

MCCOOK CITY COUNCIL

REGULAR MEETING

**Monday, February 10, 2025
5:15 PM - City Council Chambers**

Call to Order and Roll Call.

Open Meetings Act Announcement.

Items

1. Approve the minutes of the October 14, 2024 regular Planning Commission meeting.
2. Public Hearings and Regular Agenda.
 - A. Public Hearing - Request for a special exception by Amanda and Dustin Trew to locate a Bed and Breakfast/Vacation Rental in a Medium Density Residential District (RM) - property located at 806 1/2 East 7th Street; legally described as the South Thirty-five (35) feet of Lot Seven (7) and the North One and Seven-tenths (1.7) feet of the vacated alley between Lots Seven (7), Eight (8), and Nine (9), of Block One (1), John E. Kelley Memorial First 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 Amanda and Dustin Trew to locate a Bed and Breakfast/Vacation Rental in a Medium Density Residential District (RM) - property located at 806 1/2 East 7th Street; legally described as the South Thirty-five (35) feet of Lot Seven (7) and the North One and Seven-tenths (1.7) feet of the vacated alley between Lots Seven (7), Eight (8), and Nine (9), of Block One (1), John E. Kelley Memorial First Addition to the City of McCook, Red Willow County, Nebraska; finding Special Exception considerations A-I are satisfied.

Adjournment.

**CITY MANAGER'S REPORT
FEBRUARY 10, 2025 PLANNING COMMISSION MEETING**

ITEM: 1.

RECOMMENDATION:

Approve the minutes of the October 14, 2024 regular McCook Planning Commission meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

February 6, 2025

McCook Planning Commission
Regular Meeting
October 14, 2024
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 Lyons; Vice Chair Hilker; Commissioners Davidson, Friehe, McDowell, Mockry, Stevens.

Absent: Commissioners Bradley, Vosburg, Currier.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on October 11, 2024, 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 Lyons 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 September 16, 2024 regular Planning Commission meeting.

Motion to approve the minutes of the September 16, 2024 regular Planning Commission meeting. This motion, made by Lyons and seconded by McDowell, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Regarding the voluntary annexation of a tract of land located in the Northwest Quarter (NW1/4) of Section Nineteen (19), Township Three (3) North, Range Twenty-nine (29) West of the 6th P.M., Red Willow County, Nebraska.

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 north in the Northwest Quarter (NW1/4) of Section Nineteen (19), Township Three (3) North, Range Twenty-nine (29) West of the 6th P.M., Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Lyons and seconded by Mockry, passed.

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

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the October 14, 2024 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); and Exhibit #3 - Proposed Resolution No. PC2024-02 (2 pages).

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

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

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

- 2.B. Approve Planning Commission Resolution No. PC 2024-02, recommending approval of the annexation of a tract of land located in the Northwest Quarter (NW1/4) of Section Nineteen (19), Township Three (3) North, Range Twenty-nine (29) West of the 6th P.M., Red Willow County, Nebraska.

Motion to approve Planning Commission Resolution No. PC 2024-02, recommending approval of the annexation of a tract of land located in the Northwest Quarter (NW1/4) of Section Nineteen (19), Township Three (3) North, Range Twenty-nine (29) West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Friehe and seconded by Davidson, passed.

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

- 2.C. Public Hearing - Regarding the adoption of a redevelopment plan entitled "Redevelopment Plan for the Walters Multi-Use Redevelopment Project" for land located in the Northwest Quarter (NW1/4) of Section Nineteen (19), Township Three (3) North, Range Twenty-nine (29) West of the 6th P.M., Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the adoption of a redevelopment plan entitled "Redevelopment Plan for the Walters Multi-Use Redevelopment Project" for land located in the Northwest Quarter (NW1/4) of Section Nineteen (19), Township Three (3) North, Range Twenty-nine (29) West of the 6th P.M., Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Lyons and seconded by McDowell, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the October 14, 2024 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published

(1 page); Exhibit #3 - Proposed Resolution No. PC2024-03 (1 page); and Exhibit #4 - proposed Redevelopment Plan (69 pages).

Craig Bennett and Jason Combs with Miller & Associates were presented to review the proposed Redevelopment Plan with the Commission.

