

# MCCOOK CITY COUNCIL

## REGULAR MEETING

**Monday, May 8, 2023  
5:15 PM - City Council Chambers**

Open Meetings Act Announcement.

Items

1. Approve the minutes of the April 10, 2023 regular Planning Commission meeting.
2. Public Hearings and Regular Agenda.
  - A. Public Hearing - Regarding a request from Southwest Nebraska Public Health Department to rezone the following described property from Residential Medium Density (RM) District to Business Commercial (BC) District: Replatted Lot Three, Block Six, Second High School Addition to the City of McCook, Red Willow County.
    1. Adjourn the Public Hearing.
  - B. Recommend to the McCook City Council approval of a rezone from Residential Medium Density (RM) District to Business Commercial (BC) District; Replatted Lot Three, Block Six, Second High School Addition to the City of McCook, Red Willow County, Nebraska.
  - C. Public Hearing - Regarding a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development corporation, to approve a minor subdivision on the following described property: a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.
    1. Adjourn the Public Hearing.
  - D. Recommend to the McCook City Council approval of a minor subdivision on the following property: A tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.
  - E. Public Hearing - Regarding a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, to rezone the following described property from Agricultural (AG) District to Industrial Heavy (IH) District: a tract of land located in the SW 1/4 Section of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.
    1. Adjourn the Public Hearing.

- F. Recommend to the McCook City Council approval of a rezone from Agricultural (AG) District to Industrial Heavy (IH) District for the following property: a tract of land located in the SW 1/4 Section of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

Adjournment.

**CITY MANAGER'S REPORT  
MAY 1, 2023 PLANNING COMMISSION MEETING**

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**ITEM:**          1.  

**RECOMMENDATION:**

Approve the minutes of the April 10, 2023 regular meeting.

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**BACKGROUND:**

Receive and approve the minutes.

**FISCAL**

**IMPACT:**    None.

**APPROVALS:**

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

May 4, 2023

McCook Planning Commission  
April 10, 2023  
5:15 P.M. Central

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

Present: Chair Vosburg; Commissioners Bradley, Davidson, Dueland (arrived 5:18 P.M.), Lyons, McDowell, Mockry.

Absent: Vice Chair Hilker; Commissioners Friehe, Stevens.

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 April 6, 2023, 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 January 9, 2023 regular Planning Commission meeting.

Motion to approve the minutes of the January 9, 2023 regular Planning Commission meeting. This motion, made by McDowell and seconded by Bradley, passed.

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

YEA: 6, NAY: 0, ABSENT: 4

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Regarding the voluntary annexation of a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska, said property owned by Perry and Vicky Case.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the voluntary annexation of a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska, said property owned by Perry and Vicky Case, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by McDowell, passed.

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

Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the April 10, 2023 Planning Commission meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Voluntary Annexation Petition/Request from Perry A. Case and Vicky L. Case (1 page); Exhibit #4 - Legal Description of the proposed annexation area (1 page); Exhibit #5 - Proposed Preliminary Plat of McCook Business Park - Phase II (1 page); and Exhibit #6 - Proposed Resolution No. PC2023-02 (3 pages).

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

Mr. Schneider noted that the City is working with Miller & Associates on a Blight and Substandard Study for this area, which will allow for Tax Increment Financing (TIF) to be utilized for infrastructure improvements.

Greg Wolford, W Design Associates, and Charlie McPherson, McCook Economic Development Corporation Executive Director, were present to address the request. Mr. and Mrs. Case are very interested in developing this area for industrial purposes, it is the last area to have rail service access. Because the Business Park is full, there is a need for the expansion for future development.

Commissioner comments included other blight designation in this area and if the landscaping easement on the proposed preliminary plat is a requirement.

With no one further 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.

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

2.B. Approve Planning Commission Resolution No. PC2023-02, recommending approval of the voluntary annexation of a tract of land located in SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

Motion to approve Planning Commission Resolution No. PC2023-02, recommending approval of the voluntary annexation of a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Davidson, passed.

Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: ABSTAIN, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 3, ABSTAIN: 1

2.C. Discussion regarding the City of McCook's planned updates to the Comprehensive Plan, zoning ordinance, and subdivision regulations.

In 2013, the City updated its Comprehensive Plan, zoning ordinance, and subdivision regulations. State law requires Comprehensive Plans to be updated every 10 years, which means it is time to update McCook's Comprehensive Plan. Additionally, it is prudent to review and update McCook's zoning ordinance and subdivision regulations at the same time the Comprehensive Plan is updated. RFP's have been issued for professional services and a Comprehensive Plan selection committee has been established by the City Council. Once a firm is selected, the Planning Commission will play a large role as McCook begins its planning updates.

2.D. Discussion regarding the City of McCook's upcoming recreation projects.

The City applied for a \$1.3 million Raise Grant to be utilized for ballpark complex planning - streets, walking trail, Highways 83 and 6/34 safety issues - both vehicle and pedestrian, installing sidewalks along Highway 83, water and sewer needs, improved vehicle access, possibility of extending West "J" Street, etc. The City can reapply for a Raise Construction grant after planning completed.

Staff has been working Austin McKillip, the City's attorney, on an agreement for the College Foundation to build the complex. When the project is completed, the City will then purchase the complex from the College Foundation, using bond proceeds.

The pool project proposed time line plans to have the pool completed in May or June 2024. A meeting is scheduled for April 19 to begin work with the Pool Committee to identify the Guaranteed Maximum Price to be included in the Construction Manager's contract. Carrothers Construction was selected as the Construction Manager. A \$562,000 CCCFF grant was received for the pool project.

2.E. Select new officers for the term of April 2023 through March 2024 - Chair, Vice-Chair, and Secretary - pursuant to Chapter 35, Section 35.001 of the City of McCook Code of Ordinances.

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

McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 7, NAY: 0, ABSENT: 3

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 5:45 P.M.

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Lea Ann Doak, City Clerk-Treasurer  
Recording Secretary

**CITY MANAGER'S REPORT  
MAY 1, 2023 PLANNING COMMISSION MEETING**

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**ITEM:** \_\_\_\_\_

**RECOMMENDATION:**

Approve the minutes of the April 10, 2023 regular meeting.

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**BACKGROUND:**

Receive and approve the minutes.

**FISCAL**

**IMPACT:** None.

**APPROVALS:**

\_\_\_\_\_  
Lea Ann Doak, City Clerk

May 4, 2023

**CITY MANAGER'S REPORT  
MAY 8, 2023 PLANNING COMMISSION MEETING**

ITEM NO. 2.A. Public Hearing - Consider a request from Southwest Nebraska Public Health Department to rezone the following described property from Residential Medium Density District (RM) to Business Commercial District (BC): Replatted Lot Three, Block Six, Second High School Addition to the City of McCook, Red Willow County, Nebraska.

ITEM NO. 2.B. Recommend the approval of a rezone from Residential Medium Density District (RM) to Business Commercial District (BC): Replatted Lot Three, Block Six, Second High School Addition to the City of McCook, Red Willow County, Nebraska.

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**BACKGROUND:**

An application for a zone change has been filed by the Southwest Nebraska Public Health Department for property it owns located at 404 West 10<sup>th</sup> Street. The legal description of the property is included in the heading above. Southwest Nebraska Public Health Department has requested that the lot be rezoned from Residential Medium Density District (RM) to Business Commercial (BC). Southwest Nebraska Public Health Department is requesting the zoning change to assure that the use of the existing structure complies with the City of McCook's zoning ordinance. Specifically, the Southwest Nebraska Public Health Department is operating a professional office in a residential district. Southwest Nebraska Public Health Department's use is nonconforming pursuant to Article 22 of the McCook zoning ordinance.

Staff discussed this matter with Southwest Nebraska Public Health Department's administration. It was determined that the best option to achieve compliance is to rezone the property from RM to BC. A rezoning of the property makes sense due to the fact that the properties to the south are zoned Business Commercial. The businesses in this area include The Scoop Ice Cream, Midwest Liberty, Edward Jones, and Golden Plains Realty. An extension of the BC District to the north of West C Street will not cause a spot zoning issue.

