn the Public Hearing.
- J. Recommend approval to the City Council the Heritage Pointe preliminary plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Adjournment.

**CITY MANAGER'S REPORT
SEPTEMBER 12, 2022 PLANNING COMMISSION MEETING**

ITEM: 1

RECOMMENDATION:

Approve the minutes of the August 8, 2022 regular meeting.

BACKGROUND:

Receive and approve the minutes.

FISCAL

IMPACT: None.

APPROVALS:



Lea Ann Doak, City Clerk

September 8, 2022

McCook Planning Commission
August 8, 2022
5:15 PM Central

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

Present: Chair Vosburg; Vice Chair Hilker; Commissioners Bradley, Davidson, Dueland, McDowell, Stevens, Mockry (arrived 5:17 P.M.).

Absent: Commissioners Friehe and Lyons.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on August 4, 2022, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to all members of the Planning Commission. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

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

1. Approve the minutes of the July 11, 2022 regular Planning Commission meeting.

Motion to approve the minutes of the July 11, 2022 regular Planning Commission meeting. This motion, made by Vosburg and seconded by McDowell, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Regarding a request from the McCook Economic Development Corporation to recommend approval of a preliminary plat which serves as the initial step in the creation of the North Pointe Addition to the City of McCook.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the request from the McCook Economic Development Corporation to recommend approval of a preliminary plat which serves as the initial step in the creation of the North Pointe Addition to the City of McCook, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by McDowell, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the August 8, 2022 Planning Commission meeting (2 pages); Exhibit #2 - Notice of Public Hearing mailed and posted (1 page); Exhibit #3 - listing of property owners notified (1 page); Exhibit #4 - Notice of Public Hearing published (1 page); Exhibit #5 - North Pointe Addition Preliminary Plat (1 page); Exhibit #6 - North Pointe Addition Preliminary Plat proposed and existing utilities (1 page); Exhibit #7 - North Pointe Addition Preliminary Plat overlay map (1 page); Exhibit #8 - Land Use Application and attachments (6 pages); and Exhibit #9 - City of McCook Subdivision Regulations, Section 7. Procedures (1 page).

City Manager Schneider reviewed the information presented in Exhibit 1 and explained the vacation process.

Mr. Schneider reviewed the vacation process to be considered in Agenda Item 2.C.

Greg Wolford, representing the MEDC, reviewed the proposed plat, drainage, utilities, and possible need for a detention pond on the outlot with the Commission.

With no one else present to comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by McDowell, passed.

Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: YEA
YEA: 8, NAY: 0, ABSENT: 3

2.B. Recommend the approval of a preliminary plat for the creation of the North Pointe Addition to the City of McCook.

Motion to recommend the approval of a preliminary plat for the creation of the North Pointe Addition to the City of McCook. This motion, made by McDowell and seconded by Vosburg, passed.

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

2.C. Recommend approval of an ordinance that would allow for the vacation of subdivision plats in order to simplify any potential title and subdivision concerns.

Discussion of this item occurred during Agenda Item 2.A. review.

Motion to recommend approval of an ordinance that would allow for the vacation of subdivision plats in order to simplify any potential title and subdivision concerns. This motion, made by Vosburg and seconded by Dueland, passed.

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

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:49 P.M.

Lea Ann Doak
City Clerk/Recording Secretary

**CITY MANAGER'S REPORT
SEPTEMBER 12, 2022 PLANNING COMMISSION MEETING**

ITEM NO. 2.A. Public Hearing - Consider a request from William Watts to rezone the following described property from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska.

ITEM NO. 2.B. Recommend the approval of a rezone from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska.

BACKGROUND:

An application for a zone change has been filed by William Watts for property he owns located at 1002 East B Street. The legal description of the property is included in the heading above. Mr. Watts has requested that the lot be rezoned from Industrial Light (IL) to Business Commercial (BC). Mr. Watts is requesting the zoning change so the property can be used for an RV repair shop. Mr. Watts would own and operate the RV repair shop.

The lot is located at the southeast intersection of East B Street and East 9th Street. The lot measures 50 feet by 118.57 feet. A map of the lot and surrounding vicinity is attached to this report.

The lot currently sits in an IL district. The lots located directly west of Mr. Watt's lot (located on the west side of East 9th Street) are zoned BC. A map of the City of McCook's zoning districts is attached to this report. Mr. Watts has made a rezone request for two reasons:

1) McCook's Zoning Ordinance No. 2016-2929 has differing permitted principal uses and special exception uses depending on the zoning designations. Under Article 16 - Industrial Light District, there is no specific provision for a repair shop. Under Article 13 - Business Commercial District, automobile repair and services is listed as a permitted principal use.

2) More importantly, per Article 16, Section 1607 - Height and Area Regulations, lots located within an IL District must have a lot area of 10,000 square feet. The property owned by Mr. Watts only has a lot area of 5,928.5 square feet. The lot was created prior to the adoption of any zoning ordinances, which means the small lot size and the residential housing structure that currently sits on the lot are grandfathered as a non-conforming, but acceptable, lot and lot usage. The problem for Mr. Watts is that McCook Zoning Ordinance Article 22 - Non-Conforming Lots and Non-Conforming uses of Land, does not allow for additional development on a non-conforming lot or the expansion of a lot when the use is non-conforming. Both the non-conforming lot size and the potential non-conforming use would violate McCook's zoning ordinance. As of now, Mr. Watts is not permitted to use the lot for any other purpose than what the lot is currently used for.

If a rezone of the lot were to occur, and the zoning designation of the lot were changed from IL to BC, the non-conforming lot area issue would be resolved. Per Article 12, Section 1306 - BC Height and Area Regulations, the lot area for permitted principal uses and structures in the BC District is 4,500 square feet. Mr. Watts' lot would exceed the minimum requirements and development of an RV repair shop would be allowed.

EXHIBIT #1

PAGE(S) - 2

It should be noted that staff has considered whether a change in zoning designation could possibly create "spot zoning" issues. Based on the fact that the lot is adjacent to the BC District, there are no concerns with potential spot zoning challenges.

APPROVALS:



Nathan A. Schneider, City Manager

September 7, 2022



Lea Ann Doak, City Clerk

September 7, 2022

**NOTICE OF PUBLIC HEARING
REZONING**

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

Lot Three (3), Block One (1), Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that tract deeded to the State of Nebraska in Book 131, page 406.

Project Sponsor/
Land Owner: William Watts

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

September 12, 2022 - 5:15 P.M.
McCook Planning Commission
City Council Chambers
505 West "C" Street

September 19, 2022 - 5:30 P.M.
McCook City Council
City Council Chambers
505 West "C" Street

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

-s- Lea Ann Doak
City Clerk

Publish: September 2, 2022.

Post: September 2, 2022

Mail: September 2, 2022

EXHIBIT #2

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Notices Mailed to:

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

PRESIDENT
McCOOK SCHOOL BOARD
302 ELIZABETH LANE
MCCOOK, NE 69001

BRIAN DONNELLY
130 COLUMBIA DRIVE
JULESBURG, CO 80737

PATRICIA AUSTIN
908 EAST C
MCCOOK, NE 69001

JACOB WAGNER
1002 EAST C ST
MCCOOK, NE 69001

JEFFREY SCOTT
4236 SPUR LANE
GRAND ISLAND, NE 68803

KENNETH YEAGER
1006 EAST B
MCCOOK, NE 69001

JAMES AND PATTI DEVENY
1013 S BURLINGTON AVE
HASTINGS, NE 68901

GEORGE AND SYLVIA PATTERSON
104 EAST 10TH
MCCOOK, NE 69004

BNSF
PO BOX 961089
FORT WORTH, TX 76161

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

RED WILLOW COUNTY CLERK
502 NORRIS AVE
MCCOOK, NE 69001

DARIN MESSERSMITH
906 EAST C
MCCOOK, NE 69001

BRUCE & DONNA NIELSEN
901 EAST C
MCCOOK, NE 69001

VOLZ, INC
PO BOX 185
MCCOOK, NE 69001

EAST B CAR WASH, LLC
809 WEST L
MCCOOK, NE 69001

PARKVIEW MANOR, LLC
C/O THOMAS & LOIS BEATTIE
611 NORRIS AVE
MCCOOK, NE 69001

TIMOTHY AND ALYSSA SPULAK
108 EAST 10TH
MCCOOK, NE 69001

RANDY CLAPP
102 EAST 10TH
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
- Major Subdivision
- Planned Development(Includes Zone Change)