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

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

2.D. Approve Planning Commission Resolution No. PC 2024-03, recommending adoption of a redevelopment plan entitled "Redevelopment Plan for the Walters Multi-Use Redevelopment Project" for a tract of land located in the Northwest Quarter (NW1/4) of Section Nineteen (19), Township Three (3) North, Range Twenty-nine (29) West of the 6th P.M., Red Willow County, Nebraska.

Motion to approve Planning Commission Resolution No. PC 2024-03, recommending the adoption of a redevelopment plan entitled "Redevelopment Plan for the Walters Multi-Use Redevelopment Project" for a tract of land located in the Northwest Quarter (NW1/4) of Section Nineteen (19), Township Three (3) North, Range Twenty-nine (29) West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Lyons and seconded by Friehe, passed.

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

Adjournment.

With no further business, Chair Lyons declared the Planning Commission meeting adjourned at 6:45 P.M.



Lea Ann Doak, City Clerk-Treasurer
Recording Secretary

**CITY MANAGER'S REPORT
FEBRUARY 10, 2025 MCCOOK PLANNING COMMISSION MEETING**

2.A.

ITEM: ___ Public Hearing - Request for a special exception by Amanda and Dustin Trew to locate a Bed and Breakfast/Vacation Rental in a Medium Density Residential District (RM) - property located at 806 1/2 East 7th Street, legally described as the South Thirty-five (35) feet of Lot Seven (7) and the North One and Seven-tenths (1.7) feet of the vacated alley between Lots Seven (7), Eight (8), and Nine (9), of Block One (1), John E. Kelley Memorial Addition to the City of McCook, Red Willow County, Nebraska.

2.B.

ITEM: ___ Recommend approval to the City Council the special exception application by, Amanda and Dustin Trew to locate a Bed and Breakfast/Vacation Rental in a Medium Density Residential District (RM) - property located at 806 1/2 East 7th Street, legally described as the South Thirty-five (35) feet of Lot Seven (7) and the North One and Seven-tenths (1.7) feet of the vacated alley between Lots Seven (7), Eight (8), and Nine (9), of Block One (1), John E. Kelley Memorial Addition to the City of McCook, Red Willow County, Nebraska finding that Special Exception considerations A - I are satisfied.

BACKGROUND:

The City of McCook has received a special exception request from Amanda and Dustin Trew. Specifically, the applicants have requested that the property located at 806 1/2 East 7th Street be granted special exception status for the purpose of operating a bed and breakfast and/or a vacation rental. The property at issue is a single-family structure. Mr. and Mrs. Trew's property is part of a larger condominium style structure, making the property unique to a degree.

The application addresses McCook's Zoning Ordinance, Article 24 Special Exception requirements relative to the RM District. Based on staff's review, it is believed a grant of special exception will not adversely impact ingress and/or egress. The property is located in a relatively lightly traveled portion of McCook and a special exception designation should not impact traffic significantly. Additionally, there is adequate off-street parking on the lot to accommodate licensees due to the fact that there is sufficient off street parking for 5 vehicles. The residential structure's footprint will remain the same. Also, staff believes the request generally complies with the City of McCook's Comprehensive Plan.

APPROVALS:



Lea Ann Doak, City Clerk

February 5, 2025



Nathan A. Schneider, City Manager

February 5, 2025

EXHIBIT - #1

PAGE(S) - 1

**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 10, 2025, at 5:15 P.M. and by the McCook City Council on February 17, 2025, 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 Bed and Breakfast/Vacation Rental in a Residential Medium Density (RM) District in the City of McCook. Property located at 806½ East 7th Street; Condominium D, S 35' Lot 7 and N 1.7' of vacated alley between Lots 7, 8, and 9, John E. Kelley Memorial Addition to the City of McCook, Red Willow County, Nebraska. Land Owner, Dustin and Amanda Trew. 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: January 31, 2025.

EXHIBIT - #2

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 Bed and Breakfast/Vacation Rental in a Residential Medium Density (RM) District in the City of McCook.

ADDRESS: 806½ East 7th Street

LEGAL DESCRIPTION: Condominium D, S 35' of Lot 7 and N 1.7' of vacated alley between Lots 7, 8, and 9, John E. Kelley Memorial Addition to the City of McCook, Red Willow County, Nebraska.