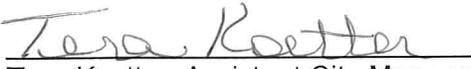
**APPROVALS:**

  
\_\_\_\_\_  
Nathan A. Schneider, City Manager

May 3, 2023

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

May 3, 2023

  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager

May 3, 2023

**EXHIBIT #1**

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**NOTICE OF PUBLIC HEARING  
REZONING**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on May 8, 2023, at 5:15 P.M. and by the McCook City Council on May 15, 2023 at 5:30 P.M. The hearings will be held in the City Council Chambers, 505 West "C" Street, McCook, Nebraska, to consider the rezoning of a tract of land located in the Second High School Addition, Block 6, Replatted Lot 3, in the City of McCook, Red Willow County, Nebraska; from Residential Medium Density (RM) District to Business Commercial (BC) (IH) District. Any and all persons desiring to comment may attend said 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: April 28, 2023.

**EXHIBIT #2**

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**NOTICE OF PUBLIC HEARING  
REZONING**

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

A tract of land located in Second High School Addition, Block 6, Replatted Lot 3, in the City of McCook, Red Willow County, Nebraska.

Project Sponsor/  
Land Owner: Southwest Nebraska Public Health Department

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

May 8, 2023 - 5:15 P.M.  
McCook Planning Commission  
City Council Chambers  
505 West "C" Street

May 15, 2023 - 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: April 28, 2023.  
Post: April 28, 2023.  
Mail: April 28, 2023.

**EXHIBIT #3**

Property Owners Notified:

RED WILLOW CO PLANNING COMM  
502 NORRIS AVENUE  
MCCOOK, NE 69001

PRESIDENT  
McCOOK SCHOOL BOARD  
700 WEST 7TH  
MCCOOK, NE 69001

SW Nebraska Public Health Dept  
PO Box 1235  
McCook NE 69001

Wayne & Jody Stewart  
408 W 10  
McCook NE 69001

Tyrrell & Tiffany Popp  
412 W 10<sup>th</sup>  
McCook NE 69001

Ruth Ann Miner  
416 W 10<sup>th</sup>  
McCook NE 69001

Tomorrow Inc  
402 Norris Avenue  
Suite 404  
McCook Ne 69001

Lloyd Lavery  
208 W 11  
McCook NE 690001

HGRM Inc.  
Jan Hancock  
38505 Road 714  
PO Box 106  
McCook NE 69001-0106

Philip L Cruse  
and Paula Danielle Jones Cruse  
211 W 11<sup>th</sup>  
McCook NE 69001

Jene & Carmen Custer  
1013 West "K" Street  
McCook NE 69001

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

RED WILLOW COUNTY CLERK  
502 NORRIS AVE  
MCCOOK, NE 69001

Richard Kring  
Madelyn J McKain  
406 W 10<sup>th</sup>  
McCook NE 69001

Byron & Cassie Jo Hedrick  
410 W 10  
McCook NE 69001

Ervin & Joyce Bailey  
414 W 10<sup>th</sup>  
McCook NE 69001

Terri Cappel  
418 W 10<sup>th</sup>  
McCook NE 69001

William D & Kathy A Donze  
212 W 11<sup>th</sup>  
McCook NE 69001

Southwest Land, LTD  
1101 West B Street  
McCook NE 69001

Scott & Rosa Boehm  
207 W 11<sup>th</sup>  
McCook NE 69001

Sandra Schwab  
312 W 10<sup>th</sup>  
McCook NE 69001

Ronald L & Doris Friehe  
#1 Spyglass Street  
McCook NE 69001

**EXHIBIT #4**

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Midwest Liberty Federal Credit Union  
1001 West B  
McCook NE 69001

Terry & Jill McCorkle  
1402 Norris Avenue  
McCook NE 69001

DCMJ Swanson LTD  
Melanie Goodenberger  
907 West B  
McCook NE 69001

John Haugen  
620 West Leota  
North Platte NE 69101-6532

Melanie Goodenberger  
907 West B  
McCook NE 69001

Barry Kohl  
908 West C  
PO Box 820  
McCook NE 69001-0820

Eric Hutto  
PO Box 156  
Trenton NE 69044

7020 0090 0000 2495 7850

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<input type="checkbox"/> Return Receipt (electronic)	\$
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<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

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<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
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 Street and Apt. No., or PO Box No. PO Box 56  
 City, State, ZIP+4® Trenton NE 69001

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

EXHIBIT #5

PAGE(S) - 1



City of McCook  
505 West C Street \* PO Box 1059  
McCook, NE 69001  
(308) 345-2022 \* Fax (308) 345-1461  
[www.cityofmccook.com](http://www.cityofmccook.com)

## CHANGE OF ZONING APPLICATION

Name of Project (If applicable): \_\_\_\_\_

Description of Project: Update Signage to electronic  
Currently we are residential and with the buisness/that Service  
that we provide, we would like to make it Commercial,

Project sponsor or developer:

Name: Unknown

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Fax number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Landowner or owners:

Name: Southwest Nebraska Public Health Department

Address: 404 West 10<sup>th</sup> Street

Phone number: 308.345.4223

Fax number: 308.345.4289

E-Mail Address: director@swhealth.ne.gov

Authorization of the land use action by landowner:

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)

Myra Stoney  
Printed Name

Myra Stoney  
Signature

4/3/23  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

**EXHIBIT #6**

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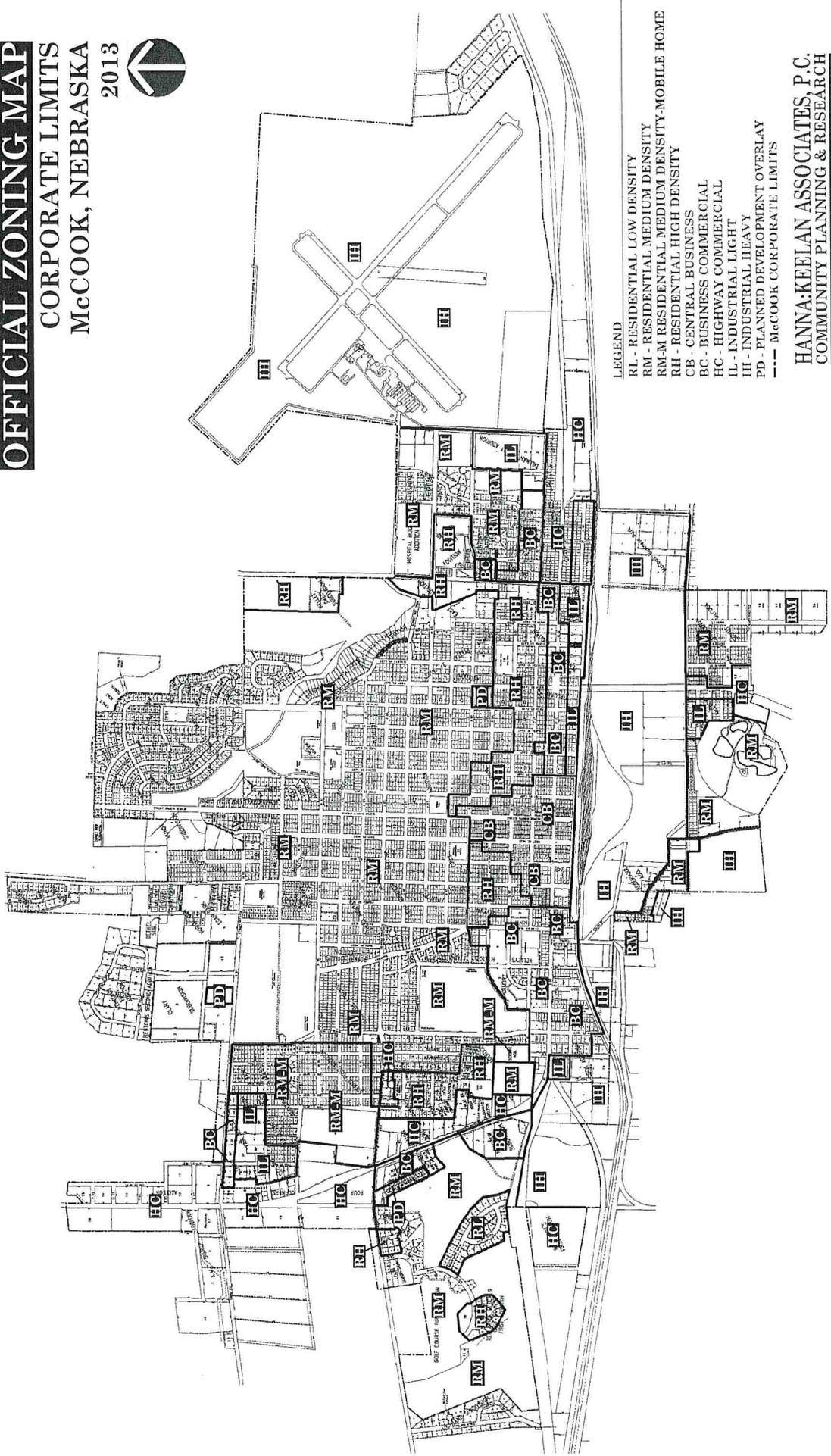


# OFFICIAL ZONING MAP

## 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
- PD - PLANNED DEVELOPMENT OVERLAY
- McCOOK CORPORATE LIMITS

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

\* Lincoln, Nebraska \* 402.464.5383 \*

**CITY MANAGER'S REPORT  
MAY 8, 2023 PLANNING COMMISSION MEETING**

**ITEM NO. 2.C.** Public Hearing - Consider a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, to approve a minor subdivision on the following described property: a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29, West of the 6<sup>th</sup> P.M. in Red Willow County, Nebraska.

