

MCCOOK CITY COUNCIL

REGULAR MEETING

**Monday, February 12, 2024
5:15 PM - City Council Chambers**

Call to Order and Roll Call.

Open Meetings Act Announcement.

Items

1. Approve the minutes of the December 11, 2023 regular Planning Commission meeting.
2. Public Hearings and Regular Agenda.
 - A. Public Hearing - Request for a special exception by the Community Hospital Association to allow a structure containing only residential uses in the Central Business District (CB), said property located at 409 West 1st Street and legally described as Lots 16, 17, 18, and the south 5 feet of Lot 19, Block 9, Original McCook Addition to the City of McCook, Red Willow County, Nebraska.
 1. Adjourn the Public Hearing.
 - B. Recommend approval to the City Council the application for a special exception by the Community Hospital Association (landowner Michael and Linda Nielsen) for a structure containing only residential uses in the Central Business District (CB), said property legally described as Lots 16, 17, 18, and the south 5 feet of Lot 19, Block 9, Original McCook Addition to the City of McCook, Red Willow County, Nebraska (a/k/a 409 West 1st Street), finding Special Exception considerations A-I are satisfied, and conditional to the Board of Zoning Adjustment granting the two variance requests.

Adjournment.

**CITY MANAGER'S REPORT
FEBRUARY 12, 2024 PLANNING COMMISSION MEETING**

ITEM: 1.

RECOMMENDATION:

Approve the minutes of the December 11, 2024 regular McCook Planning Commission meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

February 7, 2024

McCook Planning Commission
December 11, 2023
5:15 P.M.

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, Dueland, Lyons, McDowell, Stevens, Mockry(arrived 5:24 P.M.)

Absent: Vice Chair Hilker; Commissioners Davidson, Friehe.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on December 7, 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 October 9, 2023 joint City of McCook Planning Commission and Council meeting.

Motion to approve the minutes of the October 9, 2023 joint City of McCook Planning Commission and Council meeting. This motion, made by Vosburg and seconded by Dueland, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: ABSENT, Stevens: YEA, Vosburg: YEA
YEA: 6, NAY: 0, ABSENT: 4

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Request for a special exception by Living Bones, LLC to locate a Bed and Breakfast/Vacation Rental in a Residential Medium (RM) District, property located at 205 and 207 East "H" Street.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the request for a special exception by Living Bones, LLC to locate a Bed and Breakfast/Vacation Rental in a Residential Medium (RM) District, property located at 205 and 207 East "H" Street. This motion, made by Vosburg and seconded by McDowell, passed.

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

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

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the December 11, 2023 Planning Commission meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing mailed and posted (1 page); Exhibit #4 - ownership list for mailing of Notice of Hearing (2 pages); Exhibit #5 - Land Use Action Request Form and attachments (8 pages); Exhibit #6 - City of McCook Zoning Ordinance Article 24, Special Exceptions; and Exhibit #7 - Findings and Determinations of McCook City Council (2 pages).

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

Applicant Patty Tidyman was present to address questions from the Commission.

Commission discussion included the number of bedrooms in each unit (there will be two units, 3 bedrooms each - 2 queens and 1 single), what the occupancy would be (5 each unit); are pets allowed (no, would be evaluated case by case); and that because of the uniqueness in size the lot has no open space.

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

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

2.B. Recommend approval to the City Council the application for a special exception by Living Bones, LLC to locate a Bed and Breakfast/Vacation Rental in a Residential Medium (RM) District, property located at 205 and 207 East "H" Street, finding Special Exception considerations A-I are satisfied.

Each Commissioner reviewed the Special Exception Considerations A - I and indicated whether they felt they were satisfied. All Commissioners present confirmed that Considerations A - I were satisfied.

Motion to recommend approval to the City Council the application for a special exception by Living Bones, LLC to locate a Bed and Breakfast/Vacation Rental in a Residential Medium (RM) District, property located at 205 and 207 East "H" Street, finding Special Exception considerations A-I are satisfied. This motion, made by Vosburg and seconded by Stevens, passed.

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

City Manager Schneider informed the Commission that the next meeting of the Steering Committee for review of the Comprehensive Plan, Zoning and Subdivision Regulations will be scheduled in February and that 39 North, representative for the solar applicant, were informed, based on Marvin

Consultants review, that their request was not allowed under the City's current zoning. The City's solar regulations will be reviewed during the update of the Comprehensive Plan and the zoning ordinances. 39 North was invited to participate in these discussions.

Adjournment.

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

Lea Ann Doak, City Clerk
Recording Secretary

**CITY MANAGER’S REPORT
FEBRUARY 12, 2024 MCCOOK PLANNING COMMISSION MEETING**

2.A.
ITEM: ___ Public Hearing - Request for a special exception by the Community Hospital Association to allow a structure containing only residential uses in the Central Business District (CB), said property located at 409 West 1st Street and legally described as Lots 16, 17, 18, and the South 5 feet of Lot 19, Block 9, Original McCook Addition to the City of McCook, Red Willow County, Nebraska.

2.B
ITEM: ___ Approve the application for a special exception by the Community Hospital Association (landowner Michael and Linda Nielsen) for a structure containing only residential uses in the Central Business District (CB), at property legally described as Lots 16, 17, 18, and the South 5 feet of Lot 19, Block 9, Original McCook Addition to the City of McCook, Red Willow County, Nebraska (a/k/a 409 West 1st Street), said special exception based upon special exception requirements A - I.

BACKGROUND:

An application for a special exception has been submitted by the Community Hospital requesting a special exception for the allowance of a structure containing only residential uses in the CB District. The property is located at 409 West 1st Street. Specifically, the Community Hospital requests a special exception to allow for the building of a 12 unit multi-family structure to house students that are in the community completing internships, medical residencies and other training programs. The building would consist of a basement, main level, and second floor. The property is currently owned by Michael and Linda Nielsen. A purchase agreement between the applicant and current property owners is included with the application to establish the Community Hospital’s interest in the property for purposes of standing to request the special exception. Accompanying the special exception request are 2 variance requests that operate hand-in-hand with the matter before the Planning Commission. The variance requests will be taken up by the Board of Zoning Adjustment in late-February.

Staff has reviewed the request in conjunction with the special exception criteria found in Article 24 of the McCook Zoning Ordinance. Staff paid particular attention to off-street parking during the review process. During their research, staff reviewed a provision in the McCook Zoning Ordinance that addresses potential off-street parking concerns. Section 2111 of the McCook Zoning Ordinance states, “if minimum off-street parking and loading space cannot be reasonably provided on the same lot on which the principal structure or use is conducted in the opinion of the Board of Zoning Adjustment, the Board of Zoning Adjustment may permit such space to be provided on other off-street property, provided, that such space lies within four hundred (400) feet of the entrance to each principal structure or use.” The Community Hospital has submitted an application to the Board of Zoning Adjustment for a variance, requesting that the public parking lot located to the north of 409 West 1st be utilized for parking in order to satisfy the City of McCook’s off-street parking requirements. Per Section 2111, minimum off-street parking and loading requirements are not applicable to the CB District. According to the Community Hospital’s application, only 13 parking stalls will be required for the building. A combination of the public parking lot and adjacent on-street parking stalls will adequately serve the parking needs of stakeholders in the area. As mentioned, the Board of Zoning Adjustment will take up the variance requests later this month. If the planning commission chooses to make a conditional recommendation pending the granting of the variances, that would be acceptable. Staff does not want to hold up a final determination.

All other special exception criteria can be met by the Community Hospital without concern. Staff does not believe ingress and egress would be negatively impacted by the grant of a special exception. Staff also noted that the McCook Comprehensive Plan stresses the importance of creating additional residential space, specifically citing the need to develop residential units in McCook’s downtown district.

APPROVALS:



Lea Ann Doak, City Clerk

February 6, 2024



Nathan A. Schneider, City Manager

February 6, 2024

**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 February 12, 2024, at 5:15 P.M. and by the McCook City Council on January 19, 2024, 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 structure containing only residential use in a Central Business District (CB). Property located at 409 West 1st Street; Lots 16, 17, 18, & S 5' Lot 19, Block 9, Original McCook Addition to the City of McCook, Red Willow County, Nebraska. Project Sponsor/Developer, The Community Hospital Association. Land Owner, Michael & Linda Nielsen. 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: February 2, 2024.

EXHIBIT #2

PAGE(S) - 1

**CORRECTED 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 February 12, 2024, at 5:15 P.M. and by the McCook City Council on February 19, 2024, 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 structure containing only residential use in a Central Business District (CB). Property located at 409 West 1st Street; Lots 16, 17, 18, & S 5' Lot 19, Block 9, Original McCook Addition to the City of McCook, Red Willow County, Nebraska. Project Sponsor/Developer, The Community Hospital Association. Land Owner, Michael & Linda Nielsen. 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: February 6, 2024.

EXHIBIT #3

PAGE(S) - 1

**NOTICE OF HEARING
REQUEST FOR
SPECIAL EXCEPTION**

NOTICE IS HEREBY GIVEN that a public hearing will be held on a request to allow a structure containing only residential use in a Central Business District (CB) in the City of McCook.

ADDRESS: 409 West 1st Street

LEGAL
DESCRIPTION: Lots 16, 17, 18, & S 5' Lot 19, Block 9, Original McCook Addition to the City of McCook, Red Willow County, Nebraska.

PROJECT SPONSOR/
DEVELOPER: The Community Hospital Association

LAND OWNER: Michael and Linda Nielsen

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

FEBRUARY 12, 2024 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

FEBRUARY 19, 2024 - 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: February 2, 2024
Post: February 2, 2024
Mail: February 2, 2024

EXHIBIT #4

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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
%Penelope Cooper
502 Norris Avenue
McCook NE 69001

Red Willow County Planning Commission
502 Norris Avenue
McCook NE 69001

Christ & Peggy Beck
503 W 2nd
McCook NE 69001

Four B's Properties, LLC
James A Brandt
512 W 4th
McCook NE 69001

Fred Allen
4341 N 56th Street
Omaha NE 68104

Gary & Lory Power
71874 Drive 386
McCook NE 69001

Scott M. Harpham
407 W 2nd
McCook NE 69001

Sid Doak
PO Box 761
McCook NE 69001

Delton & Vicky Young
1010 W 1st
McCook NE 69001

Cherri Fune
401 W 2nd
McCook NE 69001

Stamm & Gray LLC
PO Box 1808
McCook NE 69001

Quality Farm & Ranch Center LLC
PO Box 185
Yuma CO 80759

Horizon Bank
10841 N 142nd Street
PO Box 447
Waverly NE 68462-0447

Northwestern Bell Telephone CO
%Tax Manager
100 South 19th
Room 730
Omaha NE 68102

Country Estate Apartments LL
Kelley Roth
5873 South Prince Street
Apt #311
Littleton CO 80120

Blackwood Enterprises LLC
James Hegwood, Jr. Manager
1010 E 6th Street
McCook NE 69001

Josiane Dominguez
PO Box 75
McCook NE 69001

WMB Investments LLC
Billy & Michele Witt
2105 Blake Drive
McCook NE 69001

Michaelis Rental LLC
Brian Michaelis
502 W 1st Street'
McCook NE 69001

Elisabet Browne
506 West 1st
McCook NE 69001

EXHIBIT #5

PAGE(S) - 2

Rust Publishing NE LLC
Dick Caldwell
PO Box 1268
McCook NE 69001

Billy & Catherine Graham
1505 Parkway Drive
McCook NE 69001

Michael & Linda Nielsen
909 West K Street
McCook NE 69001

On the Bricks LTD
111 West D Street
PO Box 36
McCook NE 69001

6th Floor Project
Chad Graff & Joann Falkenburg
402 Norris Avenue
Suite 600
McCook NE 69001