Name of Project: 1002 EST Rezoning
Description of Project: Rezone 1002 EST to Business
Commercial in order to develop the
property for an RV Repair shop

Project sponsor or developer:

Name: William Watts
Address: 1206 W^{3rd} ST. McCook
Phone number: (308) 340-2552
Fax number: _____
E-mail Address: RepublicanValleyRV@gmail.com

Land owner or owners:

Name: William Watts
Address: 1206 W^{3rd} ST. McCook, NE
Phone number: (308) 340 - 2552
Fax number: _____
E-Mail Address: RepublicanValleyRV@gmail.com

EXHIBIT #4

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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)

William Watts
Printed Name:

Printed Name:

William Watts
Signature:

Signature:

8-4-22
Date:

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

1002 E B ST McCook NE 69001

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

Lot Three (3), Block One (1), Happy Hollow Addition to the
City of McCook, Red Willow County, Nebraska,
except that Tract deeded to The State of Nebraska
in Book 131, page 406

Required Information:

See Attached sheets for required information for:

- _____ Subdivisions
- _____ Zone Changes and special exceptions
- _____ Planned developments

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

CK # 1027 8/8/22

Fee, complete application, and required attachments accepted by:

Printed name

Signature

Date

REQUIRED ATTACHMENTS:

For Zone Changes and Special Exceptions:

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

____ Include a description of the reason for the request for a change of zone:

See Attached

____ 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.)

____ 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;

Attachment for Zone Change

Lot Three, Block one, Happy Hollow Addition is 5900 sq ft and currently zoned as light industrial which requires 10,000 sq ft in order to develop the property. The lot predates 1930s and is plotted at 5900 sq ft and does not conform to light industrial lot requirements rendering the lot unusable.

Business Commercial requires the lot to be 4500 sq ft, that would make the lot of 5900 sq ft, conform to code and therefor usable.

The area directly to the west of this lot is zoned business commercial.

Upon recording, return to:
MOUSEL, BROOKS, SCHNEIDER, MUSTION & SHIFFLET, P.C., L.L.O., 101 WEST C ST., McCOOK, NE 69001

JOINT TENANCY WARRANTY DEED

Jerry Reitz and Debra Reitz, Husband and Wife, GRANTOR, in consideration of One Dollar and other good and valuable consideration received from GRANTEES, William Watts and Angela Watts, conveys to GRANTEES, as joint tenants and not as tenants in common, the following described real estate (as defined in Neb. Rev. Stat. 76-201):

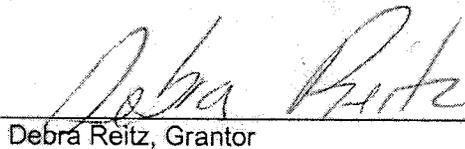
Lot Three (3), Block One (1), Happy Hollow Addition to the City of McCook, Red Willow County, Nebraska, except that tract deeded to the State of Nebraska in Book 131, Page 406

GRANTOR covenants (jointly and severally, if more than one) with GRANTEES that GRANTOR

- a. is lawfully seised of such real estate and that it is free from encumbrances, except easements, reservations, covenants and restrictions of record;
- b. has legal power and lawful authority to convey the same; and
- c. warrants and will defend title to the real estate against the lawful claims of all persons.

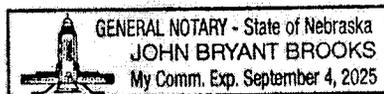
Executed: July 22, 2022


Jerry Reitz, Grantor


Debra Reitz, Grantor

State of Nebraska, County of Red Willow -- ss.

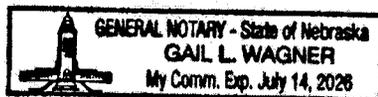
The foregoing Joint Tenancy Warranty Deed was acknowledged before me on July __, 2022, by Jerry Reitz.

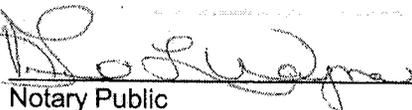


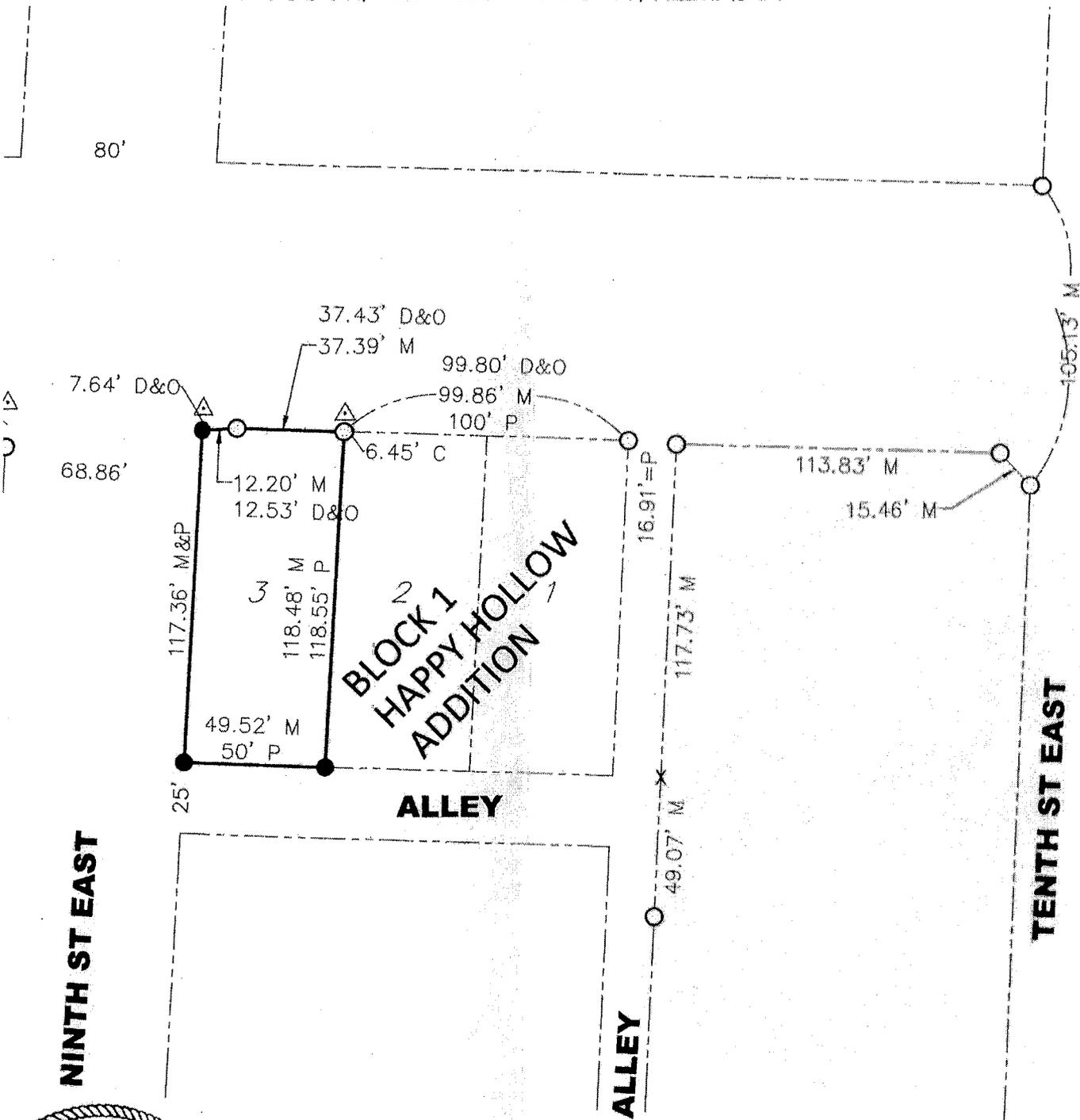

Notary Public
My commission expires. 9-4-25

State of Nebraska, County of Red Willow -- ss.

