

MCCOOK PLANNING COMMISSION

REGULAR MEETING

**Monday, July 8, 2019
5:15 PM - City Council Chambers**

Call to Order and Roll Call.

Open Meetings Act Announcement.

Items

1. Approve the minutes of the June 10, 2019 regular Planning Commission meeting.

**CITY MANAGER'S REPORT
JULY 8, 2019**

ITEM: 1.

RECOMMENDATION:

Approve the minutes of the June 10, 2019 regular meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

July 3, 2019

McCook Planning Commission
June 10, 2019
5:15 PM Central

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

Present: Chair Vosburg; Vice Chair Hilker; Commissioners Lyons, McDowell, Stevens.

Absent: Commissioners Bradley, Dueland, Graham.

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 June 7, 2019, 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 April 8, 2019 regular Planning Commission meeting.

Motion to approve the minutes of the April 8, 2019 regular Planning Commission meeting. This motion, made by Vosburg and seconded by Hilker, passed.

Vosburg: YEA, Hilker: YEA, Bradley: ABSENT, Dueland: ABSENT, Graham: ABSENT, Lyons: YEA, McDowell: YEA, Stevens: YEA.

YEA: 5, NAY: 0, Absent: 3

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Request for a special exception by Amber Massa to provide a childcare center at 1408 East Circle Drive, McCook, Nebraska, said property located in the Residential Medium (RM) District.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment on the request for a special exception by Amber Massa to provide a childcare center at 1408 East Circle Drive, McCook, Nebraska, said property located in the Residential Medium (RM) District with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Hilker, passed.

Vosburg: YEA, Hilker: YEA, Bradley: ABSENT, Dueland: ABSENT, Graham: ABSENT, Lyons: YEA, McDowell: YEA, Stevens: YEA.

YEA: 5, NAY: 0, Absent: 3

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the June 10, 2019 Planning Commission meeting (2 pages); Exhibit #2 - Notice of Hearing published, posted, and mailed (1 page); Exhibit #3 - listing of property owners notified of Public Hearing (3 pages); Exhibit #4 - Land Use Action Request Form and attachments (7 pages); and Exhibit #5 - Findings and Determinations of McCook City Council (2 pages).

City Manager Schneider reviewed the following information presented in Exhibit #1: "An application for a special exception has been submitted by Amber Massa to allow for a childcare center to be located at 1408 East Circle Drive. The house is located in the Residential Medium (RM) District. A map of the property's location is included in your packet. The property is located on the block directly south of the McCook Elementary School. Staff reviewed the application in conjunction with special exception requirements A - I. Staff is concerned about Consideration B. Consideration B requires the applicant to prove that there is sufficient off-street parking and loading areas to insure proper ingress and egress to property with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe. Staff is concerned that the area is extremely congested with school traffic already. Adding more traffic to the area could cause more hardship to adjacent property owners and traffic flow. In the application, the applicant admits that the traffic is already heavy due to the proximity of the school. The concern is that the granting of a special exception will lead to more congestion. Staff would reconsider its recommendation if the applicant can present a plan that accounts for traffic concerns. The application is silent with respect to the number of children to be cared for and the hours of operation - factors that could impact disposition."

Ms. Massa and Whitney Kuhlen were present to address the request with the Commissioners. They presented the Handbook prepared for the proposed BEE-YOU Childcare Center. To help with traffic issues during school time and to address safety concerns they have excluded drop off and pick up during the hours of 7:50 A.M. - 8:05 A.M. and 3:15 P.M. - 3:45 P.M. Someone must always assist the children into the center and when leaving the center. The most children that they could have at one time would be 20. They propose to place a Warning Drop Off Zone sign on the property. There will be three full-time and 2 part-time employees. Two staff will be there at 6:00 A.M., with one or two staff coming in around 8:00 A.M. Staff will be instructed to park in the 1500 Block of West Circle Drive (the one-way street to the west of the Elementary School). Hours of operation will be 6:30 A.M. to 8:00 P.M. Ms. Massa stated that she did not have a backup plan if this location was not approved. She had not received any negative comments from area neighbors.

City Manager Schneider stated that he had received an email from Andy Long in support of the special exception request.

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

Vosburg: YEA, Hilker: YEA, Bradley: ABSENT, Dueland: ABSENT, Graham: ABSENT, Lyons: YEA, McDowell: YEA, Stevens: YEA.

