

MCCOOK CITY COUNCIL

REGULAR MEETING

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

Open Meetings Act Announcement.

Items

1. Approve the minutes of the November 14, 2022 regular Planning Commission meeting.
2. Public Hearings and Regular Agenda.
 - A. Public Hearing - Request for a special exception by CK Swanson, Inc. to locate a Timeshare and Vacation Rental in a Residential Medium (RM) District, property located in Lot 7 and the S 35' of Lot 8, Block 6, Second Addition to the City of McCook, Red Willow County, Nebraska, 1001 Norris Avenue.
 1. Adjourn the Public Hearing.
 - B. Recommend approval to the City Council the application for a special exception by CK Swanson, Inc. to locate a Timeshare and Vacation Rental in a Residential Medium (RM) District, property located in Lot 7 and the S 35' of Lot 8, Block 6, Second Addition to the City of McCook, Red Willow County, Nebraska, 1001 Norris Avenue, said special exception based upon compliance with special exception requirements A-I.
 - C. Updates regarding the swimming pool and the ball park projects.

Adjournment.

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

ITEM: 1.

RECOMMENDATION:

Approve the minutes of the November 14, 2022 regular meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

December 8, 2022

McCook Planning Commission
November 14, 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.

Absent: Commissioners Friehe, Lyons.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on November 10, 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 October 10, 2022 regular Planning Commission meeting.

Motion to approve the minutes of the October 10, 2022 regular Planning Commission meeting. This motion, made by Hilker and seconded by McDowell, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Regarding the Redevelopment Plan for the Engineering International Redevelopment Project as to its conformity with the general plan for the development of the City as a whole.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Redevelopment Plan for the Engineering International Redevelopment Project as to its conformity with the general plan for the development of the City as a whole, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Hilker, passed.

Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Hilker: YEA, Lyons: ABSENT,

McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 8, NAY: 0, ABSENT: 2

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the November 14, 2022 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Copies of Notice of Hearing mailed to required government entities (6 pages); Exhibit #4 - proposed Planning Commission Resolution No, PC2022-04 (2 pages); and Exhibit #5 - proposed Redevelopment Plan (14 Pages).

City Manager Schneider reviewed the information presented in Exhibit #1.

Applicant Jeff Tidyman was present to address any questions from 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 Hilker, passed.

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

- 2.B. Approve Resolution No. PC2022-04 recommending approval of a Redevelopment Plan of the City of McCook, Nebraska, approving a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions for the purpose of the development of the Engineering International Redevelopment Project.

Motion to approve Resolution No. PC2022-04 recommending approval of a Redevelopment Plan of the City of McCook, Nebraska, approving a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions for the purpose of the development of the Engineering International Redevelopment Project. This motion, made by Kurt and seconded by Stevens, passed.
Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 8, NAY: 0, ABSENT: 2

City Manager Schneider stated that there will probably be a December meeting and introduced Tera Koetter as the new Assistant Manager.

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 5:43 P.M.

Lea Ann Doak
City Clerk/Recording Secretary

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

2.A.
ITEM: Public Hearing - Request for a special exception by CK Swanson, Inc. to locate a Vacation Rental in a Residential Medium Density District (RM) - property located at 1001 Norris Avenue.

2.B.
ITEM: Recommend approval of a special exception to the City Council to allow a Vacation Rental in a Residential Medium Density District (RM) - property located at 1001 Norris Avenue, finding that Special Exception considerations A - I are satisfied.

BACKGROUND:

The City of McCook has received a special exception request from CK Swanson, Inc. Specifically, the applicant has requested that the property located at 1001 Norris Ave. be granted special exception status for the purpose of operating a vacation rental. Currently, the property is used for single family dwelling purposes. The dwelling also has received a special exception in 2013 to operate as a bed and breakfast. The description recited in the application states that the applicant desires to operate a short term rental/airbnb vacation home allowing for small group/special event gatherings.