The foregoing Joint Tenancy Warranty Deed was acknowledged before me on July ²⁵~~22~~, 2022, by Debra Reitz.



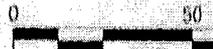

Notary Public
My commission expires. 7-14-2026



THIS PLAT OF SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY TERRY FAMILY SURVEYING LLC TO DETERMINE OWNERSHIP, EASEMENTS OR RIGHTS OF WAY OF RECORD.

Legend

- △ = CALC OLD ROW POINT
- = FOUND PROPERTY PIN
- = SET 1/2" REDAR W/LS B12 CAP
- M = MEASURED DISTANCE
- P = PLAT DISTANCE
- X = CALC POINT
- D = Dicenta 2005
- O = Olson 2001



NINTH ST EAST

ALLEY

ALLEY

TENTH ST EAST





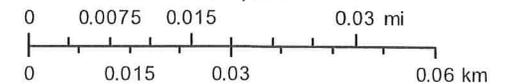
September 7, 2022

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:1,113

- Parcels
- Sections

EXHIBIT #5

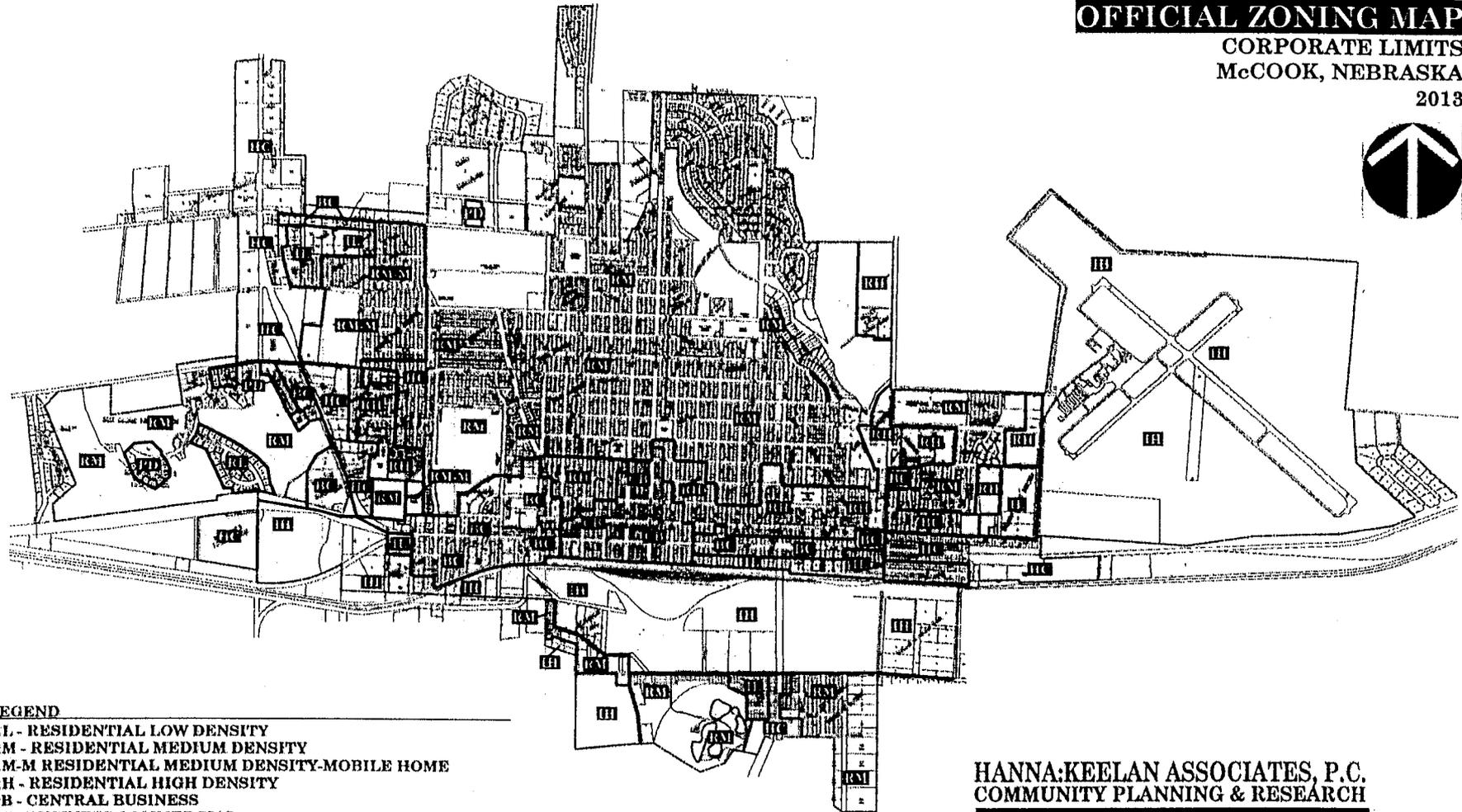


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OFFICIAL ZONING MAP

**CORPORATE LIMITS
McCOOK, NEBRASKA**

2013



LEGEND

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

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

* Lincoln, Nebraska * 402.464.5383 *

ILLUSTRATION 4.7

**CITY MANAGER'S REPORT
SEPTEMBER 6, 2022 PLANNING COMMISSION MEETING**

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

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

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

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

ITEM NO. ____ Approve Planning Commission Resolution No. PC 2022-_____, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2.

ITEM NO. ____ Public Hearing - To consider the preliminary plat of Heritage Pointe Addition which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

ITEM NO. ____ Recommend approval to the City Council the Heritage Pointe Addition preliminary plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

BACKGROUND:

A minor subdivision application has been filed by Jerry Gohl for the purpose of authorizing a tract of land to be known as Heritage Pointe Addition No. 2. A similar request was filed by Mr. Gohl in 2019. Mr. Gohl requests that a tract of land located north of West J Street (north of the McCook Congregation of Jehovah's Witnesses) be divided from a larger tract. All of the property in question is currently owned by Mr. Gohl. Mr. Gohl's intent is to develop the lot for commercial purposes. Utilities have been extended to the tract at issue.

EXHIBIT #1

PAGE(S) - 2

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

In conjunction with the subdivision request, an application has been filed to voluntarily annex portions of the proposed Heritage Pointe Addition No. 2 subdivision. A part of the proposed subdivision is located within the City's corporate limits, while the northern portion is not. The annexation request focuses on the real estate currently located outside of McCook's corporate limits, but within McCook's Two Mile Extra Territorial Jurisdiction. Mr. Gohl is requesting that the entirety of the proposed Heritage Pointe Addition No. 2 be located within McCook's corporate limits.

Finally, Mr. Gohl's application requests a zoning change of the current land uses for the property at issue, from Residential Medium Density (RM - which is the current designation for the southern portion of proposed Heritage Pointe Addition No. 2) and Agricultural (AG - which is the designation for the northern portion of proposed Heritage Pointe Addition No. 2), to Business Commercial (BC). The intent behind Heritage Pointe Addition No. 2 is to allow for the building of a commercial structure on the created lot. The current land uses prescribed to the property at issue, RM and AG, don't allow for a commercial business to be principally permitted. Staff has reviewed the zone change request. Staff has noted there are commercial businesses in close proximity to the proposed Heritage Pointe Addition No. 2. Further, the City of McCook's Comprehensive Plan/Future Land Use Map contemplates the property north of West J Street to be dedicated to Business Commercial (BC) uses and structures. Mr. Gohl's application is consistent with McCook's long term goals.

Finally, a Preliminary Plat of the larger comprehensive plan has been included. The developer has provided a more defined plan for future development of the land at issue. The proposal consists of two blocks, with Block One to contain six (6) lots and Block Two to contain seven (7) lots. A north/south street is included to connect with West N Street on the north side of the proposed addition. All of the lots are capable of meeting McCook's Zoning Ordinance.

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. A final plat would need to be developed at a future date for the subdivision to become final.