**ITEM NO. 2.D.** Recommend the approval of a minor subdivision on the following property: A tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29, West of the 6<sup>th</sup> P.M. in Red Willow County, Nebraska.

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**BACKGROUND:**

An application for a minor subdivision has been filed by Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, for property they own located in the SW 1/4 of Section 28, Township 3 North, Range 29, West of the 6<sup>th</sup> P.M. in Red Willow County, Nebraska. The full legal description of the property is included in the attached Final Plat. The Final Plat included with the application contemplates a subdividing of the parcel into four lots. Proposed Lot 1 is located on the north side of the existing parcel and includes 14.35 acres, more or less. Proposed Lot 2 is located on the southwest side of the parcel and includes 5.20 acres, more or less. Proposed Lot 3 is located in the south/center of the parcel and includes 5.02 acres, more or less. Proposed Lot 4 is located in the southeast portion of the parcel and includes 6.92 acres, more or less. Due to the fact that the subdivision only includes four lots, a minor subdivision is the appropriate method for dividing the lots.

The minor subdivision includes the extension of Industrial Park Drive west to east. Additionally, the minor subdivision includes a south to north street that would connect Ravenswood Road to Industrial Park Drive. These streets would be built to city specifications and would provide adequate ingress/egress to encourage appropriate traffic flow.

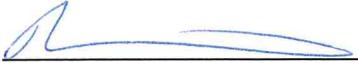
Rail access is available to these proposed lots as BNSF maintains an existing rail line north of the proposed subdivision. Rail access is critical for the proposed lots to achieve their intended purpose, which is to provide space for industrial expansion.

To the south of McCook Business Park - Phase II are residential properties. The residential properties are not included in McCook Business Park - Phase II. A landscape easement has been included to provide buffering between the residential properties and industrial lots.

**APPROVALS:**

  
\_\_\_\_\_  
Nathan A. Schneider, City Manager

May 3, 2023

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

May 3, 2023

  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager

May 3, 2023

**EXHIBIT #1**

**PAGE(S) - 1**

**NOTICE OF PUBLIC HEARING  
PRELIMINARY AND FINAL PLAT APPROVAL**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on May 8, 2023, at 5:15 P.M. and by the McCook City Council on May 15, 2023, at 5:30 P.M.. The hearings will be held in the City Council Chambers, 505 West "C" Street, McCook, Nebraska, to consider the final plat on a tract of land located in the SW1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, to be known as McCook Business Park - Phase II. A copy of the proposed final 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: April 28, 2023.

**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 McCook Business Park - Phase II.

A tract of land located in the SW1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

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

MAY 8, 2023 - 5:15 P.M.  
MCCOOK PLANNING COMMISSION  
CITY COUNCIL CHAMBERS  
505 WEST "C" STREET

MAY 15, 2023 - 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: April 28, 2023.  
Post: April 28, 2023.  
Mail: April 28, 2023.

**EXHIBIT #3**

**PAGE(S) - 1**

Property Owners Notified:

RED WILLOW CO PLANNING COMM  
502 NORRIS AVENUE  
MCCOOK, NE 69001

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

PRESIDENT  
McCOOK SCHOOL BOARD  
700 WEST 7TH  
MCCOOK, NE 69001

RED WILLOW COUNTY CLERK  
502 NORRIS AVE  
MCCOOK, NE 69001

TERRY AND KATHLEEN DOYLE  
38655 RAVENSWOOD RD  
MCCOOK, NE 69001

KELLY DOYLE  
38653 RAVENSWOOD RD  
MCCOOK, NE 69001

CHRISTOPHER MARIS  
38651 RAVENSWOOD RD  
MCCOOK, NE 69001

KATHEELN EILER  
38672 RAVENSWOOD RD  
MCCOOK, NE 69001

JOSIANE DOMINGUEZ  
PO BOX 75  
MCCOOK, NE 69001

JAMES AND TIFFANY BRUNSWICK  
38644 RAVENSWOOD RD  
MCCOOK, NE 69001

NIC CURL  
38636 RAVENSWOOD RD  
MCCOOK, NE 69001

BRANDON AND AMBER TRUEBLOOD  
38634 RAVENSWOOD RD  
MCCOOK, NE 69001

MARILYN MALLECK  
38630 RAVENSWOOD RD  
MCCOOK, NE 69001

LINDA BRUNSWICK  
71370 DR 387  
MCCOOK, NE 69001

DONALD AND SHIRLEY SAWYER  
38629 RAVENSWOOD RD  
MCCOOK, NE 69001

JOE AND ASHLEE MOROSIC  
38620 RAVENSWOOD RD  
MCCOOK, NE 69001

ADAM AND JESSICA JOHNSON  
38616 RAVENSWOOD RD  
MCCOOK, NE 69001

MCCOOK ECONOMIC DEV CORP  
402 NORRIS AVE  
MCCOOK, NE 69001

NELSON FAMILY ENTERPRISES, LLC  
PO BOX 86  
SOUTH SIOUX CITY, NE 68876

NEXT GENERATION, INC  
355 W SMITH RD  
GREENSBURG, IN 47240

BOOE MACHINERY & SALVAGE, LLC  
73849 J RD  
HOLDREGE, NE 68949

LONNIE AND JANET MOON  
1306 EAST A  
MCCOOK, NE 69001

**EXHIBIT #4**

**PAGE(S) - 2**

BN SANTA FE PROPERTY  
PO BOX 961089  
FORT WORTH, TX 76161-0089

PENNY THOMAS  
919 D STREET  
INDIANOLA, NE 69001

MICHAEL AND DEBRA FINNESY  
708 NORRIS AVE  
MCCOOK, NE 69001

SUSAN DORIS  
C/O MARGARET BRETTON  
PO BOX 403  
STRATTON, NE 69043

FREDA CLAPP  
1410 EAST A  
MCCOOK, NE 69001

LINES FAMILY L.P.  
C/O DAVID LINES  
214 NORTH CHEROKEE  
MCCOOK, NE 69001

JAMES ZLOMKE  
909 WESTRIDGE PARKWAY  
MCCOOK, NE 69001

DELORES FAHRENBRUCH  
403 ELIZABETH LANE  
MCCOOK, NE 69001

ROYCE CLAPP  
612 EAST 11<sup>TH</sup>  
MCCOOK, NE 69001

BEVERLY PREMER  
1324 EAST A  
MCCOOK, NE 69001

JOHN MALLECK LIFE ESTATE  
1412 EAST A  
MCCOOK, NE 69001

PERRY AND VICKY CASE  
C/O ELLINGER & CAPPEL, LLC  
1101 WEST B STREET  
MCCOOK, NE 69001

# FINAL PLAT

## McCOOK BUSINESS PARK - PHASE II

### AN ADDITION TO THE CITY OF McCOOK, REW WILLOW COUNTY, NEBRASKA

#### PLANNING COMMISSION APPROVAL

This Plat was duly approved by the City of McCook, Red Willow County, Nebraska Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Nate Schneider, Secretary      Kurt Vosberg, Chairman

#### MUNICIPAL APPROVAL

This Plat was duly approved by the City of McCook, Red Willow County, Nebraska Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