The application addresses McCook's Zoning Ordinance, Article 24 Special Exception requirements. Based on staff's review, it is believed a grant of special exception will not adversely impact ingress and/or egress. The property is located at the intersection of Norris Avenue and East J Street, which are arterial and collector streets, respectively. There is plenty of room for traffic to flow unimpeded. For the structure itself, there is adequate ingress/egress to provide safe passage into and out of the property. Based on the proposal, it appears that there is adequate off-street parking on the lot to accommodate individuals that are renting the property. The zoning ordinance requires 1 parking space per unit plus 1 space for every 4 employees. The applicant states that there is enough off-street parking to accommodate 9 vehicles. A diagram of the suggested off-street parking proposal is attached to the application. The applicant states that a sign may be installed on the front of the house, said sign simply stating "The Garrett House" and hanging from the front porch. Additionally, new LED lighting may be added to the front porch, but this addition will not have a negative impact on the surrounding area. The residential structure's footprint would remain the same. Also, staff believes the request generally complies with the City of McCook's Comprehensive Plan.

APPROVALS:



Lea Ann Doak, City Clerk

December 7, 2022



Nathan A. Schneider, City Manager

December 7, 2022

EXHIBIT #1

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

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on December 12, 2022, at 5:15 P.M. and by the McCook City Council on December 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 a request for a special exception to allow a Timeshare and Vacation Rental in a Residential Medium Density (RM) in the City of McCook. Property located at 1001 Norris Avenue; Lot 7 and the South 35 Feet of Lot 8, Block 6, Second Addition to the City of McCook, Red Willow County, Nebraska. Land Owner, CK Swanson, Inc. CTS Liquid Feed, LLC. Project Name, Sponsor/Developer, The Garrett House, CK Swanson. Any and all persons desiring to comment on the above-described special exception may attend said public hearings and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City of McCook City Manager, at 345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: December 2, 2022.

EXHIBIT #2

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**NOTICE OF HEARING
REQUEST FOR
SPECIAL EXCEPTION**

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

ADDRESS: 1001 Norris

LEGAL DESCRIPTION: Lot 7 and the South 35 feet of Lot 8, Block 6, Second Addition to the to the City of McCook, Red Willow County, Nebraska.

PROJECT/
SPONSOR/
DEVELOPER: The Garrett House, CK Swanson, Inc.

LAND OWNER: CK Swanson, Inc.

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

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

DECEMBER 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 Manager, at 308-345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: December 2, 2022
Post: December 2, 2022
Mail: December 2, 2022

EXHIBIT #3

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OWNERSHIP LIST FOR MAILING:

President
McCook Public Schools
600 West 7th Street
McCook NE 69001

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

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

Red Willow County Planning Commission
502 Norris Avenue
McCook NE 69001

Gale and Rebecca Loop
1005 Norris Ave
McCook, NE 69001

Saraya and Mark Flaig
1007 Norris Ave
McCook, NE 69001

George and Charlotte Froman
1009 Norris Ave
McCook, NE 69001

William and Colleen Ramsay
1011 Norris Ave
McCook, NE 69001

Terrie Unger
1012 East 1st Street
McCook, NE 69001

Jonathan and Carrie Johnson
1008 East 1st Street
McCook, NE 69001

Catherine Doyle
601 West Salley Street
Lincoln, NE 68521

David and Karla Polly
PO Box 492
McCook, NE 69001

Richard and Susan Lawton
1002 East 1st Street
McCook, NE 69001

Betty Pursley
33974 Old Hwy 34
Benkelman, NE 69021

Steve and Gayla Swisher
71918 Cornhusker Drive
McCook, NE 69001

Richard and Margaret Rogers
906 East 1st Street
McCook, NE 69001

Ty Seng
903 East 1st Street
McCook, NE 69001

Jeffery Clark
905 East 1st Street
McCook, NE 69001

Brett and Lori Schmidt
907 East 1st Street
McCook, NE 69001

Susauna Alberts
909 East 1st Street
McCook, NE 69001

Jesus and Kalie Gauna
911 East 1st Street
McCook, NE 69001

Adam and Sarah Powers
PO Box 554
McCook, NE 69001

Hope Ferguson and Mahon Tulloch
1003 East 1st Street
McCook, NE 69001

Michael and Amber Carpenter
1005 East 1st Street
McCook, NE 69001

EXHIBIT #4

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Philip and Diane Lyons
1007 East 1st Street
McCook, NE 69001