Ambriz Holdings LLC
1403 West Circle Drive
McCook NE 69001

Leslie Longnecker
314 Norris Avenue
McCook NE 69001

John F. Hanson
316 Norris Avenue
PO Box 338
McCook NE 69001

Masonic Temple Craft
PO Box 649
Alma NE 68920-0649

McCook Economic Development Corp
402 Norris Avenue
Suite 301
McCook NE 69001

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

Procrastinators LLC
Jon & Ronda Graff
38575 Drive 713
McCook NE 69001

Daniel Miller
71363 Road 385
McCook NE 69001

P R P Holdings McCook LLC
Phil Perry
9200 Andermatt Drive
Lincoln NE 68526-9639

Memorial Methodist Church of McCook
105 East E Street
McCook NE 69001

High Plains Historical Society
421 Norris Avenue
McCook NE 69001

Sharon Huegel
515 Norris Avenue
McCook NE 69001

The Speckled Hen LLC
Kimberly Schilling
37957 Road 713
McCook NE 69001

K R A N K, LLC
Randy Bauer
PO Box 91
McCook NE 69001

Michael & Laura Ford
315 Norris Avenue
McCook NE 69001

The Community Hospital Association
PO Box 1328
McCook NE 69001

CITY OF McCOOK

LAND USE ACTION REQUEST FORM

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

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

Name of Project: Community Hospital Association Student Housing

Description of Project: Community Hospital wishes to build a 12 unit multi-family residential structure to house students that are in the community completing internships, medical residencies and other training programs. A special exception is requested to allow for a non-mixed use, multi-family only building with apartments on the first floor and second floor of the structure without any retail space.

Project sponsor or developer:

Name: The Community Hospital Association
Address: 1301 East H St; PO Box 1328; McCook NE
Phone number: 308-344-2650
Fax number: _____
E-mail Address: swolfe@chmccook.org

Land owner or owners: Please see attached signed purchase agreement

Name: Michael and Linda Nielsen
Address: 909 W K St; McCook NE
Phone number: 308-345-1755
Fax number: _____
E-Mail Address: niechiro@questoffice.net

EXHIBIT #6

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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:
The Hospital is proposing building an apartment building on this property located in the Central Business District. Goal 2: New Housing Developments. New housing developments in the City of McCook should address the needs of both owner and renter households, of all age and income sectors, of varied price products.
- 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.)
Special exception to construct a Multi-Family Housing building containing only residential in the Central Business District (CB). The zoning ordinance, section 1204 #2, allows for structures containing only residential. The request proposes to allow an only residential building for apartments, including residential only use on the first floor, in lieu of mixed-use/retail on the first floor.
- X Include a site plan (minimum 17" X 11") and a letter of explanation showing and explaining the following special exception requirements:
See attached Civil Site Plan and letter of explanation.
- (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: _____

Goal 2 of the 2013-2023 comprehensive plan: "New Housing Developments. New housing developments in the City of McCook should address the needs of both owner- and renter households, of all age and income sectors, of varied price products." Specifically, "Action Step 4: One or two additional multifamily rental projects are recommended for the City of McCook, by 2023, to meet the housing needs of young, single workers in the Community. These projects should be designed and developed in a size and scale suitable for the neighborhood location. The development of a SRO (Single Room Occupancy) facility of eight to 16 units should be given consideration to house single persons in the local workforce." and "Action Step 7: Several Downtown commercial buildings should be promoted for upper level housing to diversify the local housing market and emphasize the Downtown as a vibrant commercial and residential center. One example is the Keystone Business Center, where the top two floors should be considered for moderate - to upper-income housing units. A total of 52 units, 12 owner and 40 renter units, should be developed in Downtown McCook, by 2023."

This projects hits on both of these action step goals fairly directly; meeting the need for housing for young people coming to the community as part of their educational and training programs and is located to emphasize our downtown area, with the goal of giving these individuals a great experience and make it easier for businesses to recruit them back to the community.

City of McCook
505 West C St
McCook, NE 69001

May 15, 2023

RE: Community Hospital Association Student Housing Special Exception

To Whom It May Concern:

Article 24: Special Exceptions #5 (in combination with attached Civil Site Plan):

- A. The main entry to the apartment building is located on the north side of the building (refer to site plan), adjacent to the city's public parking lot. Ingress and Egress to the site will be off W. 1st St. and the parking lot. The alley on the east side of the property also allows for a level of ingress and egress, as well as a loading area and access in case of fire or catastrophe. Pedestrians will use public and private sidewalks to flow throughout the site and get from parking to the building. Overall, the flow of the site and surrounding areas won't change drastically because they are already being used in a similar manner. The YMCA apartments utilizes the public parking lot throughout the day and night. The Keystone building uses it during the day. The parking lot is also used for special events in the downtown area. (Please refer to the site plan for existing parking utilization.) The areas around the site will have less activity with an all-residential unit, in lieu of a mixed-use building.
- B. A variance is being submitted at the same time for permission to use the city parking lot and on-street parking to fulfill the off-street parking requirements, since the property is in the Central Business District zoning, which is exempt from the off-street parking requirements. Per the zoning code, there will be 13 parking stalls required for this building. The plan is to use both adjacent, on-street parking on W. 1st St. and the public parking lot. (Please refer to the parking calculations on the site plan.) An all-residential building will have a slightly higher parking stall requirement, verses retail and/or business on the first floor, but there should be less traffic coming and going. The effects of odor, glare, noise and economic will not be different with the proposed use or the current use of the surrounding neighborhood.
- C. There won't be a need for a service area on this property. The plan for the refuse is to work out a deal with the MEDC to use their existing dumpster or place a new dumpster on the southeast corner of the lot. It is important for the Community Hospital Association to keep a well-kept site with little to no odor or visual disturbances.
- D. The city utilities are close and accessible for this site and are compatible with this specific project. (Please refer to the site plan for further information.) The city has an 8" domestic water main that is located under W. 1st St., and it will be tapped for the building water and fire sprinkler system. The sanitary sewer main is located in the alley behind the property and is deep enough to handle basement plumbing. Overhead electrical lines are also in the alley, and they will provide power to the site. Natural Gas is also in the alley. Lastly, the city storm sewer is located on W. 1st St., and the project may utilize it by tying in the drainage from the roof.



- E. On the west and south sides of the building, turf will be used, along with landscaping some small trees, shrubs, and plants to create a slight buffer between the neighboring properties. On the north side, a sidewalk will connect to the parking lot and landscaping by the building will help integrate the property into its surroundings. On the east side, a patio and deck will be constructed to help connect the property to Norris Alley and the surround downtown area. The patio will have planters and landscaping to soften the transition between spaces.
- F. The building will have a back-lite sign for the building name and possibly address. The building will have security lighting around it, as well as lighting for the sidewalks and patio/deck areas. The lighting will be designed to minimize glare and/or lighting into neighboring properties. The patio and deck areas will be lite in a similar way as Norris Alley. There won't be any LED video screens used for advertising since there is no retail or business space in the project.
- G. The building will fit into the required multi-family setbacks for the sides and rear. A variance has been submitted to allow for a front yard setback of 10'-0" instead of the required 20'-0". The building will line up with other buildings in this district and the additional room will allow for more room on the alley for the apartments and neighbors. The main reason is to allow more room behind Norris Alley for access to their site, as well as loading/unloading for the Fox Theatre.
- H. The surrounding neighborhood is a mix of commercial, multi-family and residential. The concept for this 12-unit multi-family house building fits with these uses. This property is on the edge of full commercial, so this building is designed to help with the transition of uses. The rectilinear design of the building fits into the urban surrounds. The materials used are a modern look, yet they blend with the surrounding landscape. The project fits into the Comprehensive Plan for McCook (see explanation on form). The building is also designed to fit into the newly created art district, as well as create a connection between private housing and the public spaces, like Norris Alley.
- I. This projects hits on both action step goals fairly directly; meeting the need for housing for young people coming to the community as part of their educational and training programs and is located to emphasize our downtown area, with the goal of giving these individuals a great experience and make it easier for businesses to recruit them back to the community. A new multi-family housing building that is centrally located in the business and art district is a great concept (now and in the future) to bring new people into the community and help them connect with the community. The revitalization of the downtown area with new housing is one of the main objectives of the comprehensive plan. It also mentions the strategic development of infill lots and this project will be redeveloping a degrading house and site. The goal is to better utilize this property with a denser utilization of the property by having multi-family housing; since the property is in an important district and property, while using existing utilities and city infrastructure.

Respectfully,

Matthew B Clause

Date: _____

HOUSING PROJECT - PRELIMINARY
 COMMUNITY HOSPITAL
 MCCOOK, NEBRASKA

DESIGN ASSOCIATES
 1001 W. 2ND AVENUE, SUITE 100, CHICAGO, IL 60605
 TEL: 312.467.1000 FAX: 312.467.1001
 WWW.DA-ARCHITECTS.COM

NOT FOR CONSTRUCTION
 PRELIMINARY

DWG:	705-23-01
DRAWN:	MEG
CHECKED:	
REVISIONS:	