LeAnn Deak, City Clerk      Linda Taylor, Mayor

#### RECORDING INFORMATION

State of Nebraska County of Red Willow  
Instrument No. \_\_\_\_\_

DATE \_\_\_\_\_

TIME \_\_\_\_\_

Register of Deeds: Tammi Teal

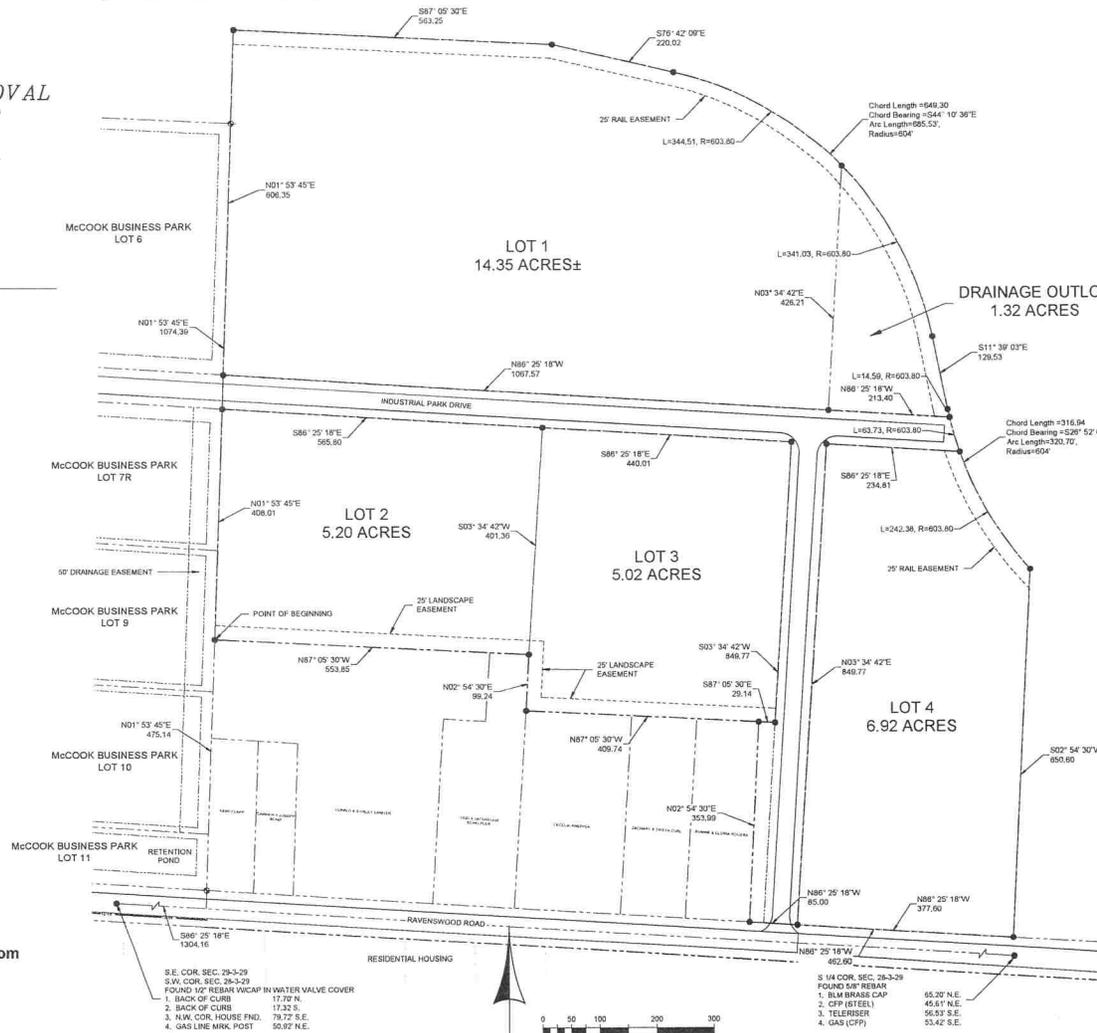
#### LEGEND

PROPERTY LINE	---
LOT LINE	---
BLDG. SETBACK LINE	---
EASEMENT	---
D	DEED DISTANCE
M	MEASURED DISTANCE
R	RECORD DISTANCE
P	PLATTED DISTANCE
G	GOVERNMENT DISTANCE
W.C.	WITNESS CORNER
◆	FOUND CORNER
●	CALCULATED POINT
○	SET BY 3" REBAR WITH BLUE LS-783 CAP UNLESS NOTED OTHERWISE

**SURVEYOR**  
GRUMMERT PROFESSIONAL SERVICES, LLC  
PO BOX 37, KENESAW, NE 68956  
PHONE 402-879-5701 EMAIL jmgrumert@yahoo.com  
WWW.GRUMMERTSURVEYING.COM

**ENGINEER**  
**DESIGN ASSOCIATES**  
214 S. 1ST ST., McCOOK, NE 68901 (603.521.0100) WWW.DA-NE.COM  
214 N. AND 1ST ST. McCOOK, NE 68901 (603.521.0100) WWW.DA-NE.COM

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#### DEDICATION

McCOOK BUSINESS PARK PHASE II, as it appears on the foregoing Plat and as described by the desires of the undersigned owners and proprietors. The said owners hereby dedicate the streets, alleys, easements and other open areas to the Public use and benefit.

By: \_\_\_\_\_  
Perry Cass, Owner

By: \_\_\_\_\_  
Vicky Cass, Owner

#### ACKNOWLEDGMENTS

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

Witness my hand and official Seal this \_\_\_\_\_ day of \_\_\_\_\_

My commission expires \_\_\_\_\_

Notary Public: \_\_\_\_\_

#### LEGAL DESCRIPTION

A tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 8th P.M. in Red Willow County, Nebraska, more particularly described as follows:

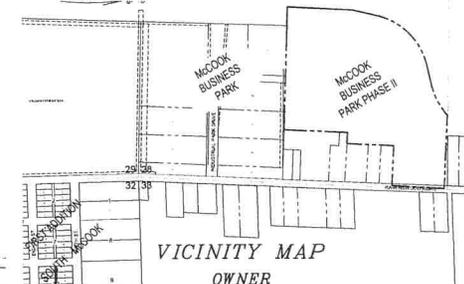
Referring to the SW corner of the said SW 1/4 of said Section 28, thence S86°22'18"E (assumed and all bearing relative to) along the South section line a distance of 1304.16 feet to a point on the South line of Section 28, Thence N01°53'45"E along the East line of lots 9 and 10 of the McCook Business Park Subdivision a distance of 475.14 feet to a Point, thence S78°42'09"E a distance of 220.02 feet to a point, thence Southeastly along a curve to the right, with a Chord Bearing of S44°10'36"E, a Chord Distance of 648.30 feet, an Arc Length of 685.53 feet and a Radius of 604 feet to a point, thence S11°32'03"E a distance of 128.53 feet to a point, thence Southeastly along a curve to the left, with a Chord Bearing of S28°52'01"E, a Chord Distance of 316.54 feet, an Arc Length of 320.70 feet and a Radius of 604 feet to a point, thence S02°54'30"W a distance of 650.60 feet to a point, thence N86°25'18"W a distance of 462.60 feet to a point, thence N02°54'30"E a distance of 353.39 feet to a point, thence N87°05'30"W a distance of 426.74 feet to a point, thence N02°54'30"E a distance of 98.24 feet to a point, thence N87°05'30"W a distance of 553.85 feet to the Point of Beginning.

Said tract containing 36.00 acres more or less subject to any easement, right-of-ways and reservations of record.

#### SURVEYORS CERTIFICATE

I, Joshua E. Grumert, a Licensed Professional Land Surveyor under the laws of the State of Nebraska, do hereby certify this plat of a survey was made by me or under my supervision, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Joshua E. Grumert LS-783



#### VICINITY MAP

OWNER

McCOOK ECONOMIC DEVELOPMENT CORPORATION  
16 TROY BRUNTZ, PRESIDENT  
402 NORRIS AVE SUITE 301  
McCOOK, NE 68901

**CURRENT**  
AGRICULTURAL  
ZONING

MINIMUM LOT = 3 ACRES  
MINIMUM FRONT YARD = 40 FEET  
MINIMUM REAR YARD = 50 FEET  
MINIMUM SIDE YARD = 20 FEET

**PROPOSED**  
INDUSTRIAL HEAVY  
ZONING

MINIMUM LOT = 10,000 SQ. FEET  
MINIMUM FRONT YARD = 25 FEET  
MINIMUM REAR YARD = 25 FEET  
MINIMUM SIDE YARD = 10 FEET

**EXHIBIT #5**

**PAGE(S) - 1**





\*

### 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?

No  
If so, briefly explain what they might consist of.