YEA: 5, NAY: 0, Absent: 3

2.B. Recommend denial of a special exception request to allow a childcare center at 1408 East

Circle Drive, McCook, Nebraska, property located within the Residential Medium (RM) District, said finding based upon special exception requirements A - I.

Discussion included possible parking plans; noted that parking is a premium even when school is not in session; with 20 children, 20 additional vehicles could be added to the area, causing a concern with the additional traffic; and what amount of off-street parking is required.

Ms. Massa added that this is a big investment for her, they like the idea of starting small, and the location is excellent.

City Manager Schneider informed the Commission that a Child Care Center is regulated by State Statutes, the City has no control regarding the number of children.

Motion to recommend denial of a special exception request to allow a childcare center at 1408 East Circle Drive, McCook, Nebraska, property located within the Residential Medium (RM) District, said finding based upon special exception requirements A - I, especially A and B. This motion, made by Lyons and seconded by Hilker, passed.

Vosburg: YEA, Hilker: YEA, Bradley: ABSENT, Dueland: ABSENT, Graham: ABSENT, Lyons: YEA, McDowell: YEA, Stevens: YEA.

YEA: 5, NAY: 0, Absent: 3

To help Ms. Massa prepare for the consideration of her request by the City Council, Commissioners suggested that she address how she would propose to alleviate safety, parking, and traffic concerns; considerations A & B can be mitigated by doing this; collect data regarding the number of cars that are parked in the area right now; get opinions from neighbors; visit with the Elementary School Principal.

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:14 P.M.

Lea Ann Doak, Recording Secretary

2. Public Hearing - Request for a special exception by Troy and Tammie Bruntz to allow a storage building in the Agricultural District (AG).

**CITY MANAGER'S REPORT
JULY 8, 2019 MCCOOK PLANNING COMMISSION MEETING**

ITEM: _____ Public Hearing - Request for a special exception by Troy and Tammie Bruntz to allow a storage building in the Agricultural District (AG).

2.

ITEM: _____ Approve the application for a special exception by Troy and Tammie Bruntz for a storage building at property legally described as a tract of land being part of Southwest Quarter of Section 24, Township 3, Range 30, West of the 6th P.M., to allow a storage building in an Agricultural (AG) District, based upon special exception requirements A - I.

BACKGROUND:

An application for a special exception has been submitted by Troy and Tammie Bruntz to allow for a storage building in the Agricultural (AG) District. The property is located at 71614 Road 383, north of the intersection of Road 383 and West J Street. It is a parcel that was recently subdivided by the Bishop Family Trust for residential purposes, and subsequently purchased by the Bruntz family. The intent of the Bruntz family is to build their home on the parcel of land at issue. Due to scheduling conflicts, the Bruntz's contractor is unable to begin construction of the residence this calendar year. While construction on the home will not occur this calendar year, Troy and Tammie Bruntz would like to begin construction on a storage building that will ultimately serve as a detached garage for their residence. Due to the fact that a storage facility cannot stand alone without a residence, but can be constructed pursuant to the grant of a special exception, a special exception application has been submitted for the City's consideration. Troy and Tammie Bruntz have provided city staff with plans for their future residence. Staff is comfortable that the storage building is intended to be an ancillary building. However, if by some chance a residence isn't constructed, a storage building can stand alone as an independent structure subject to a special exception grant.

APPROVALS:



Lea Ann Doak, City Clerk

July 3, 2019



Nathan A. Schneider, City Manager

July 3, 2019

NOTICE OF HEARING
REQUEST FOR
SPECIAL EXCEPTION

NOTICE IS HEREBY GIVEN that a public hearing will be held on a request for a special exception to allow a personal storage building in an Agricultural (AG) District located within the two mile extra-territorial jurisdiction of the City of McCook.

LEGAL

DESCRIPTION: A part of the Southwest Quarter of Section 24, Township 3 North, Range 30, West of the 6th P.M., Red Willow County, Nebraska; a tract of land located at 71614 Road 383.

PROJECT SPONSOR/

DEVELOPER: Bruntz Property

LAND OWNER: Troy and Tammie Bruntz

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

JULY 8, 2019 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST C STREET

JULY 15, 2019 - 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 Barry Mooney, City of McCook Building Official at 308-345-2022 ext. 232.