A-1b

DATE: OCTOBER 2023



MAIN LEVEL - FLOOR PLAN v2 (6,075 SF)
 SCALE: 1/8" = 1'-0"
 12 APARTMENT OPTION NORTH

1. Checked: MEG, MEK, MEK
 2. Checked: MEG, MEK, MEK
 3. Checked: MEG, MEK, MEK

HOUSING PROJECT - PRELIMINARY
 COMMUNITY HOSPITAL
 MCCOOK, NEBRASKA

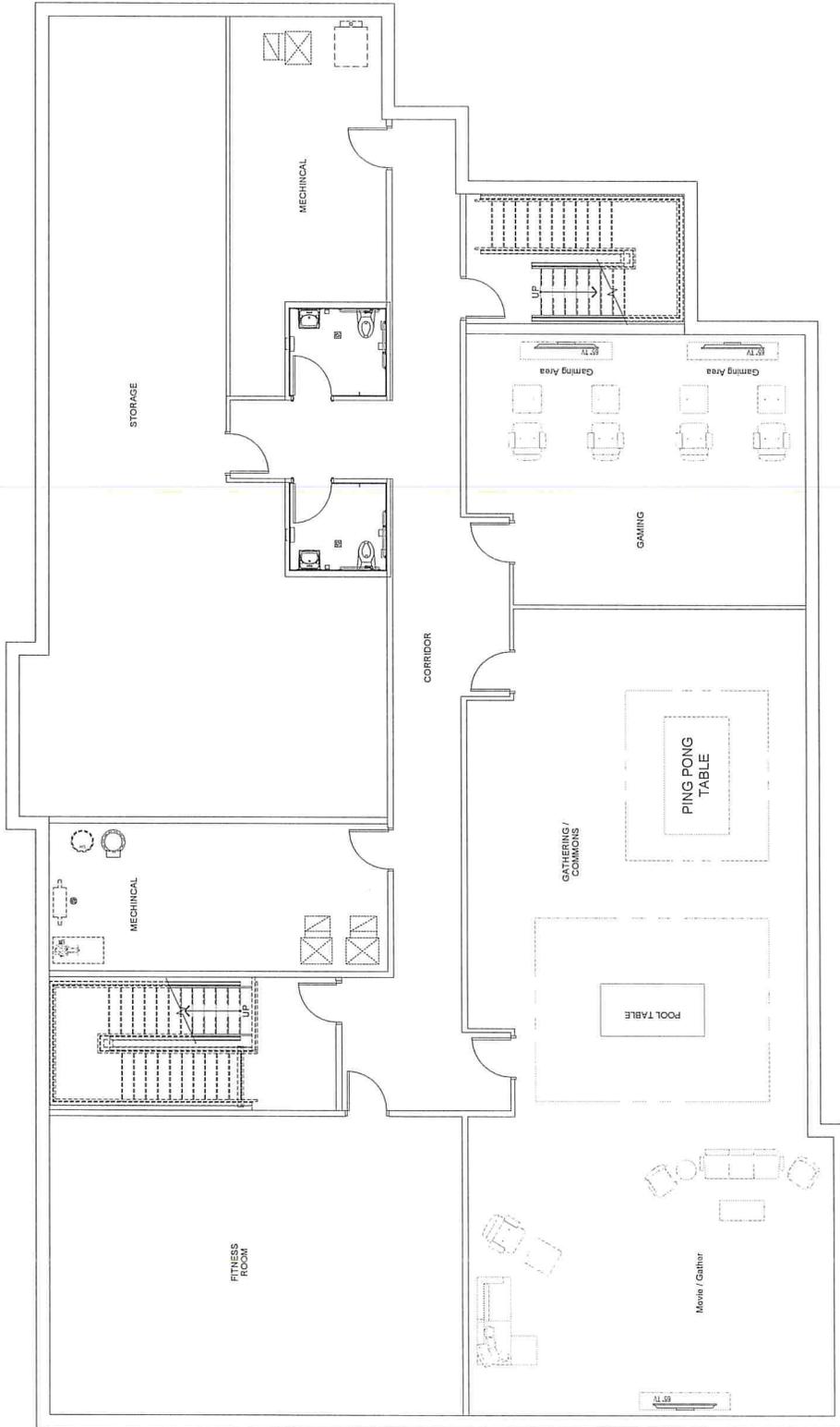
M DESIGN ASSOCIATES
 2001 W. 20th Street, Suite 100, McCook, NE 68901
 Phone: 402.335.1111
 Fax: 402.335.1112
 www.mdesign.com

NOT FOR CONSTRUCTION
 PRELIMINARY

DWG:	705-23-A-01
DRAWN:	MBC
CHECKED:	
REVISIONS:	

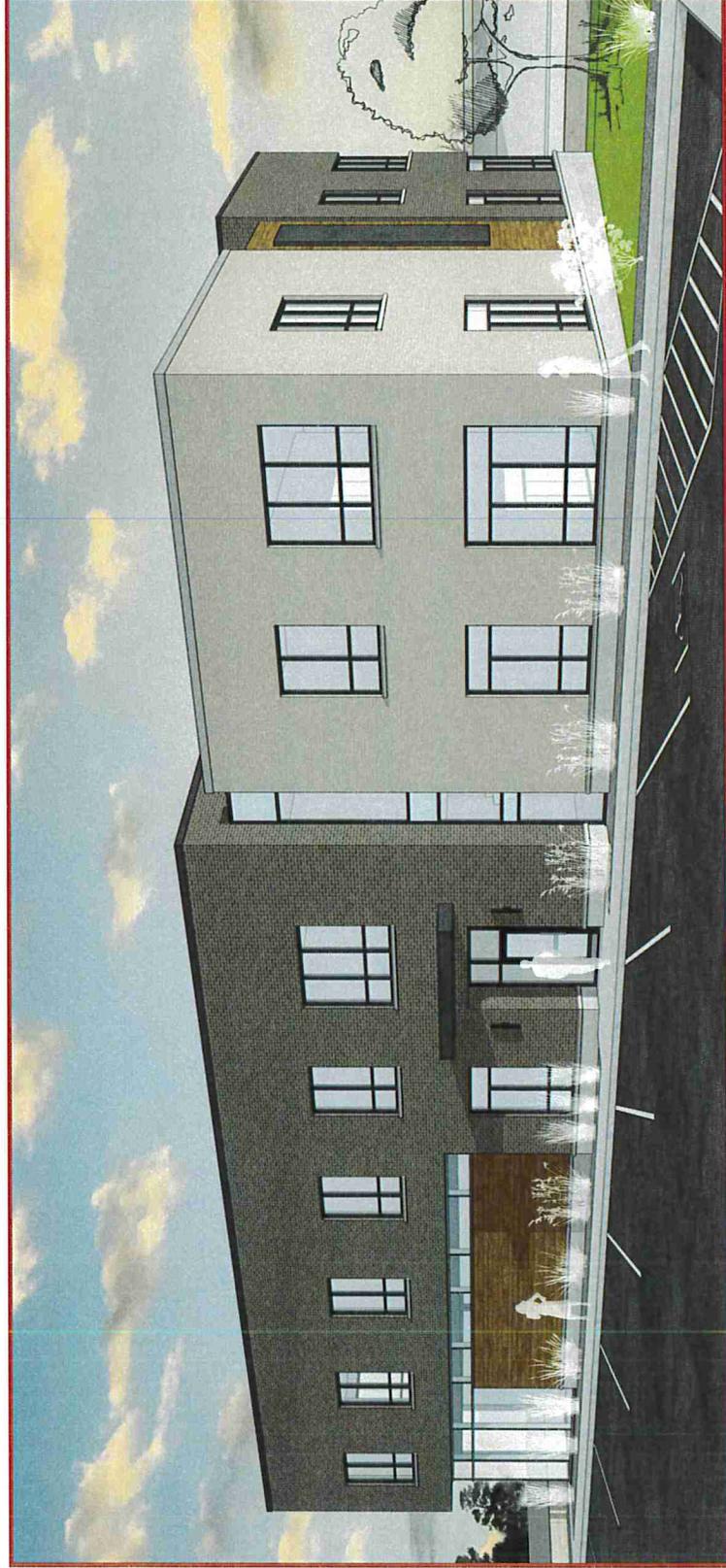
A-3b

DATE: OCTOBER 2023



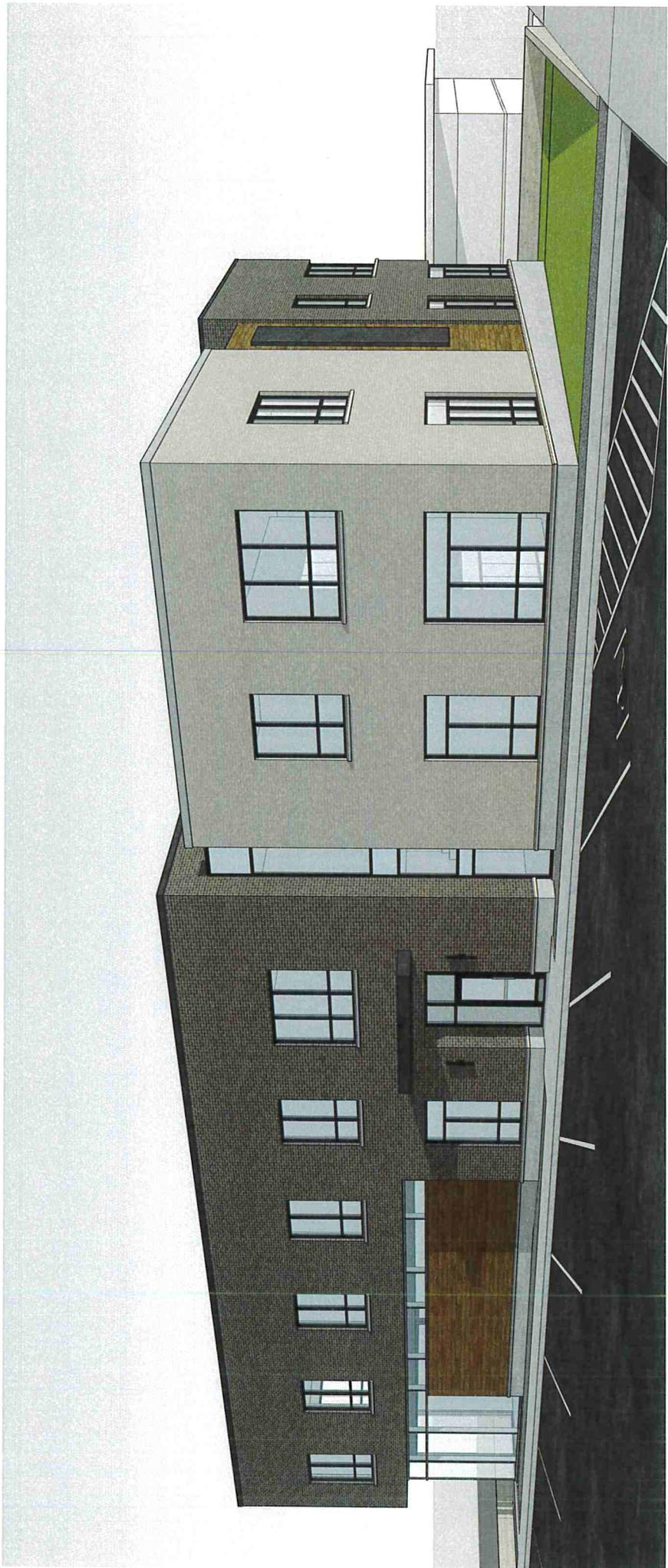
BASEMENT LEVEL - FLOOR PLAN - v2 16,000 SF
 SCALE: 1/4" = 1'-0"
 NORTH

This plan is preliminary and subject to change without notice. It is not to be used for construction purposes.



SCHEMATIC DESIGN CONCEPT
Document for Design Intent Only.

3D VISUALIZATION - NORTH FACADE
NOT TO SCALE







RESIDENTIAL PURCHASE AGREEMENT

The undersigned, as Buyer, agrees to purchase the following:

Property Address: 409 West 1st Street, McCook NE 69001

Legal Description: 0 3 29 ORIGINAL MCCOOK BLK 9 LOTS 16, 17, 18 & S 5' LOT 19

The seller has the right to remove any and all Real and Personal property prior to the date of closing.

If still occupied by tenant:

In the event that the property is still occupied by a tenant upon the closing date, the seller agrees to leave Real and Personal Property as currently supplied for tenant to use property. Seller represents that there are no latent defects in the Property of which the Seller is aware in its current use and it is equipped with smoke detectors as required by law.

Buyer will notify the Seller upon the tenant vacating the property and the Seller will retain the right to a 45 day period to remove any and all remaining Real and Personal Property the Seller wishes; with the exception of any property added or installed by the Buyer.

Date:

The date of this purchase shall be Friday, March 1st, 2024 unless a change is agreed to by both parties.

Title:

Seller agrees to furnish a title insurance commitment insuring marketability and Buyer shall be furnished a current title insurance commitment by Seller at least 5 days before closing. The cost of title insurance issued for this sale shall be equally divided. Should a valid title defect exist, Seller has a reasonable time to correct said defect. If the title defects are not cured within a reasonable time period, the Buyer may declare this Agreement null and void. Seller agrees to convey to Buyer by warranty deed or free and clear of all liens, encumbrances, special assessments levied or assessed, and subject to all easements and restrictions or covenants new of record.

The documentary stamp tax shall be paid by the Seller.

Consideration:

Buyer agrees to pay **\$120,000.00** at the time of delivery of deed.

All consolidated real estate taxes for the year in which closing takes place shall be prorated, based on Current assessment and tax rate, as of date of closing. All real estate taxes for prior years shall be paid by Seller.

Offer:

This offer is based upon Buyer's personal inspection or investigation of the Property. Buyer agrees to accept the property in its present condition; and acknowledges and agrees that Seller can remove any and all Real and Personal property as described above.