APPROVALS:



Nathan A. Schneider, City Manager

September 7, 2022



Lea Ann Doak, City Clerk

September 7, 2022

**NOTICE OF PUBLIC HEARING
PRELIMINARY PLAT APPROVAL**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on September 12, 2022, at 5:15 P.M. and by the McCook City Council on September 19, 2022, at 5:30 P.M.. The hearings will be held in the City Council Chambers, 505 West "C" Street, McCook, Nebraska, to consider the preliminary plat on a tract of land located in the S ½ of Section 24, Township 3 North, Range 30 West of the 6th P.M. in Red Willow County, Nebraska, to be known as Heritage Pointe Addition. A copy of the proposed preliminary plat and legal description are available for public inspection at the office of the City Clerk. Any and all persons desiring to comment on the proposed preliminary plat may attend said public hearings and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City of McCook City Manager, at 345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: September 2, 2022.

EXHIBIT #2

PAGE(S) - 1

NOTICE OF PUBLIC HEARING
PRELIMINARY PLAT AND FINAL PLAT APPROVAL

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider the preliminary and final plat on the following described property to be known as Heritage Pointe Addition No. 2:

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

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

SEPTEMBER 12, 2022 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

SEPTEMBER 19, 2022 - 5:30 P.M.
MCCOOK CITY COUNCIL
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

ANY AND ALL PERSONS desiring to comment on the above-described final plat may attend the public hearing and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City of McCook City Manager, at 345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: September 1, 2022.

EXHIBIT #3

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Property Owners Notified:

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

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

PRESIDENT
McCOOK SCHOOL BOARD
302 ELIZABETH LANE
MCCOOK, NE 69001

RED WILLOW COUNTY CLERK
502 NORRIS AVE
MCCOOK, NE 69001

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

CJC, LLC
PO BOX 449
MCCOOK, NE 69001

MIKE DEVENEY
PO BOX 449
MCCOOK, NE 69001

AUGUSTUS PROPERTIES, LLC
315 WARREN
BARTLEY, NE 69020

RICHARD CAPPEL
#5 BRASSIE DRIVE
MCCOOK, NE 69001

WANDA MICHAELIS
#9 BRASSIE DRIVE
MCCOOK, NE 69001

GENE AND CAROL ERDMAN
PO BOX 69
LIVERMORE, CO 80536

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

MAUREEN GIORGIONE
PO BOX 756
MCCOOK, NE 69001

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

DONNA LOOP
1402 N HWY 83
MCCOOK, NE 69001

EXHIBIT #4

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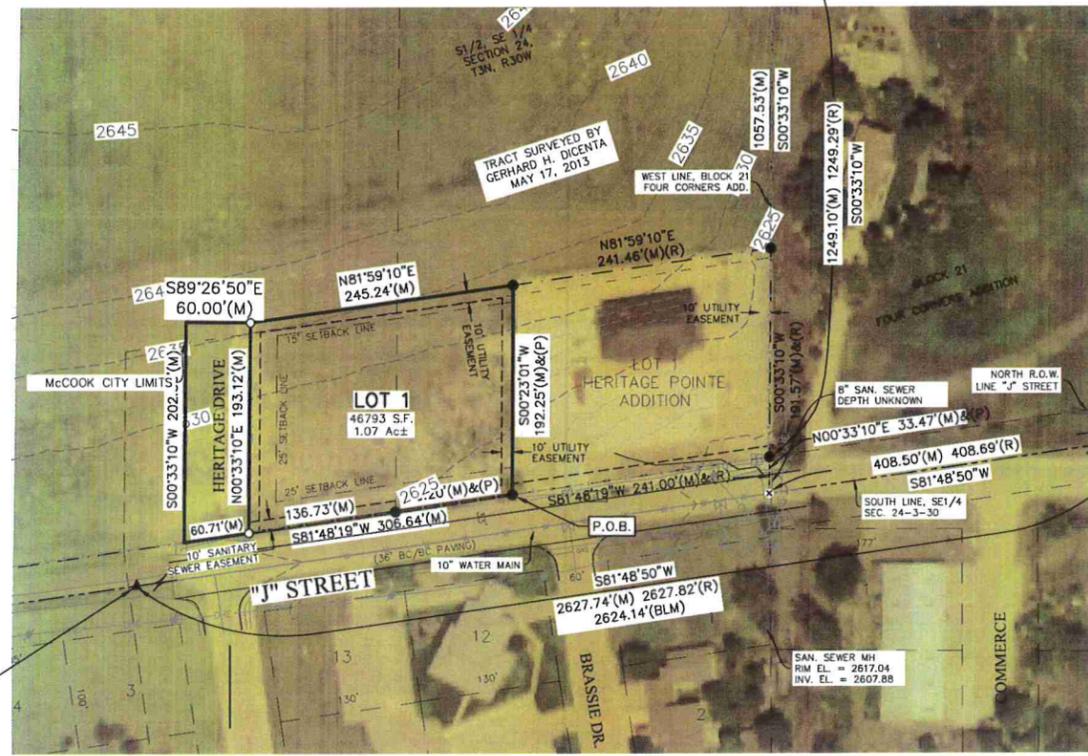
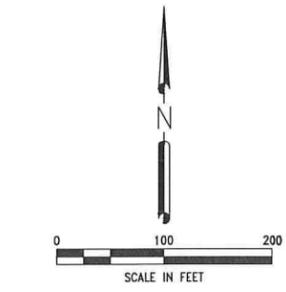
PRELIMINARY PLAT
-HERITAGE POINTE ADDITION No. 2-
 AN ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA

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
- = SECTION LINE
- = BOUNDARY LINE
- = NEW EASEMENT LINE
- = EXISTING LOT LINES
- = BUILDING SETBACK LINE
- = CITY LIMITS LINE
- = CONCRETE LINE
- = BUILDING LINE
- = FLOOD ZONE 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
- = GUY ANCHOR
- = TELEPHONE PEDESTAL
- = GAS METER OR RISER
- = SIGN
- = FIRE HYDRANT
- = WATER VALVE
- = POWER OR TELEPHONE POLE
- = LIGHT POLE
- = MANHOLE
- = CONIFEROUS TREE
- = DECIDUOUS TREE

ZONING NOTES:

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



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

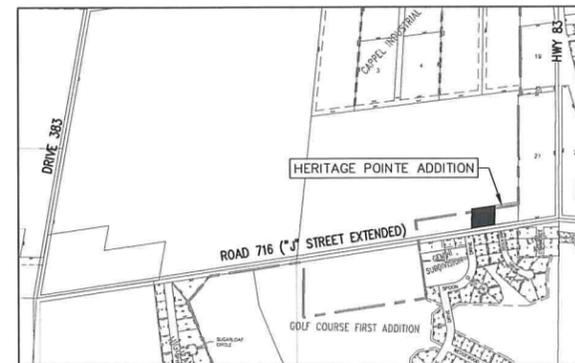
**SOUTHEAST CORNER, SECTION 24, T. 3 N., R. 30 W. FOUND 2-1/2\"/>
 SSW 33.44' 5/8" REBAR
 SW 26.33' NAIL IN TOP FENCE POST
 W 20.89' 5/8" REBAR
 W 21.29' NAIL IN TOP FENCE POST
 NW 31.25' NAIL IN TOP FENCE POST**

LEGAL DESCRIPTION

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

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

Commencing at the SE corner of said Section 24;
 thence S81°48'50"W on the south line of the SE1/4 of said Section 24, a distance of 408.50 feet;
 thence N00°33'10"E leaving said south line, a distance of 33.47 feet to a point on the north right-of-way line of "J" Street in the City of McCook, Nebraska, also being the southwest corner of Block 21, Four Corners Addition to the City of McCook, Nebraska, and the southeast corner of Lot 1, Heritage Pointe Addition to the City of McCook, Nebraska;
 thence S81°48'19"W on the north right-of-way line of said "J" Street and the south line of said Heritage Pointe Addition, a distance of 241.00 feet to the southwest corner of said Heritage Pointe Addition and the POINT OF BEGINNING;
 thence continuing on said north right-of-way line S81°48'19"W a distance of 306.64 feet;
 thence N00°33'10"E parallel with the West line of Block 21 in said Four Corners Addition and leaving said north right-of-way line a distance of 202.36 feet;
 thence S89°26'50" E a distance of 60.00 feet;
 thence N81°59'10" E a distance of 245.24 feet;
 thence S00°23'01" W on the west line of said Heritage Pointe Addition a distance of 192.25 feet to the Point of Beginning.
 Said tract containing 1.35 acres more or less, subject to any easements, rights-of-way now on record or indicated on the attached survey or reservations of record.