LAND OWNER: Dustin and Amanda Trew

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

FEBRUARY 10, 2025 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

FEBRUARY 17, 2025 - 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: January 31, 2025
Post: January 31, 2025
Mail: January 31, 2025

EXHIBIT - #3

PAGE(S) - 1

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
% Penny Cooper
502 Norris Avenue
McCook NE 69001

Red Willow County Planning Commission
502 Norris Avenue
McCook NE 69001

David Baker
607 E I Street
McCook, NE 69001

Douglas and Barbara Hiatt
903 East 6th
McCook, NE 69001

Thomas and Regina Burns
901 East 6th Street
McCook, NE 69001

Christopher and Beth Anderson
904 East 7th
McCook, NE 69001

Andrew and Christin Gross
902 East 7th
McCook, NE 69001

Mid-Plains Community College
601 W State Farm Road
North Platte, NE 69101

Richard and Julie Metcalf
PO Box 1023
McCook, NE 69001

Roland and Marilyn Anderjaska
811 East 7th
McCook, NE 69001

Pamela Wagner
PO Box 203
McCook, NE 69001

Mildred Weskamp
805 East 7th Street
McCook, NE 69001

Vicki Wacker
803 East 7th
McCook, NE 69001

Evan and Jane Geilenkirchen
805 East H
McCook, NE 69001

Kirk Messinger, Inc.
70307 Road 389
McCook, NE 69001

Devin and Haley Rambali
802 East H Street
McCook, NE 69001

McCook Church of Christ
710 East 7th Street
McCook, NE 69001

Melissa Markee
709 East 6th Street
McCook, NE 69001

Donald and Marilyn Remington
39325 State Hwy 89
Danbury, NE 69026

Sean and Ashton McCoy
707 East 6th
McCook, NE 69001

Megan Musgrave
304 East 5th Street
McCook, NE 69001

Teresa Purvis
710 East 6th Street
McCook, NE 69001

Margaret Cary
712 East 6th Street
McCook, NE 69001

Gene and Diane Purvis
802 East 6th Street
McCook, NE 69001

Paul and Randi Warneke
2221 2nd Ave.
Nebraska City, NE 68410

Vickie Blaisdell
PO Box 343
McCook, NE 69001

S & S Associates, LLC
c/o Lonnie Saltz
4505 W Davey Road
Raymond, NE 68428

James and Anita Lytle
803 East 6th Street
McCook, NE 69001

Alanna O'Byrne
112 West C Street
McCook, NE 69001

Patricia Marsh
1600 Broadway Ste 1050
Denver, CO 80202

Janine Hall
804 East 7th
McCook, NE 69001

Amy Scheil
804 East 6th
McCook, NE 69001

Matthew Esch
806 East 6th Street
McCook, NE 69001

Joe Warneke
810 East 6th
McCook, NE 69001

G8 Realty, LLC
c/o Travis & Kelli Zwickle
39132 Road 712
McCook, NE 69001

Kevin Lauer
805 East 6th Street
McCook, NE 69001

Michael Beiber
801 East 6th
McCook, NE 69001

Baleigh Abbott
810 East 7th
McCook, NE 69001

Mary Haller
804 ½ East 7th Street
McCook, NE 69001

Rodney and Ginny Volberding
711 East H Street
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: Vacation Rental @ 806 1/2 E 7th McCook

Description of Project: Single family Condo

Project sponsor or developer:

Name: Amanda & Dustin Trew
 Address: 1124 Flint Ave Colby KS 67701
 Phone number: 785-443-5558 or 785-443-5484
 Fax number: 784-460-4361
 E-mail Address: ourways2@yahoo.com

Land owner or owners:

Name: SAA
 Address: _____
 Phone number: _____
 Fax number: _____
 E-Mail Address: _____

REQUIRED ATTACHMENTS:

For Zone Changes and Special Exceptions:

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

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

~~_____

_____~~

①

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.)