This agreement shall in no manner be construed to convey the Property or to give any right of possession. Risk of loss or damage Property, prior to closing date, shall be the responsibility of Seller.

This RESIDENTIAL PURCHASE AGREEMENT is hereby agreed to by the Buyer and Seller:

Buyer: The Community Hospital Association

Address: 1301 East H Street, PO Box 1328; McCook NE 69001

Buyer Sean Wolfe, CFO

Date 10/2/2023

By Sean Wolfe, CFO

E-mail: swolfe@chmccook.org Phone: 308-344-8306

Sellers: Michael R and Linda C Nielsen

Address: 909 W. K St, McCook, NE 69001

Seller Michael R. Nielsen

Date 10/6/23

Seller Linda C. Nielsen

Date 10/6/23

E-mail: niechira@guestoffice.net Phone: 308-345-1755

ARTICLE 24

SPECIAL EXCEPTIONS

Article 24 - Special Exceptions

Section 2401. Special Exceptions. As the zoning ordinance is established at the present time, the McCook City Council has been given the authority to hear and decide requests for special exceptions. This is consistent with State Law; however, the City also has the option of delegating this power to the Planning Commission through the Zoning Ordinance.

Section 2402. Conditions for Granting Special Exceptions. A special exception shall not be granted by the City Council unless and until:

1. A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested;
2. Notice shall be given at least ten (10) days in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by certified mail. Notice of such hearings shall be posted on the property for which special exception is sought at least ten (10) days prior to the public hearing;
3. The public hearing shall be held. Any party may appear in person, or agent or attorney;
4. The City Council shall make a finding that is empowered under the section of this Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest;
5. Before any special exception shall be issued, the City Council shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provisions and arrangements have been made concerning the following where applicable:
 - 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 area, 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 property in the district.
 - I. compatibility with the existing and future land use plans in the McCook Comprehensive Plan.

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.

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

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____.

INSTRUCTIONS TO APPLICANT FOR A VARIANCE

1. Apply for building permit.
2. You will be sent a letter of denial for your building permit, stating the reason your building permit cannot be issued by the Building Department.
3. Receive Variance Application from Building Department.
4. Complete Variance Application and submit to the Building Department. Proof of ownership and legal description must be included. A filing fee of \$75.00 is due with application. Checks should be made payable to the City of McCook.
5. Application will be reviewed by the City of McCook Zoning Administrator.

You will be notified by letter of either the recommended approval or recommended denial of your application. Application will be forwarded to the Board of Zoning Adjustment for final determination. The applicant will be notified of the scheduled Board of Zoning Adjustment hearing.

6. The Board of Zoning Adjustment meets on the fourth Monday of each month at 5:30 P.M. at the Municipal Facility, in the City Council Chambers, 505 West "C" Street.
7. If Board determines that they cannot grant a variance, applicant, or effected party, may present a petition to the District Court. Appeal must be filed within 15 days.
8. If the Board grants the variance, you must then supply the Building Department with the information to approve the building permit. No building permit will be issued before the appeals period has ended.
9. If the variance is for a property setback, and is approved by the Board of Zoning Adjustments, the certificate will need to be filed with the Red Willow County Clerk. This filing fee must be paid to the City of McCook before a building permit will be issued.

EXHIBIT #9

PAGE(S) - 21

VARIANCE APPLICATION

APPLICATION NO. _____ DATE: _____

FEE ATTACHED: _____

APPLICATION COMPLETE: _____ SIGNED: _____

Applicant

1. Applicant's Name: The Community Hospital Association
2. Applicant's Address: 1301 East H St; PO Box 1328; McCook NE Phone: 308-344-2650
Email Address: swolfe@chmccook.org
3. Address of Property Affected: 409 West 1st Street, McCook NE 69001
4. Legal Description of Property: 0 3 29 ORIGINAL MCCOOK BLK 9 LOTS 16, 17, 18 & S 5' LOT 19

5. Zoning Central Business District Corner Lot? Yes _____ No X
6. Applicant's interest in the Property (i.e. owner, tenant), attached proof of ownership:
Signed purchase agreement from Michael and Linda Nielsen with an anticipated closing date of March 1, 2024

7. Description of variance requested: (Example: Variance of side lot set back requirement from 5 feet to 3 feet). Variance of the property's front yard set back requirement from 20 feet to 10 feet.

8. Sections of Zoning Ordinance No. 2016-2929 which are affected (to be completed by staff)
ARTICLE: _____
SECTION: _____

9. Draw the general area of your property and structure (existing and proposed) and adjacent properties and structures. (Not to scale).

Please see attached site plan

N
W E
S

The Applicant must provide proof that the following criteria are met regarding the parcel of property for which the variance is being requested:

1. Referring to the specific parcel of property,
 - a) the parcel of property is exceptionally narrow;
 - b) the parcel of property is exceptionally shallow; or
 - c) the shape of the parcel of property is exceptional.

OR

- YES d) the parcel of property has exceptional topographic conditions; or
 - YES e) the parcel of property has other exceptional or extraordinary conditions.
The benefit to the surrounding neighbors, as well as the apartment tenants, is important. This includes more room for events at the Fox Theatre and Norris Alley, especially with loading and unloading during events.
2. Strict application of the zoning ordinance would result in:

- YES a. peculiar and exceptional practicable difficulties to the owner; OR
- b. exceptional and undue hardships on the owner of such property.

3. Such relief may be granted without:

- YES a. substantial detriment to the public good; AND
- YES b. without substantially impairing the intent and purpose of the ordinance.

4. No variance shall be authorized unless the Board finds:

- YES a. strict application of the zoning ordinance would produce undue hardship;
- YES b. such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- YES c. authorization of such variance will not be a substantial detriment to adjacent property and the character of the district will not be changed by granting the variance;
- YES d. granting the variance is based upon reason of demonstrable and exceptional hardship as distinguished from variation for purposes of convenience, profit, or caprice.

5. No variance shall be authorized if request is:

- a. of a general and recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

Please provide documentation of the above, such as maps, photographs, or other evidence to substantiate your application.

THE BOARD MUST FIND THAT ALL OF THE ABOVE REQUIREMENTS ARE MET BY THE APPLICANT BY A CONCURRING VOTE OF FOUR MEMBERS OF THE BOARD.

APPLICANT DECLARATIONS

1. The following special conditions or circumstances exist on the land which pose an undue hardship on the applicant: (Describe conditions and circumstances.)

A front yard setback of 10 feet will allow the proposed building additional space in the rear yard which will allow additional room for loading and unloading and other needs in the alley for the use of rear yard neighbors, namely the Norris Alley and Fox Theater.

This exception will keep the building in line with the office space to the south and other central business structures that have narrower setbacks. Residents of this of this property have access to nearby parks and other outdoor areas, similarly to other residents living in the central business district. The additional rear yard space will be more valuable and useful for the residents given it's proximity to Norris Alley.

2. Please state the minimum variance necessary to permit the proposed construction

This building can be constructed without a variance, it is just less ideal to have a larger front yard than rear yard.

3. Without the granting of this variance the applicant would suffer a hardship not suffered by other properties located in the same zoning district and same vicinity.

X Yes _____ No

4. The granting of the variance will not adversely affect the rights of the adjacent property owners or residents nor will it confer upon the applicant any special privilege denied by the Zoning Ordinance. X Yes _____ No

(Attach approval certifications from adjacent property owners.)

5. The variance will not adversely affect the public health, safety, morals, order, convenience or welfare. X Yes _____ No

ADJACENT PROPERTY OWNER CERTIFICATION

I, Charlie McPherson/MEDC, own the property adjacent to that for which this variance is requested. I hereby certify that I do not have any objection to or reservations about the granting of the variance requested.

SIGNED: Charlie McPherson

ADDRESS: 402 Norris Ave.

ADJACENT PROPERTY OWNER CERTIFICATION

I, Margaret Reppas/Norris Institute, own the property adjacent to that for which this variance is requested. I hereby certify that I do not have any objection to or reservations about the granting of the variance requested.

SIGNED: Margaret Reppas

ADDRESS: 402 Norris Ave

ADJACENT PROPERTY OWNER CERTIFICATION

I, Jason Loop/On the Bricks, own the property adjacent to that for which this variance is requested. I hereby certify that I do not have any objection to or reservations about the granting of the variance requested.

SIGNED: Jason Loop

ADDRESS: 111 West D

**RECOMMENDATION OF THE
MCCOOK CITY ZONING ADMINISTRATOR**

The City of McCook Zoning Administrator hereby recommends that the variance should _____ be granted, _____ not be granted, _____ be granted with conditions. Conditions, modifications or safeguards prescribed as a part of the variance approval are as follows: _____

Dated this _____ day of, _____, 20 ____.

**FINDINGS AND DETERMINATIONS OF
MCCOOK BOARD OF ZONING ADJUSTMENT**

DATE: _____

SIGNED: _____
Chairman

VARIANCE CRITERIA

JUSTIFIES VARIANCE

	<u>YES</u>	<u>NO</u>
1. Referring to the specific parcel of property,		
a) the parcel of property is exceptionally narrow;	_____	_____
b) the parcel of property is exceptionally shallow; or	_____	_____
c) the shape of the parcel of property is exceptional.	_____	_____
OR		
d) the parcel of property has exceptional topographic conditions; or	_____	_____
e) the parcel of property has other exceptional or extraordinary conditions.	_____	_____
2. Strict application of the zoning ordinance would result in:		
a) peculiar and exceptional practicable difficulties to the owner; OR	_____	_____
b) exceptional and undue hardships on the owner of such property.	_____	_____
3. Such relief may be granted without:		
a) substantial detriment to the public good; AND	_____	_____
b) without substantially impairing the intent and purpose of the ordinance.	_____	_____
4. No variance shall be authorized unless the Board finds:		
a) The strict application of the provisions of the Zoning Ordinance would produce an undue hardship on the applicant.	_____	_____

- | | | |
|--|-------|-------|
| b) Such hardship is not generally shared by other properties in the same zoning district and in the same vicinity. | _____ | _____ |
| c) The granting of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed. | _____ | _____ |
| d) The variance request is based upon reasons of demonstrable and exceptional hardship as distinguished from convenience, profit or caprice. | _____ | _____ |
| 5. The variance requested is not so general or of re-occurring nature that it might more reasonably be addressed through a change in the Zoning Regulations. | _____ | _____ |
| 6. The applicant has filed a proper and complete application. | _____ | _____ |
| 7. Application for a variance submitted must demonstrate the following: | | |
| A. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not found in the same zoning district and which were not created by an action of the property owner or the applicant; | _____ | _____ |
| B. The reduction of the minimum requirements of this Ordinance which would be necessary to permit the proposed use or construction; | _____ | _____ |
| C. The literal interpretation of the provision of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance; | _____ | _____ |
| D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents nor will it confer upon the applicant any special privilege denied by this Ordinance to other land or structures in the same district; | _____ | _____ |
| E. The variance will not adversely affect the public health, safety, morals, order, convenience or welfare; | _____ | _____ |
| F. The variance requested is the minimum variance that will make possible the reasonable use of the land or structure; | _____ | _____ |
| G. Granting the variance requested will not be opposed to the general spirit and intent of this Ordinance. | _____ | _____ |
| 8. The notice of meeting appeared in the paper and applicants and other parties of interest have been sent written notice of the meeting at which a hearing on the variance request is being considered. | _____ | _____ |

9. The variance requested does not allow a use not permissible under the Zoning Ordinance in the district in which it is presently located.