VICINITY MAP

NOTES

This plat prepared July 2022 for:

Jerry Gohl
 37146 Old Highway 17
 Culbertson, NE 69024

Current Zoning: RM & AG
 Proposed Zoning: BC

EXHIBIT #5

PAGE(S) - 1

MA Miller & Associates	PARTY CHIEF: Scott S. Gifford L.S. 647	SURVEY COMPLETED: July 29, 2022
	DRAWN BY: Dylan Weston	REVISION:
109 EAST 2ND STREET MCCOOK, NE 69001 Tel: 308-345-3710 Fax: 308-345-7370 www.miller-and-associates.com		DATE & REASON:
RED WILLOW CO. - MCCOOK - HERITAGE POINTE ADD. No. 2		F.S. #

G:\Projects\200\200-LS\2022 SURVEYS\200-LS-57-22 HERITAGE POINTE ADD No 2 (Civil-Dwg)\Design Drawings\Survey Design\Heritage Pointe Add No 2 FP.dwg
 PLOTTED: 9/17/2022 3:31 PM
 SAVED: 9/17/2022 3:30 PM

475.00 - ZC fee
\$20000 - For HP#2
#50000 - Prelim. plat

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 + comprehensive preliminary plat
- Major Subdivision
- Planned Development (Includes Zone Change)

Name of Project: Heritage Point Addition No. 2

Description of Project: Create one lot for commercial construction. Sewer was extended through the proposed lot by lot owner when creating Heritage Point Addition in 2019.

Project sponsor or developer:

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

Land owner or owners:

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

EXHIBIT #7

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Authorization of the land use action by land owner:

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

Jerry Gohl
Printed Name: _____

Printed Name: _____

Signature: _____

Signature: _____

Date: _____

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

Property Description (Of the parent parcel for subdivisions): S 1/2 of the SE 1/4 of Section 24, Township 3 North, Range 30 W of the 6th P.M.

Required Information:

See Attached sheets for required information for:

- _____ Subdivisions
- _____ Zone Changes and special exceptions
- _____ Planned developments

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

Fee, complete application, and required attachments accepted by:

Printed name

Signature

Date

REQUIRED ATTACHMENTS:

For Subdivisions:

Sketch Plan:

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

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

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

If so, briefly explain what they might consist of.

(Attach explanation)

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

X Preliminary Plat Submission:

- X (a) Plat Submission Requirements: The subdivider shall submit to the Zoning Administrator:
_____ five (5) copies of the preliminary plat and any supplemental materials specified by the Planning Commission of conditional approval. (The plat submission requirements are stipulated under C-3 Procedure for conditional approval of Preliminary Plat of the City of McCook Subdivision Regulations)
- X (b) Fees: A plat review fee shall accompany the preliminary plat in the amount specified in the City Fee Ordinance. (See Attached list of fees for building, zoning, and subdivision actions)
- X (c) Scale and Preliminary Plat contents. Preliminary plats shall be a scale of one (1) inch to one hundred (100) feet or 1" = 200' if seventy-five percent (75%) of the lots are one (1) acre or larger, and shall be prepared with the following information:
- X (1) The proposed name of the subdivision (the name shall not duplicate or too closely resemble the name or names of any existing subdivision).
 - X (2) The location of the boundary lines of the subdivision and reference to the section or quarter section lines.
 - X (3) The names and addresses of the owner, developer, and the engineer who prepared the plat.
 - X (4) Scale of the plat, one inch = one hundred feet or larger.
 - X (5) Date of preparation and north point.
 - X (6) Present zoning.
 - X (7) Existing conditions:
 - X aa. Location, width and name of platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision shall be shown on the Preliminary Plat.
 - X bb. All existing sewers, water mains, gas mains, culverts, or other underground installations, within the proposed subdivision, or adjacent thereto, with pipe size and manholes, grades and location shall be shown. Control elevation of surface drainage entering and existing from the property.
 - X cc. Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land shall be shown.

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



August 16, 2022

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

RE: Heritage Pointe Addition No. 2 – Rezoning and Annexation

Dear Nate,

This letter is a formal request on behalf of the owner, Jerry Gohl, to change the zoning for the above-described property, which is located northwest of the intersection of "J" Street and Brassie Drive. The proposed project consists of a commercial office development, similar to the property built on the Heritage Pointe Addition located just east of the property.

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

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

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

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

Sincerely,

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

Matt Davidson

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

SECTION 7. PROCEDURES

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

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

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

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

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

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

EXHIBIT #8

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CITY MANAGER'S REPORT
SEPTEMBER 8, 2022 PLANNING COMMISSION MEETING

12

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

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

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

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

ITEM NO. ____ Approve Planning Commission Resolution No. PC 2022-_____, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2.

ITEM NO. ____ Public Hearing - To consider the preliminary plat of Heritage Pointe Addition which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

ITEM NO. ____ Recommend approval to the City Council the Heritage Pointe Addition preliminary plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

BACKGROUND:

A minor subdivision application has been filed by Jerry Gohl for the purpose of authorizing a tract of land to be known as Heritage Pointe Addition No. 2. A similar request was filed by Mr. Gohl in 2019. Mr. Gohl requests that a tract of land located north of West J Street (north of the McCook Congregation of Jehovah's Witnesses) be divided from a larger tract. All of the property in question is currently owned by Mr. Gohl. Mr. Gohl's intent is to develop the lot for commercial purposes. Utilities have been extended to the tract at issue.

EXHIBIT #1

PAGE(S) - 2

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

In conjunction with the subdivision request, an application has been filed to voluntarily annex portions of the proposed Heritage Pointe Addition No. 2 subdivision. A part of the proposed subdivision is located within the City's corporate limits, while the northern portion is not. The annexation request focuses on the real estate currently located outside of McCook's corporate limits, but within McCook's Two Mile Extra Territorial Jurisdiction. Mr. Gohl is requesting that the entirety of the proposed Heritage Pointe Addition No. 2 be located within McCook's corporate limits.

Finally, Mr. Gohl's application requests a zoning change of the current land uses for the property at issue, from Residential Medium Density (RM - which is the current designation for the southern portion of proposed Heritage Pointe Addition No. 2) and Agricultural (AG - which is the designation for the northern portion of proposed Heritage Pointe Addition No. 2), to Business Commercial (BC). The intent behind Heritage Pointe Addition No. 2 is to allow for the building of a commercial structure on the created lot. The current land uses prescribed to the property at issue, RM and AG, don't allow for a commercial business to be principally permitted. Staff has reviewed the zone change request. Staff has noted there are commercial businesses in close proximity to the proposed Heritage Pointe Addition No. 2. Further, the City of McCook's Comprehensive Plan/Future Land Use Map contemplates the property north of West J Street to be dedicated to Business Commercial (BC) uses and structures. Mr. Gohl's application is consistent with McCook's long term goals.

Finally, a Preliminary Plat of the larger comprehensive plan has been included. The developer has provided a more defined plan for future development of the land at issue. The proposal consists of two blocks, with Block One to contain six (6) lots and Block Two to contain seven (7) lots. A north/south street is included to connect with West N Street on the north side of the proposed addition. All of the lots are capable of meeting McCook's Zoning Ordinance.

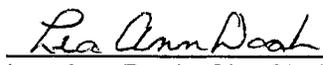
If approved, the preliminary plat would be filed with the City of McCook. It would not be filed with the Red Willow County Register of Deeds. A final plat would need to be developed at a future date for the subdivision to become final.

APPROVALS:



Nathan A. Schneider, City Manager

September 7, 2022



Lea Ann Doak, City Clerk

September 7, 2022

**NOTICE OF PUBLIC HEARING
REZONING**

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

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

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

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

September 12, 2022 - 5:15 P.M.
McCook Planning Commission
City Council Chambers
505 West "C" Street

September 19, 2022 - 5:30 P.M.
McCook City Council
City Council Chambers
505 West "C" Street

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

-s- Lea Ann Doak
City Clerk

Publish: September 2, 2022.