-s- Lea Ann Doak
City Clerk

Publish: July 3, 2019.
Post: July 3, 2019.
Mail: July 3, 2019.

OWNERSHIP LIST FOR MAILING:

LLOYD & ELIZABETH BENJAMIN
71603 RD 383
MCCOOK, NE 69001

GREGORY & NANCY BROADFOOT
1607 EAST H STREET
MCCOOK, NE 69001

AARON MARK BISHOP, TRUSTEE
9001 OLD 81 LOOP
RUDY, AR 72952-8519

CARL & JILL KOENIG
71608 RD 383
MCCOOK, NE 69001

JOHN & MELINDA PALIC
38272 FINCH TRAIL
MCCOOK, NE 69001

Troy & Tammie Bruntz
434 Seminole
McCook NE

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: Bruntz Property

Description of Project: Building a new home with an ancillary structure for storage facility. Storage is being built 1st. Home will follow & be complete within 2 years with a Spring 2020 start date.

Project sponsor or developer:

Name: Clear Buildings & Homestead Homes
Address: 802 W. B, #104, McCook 106 main st, Wayne, NE 68787
Phone number: 308-777-2093 | 402-375-3515
Fax number: 402-375-2358
E-mail Address: twolfe@clearbuilding.com | chad@hhqa.net

Land owner or owners:

Name: Troy & Tammie Bruntz
Address: 434 Seminole Dr., McCook, NE 69001
Phone number: 308-350-1527
Fax number: None
E-Mail Address: tbruntz@msn.com

Authorization of the land use action by land owner:

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

Troy Bruntz
Printed Name:

[Signature]
Signature:

6/19/2019
Date:

Tammie Bruntz
Printed Name:

[Signature]
Signature:

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

71614 Rd 383, McCook, NE 69001

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

Tract of land being part of Southwest Quarter of section 24, Township 3, range 30, west of the 6th P.M.

Required Information:

See Attached sheets for required information for:

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

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

Fee, complete application, and required attachments accepted by:

Printed name

Signature

Date



REQUIRED ATTACHMENTS:

For Zone Changes and Special Exceptions:

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

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

want to build a storage building that will
eventually be ancillary to a principle residence.
Principle residence will be built within 2 years.

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.)

Article 7, Section 704 Special Exceptions
number 13.

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

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

(G) required yards and other open space;

(H) general compatibility with adjacent properties and other properties in the district;

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

X Explain how the project complies with the Comprehensive Plan: _____

The lot is residential which is what we
are building. other homes are in same area
and all have storage building, ancillary to
the residence (See attached)

Don't fill out.

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 _____, 2018.

City of McCook, City Council, and Planning Commission,

We are requesting to be allowed through special exception to build our storage building prior to building the primary residence on the lot as noted in the site plan included. The storage building is designed and ready for installation but we are not ready yet for the construction of our primary residence. Our initial plan was to build the primary residence simultaneously but the bids on the primary residence as planned were well in excess of what the market in and around McCook, Nebraska would bear upon resale and additionally created issues with appraisal for funding purposes. Therefore, we were forced to alter the initial design to one that would reduce overall cost. The design process is materially complete now and the bid process will begin shortly. However, given the difficulty in securing subcontractors at this point in this market we are not expecting to be able to begin our build of the primary residence until spring of 2020. The build should take 9 months to a year from that point. We would strongly prefer to not have to push back the build of the storage building because we intend to use it as soon as possible and during construction when it begins in the Spring of 2020.

This storage building will not create any issues with ingress or egress from or to the property. It is compliant with all setbacks. All parking will be performed on the site and off of any roads during and after construction. All utilities are either on site or will be brought to the site by us or a contractor during this process including well, septic and electric. We will contract for waste removal. This building will be in perfect harmony with other properties adjacent especially once our primary residence is complete as all other homes in the tract have storage buildings today.

Troy and Tammie Bruntz

434 Seminole Drive

McCook, NE

2.A. Adjourn the Public Hearing.

2.B. Recommend approval of a special exception request by Troy and Tammie Bruntz for a storage building at property legally described as a tract of land being part of the Southwest Quarter of Section 24, Township 3, Range 30, West of the 6th P.M., 71614 Road 383, to allow a storage building in an Agricultural District (AG), based upon special exception requirements A - I.

Adjournment.