Vacation Rental Exception

②

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;

off street parking for 5 vehicles
front & back door for ingress & egress for condo

(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;

off street parking for 5 vehicles

(C) the location of refuse and service areas, with particular reference to the items in (A) and (B) above;

dumpster out back in alley

(D) utilities, with reference to locations, availability, and compatibility;

All utilities avail. to property

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

Privacy fenced in back yard

(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;

None

(G) required yards and other open space; fenced in backyard

(H) general compatibility with adjacent properties and other properties in the district; Conforms to other housing in neighborhood

(I) compatibility with existing and future land use plan in the McCook Comprehensive Plan. Compatible

— Explain how the project complies with the Comprehensive Plan: located in an established neighborhood, that complies with the current Comp. Plan



001281100

001281000

001281400



January 14, 2025 20:35 PM

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

1:1,340

- Municipalities
- Parcels
- Sections
- Townships

Red Willow County, NE

Summary



Parcel Number 001281000
Property Address 806 1/2 EAST 7TH STREET
City MCCOOK
State NE
Zip 69001
Legal JOHN E KELLEY MEMORIAL ADDITION MCCOOK BLK 1
CONDOMINIUM D S 35' LOT 7 & N 1.7' OF THE VAC ALLEY
BETWEEN LOTS 7, 8, 9
Acres 0
Section 0
Township 3
Range 29
Tax District 80
Neighborhood 1505 - 1505 MCCOOK

Owners

TREW/DUSTIN & AMANDA
806 1/2 E 7TH ST
MCCOOK, NE 69001-3340

Sales

Sale Date	Sale Price	Grantee	Seller Name	Book / Page
8/22/2022	\$148,000	TREW/DUSTIN & AMANDA	HUNTER/GERRY	2022 / 01328
11/22/2017	\$89,000	HUNTER/GERRY	GRANT/MARSHALL D & E JEAN	2017 / 01849

Recent Sales in Area

Sale date range:

From: 01/29/2015 To: 01/29/2025

Sales by Neighborhood

Distance: 1500 Feet Sales by Distance

Dwelling/Building

Actual Year Built 1974
Building Sq ft 1,728
Ground Floor Sq ft 1,008
Quality Average
Total Baths 2
Bath Fixtures 9
Exterior Walls 100%
Roof Cover
HVAC 100%
Improvement Description
Building Class Code

Other Improvements

Description	Extended Description	Year	Dimensions	Units
OSP	Open Slab Porch	0	10 x 6	60
OPS	Open Porch Steps	0	6 x 5	30
S1FP	Single 1-Story Fireplace	0	0 x 0	1
	Detached Garage(SF)	0	24 x 24	576

Land

Frontage	Depth1	Depth2	Square Feet	Description
37	140	140	5,180	5180 S.F.

Valuation

Assessed Year	2024	2023	2022	2021	2020
Dwelling/Building	\$135,949.00	\$135,949.00	\$108,749.00	\$94,564.00	\$94,564.00
Other Improvement	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Land	\$6,475.00	\$6,475.00	\$3,626.00	\$3,626.00	\$3,626.00
Total	\$142,424.00	\$142,424.00	\$112,375.00	\$98,190.00	\$98,190.00

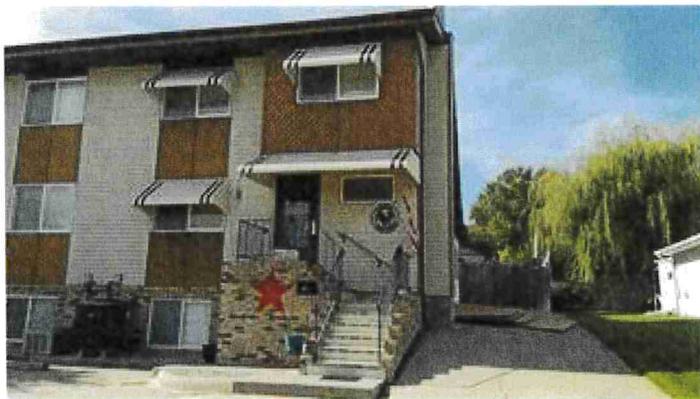
Tax History

Tax Year	2024	2023	2022	2021	2020
Value	\$142,424.00	\$142,424.00	\$112,375.00	\$98,190.00	\$98,190.00
Tax	\$2,390.96	\$2,503.38	\$2,083.98	\$1,894.68	\$1,888.00
Exemption	\$171.00	\$159.00	\$120.00	\$106.00	\$100.00
Net Tax	\$1,845.40	\$2,344.86	\$1,964.20	\$1,789.08	\$1,787.64