Post: September 2, 2022

Mail: September 2, 2022

EXHIBIT #2

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Notices Mailed to:

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

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

PRESIDENT
McCOOK SCHOOL BOARD
302 ELIZABETH LANE
MCCOOK, NE 69001

RED WILLOW COUNTY CLERK
502 NORRIS AVE
MCCOOK, NE 69001

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

CJC, LLC
PO BOX 449
MCCOOK, NE 69001

MIKE DEVENEY
PO BOX 449
MCCOOK, NE 69001

AUGUSTUS PROPERTIES, LLC
315 WARREN
BARTLEY, NE 69020

RICHARD CAPPEL
#5 BRASSIE DRIVE
MCCOOK, NE 69001

WANDA MICHAELIS
#9 BRASSIE DRIVE
MCCOOK, NE 69001

GENE AND CAROL ERDMAN
PO BOX 69
LIVERMORE, CO 80536

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

MAUREEN GIORGIONE
PO BOX 756
MCCOOK, NE 69001

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

DONNA LOOP
1402 N HWY 83
MCCOOK, NE 69001

A-75-06 - ZC fee
\$20000 - For HP#2
Final
\$50000 - Prelim.
plat

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 + comprehensive preliminary plat
- Major Subdivision
- Planned Development (Includes Zone Change)

Name of Project: Heritage Point Addition No. 2

Description of Project: Create one lot for commercial construction. Sewer was extended through the proposed lot by lot owner when creating Heritage Point Addition in 2019.

Project sponsor or developer:

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

Land owner or owners:

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

Authorization of the land use action by land owner:

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

Jerry Gohl
Printed Name: _____

Printed Name: _____

Signature: _____

Signature: _____

Date: _____

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

Property Description (Of the parent parcel for subdivisions): S 1/2 of the SE 1/4 of Section 24, Township 3 North, Range 30 W of the 6th P.M.

Required Information:

See Attached sheets for required information for:

- _____ Subdivisions
- _____ Zone Changes and special exceptions
- _____ Planned developments

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

Fee, complete application, and required attachments accepted by:

Printed name

Signature

Date

REQUIRED ATTACHMENTS:

For Zone Changes and Special Exceptions:

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

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

For a Commercial Business

NA Include a description of any special exception requested including the section of the zoning ordinance under which it is requested: (Example: Special exception to construct multi-family dwellings in (RM) Residential Medium Density area comprised of single-family dwellings.)

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

- (A) ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- (B) off-street parking and loading areas where required, with particular attention to the items in (A) above, the economic, noise, glare or odor effects of the special exception or change of zone on adjoining properties and the properties generally in the district or the area;
- (C) the location of refuse and service areas, with particular reference to the items in (A) and (B) above;
- (D) utilities, with reference to locations, availability, and compatibility;
- (E) screening and buffering with reference to type, dimensions, and character;
- (F) signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

- (G) required yards and other open space;
- (H) general compatibility with adjacent properties and other properties in the district;
- (I) compatibility with existing and future land use plan in the McCook Comprehensive Plan.

X Explain how the project complies with the Comprehensive Plan:

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

GOLIGHT

INC.

August 16, 2022

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

RE: Heritage Pointe Addition No. 2 – Rezoning and Annexation

Dear Nate,

This letter is a formal request on behalf of the owner, Jerry Gohl, to change the zoning for the above-described property, which is located northwest of the intersection of "J" Street and Brassie Drive. The proposed project consists of a commercial office development, similar to the property built on the Heritage Pointe Addition located just east of the property.

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

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

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

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

Sincerely,



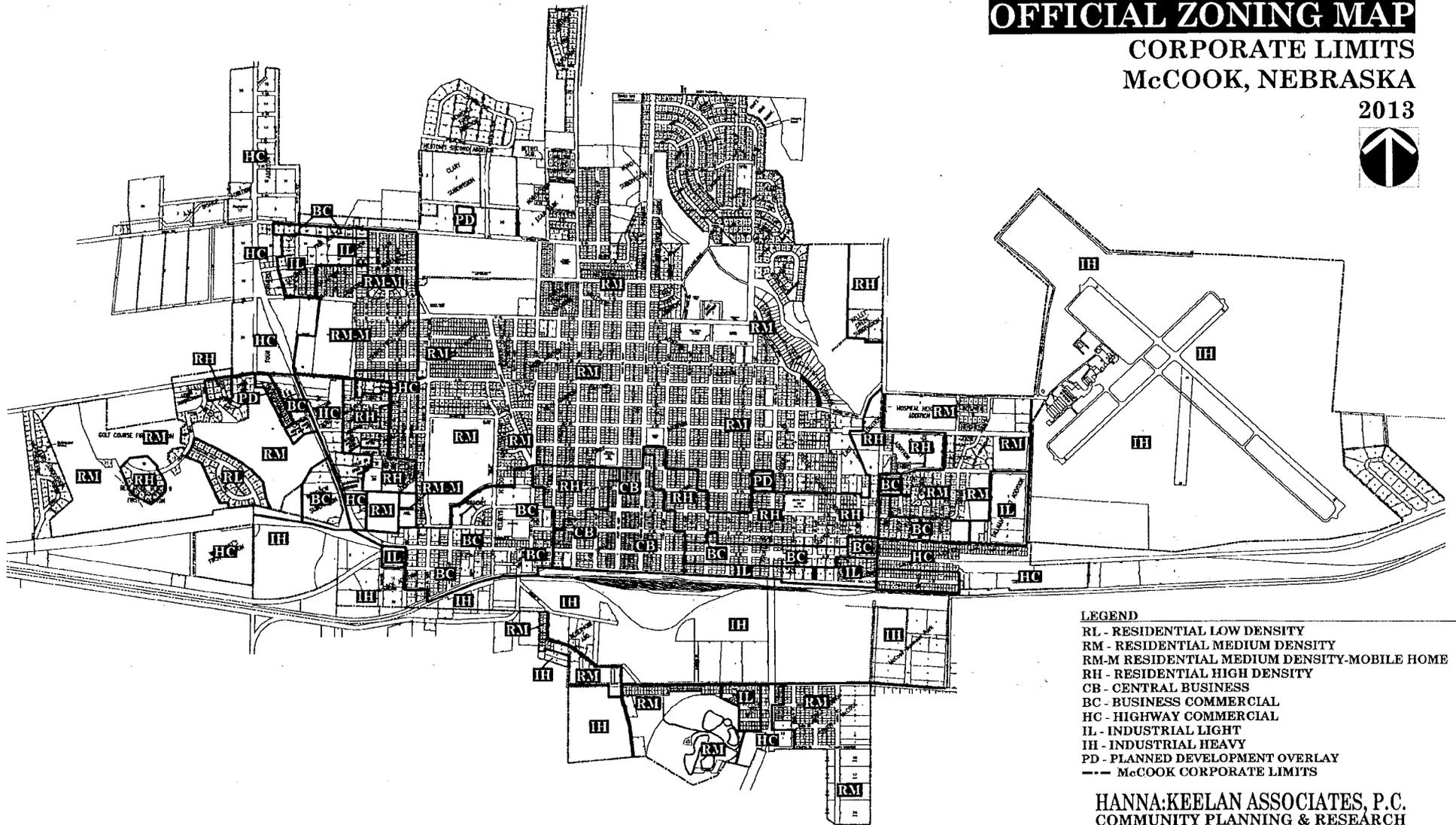
Matt Davidson

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

OFFICIAL ZONING MAP

CORPORATE LIMITS
McCOOK, NEBRASKA

2013



LEGEND

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

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

* Lincoln, Nebraska * 402.464.5383 *

EXHIBIT #5

PAGE(S) - 1

**CITY MANAGER'S REPORT
SEPTEMBER 12, 2022 PLANNING COMMISSION MEETING**

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

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

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

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

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

ITEM NO. ~~2.H~~ Approve Planning Commission Resolution No. PC 2022- ~~03~~, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2.

ITEM NO. ____ Public Hearing - To consider the preliminary plat of Heritage Pointe Addition which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

ITEM NO. ____ Recommend approval to the City Council the Heritage Pointe Addition preliminary plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

BACKGROUND:

A minor subdivision application has been filed by Jerry Gohl for the purpose of authorizing a tract of land to be known as Heritage Pointe Addition No. 2. A similar request was filed by Mr. Gohl in 2019. Mr. Gohl requests that a tract of land located north of West J Street (north of the McCook Congregation of Jehovah's Witnesses) be divided from a larger tract. All of the property in question is currently owned by Mr. Gohl. Mr. Gohl's intent is to develop the lot for commercial purposes. Utilities have been extended to the tract at issue.