BOARD OF ZONING ADJUSTMENT DECISION

The McCook Board of Zoning Adjustment hereby determines that the variance should _____ be granted, _____ not be granted, _____ be granted with conditions. Conditions, modifications or safeguards prescribed as a part of the variance approval are as follows: _____

Variance criteria not met are as follows: _____

Dated this _____ day of _____, 20 _____.

RESIDENTIAL PURCHASE AGREEMENT

The undersigned, as Buyer, agrees to purchase the following:

Property Address: 409 West 1st Street, McCook NE 69001

Legal Description: 0 3 29 ORIGINAL MCCOOK BLK 9 LOTS 16, 17, 18 & S 5' LOT 19

The seller has the right to remove any and all Real and Personal property prior to the date of closing.

If still occupied by tenant:

In the event that the property is still occupied by a tenant upon the closing date, the seller agrees to leave Real and Personal Property as currently supplied for tenant to use property. Seller represents that there are no latent defects in the Property of which the Seller is aware in its current use and it is equipped with smoke detectors as required by law.

Buyer will notify the Seller upon the tenant vacating the property and the Seller will retain the right to a 45 day period to remove any and all remaining Real and Personal Property the Seller wishes; with the exception of any property added or installed by the Buyer.

Date:

The date of this purchase shall be Friday, March 1st, 2024 unless a change is agreed to by both parties.

Title:

Seller agrees to furnish a title insurance commitment insuring marketability and Buyer shall be furnished a current title insurance commitment by Seller at least 5 days before closing. The cost of title insurance issued for this sale shall be equally divided. Should a valid title defect exist, Seller has a reasonable time to correct said defect. If the title defects are not cured within a reasonable time period, the Buyer may declare this Agreement null and void. Seller agrees to convey to Buyer by warranty deed or free and clear of all liens, encumbrances, special assessments levied or assessed, and subject to all easements and restrictions or covenants new of record.

The documentary stamp tax shall be paid by the Seller.

Consideration:

Buyer agrees to pay **\$120,000.00** at the time of delivery of deed.

All consolidated real estate taxes for the year in which closing takes place shall be prorated, based on Current assessment and tax rate, as of date of closing. All real estate taxes for prior years shall be paid by Seller.

Offer:

This offer is based upon Buyer's personal inspection or investigation of the Property. Buyer agrees to accept the property in its present condition; and acknowledges and agrees that Seller can remove any and all Real and Personal property as described above.

This agreement shall in no manner be construed to convey the Property or to give any right of possession. Risk of loss or damage Property, prior to closing date, shall be the responsibility of Seller.

This RESIDENTIAL PURCHASE AGREEMENT is hereby agreed to by the Buyer and Seller:

Buyer: The Community Hospital Association

Address: 1301 East H Street, PO Box 1328; McCook NE 69001

Buyer Sean Wolfe, CFO

Date 10/2/2023

By Sean Wolfe, CFO

E-mail: swolfe@chmccook.org Phone: 308-344-8306

Sellers: Michael R and Linda C Nielsen

Address: 909 W. K St, McCook, NE 69001

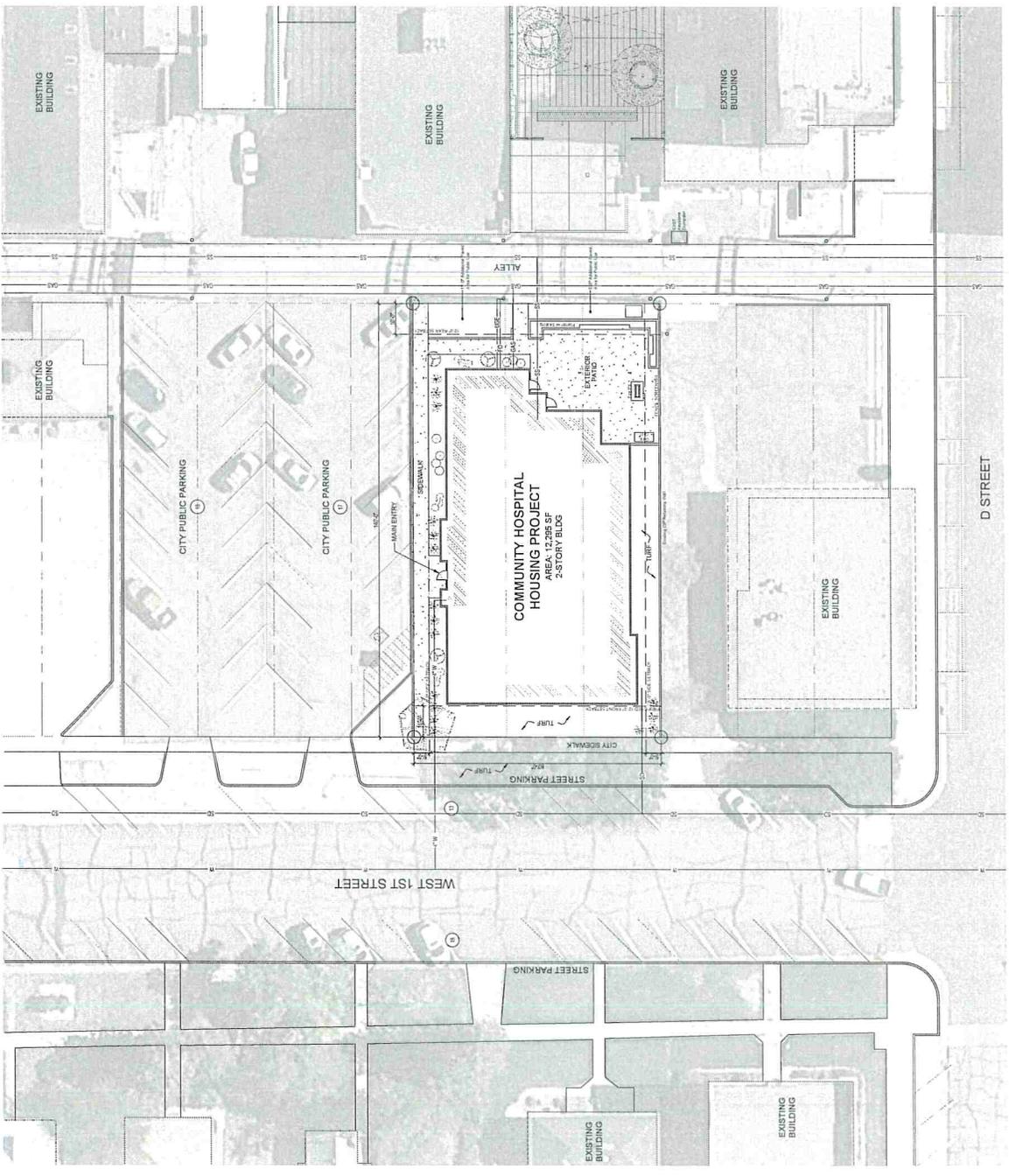
Seller Michael R. Nielsen

Date 10/6/23

Seller Linda C. Nielsen

Date 10/6/23

E-mail: niechiro@questoffice.net Phone: 308-345-1755



BUILDING DATA

COMMUNITY HOSPITAL ASSOCIATION, ENHANCED HOUSING

ZONING CLASSIFICATION: CB (CENTRAL BUSINESS DISTRICT)

USE GROUP: R2 (RESIDENTIAL MEDIUM DENSITY)

OCCUPANCY COUNT: 100 (10 BEDROOM & 10 BATHROOM)

TYPE OF CONSTRUCTION: VARIATION FULLY SPRINKLED

NUMBER OF STORIES: 2

BUILDING HEIGHT: 22'-0" TO 30'-0"

BUILDING FOOTPRINT AREA: 12,000 SQ FT

CLIMATE ZONE: 5A

PARKING DATA

ESTIMATED PARKING DEMAND:

ONE (1) PARKING STALL PER BEDROOM AND ONE AND A HALF (1-1/2) STALL PER TWO BEDROOM

TWO BEDROOM: 19 @ ONE (1) PER

ONE BEDROOM: 15 @ ONE AND A HALF (1-1/2) PER = 23 PARKING STALLS

TOTAL DEMAND: 34 STALLS

REQUIRED: 18 STALLS

PROVIDED: 100 (10 EXISTING PARKING SPACE BELOW)

NET PARKING STALLS WITHIN THE PARKING LOT = ONE (1) ADA STALL REQUIRED (ONE (1) BEING VAN ACCESSIBLE)

ADA PARKING STALLS PROVIDED:

ONE (1) OF WHICH ARE VAN ACCESSIBLE STALL

EXISTING PUBLIC PARKING USAGE

PUBLIC PARKING LOT (10 STALLS AVAILABLE)

MORNING: 10 VEHICLES

NOONDAY: 21 VEHICLES

AFTERNOON: 18 VEHICLES

NIGHT: 18 VEHICLES

WEST 1ST STREET PARKING (WEST SIDE) (10 STALLS AVAILABLE)

MORNING: 4 VEHICLES

NOONDAY: 7 VEHICLES

AFTERNOON: 10 VEHICLES

NIGHT: 6 VEHICLES

WEST 1ST STREET PARKING (EAST SIDE) (13 STALLS AVAILABLE)

MORNING: 1 VEHICLE

NOONDAY: 5 VEHICLES

AFTERNOON: 10 VEHICLES

NIGHT: 8 VEHICLES

* AVERAGE VEHICLE COUNTS TAKEN OVER SEVERAL DAYS IN DECEMBER 2022 AND JANUARY 2024

HOUSING PROJECT - PRELIMINARY

COMMUNITY HOSPITAL

MCCOOK, NEBRASKA

DESIGN ASSOCIATES

1010 WEST 1ST STREET, SUITE 100, MCCOOK, NE 68801

PH: 402.833.1111 FAX: 402.833.1112

WWW.DESIGNASSOCIATES.COM

DATE: 10/10/2024

PRELIMINARY

NOT FOR CONSTRUCTION

DWG:	70-23-01
CHECKED:	
REVISIONS:	

C-1

DATE: OCTOBER 2023

HOUSING PROJECT - PRELIMINARY
 COMMUNITY HOSPITAL
 MCCOOK, NEBRASKA

DESIGN ASSOCIATES
 1417 W. 10th Street, Suite 100
 Omaha, NE 68107
 Tel: 402.476.1111 Fax: 402.476.1112
 www.designassociates.com