Tax Levy

Description	Rate
ED UNIT #15	0.014708
NATURAL RESOURCE	0.032429
MID-PLAINS GEN/CAP IMP	0.074626
S.D. #17 BOND	0.055287
CITY OF MCCOOK GEN	0.340814
HIGH PLAINS HISTORICAL	0.003
COUNTY	0.290468
S.D. #17 GEN/SPEC BLD	0.946358

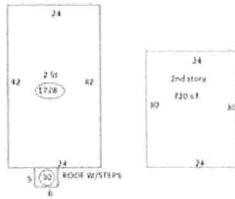
Photos



Other Images



Sketches



No data available for the following modules: Outbuildings, Property Record Card(s), Sketches.

The public information contained herein is furnished as a public service by Red Willow County. The map, all associated data, and measurements are approximate and not to be used for any official purpose. Red Willow County makes no warranties, either expressed or implied, concerning the accuracy, completeness, reliability, or suitability of the information for any other particular use. Furthermore, Red Willow County assumes no liability associated with the use or misuse of said information.

[User Privacy Policy](#) | [GDPR Privacy Notice](#)

Last Data Upload: 1/28/2025, 8:45:16 PM

[Contact Us](#)

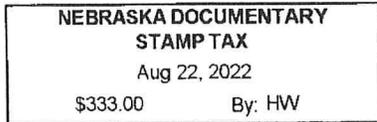
Developed by
 **SCHNEIDER**
GEOSPATIAL

Recorded August 22, 2022 02:10 PM

Inst. No. 2022-01328

Fees: \$ 16.00, Pages 2

Jan 1st
Register of Deeds, Red Willow County, NE



AFTER RECORDING RETURN TO:

McCook Abstract Company
318 Norris Avenue
McCook, NE 69001

WARRANTY DEED

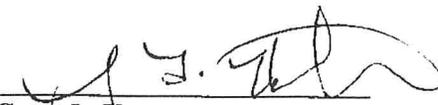
Gerry L. Hunter, a single person, GRANTOR, in consideration of One Dollar (\$1.00) and other good and valuable consideration, conveys to GRANTEE, Dustin Trew and Amanda Trew, husband and wife, as joint tenants and not as tenants in common, the following described real estate (as defined in Neb. Rev. Stat. § 76-201):

The South Thirty-five (35) feet of Lot Seven (7) and the North One and Seven-tenths (1.7) feet of the vacated alley between Lots Seven (7), Eight (8), and Nine (9), of Block One (1), John E. Kelley Memorial Addition to the City of McCook, Red Willow County, Nebraska.

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

1. is lawfully seized of such real estate and that it is free from encumbrances, EXCEPT subject to easements, reservations, and restrictions of record;
2. has legal power and lawful authority to convey the same;
3. warrants and will defend title to the real estate against the lawful claims of all persons.

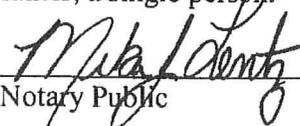
Executed: August 11, 20 22


Gerry L. Hunter

STATE OF Nebraska)
COUNTY OF Red Willow)

The foregoing instrument was acknowledged before me this 11th day of August, 2022 by Gerry L. Hunter, a single person.




Notary Public

My Commission Expires: November 30, 2025

File No. M016893-

ARTICLE 9

RESIDENTIAL MEDIUM DENSITY DISTRICT (RM)

Article 9 - Residential Medium Density District (RM)

Section 901. Intent. The intent of a Residential - Medium Density District (RM) is to provide for medium density residential use areas together with certain prescribed compatible uses.

Section 902. Permitted Principal Uses and Structures. The following principal uses and structures shall be permitted in Residential - Medium Density Districts (RM):

1. Dwellings, single family.
2. Manufactured homes under the prescribed conditions of Section 2113 of this Ordinance.
3. Dwellings, duplex.
4. Churches, places of worship and cemeteries.
5. Public uses: including but not limited to parks, playgrounds, recreational uses, fire stations, public utilities and utility distribution systems.
6. Child care homes.
7. Group Homes.