EXHIBIT #1

PAGE(S) - 2

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

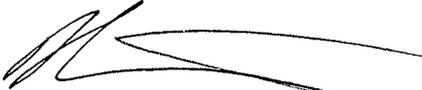
In conjunction with the subdivision request, an application has been filed to voluntarily annex portions of the proposed Heritage Pointe Addition No. 2 subdivision. A part of the proposed subdivision is located within the City's corporate limits, while the northern portion is not. The annexation request focuses on the real estate currently located outside of McCook's corporate limits, but within McCook's Two Mile Extra Territorial Jurisdiction. Mr. Gohl is requesting that the entirety of the proposed Heritage Pointe Addition No. 2 be located within McCook's corporate limits.

Finally, Mr. Gohl's application requests a zoning change of the current land uses for the property at issue, from Residential Medium Density (RM - which is the current designation for the southern portion of proposed Heritage Pointe Addition No. 2) and Agricultural (AG - which is the designation for the northern portion of proposed Heritage Pointe Addition No. 2), to Business Commercial (BC). The intent behind Heritage Pointe Addition No. 2 is to allow for the building of a commercial structure on the created lot. The current land uses prescribed to the property at issue, RM and AG, don't allow for a commercial business to be principally permitted. Staff has reviewed the zone change request. Staff has noted there are commercial businesses in close proximity to the proposed Heritage Pointe Addition No. 2. Further, the City of McCook's Comprehensive Plan/Future Land Use Map contemplates the property north of West J Street to be dedicated to Business Commercial (BC) uses and structures. Mr. Gohl's application is consistent with McCook's long term goals.

Finally, a Preliminary Plat of the larger comprehensive plan has been included. The developer has provided a more defined plan for future development of the land at issue. The proposal consists of two blocks, with Block One to contain six (6) lots and Block Two to contain seven (7) lots. A north/south street is included to connect with West N Street on the north side of the proposed addition. All of the lots are capable of meeting McCook's Zoning Ordinance.

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. A final plat would need to be developed at a future date for the subdivision to become final.

APPROVALS:



Nathan A. Schneider, City Manager

September 7, 2022



Lea Ann Doak, City Clerk

September 7, 2022

**NOTICE OF PUBLIC HEARING
PROPOSED VOLUNTARY ANNEXATION**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on September 12, 2022, at 5:15 P.M. and by the McCook City Council on September 19, 2022, at 5:30 P.M. The hearings will be held in the City Council Chambers at the McCook Municipal Center, 505 West "C" Street, concerning the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M. in Red Willow County, Nebraska.

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

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

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

Publish: September 9, 2022.

EXHIBIT #2

PAGE(S) - 1



August 16, 2022

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

RE: Heritage Pointe Addition No. 2 – Rezoning and Annexation

Dear Nate,

This letter is a formal request on behalf of the owner, Jerry Gohl, to change the zoning for the above-described property, which is located northwest of the intersection of "J" Street and Brassie Drive. The proposed project consists of a commercial office development, similar to the property built on the Heritage Pointe Addition located just east of the property.

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

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

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

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

Sincerely,

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

Matt Davidson

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

EXHIBIT #3

PAGE(S) - 1

ANNEXATION TRACT DESCRIPTION

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

Considering the West line of Lot 1, Heritage Pointe Addition to the City of McCook, Nebraska, with the platted bearing being S00°23'01"W and with all bearings contained herein relative thereto:

Beginning at the Northwest corner of said Lot 1, Heritage Pointe Addition;
Thence S00°23'01"W on the West line of said Lot 1, a distance of 9.22 feet;
Thence S89°49'56"W, a distance of 306.07 feet;
Thence N00°33'10"E, a distance of 19.10 feet;
Thence S89°26'50"E, a distance of 60.00 feet;
Thence N81°59'10"E, a distance of 245.24 feet to the Point of Beginning.

The above described tract contains 3216 square feet more or less.

EXHIBIT #4

PAGE(S) - 1

MCCOOK PLANNING COMMISSION

RESOLUTION NO. PC2022-03

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

WHEREAS, at their meeting on September 12, 2022, the Planning Commission held a public hearing concerning the annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M. in Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2, more particularly described in **Exhibit "A"**.

WHEREAS, this commission has reviewed the proposed annexation.

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

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

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

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

PASSED AND APPROVED by the McCook Planning Commission this 12th day of September, 2022.

MCCOOK PLANNING COMMISSION

Kurt Vosburg, Chair

ATTEST:

Chad Lyons, Secretary

EXHIBIT #5

PAGE(S) - 2

ANNEXATION TRACT DESCRIPTION

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

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Thence S89°26'50"E, a distance of 60.00 feet;
Thence N81°59'10"E, a distance of 245.24 feet to the Point of Beginning.

The above described tract contains 3216 square feet more or less.

**CITY MANAGER'S REPORT
SEPTEMBER 12, 2022 PLANNING COMMISSION MEETING**

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

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

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

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

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

ITEM NO. ____ Approve Planning Commission Resolution No. PC 2022-_____, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2.

ITEM NO. 2.I. Public Hearing - To consider the preliminary plat of Heritage Pointe which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

ITEM NO. 2.J. Recommend approval to the City Council the Heritage Pointe preliminary plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

BACKGROUND:

A minor subdivision application has been filed by Jerry Gohl for the purpose of authorizing a tract of land to be known as Heritage Pointe Addition No. 2. A similar request was filed by Mr. Gohl in 2019. Mr. Gohl requests that a tract of land located north of West J Street (north of the McCook Congregation of Jehovah's Witnesses) be divided from a larger tract. All of the property in question is currently owned by Mr. Gohl. Mr. Gohl's intent is to develop the lot for commercial purposes. Utilities have been extended to the tract at issue.

EXHIBIT #1

PAGE(S) - 2

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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. A final plat would need to be developed at a future date for the subdivision to become final.

APPROVALS:



Nathan A. Schneider, City Manager

September 7, 2022



Lea Ann Doak, City Clerk

September 7, 2022

**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 Heritage Pointe Addition:

A tract of land being part of the S ½ of SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This tract of land will be referred to as HERITAGE POINTE ADDITION.

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

SEPTEMBER 12, 2022 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

SEPTEMBER 19, 2022 - 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 Manager, at 345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: September 2, 2022.

EXHIBIT #2

PAGE(S) - 1

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

PRESIDENT
McCOOK SCHOOL BOARD
302 ELIZABETH LANE
MCCOOK, NE 69001

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

MIKE DEVENEY
PO BOX 449
MCCOOK, NE 69001

RICHARD CAPPEL
#5 BRASSIE DRIVE
MCCOOK, NE 69001

GENE AND CAROL ERDMAN
PO BOX 69
LIVERMORE, CO 80536

MAUREEN GIORGIONE
PO BOX 756
MCCOOK, NE 69001

DONNA LOOP
1402 N HWY 83
MCCOOK, NE 69001

STAK' N STORE, LLC
C/O TERRY AND SHELLEY HOFFMASTER
809 WEST 3RD
MCCOOK, NE 69001

DDRD, LLC
PO BOX 122
LA BARGE, WY 83123

JANE FRANCES HOPPENS
620 VALLEY VIEW DRIVE
OGALLALA, NE 69153

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

RED WILLOW COUNTY CLERK
502 NORRIS AVE
MCCOOK, NE 69001

CJC, LLC
PO BOX 449
MCCOOK, NE 69001

AUGUSTUS PROPERTIES, LLC
315 WARREN
BARTLEY, NE 69020

WANDA MICHAELIS
#9 BRASSIE DRIVE
MCCOOK, NE 69001

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

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

BLACKHILLS GAS COMPANY
PO BOX 1400
RAPID CITY, SD 57709

MCCOOK PUBLIC POWER DISTRICT
N HWY 83
MCCOOK, NE 69001

TRACY LOPER
BOBBIE ALLEN
1402 N HWY 83
MCCOOK, NE 69001

STEVE AND SHARON FRIMANN
22264 N MAXWELL RD
MCCOOK, NE 69001

**PRELIMINARY PLAT
-HERITAGE POINTE-
AN ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA**

W 1/16 COR. OF THE SE 1/4 CORNER
SECTION 24, T3N, R30W
FOUND 5/8" REBAR & CAP
W 3.50' OHE SOUTH
NNE 59.77' NTFP
E 44' CL CEDAR TREE ROW
NW 44.86' NFP

E 1/16 COR. OF THE SE 1/4 CORNER
SECTION 24, T3N, R30W
FOUND

SW 1/4 SE 1/4
SEC. 24, T3N, R30W

S 1/4 CORNER
SECTION 24, T3N, R30W
FOUND 6/8" BRASS CAP
NE 54.21' TOP OF POWER TAG IN PP
SE 48.78' NFP
S 4.92' NAIL & DISK IN CFP
SW 54.81' NW COR. METAL BLDG.