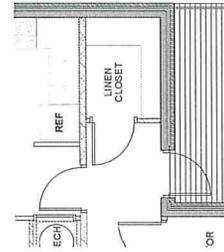
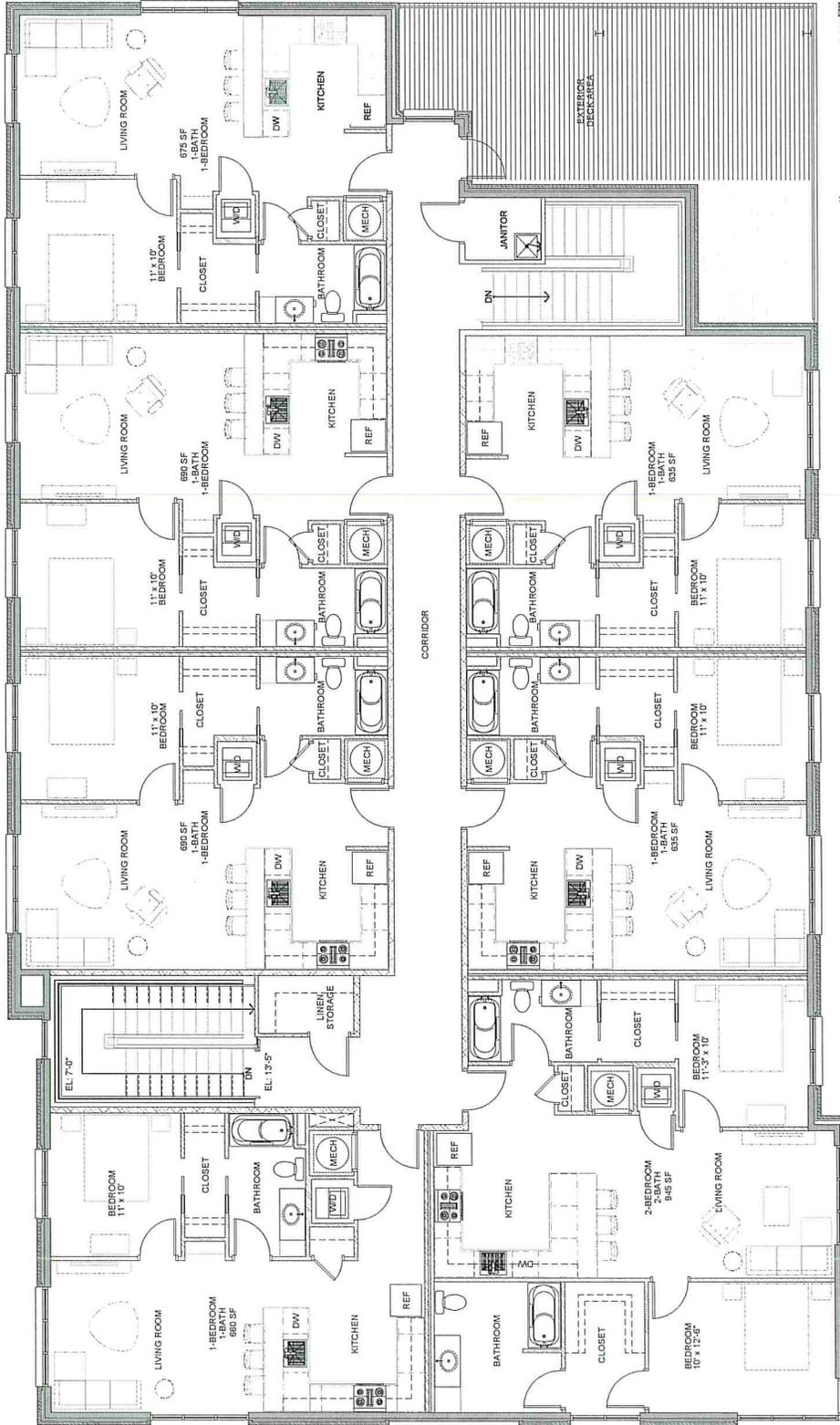
Year of Construction: 2023

PRELIMINARY
 NOT FOR CONSTRUCTION

DWG:	205-23-A-01
DRAMA:	MSC
CHECKED:	
REVISIONS:	

A-2

DATE: OCTOBER 2023



OPTION
 SCALE: 1/4" = 1'-0"



SECOND LEVEL - FLOOR PLAN [6,220 SF]
 SCALE: 1/4" = 1'-0"

1. Consult with architect for any
 changes to the floor plan.
 2. Verify all dimensions and areas.
 3. Verify all room and area numbers.

HOUSING PROJECT - PRELIMINARY
 COMMUNITY HOSPITAL
 MCCOOK, NEBRASKA

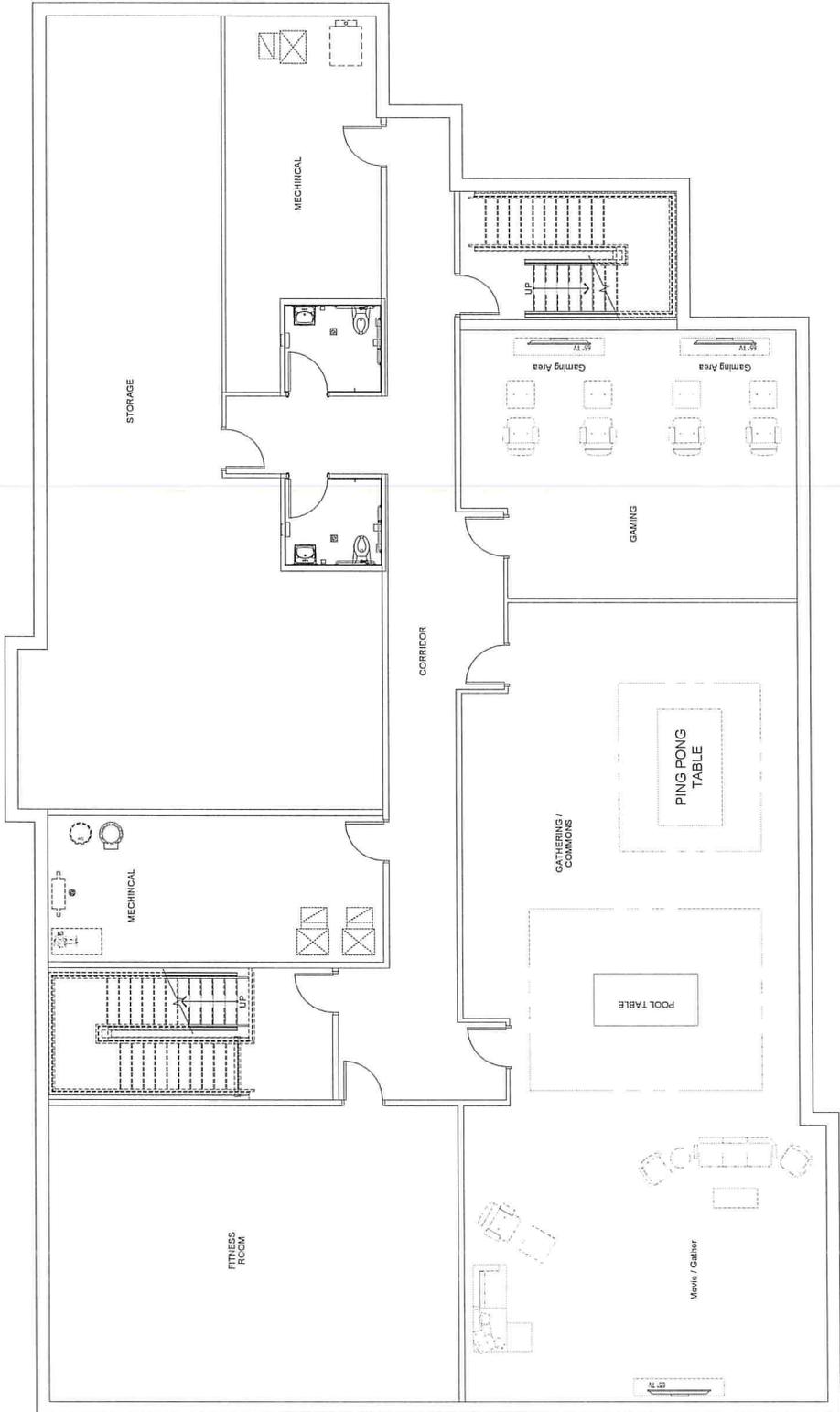
DESIGN ASSOCIATES
 1111 S. 17th Street, Suite 100
 Lincoln, NE 68502
 (402) 441-1111
 www.designassociates.com

Use of Containing Material
 PRELIMINARY
 NOT FOR CONSTRUCTION

DWG:	755-23-A-01
DRAWN:	MSC
CHECKED:	
REVISIONS	

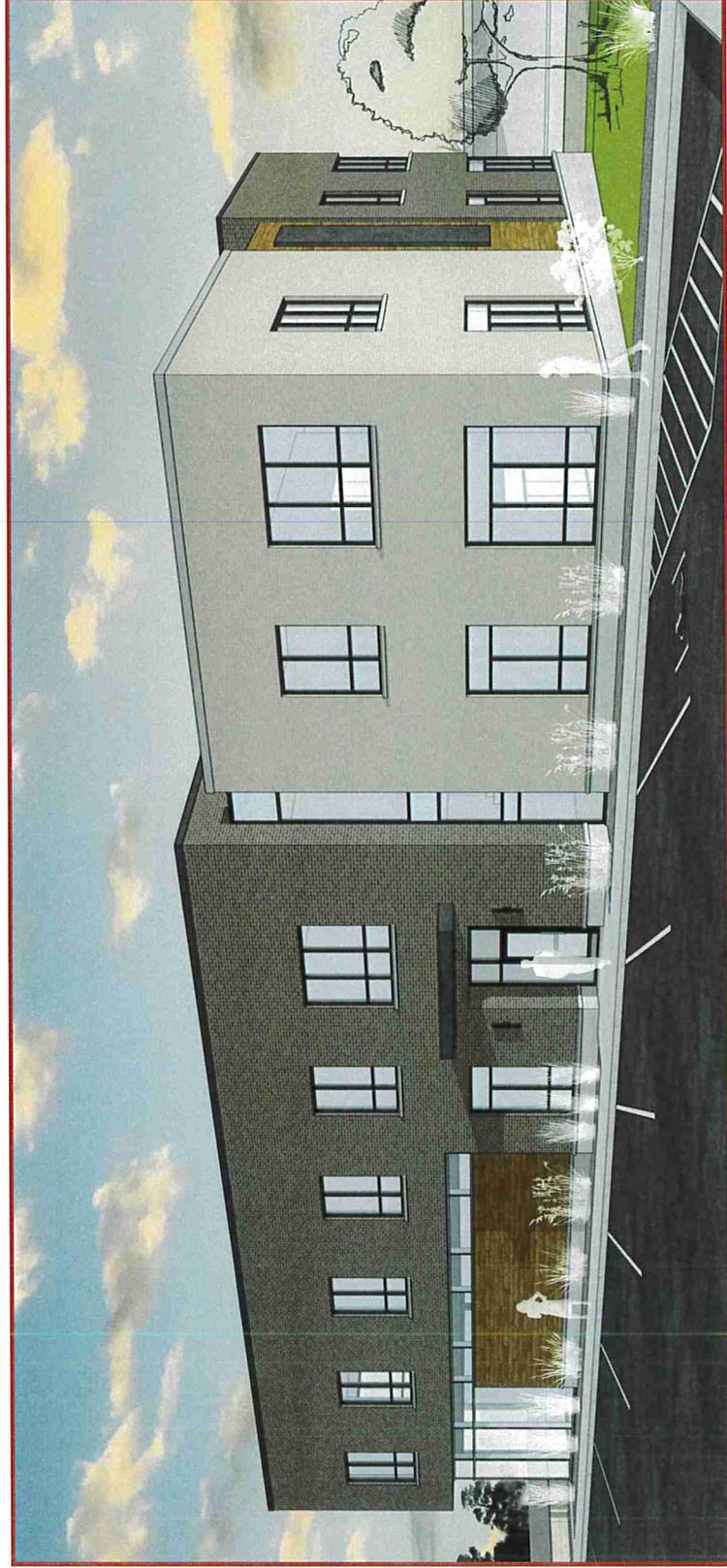
A-3b
 DATE: OCTOBER 2023

This is a preliminary drawing. It is not to be used for construction. All dimensions are approximate. The contractor shall verify all dimensions and conditions before construction.