(Attach explanation)

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

To be included @ the time of presentation to the City Council.

industrial zone property. It also is adjacent to the BNSF rail line.

The Comp Plan recommends that the city maintain enough industrial land for growth + development. MEDC is encouraged to promote + continue their support for additional industrial land development.

X

✓ Preliminary Plat Submission: *Final*

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

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

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

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

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

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

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

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

*- to be separate*

*legal for addition*

\*

Waived until road design completed

✓ dd.

Topography (unless specifically waived) with contour intervals of not more than five (5) feet, referred to City or U.S.G.S. datum shall be shown; also location of water courses, bridges, wooded areas, lakes, ravines, and such other features as may be pertinent to the subdivision shall be shown.

✓ (8)

The general arrangement of lots and their approximate size.

✓ (9)

Location and width of proposed streets, alleys, pedestrian ways, and easements. Control elevation shall be shown for all street intersections.

✓ (10)

The general plan of sewage disposal, water supply and utilities in areas where public sewers and/or water are proposed to serve the subdivision. In other cases a notation shall be made on the plat indicating type of sewage disposal, and water system proposed.

- To be supplemented

N/A

(11)

Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for reservation for public use.

✓

(12)

General layout of adjacent unsubdivided property to show how streets and other public facilities, in the proposed subdivision, relate to the unsubdivided property.

TAD

(13)

The subdivider shall indicate by letter when improvements as required will be installed or requested.

N/A

(14)

Any proposed restrictive covenants for the land involved shall accompany the plat.

✓

(15)

a letter requesting annexation of the subdivision if it is in the planning jurisdiction to be served with city utilities.

## 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:

Currently, the property is classified as undeveloped land for agricultural uses. For the expanded business park purposes, the request for the change of zone is so industrial/manufacturing/commercial businesses can operate in this area.

\_\_\_\_\_ 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.)

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\_\_\_\_\_ 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;



April 27, 2023

City of McCook  
Attn: Lea Ann Doan, City Clerk  
505 W. C St.  
P.O. Box 1059  
McCook, NE 69001

RE: LAND USE ACTION REQUEST FORM – McCook Business Park Expansion Project

Dear Mrs. Doak:

The McCook Economic Development Corporation (MEDC), in conjunction with Perry and Vicky Case, is submitting this letter to request a zoning change for the McCook Business Park Expansion Project. Currently, the property is zoned for agricultural usage. Both parties are requesting that the newly formed Minor Subdivision be re-zoned to an industrial designation to accommodate future businesses and industrial use in the expanded McCook Business Park.

The proposed expansion is located directly to the east of the existing business park. The request for a Minor Subdivision and Zone Change is needed to allow for an additional four lots of various sizes to be used for industrial/manufacturing purposes in the subdivision. The expansion would also include an additional BNSF rail spur off the main track to service this area along with city street and utility infrastructure to the area.

The overall goal for the project is to create a development that is harmonious with the surrounding area and businesses, while also providing new business opportunities to the community. The Case's, along with the MEDC, envisions a community that offers a vibrant and diverse range of businesses, enhancing the overall character of the region and providing additional economic opportunities to the public and businesses that reside in the area.

The proposed development is in line with the Comprehensive Plan, particularly in regards to land use, thoroughfare, and public facilities. Both parties have carefully considered the existing infrastructure and have plans in place to ensure that the area is well connected and easily accessible to the public and businesses in the area.

It is our intent to use Deed Restrictions or other methods of controlling the character and quality of the area, such as Protective Covenants or Membership in a Commercial Owners' Association. These restrictions might include guidelines for business usage, architectural design, landscaping, and maintenance. By implementing these restrictions, we hope to ensure that the area remains an attractive and desirable place to conduct business for years to come.

Thank you for your consideration of the request. We all look forward to working with the City of McCook to bring this exciting project to fruition.

Sincerely,

Charlie McPherson, Executive Director  
McCook Economic Development Corporation

**PROPOSED & EXISTING UTILITIES**

# McCOOK BUSINESS PARK - PHASE II

AN ADDITION TO THE CITY OF McCOOK, REW WILLOW COUNTY, NEBRASKA



### LEGAL DESCRIPTION

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Said tract containing 38.00 acres more or less subject to any easement, right-of-ways and reservations of record.

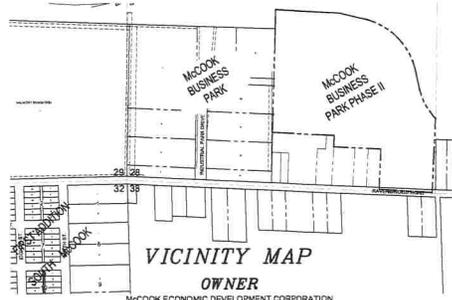
### SURVEYORS CERTIFICATE

I, Joshua Eugene Grummett, a Licensed Professional Land Surveyor under the laws of the State of Nebraska, do hereby certify this plat of a survey was made by me or under my supervision, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Joshua E. Grummett LS-783

### LEGEND

- PROPERTY LINE
- LOT LINE
- BLDG. SETBACK LINE
- EASEMENT
- D DEED DISTANCE
- M MEASURED DISTANCE
- R RECORD DISTANCE
- P PLATTED DISTANCE
- G GOVERNMENT DISTANCE
- W.C. WITNESS CORNER
- ⊕ FOUND CORNER
- ⊙ CALCULATED POINT
- SET x x 24" REBAR WITH BLUE L-1/8" CAP UNLESS NOTED OTHERWISE



**VICINITY MAP**  
OWNER  
McCOOK ECONOMIC DEVELOPMENT CORPORATION  
N/TROY BRUNTZ, PRESIDENT  
402 NORRIS AVE SUITE 301  
McCOOK, NE 68901

### CURRENT AGRICULTURAL ZONING

MINIMUM LOT = 3 ACRES  
MINIMUM FRONT YARD = 40 FEET  
MINIMUM REAR YARD = 50 FEET  
MINIMUM SIDE YARD = 20 FEET

### PROPOSED INDUSTRIAL HEAVY ZONING

MINIMUM LOT = 10,000 SQ. FEET  
MINIMUM FRONT YARD = 25 FEET  
MINIMUM REAR YARD = 20 FEET  
MINIMUM SIDE YARD = 10 FEET

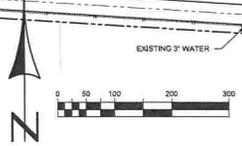
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**ENGINEER**  
DESIGN ASSOCIATES  
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S.E. COR. SEC. 28-3-29  
S.W. COR. SEC. 28-3-29  
FOUND 12" REBAR W/CAP IN WATER VALVE COVER  
1. BACK OF CURB 17.70' N.  
2. BACK OF CURB 17.32' E.  
3. N.W. COR. HOUSE FND. 79.72' S.E.  
4. GAS LINE MARK FOOT 50.92' N.E.

S 1/4 COR. SEC. 28-3-29  
FOUND 5/8" REBAR  
1. 8/8 BRASS CAP  
2. CFP (STEEL)  
3. TELLERSEN  
4. GAS (CFP)  
65.27' N.E.  
45.61' N.E.  
58.52' S.E.  
53.42' S.E.