Troy and Amelia Strauch
1009 East 1st Street
McCook, NE 69001

Eldon and Linda Parde
1011 East 1st Street
McCook, NE 69001

Alan and Patricia Haug
201 East K
McCook, NE 69001

Joseph, Jr. and Bernadine Wood
1102 East 1st Street
McCook, NE 69001

Holly Olson
1101 Norris Ave
McCook, NE 69001

Darla and Steven Thompson
1102 Norris Ave
McCook, NE 69001

Kyle and Jody Dellevoet
1012 Norris Ave
McCook, NE 69001

Donald Daub, Jr
1010 Norris Ave
McCook, NE 69001

Dylan and Jessica Power
1008 Norris Ave
McCook, NE 69001

Gary and Christine Roth
1006 Norris Ave
McCook, NE 69001

Richard Brown
1004 Norris Ave
McCook, NE 69001

Joshua and Amy Shiach
1002 Norris
McCook, NE 69001

Douglas and Jessica Myers
912 Norris Ave
McCook, NE 69001

Lila Leibrandt
910 Norris Ave
McCook, NE 69001

Beth O'Dea
908 Norris Ave
McCook, NE 69001

John and Jayleen Evans
906 Norris Ave
McCook, NE 69001

David and Cindy Pohl
904 Norris Ave
McCook, NE 69001

James and Annette Gruhn
205 D Street
Indianola, NE 69034

Jeffrey Whitaker
905 West 1st Street
McCook, NE 69001

Jerry Larson
PO Box 631
McCook, NE 69001

Keith and Joan Calvin
71581 Rd 374
Culbertson, NE 69024

Hedge of Protection
37956 Dr 715
McCook, NE 69001

John Walters
71822 Old Hwy 17
Culbertson, NE 69024

Halie Nosal
1003 West 1st
McCook, NE 69001

Mary Brennan
1005 West 1st
McCook, NE 69001

Michael and Barbara Criger
1007 West 1st
McCook, NE 69001

Delton and Vicky Young
1010 West 1st
McCook, NE 69001

Timothy and Ashlie Millner
911 Norris Ave
McCook, NE 69001

Cadenza, LLC
PO Box 453
McCook, NE 69001

Michael and Julie Scheneman
905 Norris Ave
McCook, NE 69001

Robert and Rosalie Redden
1009 West 1st
McCook, NE 69001

Terry and Judy McCune
1101 West 1st
McCook, NE 69001

Brandon Otter
907 Norris Ave
McCook, NE 69001

Sarah Schaaf
3400 Ciniza Drive
Gallup, NM 87301

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: The Garrett House

Description of Project: To operate a short term rental/airbnb vacation home allowing for small group/special event gatherings.

Project sponsor or developer:

Name: CK Swanson, Inc.
Address: 907 West B Street, McCook, NE 69001
Phone number: 308-345-7709
Fax number: 308-345-4114
E-mail Address: melanieg67@gmail.com

Land owner or owners:

Name: CK Swanson, Inc.
Address: 907 West B Street, McCook, NE 69001
Phone number: 308-345-7709
Fax number: 308-345-4114
E-Mail Address: melanieg67@gmail.com

X

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)

Melanie Goodenberger, President

Printed Name:

Printed Name:

Melanie Goodenberger, Pres.