BASEMENT LEVEL - FLOOR PLAN -v2 [6,000 SF]
 SCALE: 1/8" = 1'-0"
 NORTH

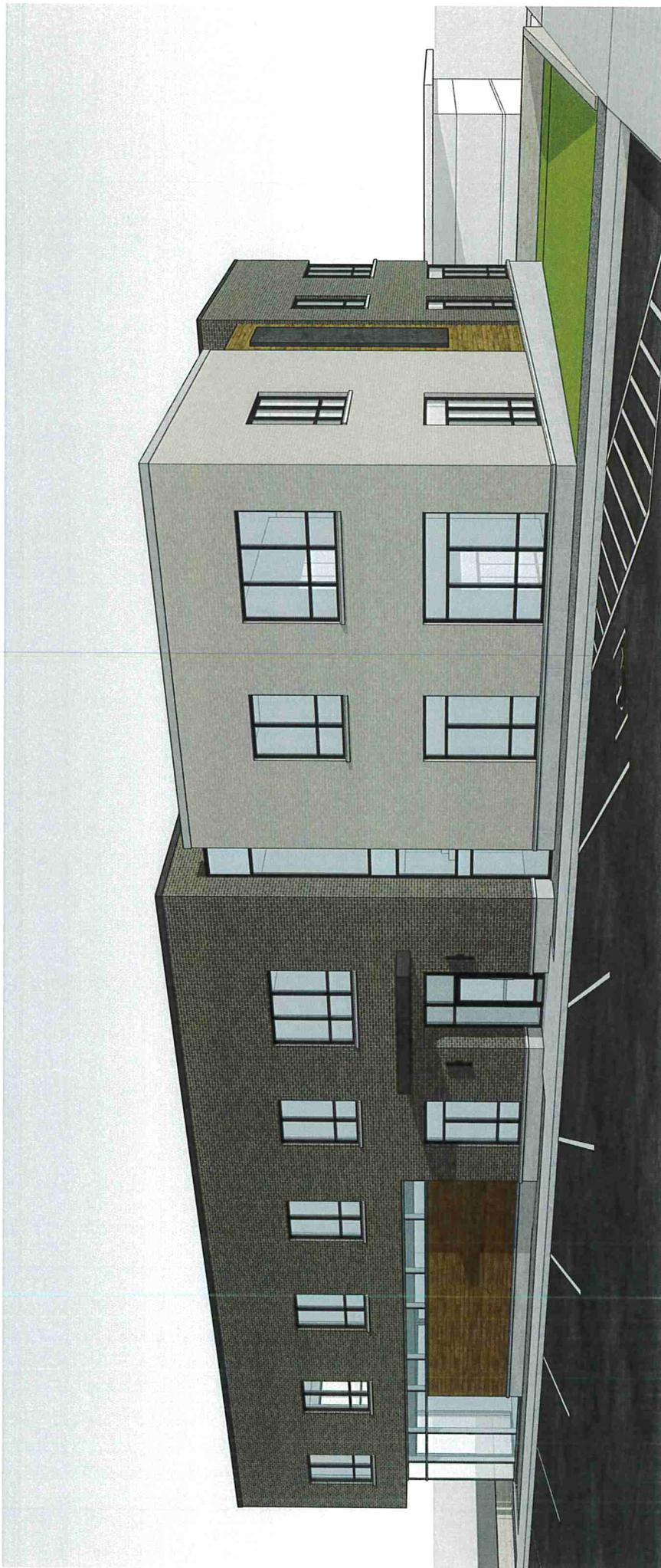
SCHEMATIC DESIGN CONCEPT
Document for Design Intent Only.



3D VISUALIZATION - NORTH FACADE
NOT TO SCALE

HOUSING PROJECT - PRELIMINARY
COMMUNITY HOSPITAL
MCCOOK, NEBRASKA

DECEMBER 2023







INSTRUCTIONS TO APPLICANT FOR A VARIANCE

1. Apply for building permit.
2. You will be sent a letter of denial for your building permit, stating the reason your building permit cannot be issued by the Building Department.
3. Receive Variance Application from Building Department.
4. Complete Variance Application and submit to the Building Department. Proof of ownership and legal description must be included. A filing fee of \$75.00 is due with application. Checks should be made payable to the City of McCook.
5. Application will be reviewed by the City of McCook Zoning Administrator.

You will be notified by letter of either the recommended approval or recommended denial of your application. Application will be forwarded to the Board of Zoning Adjustment for final determination. The applicant will be notified of the scheduled Board of Zoning Adjustment hearing.

6. The Board of Zoning Adjustment meets on the fourth Monday of each month at 5:30 P.M. at the Municipal Facility, in the City Council Chambers, 505 West "C" Street.
7. If Board determines that they cannot grant a variance, applicant, or effected party, may present a petition to the District Court. Appeal must be filed within 15 days.
8. If the Board grants the variance, you must then supply the Building Department with the information to approve the building permit. No building permit will be issued before the appeals period has ended.
9. If the variance is for a property setback, and is approved by the Board of Zoning Adjustments, the certificate will need to be filed with the Red Willow County Clerk. This filing fee must be paid to the City of McCook before a building permit will be issued.

EXHIBIT #10

PAGE(S) - 14

VARIANCE APPLICATION

APPLICATION NO. _____ DATE: _____

FEE ATTACHED: _____

APPLICATION COMPLETE: _____ SIGNED: _____

Applicant

1. Applicant's Name: The Community Hospital Association
2. Applicant's Address: 1301 East H St; PO Box 1328; McCook NE Phone: 308-344-2650
Email Address: swolfe@chmccook.org
3. Address of Property Affected: 409 West 1st Street, McCook NE 69001
4. Legal Description of Property: 0 3 29 ORIGINAL MCCOOK BLK 9 LOTS 16, 17, 18 & S 5' LOT 19

5. Zoning Central Business District Corner Lot? Yes _____ No X
6. Applicant's interest in the Property (i.e. owner, tenant), attached proof of ownership:
Signed purchase agreement from Michael and Linda Nielsen with an anticipated closing date of March 1, 2024

7. Description of variance requested: (Example: Variance of side lot set back requirement from 5 feet to 3 feet). Variance of off-street parking requirements per Zoning Ordinance 2111: Minimum Off-Street parking, exception for Central Business District (CB). Seeking permission to use on-street parking and the City of McCook's public parking lot directly adjacent to the property to fulfill the required parking per the zoning ordinance.

8. Sections of Zoning Ordinance No. 2016-2929 which are affected (to be completed by staff)
ARTICLE: _____
SECTION: _____

9. Draw the general area of your property and structure (existing and proposed) and adjacent properties and structures. (Not to scale).

Please see attached site plan with required parking stalls and statistics of current use of existing public parking.

N

W E

S

The Applicant must provide proof that the following criteria are met regarding the parcel of property for which the variance is being requested:

1. Referring to the specific parcel of property,
 - a) the parcel of property is exceptionally narrow;
 - b) the parcel of property is exceptionally shallow; or
 - c) the shape of the parcel of property is exceptional.

OR

- YES d) the parcel of property has exceptional topographic conditions; or
- YES e) the parcel of property has other exceptional or extraordinary conditions.

2. Strict application of the zoning ordinance would result in:

- a. peculiar and exceptional practicable difficulties to the owner; OR
- YES b. exceptional and undue hardships on the owner of such property.

3. Such relief may be granted without:

- YES a. substantial detriment to the public good; AND
- YES b. without substantially impairing the intent and purpose of the ordinance.

4. No variance shall be authorized unless the Board finds:

- YES a. strict application of the zoning ordinance would produce undue hardship;
- YES b. such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- YES c. authorization of such variance will not be a substantial detriment to adjacent property and the character of the district will not be changed by granting the variance;
- YES d. granting the variance is based upon reason of demonstrable and exceptional hardship as distinguished from variation for purposes of convenience, profit, or caprice.

5. No variance shall be authorized if request is:

- a. of a general and recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

Please provide documentation of the above, such as maps, photographs, or other evidence to substantiate your application.

THE BOARD MUST FIND THAT ALL OF THE ABOVE REQUIREMENTS ARE MET BY THE APPLICANT BY A CONCURRING VOTE OF FOUR MEMBERS OF THE BOARD.

APPLICANT DECLARATIONS

1. The following special conditions or circumstances exist on the land which pose an undue hardship on the applicant: (Describe conditions and circumstances.)

The limited size of the lot and proposed multi-family housing project planned for the site in the Central Business District (CB) makes it prohibitive to include off-street parking for the tenants. Per Section 2111 of the Zoning Ordinance, the multi-family housing is required to have 13 parking stalls (see attached Civil Drawing). The existing parking utilization (as shown on the site plan), shows that there is enough on-street parking on W. 1st St. & public parking in the lot adjacent to the property available within 400ft of the entry to accommodate the needs of this project. It is requested that the Board of Zoning Adjustment grants the Community Hospital Association the use this public parking to meet the requirements set forth in section 2111 of the zoning ordinance.

2. Please state the minimum variance necessary to permit the proposed construction
Due to the lot being in the Central Business District (CB) and the lot size and planned use, the minimum variance is to be allowed to use street and public parking to fulfill all of the parking requirements of Section 2111.
3. Without the granting of this variance the applicant would suffer a hardship not suffered by other properties located in the same zoning district and same vicinity.
X Yes _____ No
4. The granting of the variance will not adversely affect the rights of the adjacent property owners or residents nor will it confer upon the applicant any special privilege denied by the Zoning Ordinance. X Yes _____ No
(Attach approval certifications from adjacent property owners.)
5. The variance will not adversely affect the public health, safety, morals, order, convenience or welfare. X Yes _____ No

ADJACENT PROPERTY OWNER CERTIFICATION

I, Charlie McPherson/MEDC, own the property adjacent to that for which this variance is requested. I hereby certify that I do not have any objection to or reservations about the granting of the variance requested.

SIGNED: 

ADDRESS: 402 Norris Ave.

ADJACENT PROPERTY OWNER CERTIFICATION

I, Margaret Repass/Harris Institute, own the property adjacent to that for which this variance is requested. I hereby certify that I do not have any objection to or reservations about the granting of the variance requested.

SIGNED: 

ADDRESS: 402 Norris Ave

ADJACENT PROPERTY OWNER CERTIFICATION

I, Jason Loop / On the Bricks, own the property adjacent to that for which this variance is requested. I hereby certify that I do not have any objection to or reservations about the granting of the variance requested.

SIGNED: 

ADDRESS: 111 West D

**RECOMMENDATION OF THE
MCCOOK CITY ZONING ADMINISTRATOR**

The City of McCook Zoning Administrator hereby recommends that the variance should _____ be granted, _____ not be granted, _____ be granted with conditions. Conditions, modifications or safeguards prescribed as a part of the variance approval are as follows: _____

Dated this _____ day of, _____, 20 _____.