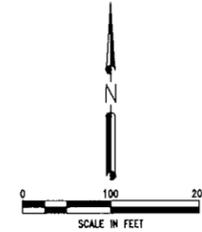
CURVE DATA					
NUMBER	DELTA	RADIUS	LENGTH	CHORD LENGTH	BEARING
C1	45°28'06"	230.00	182.82	177.77	S23°17'24"W
C2	72°21'17"	170.00	21.87	21.86	S42°20'20"W
C3	38°05'52"	170.00	113.04	110.87	S18°36'16"W
C4	24°21'59"	230.00	97.81	97.08	N12°44'20"E
C5	21°08'10"	230.00	84.71	84.23	N35°28'24"E
C6	45°28'06"	170.00	134.91	131.40	N23°17'22"E
C7	45°28'06"	200.00	168.72	154.88	S23°17'24"W
C8	45°28'06"	200.00	168.72	154.88	N23°17'24"E

LEGAL DESCRIPTION

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

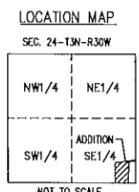
Considering the south line of the SE1/4 of said Section 24 as assumed bearing S81°48'50"W and with all bearings contained herein relative thereto:

Commencing at the SE corner of said Section 24;
thence S81°48'50"W on the south line of the SE1/4 of said Section 24, a distance of 408.50 feet;
thence N00°33'10"E leaving said south line, a distance of 225.04 feet to the Northeast corner of Heritage Pointe Addition, an addition to the City of McCook, Red Willow County, Nebraska and the POINT OF BEGINNING;
thence continuing N 00°33'10" E a distance of 1057.50 feet;
thence N 82°18'25" E a distance of 22.36 feet;
thence N 00°24'45" E a distance of 50.55 feet to the North line of the S1/2 of the SE1/4 of said Section 24;
thence S 82°35'29" W on said North line of the S1/2 of the SE1/4 a distance of 813.42 feet;
thence S 00°33'22" W a distance of 1310.73 feet to the north right-of-way line of "J" Street in the City of McCook, Nebraska;
thence N 81°48'19" E a distance of 305.89 feet;
thence leaving said north right-of-way line of "J" Street a distance of 193.12 feet to the Westerly extension of the North line of said Heritage Pointe Addition;
thence N 81°59'10" E on said Westerly extension a distance of 486.70 feet to the Point of Beginning.
Said tract containing 21.38 acres more or less, subject to any easements, rights-of-way now on record or indicated on the attached survey or reservations of record.



- 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
 - (XX.XX') = CHORD DIST. AT SETBACK LINE (TYP.)
 - - - = SECTION LINE
 - - - = BOUNDARY LINE
 - - - = NEW EASEMENT LINE
 - - - = EXISTING EASEMENT LINE
 - - - = EXISTING LOT LINES
 - - - = 25' BUILDING SETBACK LINE
 - - - = SPECIAL FLOOD HAZARD LINE

**EXHIBIT #4
PAGE(S) - 1**



SHEET 1 OF 1

	FAMILY ONLY	DATE COMPLETED
	MILLER & ASSOCIATES CONSULTING ENGINEERS, P.C. 174 E.	JANUARY 8, 2019 DATE & REASON

THIS PLAT PREPARED JANUARY, 2019 FOR:

JERRY GOHL
37146 OLD HIGHWAY 17
CULBERTSON, NEBRASKA 69024

CURRENT ZONING: AG & RM (RESIDENTIAL MEDIUM DENSITY)
PROPOSED ZONING: BC (BUSINESS COMMERCIAL)

A 75-00 - ZC fee
\$20000 - for HP#2
#50000 - Prelim. plat

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 + comprehensive preliminary plat
- Major Subdivision
- Planned Development (Includes Zone Change)

Name of Project: Heritage Point Addition No. 2

Description of Project: Create one lot for commercial construction. Sewer was extended through the proposed lot by lot owner when creating Heritage Point Addition in 2019.

Project sponsor or developer:

Name: Jerry Gohl

Address: 38278 Road 717, McCook, NE 69001

Phone number: 308-340-5432

Fax number: _____

E-mail Address: Jerry@golight.com

Land owner or owners:

Name: Gerald L. Gohl Revocable Trust

Address: 37146 Old Highway 17, Culbertson, NE 69024

Phone number: 308-278-3131

Fax number: _____

E-Mail Address: Jerry@golight.com

EXHIBIT #5

PAGE(S) - 6

Authorization of the land use action by land owner:

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

Jerry Gohl
Printed Name: _____

Printed Name: _____

Signature: _____

Signature: _____

Date: _____

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

Property Description (Of the parent parcel for subdivisions): S 1/2 of the SE 1/4 of Section 24, Township 3 North, Range 30 W of the 6th P.M.

Required Information:

See Attached sheets for required information for:

- _____ Subdivisions
- _____ Zone Changes and special exceptions
- _____ Planned developments

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

Fee, complete application, and required attachments accepted by:

Printed name

Signature

Date

REQUIRED ATTACHMENTS:

For Subdivisions:

Sketch Plan:

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

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

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

If so, briefly explain what they might consist of.

(Attach explanation)

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

X Preliminary Plat Submission:

- X (a) Plat Submission Requirements: The subdivider shall submit to the Zoning Administrator:
_____ five (5) copies of the preliminary plat and any supplemental materials specified by the Planning Commission of conditional approval. (The plat submission requirements are stipulated under C-3 Procedure for conditional approval of Preliminary Plat of the City of McCook Subdivision Regulations)
- X (b) Fees: A plat review fee shall accompany the preliminary plat in the amount specified in the City Fee Ordinance. (See Attached list of fees for building, zoning, and subdivision actions)
- X (c) Scale and Preliminary Plat contents. Preliminary plats shall be a scale of one (1) inch to one hundred (100) feet or 1" = 200' if seventy-five percent (75%) of the lots are one (1) acre or larger, and shall be prepared with the following information:
- X (1) The proposed name of the subdivision (the name shall not duplicate or too closely resemble the name or names of any existing subdivision).
 - X (2) The location of the boundary lines of the subdivision and reference to the section or quarter section lines.
 - X (3) The names and addresses of the owner, developer, and the engineer who prepared the plat.
 - X (4) Scale of the plat, one inch = one hundred feet or larger.
 - X (5) Date of preparation and north point.
 - X (6) Present zoning.
 - X (7) Existing conditions:
 - X aa. Location, width and name of platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision shall be shown on the Preliminary Plat.
 - X bb. All existing sewers, water mains, gas mains, culverts, or other underground installations, within the proposed subdivision, or adjacent thereto, with pipe size and manholes, grades and location shall be shown. Control elevation of surface drainage entering and existing from the property.
 - X cc. Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land shall be shown.

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



August 16, 2022

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

RE: Heritage Pointe Addition No. 2 – Rezoning and Annexation

Dear Nate,

This letter is a formal request on behalf of the owner, Jerry Gohl, to change the zoning for the above-described property, which is located northwest of the intersection of "J" Street and Brassie Drive. The proposed project consists of a commercial office development, similar to the property built on the Heritage Pointe Addition located just east of the property.

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

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

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

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

Sincerely,

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

Matt Davidson

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

SECTION 7. PROCEDURES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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