**PROPOSED & EXISTING UTILITIES**

# McCOOK BUSINESS PARK - PHASE II

AN ADDITION TO THE CITY OF McCOOK, REW WILLOW COUNTY, NEBRASKA

**LEGAL DESCRIPTION**

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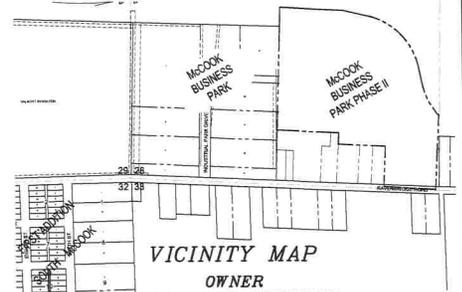
**SURVEYORS CERTIFICATE**

I, Joshua Eugene Grummett, a Licensed Professional Land Surveyor under the laws of the State of Nebraska, do hereby certify this plat of a survey was made by me or under my supervision, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Joshua E. Grummett LS-783

**LEGEND**

- PROPERTY LINE
- LOT LINE
- BLDG. SETBACK LINE
- EASEMENT
- D DEED DISTANCE
- M MEASURED DISTANCE
- R RECORD DISTANCE
- P PLATTED DISTANCE
- G GOVERNMENT DISTANCE
- W.C. WITNESS CORNER
- FOUND CORNER
- CALCULATED POINT
- SET 8" x 24" REBAR WITH BLUE L-7818 UNLESS NOTED OTHERWISE



OWNER	MINIMUM LOT = 3 ACRES	MINIMUM LOT = 10,000 SQ. FEET
McCOOK ECONOMIC DEVELOPMENT CORPORATION	MINIMUM FRONT YARD = 40 FEET	MINIMUM FRONT YARD = 25 FEET
W/TRY BRUNTZ, PRESIDENT	MINIMUM REAR YARD = 50 FEET	MINIMUM REAR YARD = 20 FEET
402 MORRIS AVE SUITE 301	MINIMUM SIDE YARD = 20 FEET	MINIMUM SIDE YARD = 10 FEET
McCOOK, NE 69001		

**SURVEYOR**  
**GRUMMETT PROFESSIONAL SERVICES, LLC**  
 PO BOX 37, KENESAW, NE 68956  
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**ENGINEER**  
**W DESIGN ASSOCIATES**  
 214 E. 101<sup>ST</sup> - McCOOK, NE 68901 (P) 402.879.5701 (F) 402.879.5702  
 3034 N. 102<sup>ND</sup> ST. - WATFORD, NE 68781 (P) 402.842.2271 (F) 402.842.2272

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- S.E. COR. SEC. 28-3-29  
 S.W. COR. SEC. 28-3-29
- FOUND 1/2" REBAR WCAP IN WATER VALVE COVER
- BACK OF CURB 17.97' N.
  - BACK OF CURB 17.32' S.
  - N.W. COR. HOUSE FND. 79.72' S.E.
  - GAS LINE MKR. POST 50.52' N.E.

- S. 1/4 COR. SEC. 28-3-29  
 FOUND 8" REBAR
1. 1/2" BRASS CAP 65.20' N.E.
  2. C/P (STEEL) 45.01' N.E.
  3. TELEFUSER 56.57' S.E.
  4. GAS (C/P) 53.42' S.E.

**CITY MANAGER'S REPORT  
MAY 8, 2023 PLANNING COMMISSION MEETING**

**2.E.**  
ITEM NO.      Public Hearing - Consider a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, to rezone the following described property from Agricultural District (AG) to Industrial Heavy District (IH): a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29, West of the 6<sup>th</sup> P.M. in Red Willow County, Nebraska.

**2.F.**  
ITEM NO.      Recommend the approval of a rezone from Agricultural District (AG) to Industrial Heavy District (IH) for the following property: a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29, West of the 6<sup>th</sup> P.M. in Red Willow County, Nebraska.

---

**BACKGROUND:**

An application for a zone change has been filed by Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, for property they own located in the SW 1/4 of Section 28, Township 3 North, Range 29, West of the 6<sup>th</sup> P.M. in Red Willow County, Nebraska. The full legal description of the property is included in the attached Final Plat. The applicants request that the aforementioned lot be rezoned from Agricultural District (AG) to Industrial Heavy (IH). The applicants are making this request in an effort to expand the existing McCook Business Park. The newly added expansion area is directly to the east of the existing business park. The existing McCook Business Park is zoned IH. The property at issue is adjacent to the McCook Business Park and the requested zoning change is in conformity with the impacted area. Per the City of McCook's Comprehensive Plan, Perry and Vicky Case's property is anticipated to be used for industrial purposes. This request conforms with the City of McCook's future land use plans.

**APPROVALS:**

  
\_\_\_\_\_  
Nathan A. Schneider, City Manager

May 3, 2023

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

May 3, 2023

  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager

May 3, 2023

**EXHIBIT #1**

**PAGE(S) - 1**

**NOTICE OF PUBLIC HEARING  
REZONING**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on May 8, 2023, at 5:15 P.M. and by the McCook City Council on May 15, 2023 at 5:30 P.M. The hearings will be held in the City Council Chambers, 505 West "C" Street, McCook, Nebraska, to consider the rezoning of a tract of land located in the SW1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, said tract will be referred to as MCCOOK BUSINESS PARK - PHASE II; from Agricultural (AG) to Industrial Heavy (IH) District. Any and all persons desiring to comment may attend said 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: May 2, 2023.

**EXHIBIT #2**

**PAGE(S) - 1**

**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 Industrial Heavy District (IH), to-wit:

A tract of land located in the SW1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska. This tract of land will be referred to as MCCOOK BUSINESS PARK - PHASE II.

Project Sponsor/  
Land Owner: Perry A. & Vicky L. Case

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

May 8, 2023 - 5:15 P.M.  
McCook Planning Commission  
City Council Chambers  
505 West "C" Street

May 15, 2023 - 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: April 28, 2023.  
Post: April 28, 2023.  
Mail: April 28, 2023.

**EXHIBIT #3**

**PAGE(S) - 1**

Property Owners Notified:

RED WILLOW CO PLANNING COMM  
502 NORRIS AVENUE  
MCCOOK, NE 69001

PRESIDENT  
McCOOK SCHOOL BOARD  
700 WEST 7TH  
MCCOOK, NE 69001

TERRY AND KATHLEEN DOYLE  
38655 RAVENSWOOD RD  
MCCOOK, NE 69001

CHRISTOPHER MARIS  
38651 RAVENSWOOD RD  
MCCOOK, NE 69001

JOSIANE DOMINGUEZ  
PO BOX 75  
MCCOOK, NE 69001

NIC CURL  
38636 RAVENSWOOD RD  
MCCOOK, NE 69001

MARILYN MALLECK  
38630 RAVENSWOOD RD  
MCCOOK, NE 69001

DONALD AND SHIRLEY SAWYER  
38629 RAVENSWOOD RD  
MCCOOK, NE 69001

ADAM AND JESSICA JOHNSON  
38616 RAVENSWOOD RD  
MCCOOK, NE 69001

NELSON FAMILY ENTERPRISES, LLC  
PO BOX 86  
SOUTH SIOUX CITY, NE 68876

BOOE MACHINERY & SALVAGE, LLC  
73849 J RD  
HOLDREGE, NE 68949

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

RED WILLOW COUNTY CLERK  
502 NORRIS AVE  
MCCOOK, NE 69001

KELLY DOYLE  
38653 RAVENSWOOD RD  
MCCOOK, NE 69001

KATHEELN EILER  
38672 RAVENSWOOD RD  
MCCOOK, NE 69001

JAMES AND TIFFANY BRUNSWICK  
38644 RAVENSWOOD RD  
MCCOOK, NE 69001

BRANDON AND AMBER TRUEBLOOD  
38634 RAVENSWOOD RD  
MCCOOK, NE 69001

LINDA BRUNSWICK  
71370 DR 387  
MCCOOK, NE 69001

JOE AND ASHLEE MOROSIC  
38620 RAVENSWOOD RD  
MCCOOK, NE 69001

MCCOOK ECONOMIC DEV CORP  
402 NORRIS AVE  
MCCOOK, NE 69001

NEXT GENERATION, INC  
355 W SMITH RD  
GREENSBURG, IN 47240

LONNIE AND JANET MOON  
1306 EAST A  
MCCOOK, NE 69001

**EXHIBIT #4**

**PAGE(S) - 2**

BN SANTA FE PROPERTY  
PO BOX 961089  
FORT WORTH, TX 76161-0089

PENNY THOMAS  
919 D STREET  
INDIANOLA, NE 69001

MICHAEL AND DEBRA FINNESY  
708 NORRIS AVE  
MCCOOK, NE 69001

SUSAN DORIS  
C/O MARGARET BRETTON  
PO BOX 403  
STRATTON, NE 69043

FREDA CLAPP  
1410 EAST A  
MCCOOK, NE 69001

LINES FAMILY L.P.  
C/O DAVID LINES  
214 NORTH CHEROKEE  
MCCOOK, NE 69001

JAMES ZLOMKE  
909 WESTRIDGE PARKWAY  
MCCOOK, NE 69001

DELORES FAHRENBRUCH  
403 ELIZABETH LANE  
MCCOOK, NE 69001

ROYCE CLAPP  
612 EAST 11<sup>TH</sup>  
MCCOOK, NE 69001

BEVERLY PREMER  
1324 EAST A  
MCCOOK, NE 69001

JOHN MALLECK LIFE ESTATE  
1412 EAST A  
MCCOOK, NE 69001

PERRY AND VICKY CASE  
C/O ELLINGER & CAPPEL, LLC  
1101 WEST B STREET  
MCCOOK, NE 69001





\*

**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 <sup>Application</sup> 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) *the land is near existing industrial zone property. It*
- (5) Is it the intent to use Deed Restrictions or any other method of controlling the character and/or the quality of the area? *also adjacent to the BNSF rail line.*

No  
If so, briefly explain what they might consist of.