**FINDINGS AND DETERMINATIONS OF
MCCOOK BOARD OF ZONING ADJUSTMENT**

DATE: _____

SIGNED: _____
Chairman

VARIANCE CRITERIA

JUSTIFIES VARIANCE

	<u>YES</u>	<u>NO</u>
1. Referring to the specific parcel of property,		
a) the parcel of property is exceptionally narrow;	_____	_____
b) the parcel of property is exceptionally shallow; <u>or</u>	_____	_____
c) the shape of the parcel of property is exceptional.	_____	_____
OR		
d) the parcel of property has exceptional topographic conditions; <u>or</u>	_____	_____
e) the parcel of property has other exceptional or extraordinary conditions.	_____	_____
2. Strict application of the zoning ordinance would result in:		
a) peculiar and exceptional practicable difficulties to the owner; OR		
b) exceptional and undue hardships on the owner of such property.	_____	_____
	_____	_____
3. Such relief may be granted without:		
a) substantial detriment to the public good; AND		
b) without substantially impairing the intent and purpose of the ordinance.	_____	_____
	_____	_____
4. No variance shall be authorized unless the Board finds:		
a) The strict application of the provisions of the Zoning Ordinance would produce an undue hardship on the applicant.	_____	_____

- | | | |
|--|-------|-------|
| b) Such hardship is not generally shared by other properties in the same zoning district and in the same vicinity. | _____ | _____ |
| c) The granting of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed. | _____ | _____ |
| d) The variance request is based upon reasons of demonstrable and exceptional hardship as distinguished from convenience, profit or caprice. | _____ | _____ |
| 5. The variance requested is not so general or of re-occurring nature that it might more reasonably be addressed through a change in the Zoning Regulations. | _____ | _____ |
| 6. The applicant has filed a proper and complete application. | _____ | _____ |
| 7. Application for a variance submitted must demonstrate the following: | | |
| A. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not found in the same zoning district and which were not created by an action of the property owner or the applicant; | _____ | _____ |
| B. The reduction of the minimum requirements of this Ordinance which would be necessary to permit the proposed use or construction; | _____ | _____ |
| C. The literal interpretation of the provision of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance; | _____ | _____ |
| D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents nor will it confer upon the applicant any special privilege denied by this Ordinance to other land or structures in the same district; | _____ | _____ |
| E. The variance will not adversely affect the public health, safety, morals, order, convenience or welfare; | _____ | _____ |
| F. The variance requested is the minimum variance that will make possible the reasonable use of the land or structure; | _____ | _____ |
| G. Granting the variance requested will not be opposed to the general spirit and intent of this Ordinance. | _____ | _____ |
| 8. The notice of meeting appeared in the paper and applicants and other parties of interest have been sent written notice of the meeting at which a hearing on the variance request is being considered. | _____ | _____ |

9. The variance requested does not allow a use not permissible under the Zoning Ordinance in the district in which it is presently located.

BOARD OF ZONING ADJUSTMENT DECISION

The McCook Board of Zoning Adjustment hereby determines that the variance should _____ be granted, _____ not be granted, _____ be granted with conditions. Conditions, modifications or safeguards prescribed as a part of the variance approval are as follows: _____

Variance criteria not met are as follows: _____

Dated this _____ day of, _____, 20 _____.

RESIDENTIAL PURCHASE AGREEMENT

The undersigned, as Buyer, agrees to purchase the following:

Property Address: 409 West 1st Street, McCook NE 69001

Legal Description: 0 3 29 ORIGINAL MCCOOK BLK 9 LOTS 16, 17, 18 & S 5' LOT 19

The seller has the right to remove any and all Real and Personal property prior to the date of closing.

If still occupied by tenant:

In the event that the property is still occupied by a tenant upon the closing date, the seller agrees to leave Real and Personal Property as currently supplied for tenant to use property. Seller represents that there are no latent defects in the Property of which the Seller is aware in its current use and it is equipped with smoke detectors as required by law.

Buyer will notify the Seller upon the tenant vacating the property and the Seller will retain the right to a 45 day period to remove any and all remaining Real and Personal Property the Seller wishes; with the exception of any property added or installed by the Buyer.

Date:

The date of this purchase shall be Friday, March 1st, 2024 unless a change is agreed to by both parties.

Title:

Seller agrees to furnish a title insurance commitment insuring marketability and Buyer shall be furnished a current title insurance commitment by Seller at least 5 days before closing. The cost of title insurance issued for this sale shall be equally divided. Should a valid title defect exist, Seller has a reasonable time to correct said defect. If the title defects are not cured within a reasonable time period, the Buyer may declare this Agreement null and void. Seller agrees to convey to Buyer by warranty deed or free and clear of all liens, encumbrances, special assessments levied or assessed, and subject to all easements and restrictions or covenants new of record.

The documentary stamp tax shall be paid by the Seller.

Consideration:

Buyer agrees to pay \$120,000.00 at the time of delivery of deed.

All consolidated real estate taxes for the year in which closing takes place shall be prorated, based on Current assessment and tax rate, as of date of closing. All real estate taxes for prior years shall be paid by Seller.

Offer:

This offer is based upon Buyer's personal inspection or investigation of the Property. Buyer agrees to accept the property in its present condition; and acknowledges and agrees that Seller can remove any and all Real and Personal property as described above.

This agreement shall in no manner be construed to convey the Property or to give any right of possession. Risk of loss or damage Property, prior to closing date, shall be the responsibility of Seller.

This **RESIDENTIAL PURCHASE AGREEMENT** is hereby agreed to by the Buyer and Seller:

Buyer: The Community Hospital Association

Address: 1301 East H Street, PO Box 1328; McCook NE 69001

Buyer Sean Wolfe, CFO

Date 10/2/2023

By Sean Wolfe, CFO

E-mail: swolfe@chmccook.org Phone: 308-344-8306

Sellers: Michael R and Linda C Nielsen

Address: 909 W. K St, McCook, NE 69001

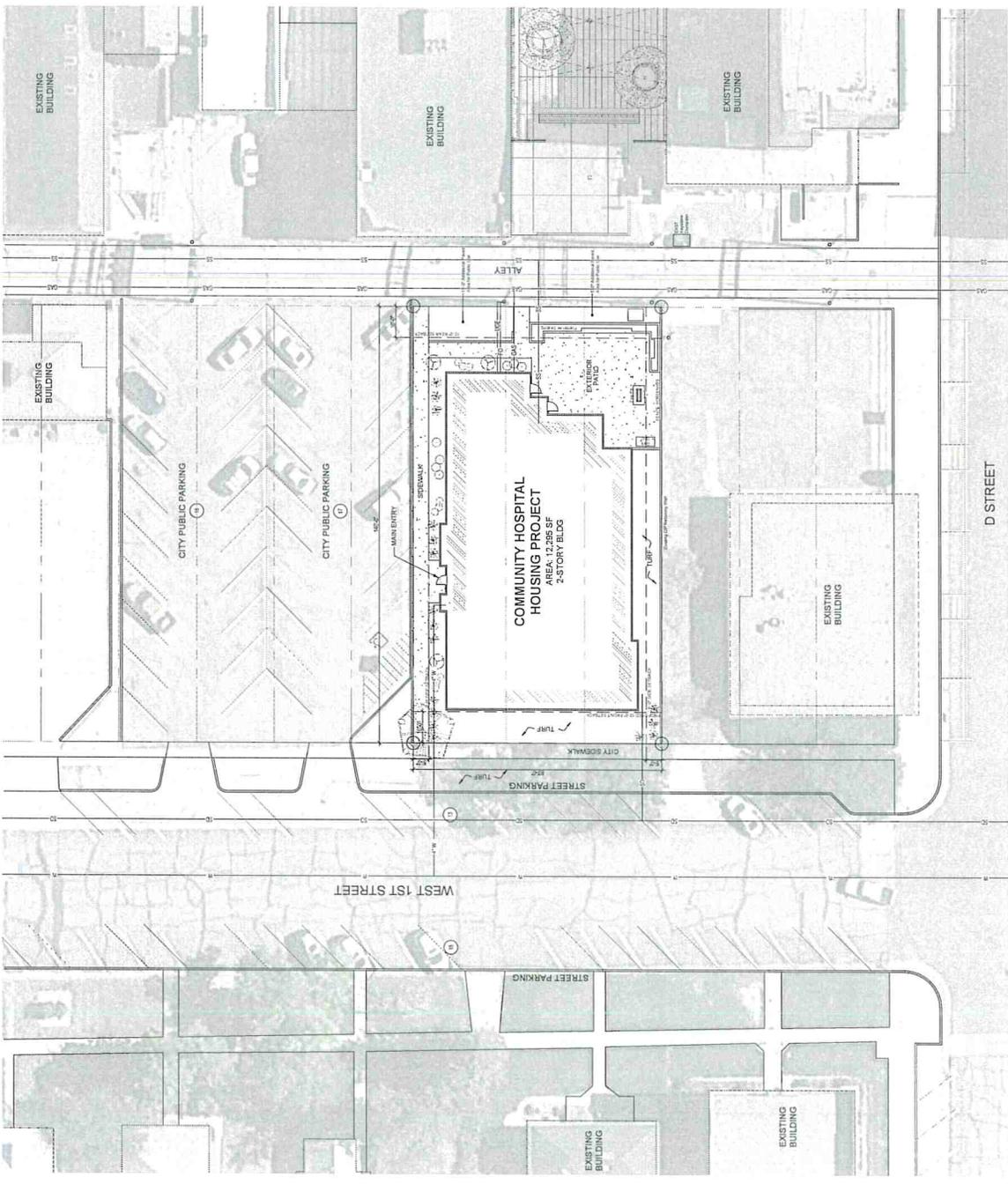
Seller Michael R. Nielsen

Date 10/6/23

Seller Linda C. Nielsen

Date 10/6/23

E-mail: niechi@questoffice.net Phone: 308-345-1755



BUILDING DATA

COMMUNITY HOSPITAL ASSOCIATION, ELSTON, ILLINOIS

ZONING CLASSIFICATION: CB (CENTRAL BUSINESS DISTRICT)

USE GROUP: R2 (RESIDENTIAL MEDIUM DENSITY)

OCCUPANCY: 190 1-BEDROOM & 20 2-BEDROOM

TYPE OF CONSTRUCTION: VALUATION FULLY SPRINKLED

NUMBER OF STORES: 2

BUILDING FOOTPRINT AREA: 12,285 SQ FT

CLIMATE ZONE: 5A

PARKING DATA

ESTIMATED PARKING SPACES

ONE (1) PARKING STALL PER 1-BEDROOM & ONE AND A HALF (1-1/2) STALL PER 2-BEDROOM

TWO (2) BICYCLE STALLS PER ONE BEDROOM

TWO (2) BICYCLE STALLS PER ONE AND A HALF (1-1/2) PER

TOTAL PARKING: 19

REQUIRED: 19 STALLS

PROVIDED: 19 STALLS

ADDITIONAL PARKING SPACES TO BE PROVIDED: 0

ADDITIONAL STALLS REQUIRED (ONE (1) BEING VAN ACCESSIBLE): 0

ADDITIONAL STALLS PROVIDED: 0

ONE (1) OF WHICH ARE VAN ACCESSIBLE STALL

EXISTING PUBLIC PARKING USAGE

PUBLIC PARKING LOT (25 STALLS AVAILABLE)

MORNING: 19 VEHICLES

AFTERNOON: 21 VEHICLES

NIGHT: 18 VEHICLES

VEHICLE-SEE STREET PARKING (WEST SIDE (13) STALLS AVAILABLE)

MORNING: 4 VEHICLES

AFTERNOON: 7 VEHICLES

NIGHT: 6 VEHICLES

VEHICLE-SEE STREET PARKING (EAST SIDE (13) STALLS AVAILABLE)

MORNING: 1 VEHICLE

AFTERNOON: 5 VEHICLES

NIGHT: 0 VEHICLES

* AVERAGE VEHICLE COUNTS TAKEN OVER SEVERAL DAYS IN DECEMBER 2022 AND JANUARY 2024

HOUSING PROJECT - PRELIMINARY

COMMUNITY HOSPITAL

MCCOOK, NEBRASKA

DESIGN ASSOCIATES

1000 WEST 10TH STREET, SUITE 100

OMAHA, NEBRASKA 68102

PH: 402.464.1234

WWW.DA-NE.COM

PRELIMINARY

NOT FOR CONSTRUCTION

DATE: OCTOBER 2023

DRAWN: MSC

CHECKED: []

REVISIONS: []

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