Section 903. Permitted Accessory Uses and Structures. The following accessory uses and structures shall be permitted in Residential - Medium Density Districts (RM):

1. Home occupations under the prescribed conditions of Section 2116 of this Ordinance.
2. Mobile homes under the prescribed conditions of Section 2109 of this Ordinance.
3. Accessory uses and structures normally appurtenant to the permitted uses and structures when established within the space limits of this district, and under the prescribed conditions of Section 2103 of this Ordinance.

Section 904. Special Exceptions. After the provisions of this Ordinance relating to special exceptions have been fulfilled, the City Council may permit as special exceptions in Residential - Medium Density Districts (RM):

1. Dwellings, multiple-family
2. Professional offices.
3. Colleges and universities.
4. Dwellings, Townhouses.
5. Public and parochial nursery, primary, intermediate and secondary schools.
6. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001 to 2005 (August 30, 2009, as amended). Individual or "Small Wind Energy Conversion Systems (SWECS) shall also be in conformance with the provisions of Section 2117 of this Ordinance.

7. Private golf courses and country clubs.
8. Child care center.
9. Hospitals, nursing homes, retirement and elderly housing facilities.
10. Medical clinics and other health facilities.
11. Funeral homes and funeral chapels.
12. Mobile home parks under the prescribed conditions of Section 2110 of this Ordinance.
13. Museums; historic and monument sites.
14. Telecommunication Towers under the prescribed conditions of Article 30 of this Ordinance.
15. Boarding House, Rooming House, or Bed and Breakfast.
16. Timeshare and Vacation Rental.

Section 905. Prohibited Uses and Structures.¹ All other uses and structures, including a Shouse, which are not specifically permitted or not permissible as special exceptions shall be prohibited from Residential Medium Density Districts (RM).

Section 906. Height and Area Regulations.¹ The minimum lot and maximum height provisions shall be as follows:

	Lot Area (Sq. Ft.)	Lot Width	Front Yard	Side Yard	Rear Yard	Height Principle/Acces.
Single Family Dwelling	5,000	50' interior lots, or 60' for corner lots, or 45' on cul-de-sac curve.(4)	20' (1)	8' on 1 side & 5' on 2 nd side of interior lots. (2) (3)	15'	35' / 25'
Duplex Dwelling	2,500 per dwelling unit	50' interior lots, or 60' for corner lots, or 45' on cul-de-sac curve.(4)	20' (1)	8' on 1 side & 5' on 2 nd side of interior lots. (2) (3)	15'	35' / 25'
Multifamily Dwelling	2,500 per dwelling unit	50' interior lots, or 60' for corner lots, or 45' on cul-de-sac curve.(4)	20' (1)	8' on 1 side & 5' on 2 nd side of interior lots. (2) (3)	15'	45' / 25'
Townhouse dwelling	2,500 per dwelling unit	50' interior lots, or 60' for corner lots, or 45' on cul-de-sac curve.(4)	20' (1)	8' on 1 side & 5' on 2 nd side of interior lots. (2) (3)	15'	45' / 25'
Other Permitted Uses	5,000	50' interior lots, or 60' for corner lots, or 45' on cul-de-sac curve.(4)	20' (1)	8' on 1 side & 5' on 2 nd side of interior lots. (2) (3)	15'	35' / 25'

¹Revised September 16, 2024 - Ordinance No. 2024-3090

- (2) Side yards for corner lots facing the street shall be one-half of the front yard setback minimum requirements.
- (3) A non-combustible carport may be constructed with a minimum side yard clearance of three feet (3') feet and shall be attached to an existing structure.
- (4) Platted lots in existence as of the 2013 update of this Ordinance may have a lot width of fifty (50) feet or less, as long as the lot meets the front, side and rear yard setback requirements. (See Section 2202 of this Ordinance.

Section 907. Maximum Lot Coverage. The maximum lot coverage for all buildings shall not be more than fifty-five (55) percent of the total lot area.

Section 909. Parking Regulations. Parking within the Residential Medium Density District (RM) shall be in conformance with the provisions of Section 2111 of this Ordinance.

Section 910. Fence Regulations. Fences, walls and hedges within the Residential Medium Density District (RM) shall be in conformance with the provisions of Section 2102 of this Ordinance.

Section 911. Sign Regulations. Signs within the Residential Medium Density District (RM) shall be in conformance with the provisions of Section 2112 of this Ordinance.

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 to 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.

EXHIBIT - #7

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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_____.