(Attach explanation)

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

*To be included @ the time of presentation to the City Council.*

*The Comp Plan recommends that the city maintain enough industrial land for growth & development. MEDC is encouraged to promote & continue their support for additional industrial land development.*

X

✓ Preliminary Plat Submission: <sup>Final</sup>

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

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

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

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

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

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

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

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

- to be  
supplement

legal for addition

X

Waived until road design completed

✓ dd. Topography (unless specifically waived) with contour intervals of not more than five (5) feet, referred to City or U.S.G.S. datum shall be shown; also location of water courses, bridges, wooded areas, lakes, ravines, and such other features as may be pertinent to the subdivision shall be shown.

✓ (8) The general arrangement of lots and their approximate size.

✓ (9) Location and width of proposed streets, alleys, pedestrian ways, and easements. Control elevation shall be shown for all street intersections.

✓ (10) The general plan of sewage disposal, water supply and utilities in areas where public sewers and/or water are proposed to serve the subdivision. In other cases a notation shall be made on the plat indicating type of sewage disposal, and water system proposed.

To be supplemented

N/A (11) Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for reservation for public use.

✓ (12) General layout of adjacent unsubdivided property to show how streets and other public facilities, in the proposed subdivision, relate to the unsubdivided property.

TRD (13) The subdivider shall indicate by letter when improvements as required will be installed or requested.

N/A (14) Any proposed restrictive covenants for the land involved shall accompany the plat.

✓ (15) a letter requesting annexation of the subdivision if it is in the planning jurisdiction to be served with city utilities.

## 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:

Currently, the property is classified as undeveloped land for agricultural uses. For the expanded business park purposes, the request for the change of zone is so industrial/manufacturing/commercial businesses can operate in this area.

\_\_\_\_\_ 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.)

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\_\_\_\_\_ 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;



April 27, 2023

City of McCook  
Attn: Lea Ann Doan, City Clerk  
505 W. C St.  
P.O. Box 1059  
McCook, NE 69001

RE: LAND USE ACTION REQUEST FORM – McCook Business Park Expansion Project

Dear Mrs. Doak:

The McCook Economic Development Corporation (MEDC), in conjunction with Perry and Vicky Case, is submitting this letter to request a zoning change for the McCook Business Park Expansion Project. Currently, the property is zoned for agricultural usage. Both parties are requesting that the newly formed Minor Subdivision be re-zoned to an industrial designation to accommodate future businesses and industrial use in the expanded McCook Business Park.

The proposed expansion is located directly to the east of the existing business park. The request for a Minor Subdivision and Zone Change is needed to allow for an additional four lots of various sizes to be used for industrial/manufacturing purposes in the subdivision. The expansion would also include an additional BNSF rail spur off the main track to service this area along with city street and utility infrastructure to the area.

The overall goal for the project is to create a development that is harmonious with the surrounding area and businesses, while also providing new business opportunities to the community. The Case's, along with the MEDC, envisions a community that offers a vibrant and diverse range of businesses, enhancing the overall character of the region and providing additional economic opportunities to the public and businesses that reside in the area.

The proposed development is in line with the Comprehensive Plan, particularly in regards to land use, thoroughfare, and public facilities. Both parties have carefully considered the existing infrastructure and have plans in place to ensure that the area is well connected and easily accessible to the public and businesses in the area.

It is our intent to use Deed Restrictions or other methods of controlling the character and quality of the area, such as Protective Covenants or Membership in a Commercial Owners' Association. These restrictions might include guidelines for business usage, architectural design, landscaping, and maintenance. By implementing these restrictions, we hope to ensure that the area remains an attractive and desirable place to conduct business for years to come.

Thank you for your consideration of the request. We all look forward to working with the City of McCook to bring this exciting project to fruition.

Sincerely,

Charlie McPherson, Executive Director  
McCook Economic Development Corporation

FINAL PLAT  
**McCOOK BUSINESS PARK - PHASE II**  
 AN ADDITION TO THE CITY OF McCOOK, REW WILLOW COUNTY, NEBRASKA

**PLANNING COMMISSION APPROVAL**

This Plat was duly approved by the City of McCook, Red Willow County, Nebraska Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Hate Schneider, Secretary Kurt Vosberg, Chairman

**MUNICIPAL APPROVAL**

This Plat was duly approved by the City of McCook, Red Willow County, Nebraska Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

LeAnn Doak, City Clerk Linda Taylor, Mayor

**RECORDING INFORMATION**

State of Nebraska) County of Red Willow  
 Instrument No. \_\_\_\_\_

DATE \_\_\_\_\_  
 TIME \_\_\_\_\_

Register of Deeds Tami Teel

**LEGEND**

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

**SURVEYOR**  
**GRUMMERT PROFESSIONAL SERVICES, LLC**  
 PO BOX 37, KENESAW, NE 68956  
 PHONE 402-879-5701 EMAIL jmgrumert@yahoo.com  
 WWW.GRUMMERTSURVEYING.COM

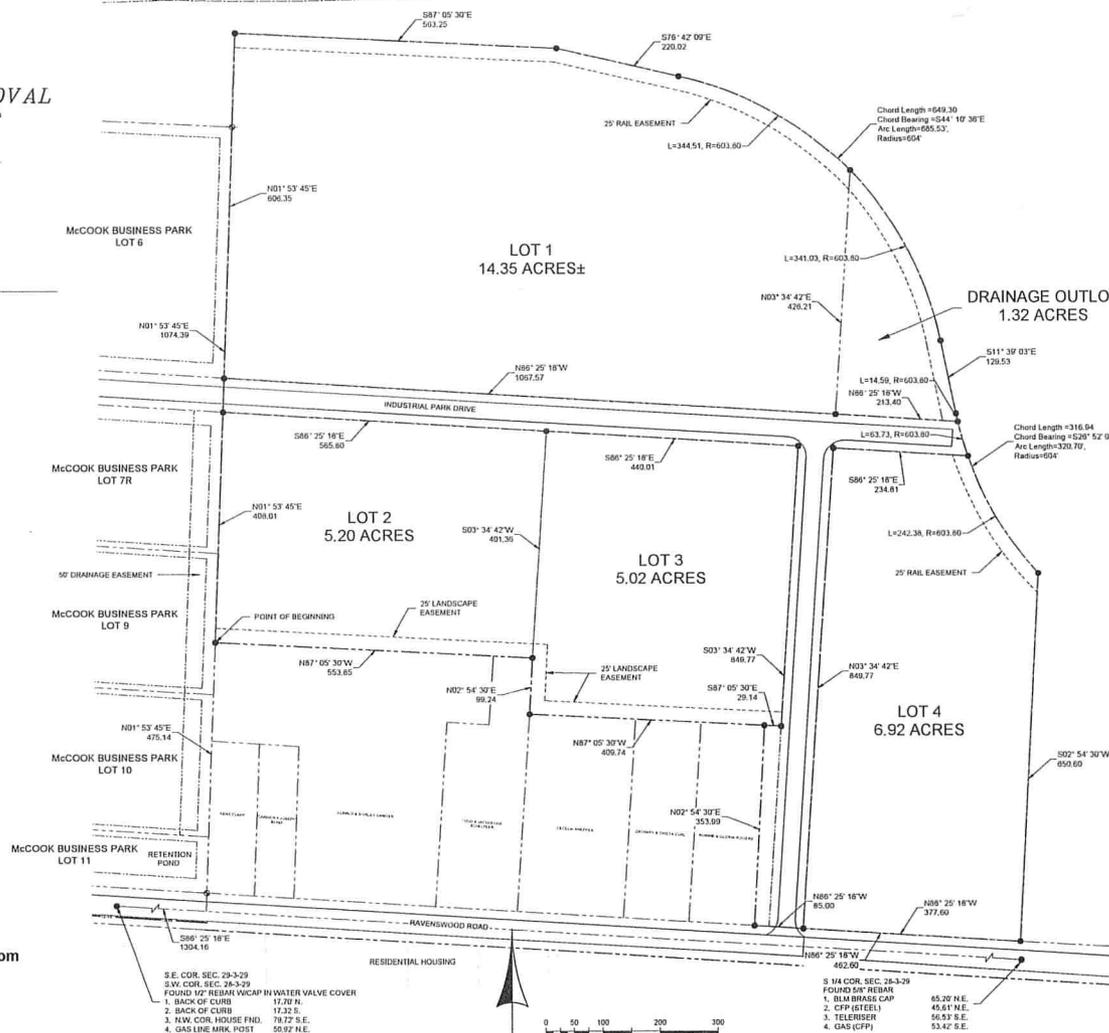
**ENGINEER**

**W DESIGN ASSOCIATES**

214 S. 15TH, McCOOK, NE 68901  
 402-879-5701 FAX 402-879-5702  
 WWW.WDESIGNASSOCIATES.COM

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**DEDICATION**

McCOOK BUSINESS PARK PHASE II, as it appears on the foregoing Plat and as described with the desires of the undersigned owners and proprietors. The said owners hereby dedicate the streets, alleys, easements and other open areas to the Public use and benefit.