Signature:

Signature:

11-15-22

Date:

Address and physical location of the Proposed Land Use Action: 1001 Norris Avenue, McCook, NE

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

Single family dwelling

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

X

REQUIRED ATTACHMENTS:

For Zone Changes and Special Exceptions:

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

~~Include a description of the reason for the request for a change of zone:~~
~~_____~~
~~_____~~
~~_____~~

X Include a description of any special exception requested including the section of the zoning ordinance under which it is requested: (Example: Special exception to construct multi-family dwellings in (RM) Residential Medium Density area comprised of single family dwellings.) (X)
Special exception to operate a short term rental also known as "Airbnb" vacation property in (RM) Residential Medium Density area comprised of single family dwellings.

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

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

(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.

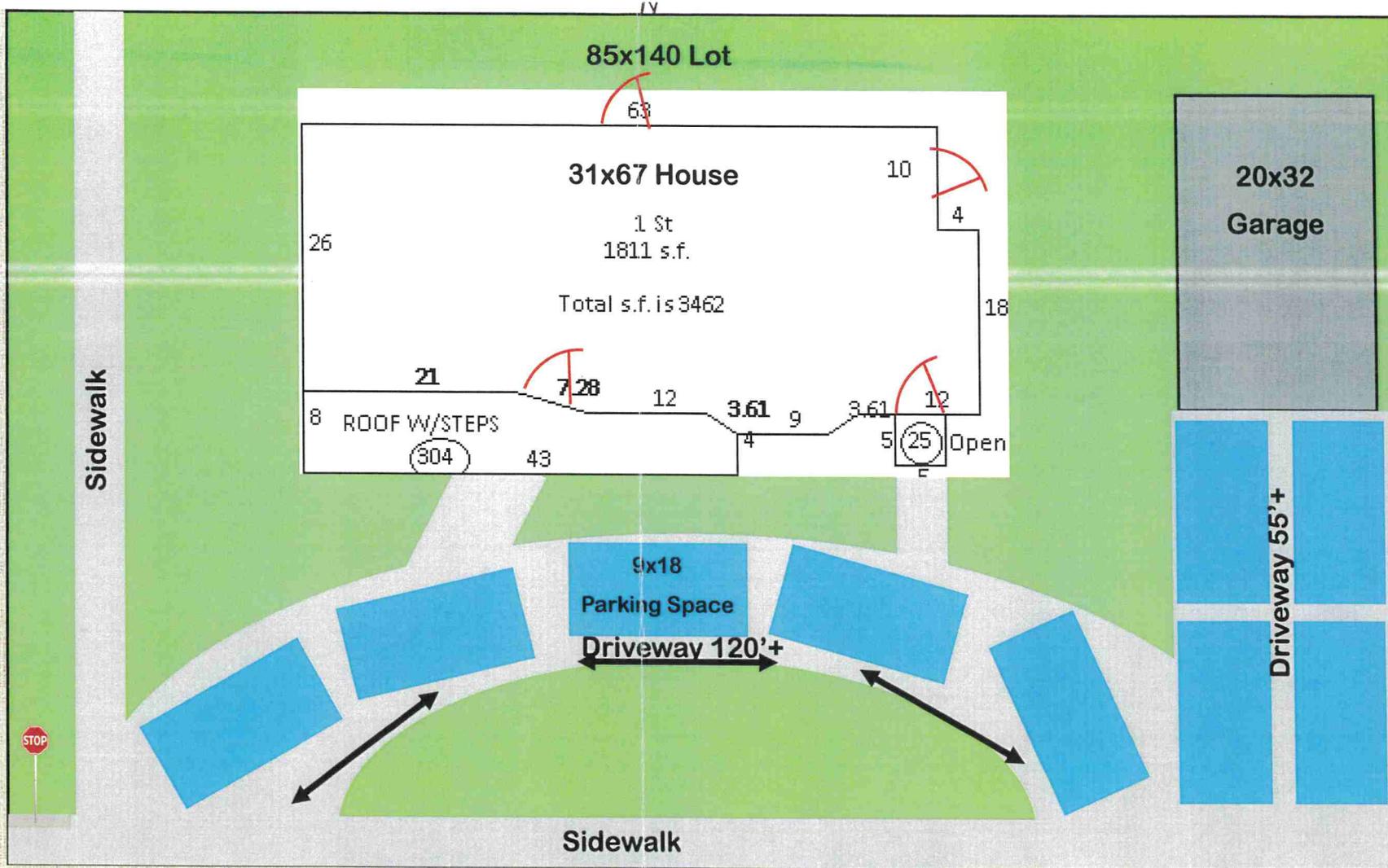
X Explain how the project complies with the Comprehensive Plan: Commercial Development to encourage the development of additional specialty retail businesses, especially those catering to the needs of residents of McCook, as well as those of visitors and travelers to the Community.