By: \_\_\_\_\_  
 Perry Case, Owner

By: \_\_\_\_\_  
 Vicky Case, Owner

**ACKNOWLEDGMENTS**

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

Witness my hand and official Seal this \_\_\_\_\_ day of \_\_\_\_\_

My commission expires \_\_\_\_\_

Notary Public: \_\_\_\_\_

**LEGAL DESCRIPTION**

A tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, more particularly described as follows:

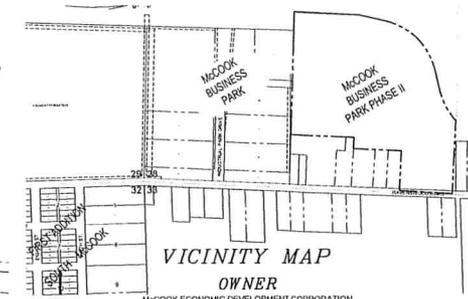
Referring to the SW corner of the said SW 1/4 of said Section 28, thence S85°25'18"E (assumed and all bearing relative to) along the South section line a distance of 1304.16 feet to a point on the South line of Section 28, thence N01°53'45"E along the East line of R and 19 of the McCook Business Park Subdivision a distance of 475.14 feet to a Point, said Point being the Point of Beginning. Thence N01°53'45"E a distance of 11074.39 feet to a point, said Point being on the South Right of Way line of BNSF Railroad, thence S87°00'30"E along said South ROW line a distance of 4563.25 feet to a point, thence S76°42'00"E a distance of 220.02 feet to a point, thence Southeastly along a curve to the right, with a Chord Bearing of S44°18'36"E, a Chord Distance of 649.39 feet, an Arc Length of 665.53 feet and a Radius of 604 feet to a point, thence S11°39'03"E a distance of 129.53 feet to a point, thence Southeastly along a curve to the left, with a Chord Bearing of S26°52'01"E, a Chord Distance of 316.34 feet, an Arc Length of 320.70 feet and a Radius of 604 feet to a point, thence S02°54'30"W a distance of 650.60 feet to a point, thence N86°25'18"W a distance of 462.60 feet to a point, thence N02°54'30"E a distance of 353.99 feet to a point, thence N87°05'30"W a distance of 402.74 feet to a point, thence N02°54'30"E a distance of 59.24 feet to a point, thence N87°05'30"W a distance of 553.85 feet to the Point of Beginning.

Said tract containing 36.00 acres more or less subject to any easement, right-of-ways and reservations of record.

**SURVEYORS CERTIFICATE**

I, Joshua E. Grumert, a Licensed Professional Land Surveyor under the laws of the State of Nebraska, do hereby certify that this plat of a survey was made by me or under my supervision, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Joshua E. Grumert LS-783



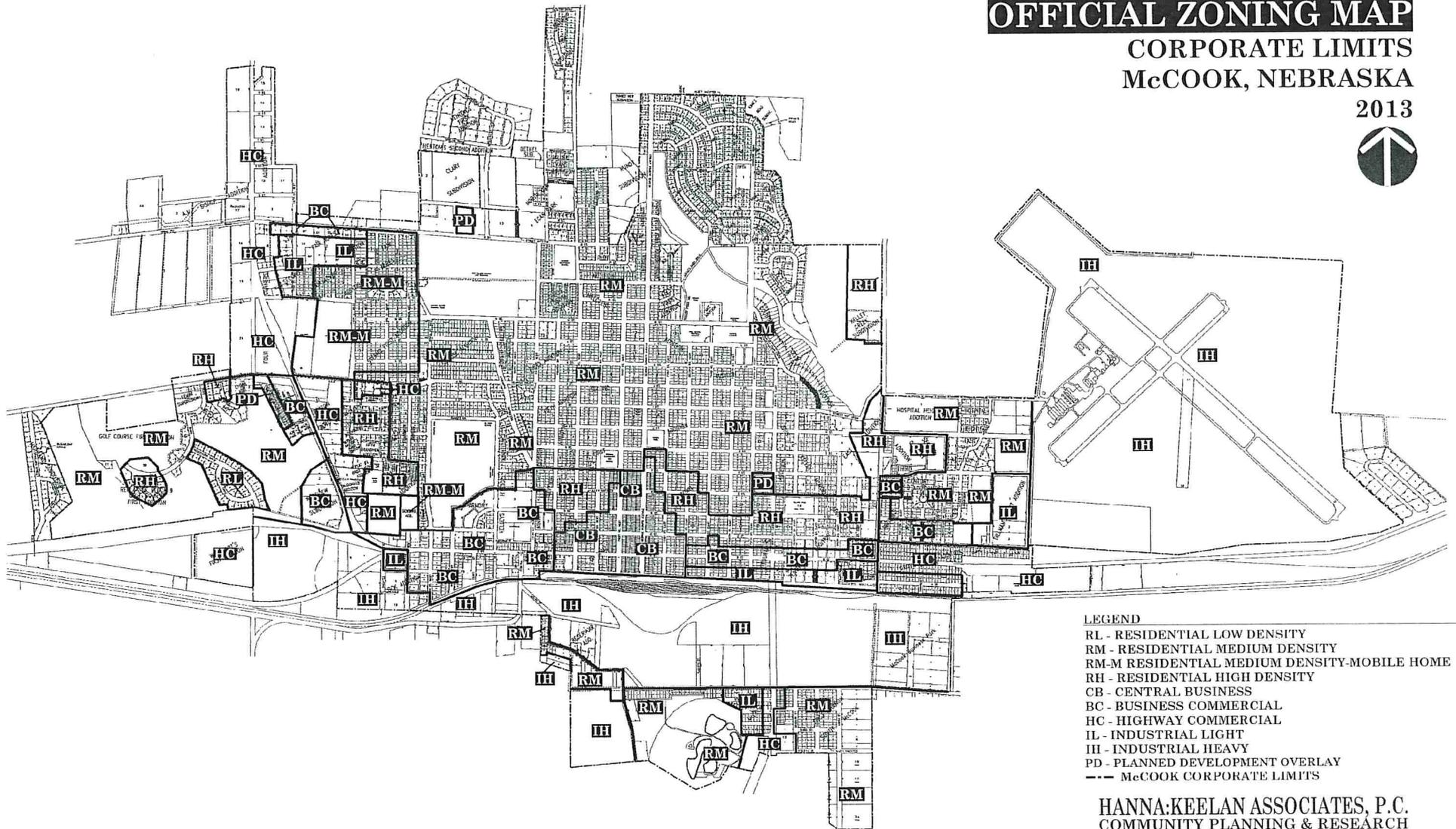
<b>CURRENT AGRICULTURAL ZONING</b>	<b>PROPOSED INDUSTRIAL HEAVY ZONING</b>
MINIMUM LOT = 3 ACRES	MINIMUM LOT = 10,000 SQ. FEET
MINIMUM FRONT YARD = 40 FEET	MINIMUM FRONT YARD = 25 FEET
MINIMUM REAR YARD = 50 FEET	MINIMUM REAR YARD = 20 FEET
MINIMUM SIDE YARD = 20 FEET	MINIMUM SIDE YARD = 10 FEET

**EXHIBIT #6**  
**PAGE(S) - 1**

# 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 #7**

**PAGE(S) - 1**