Letter of Explanation

- A) The property's existing driveways allows for 3 points of ingress/egress to the property for vehicles. The structure on the property has 4 points of ingress/egress on the main level for fire escape. The second story of the structure has stairway ingress/egress, 1 door egress to balcony and multiple window egress for fire safety. The third story of the structure has 1 stairway ingress/egress, and 2 window egress for fire safety. Fire escape rope ladders to be provided for fire escape.

Traffic flow and control is noted on the site plan. The property is serviced by 2 city streets in case of fire and/or catastrophe. Streets are located one to the South (J Street) and one to the West (Norris Ave). There is a fire hydrant across the street to the West on Norris Avenue in case of fire. Traffic flow is aided by a stop sign in front of the property halting cross traffic on J Street and Norris Ave. Traffic should not be out of the ordinary from what already exists.

- B) The property has a circular driveway which will allow for 5 vehicles to comfortably park as well as a driveway in front of the garage which will allow for 4 additional off street vehicles. There should not be any changes to the economic, noise, glare or odor effect of the special exception, or change to zoning of the adjoining properties in the district or the area.
- C) Refuse for the property is located in the alley.
- D) Property has all existing utilities services, no change to be made.
- E) Screening and buffering is existing with current property landscaping. An additional screen may be installed on the NE lot line for additional buffering from the neighbor to the North.
- F) A sign may be installed on the front of the house. Sign will simply state "The Garrett House" and hang from the front porch. Additional LED lighting may be added to the front porch, which should not add to traffic glare, safety and economic effect. Lighting will be compatible and in harmony with the area properties in the district.
- G) The existing property complies with the yards and other open space requirements for the property.
- H) The existing property complies with the adjacent properties and other properties in the district.
- I) The existing property complies with the existing and future land use plan of the McCook Comprehensive Plan.



Norris Avenue

Sidewalk

Alley

Sidewalk

East J Street

STOP

Legend

1 inch = 10 feet

= Ingress/Egress

= Traffic flow

FINDINGS AND DETERMINATIONS OF MCCOOK CITY COUNCIL

CASE NO. _____

SIGNED: _____
Mayor

DATE _____

ATTEST: _____
City Clerk

SPECIAL EXCEPTION CONSIDERATIONS:

YES NO

1. The proposed special exception use would satisfactorily provide for:

a) ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

b) off street parking and loading areas where required, with particular attention to the items in a) above, and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

c) refuse and service areas, with particular attention to the items in a) and b) above;

d) utilities, with reference to locations, availability and compatibility;

e) screening and buffering with reference to type, dimensions and character;

f) signs, if any, and proposed exterior lighting with reference to glare, traffic safety and economic effect and comparability and harmony with properties in the district;

g) required yard and other open space;

h) general compatibility with adjacent properties and other property in the district.

i) Compatibility with existing and future land use plan in the McCook Comprehensive Plan.

2. The specific rules governing special exceptions have been complied with.

EXHIBIT #6

CITY COUNCIL FINDINGS AND DECISION:

The McCook City Council hereby determines that the special exception will _____, will not _____ adversely affect the public interest. The special exception herein requested is _____, is not _____ hereby granted subject to the stipulations noted below, if any.

THIS _____ DAY OF _____, 20