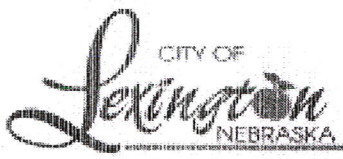


Shannon 325-3444



Application for Conditional Use Permit

- 1. Applicant's Name First United Methodist Church
- 2. Applicant's Address 201 E 8^m St
- 3. Applicant's Telephone Number 324-2397
- 4. Owner's Name Kent Gydesen (Council Chair)
- 5. Owner's Address 1001 N Grant
- 6. Owner's Telephone Number 325-1236
- 7. Purpose of Conditional Use Permit Daycare / Learning Facility
- 8. Present Zoning C2
- 9. Within City Limits Yes Within Zoning Jurisdiction Yes
- 10. Legal Description 0-0-0 00000031 Lots 1-10 + W 20 FT of Lot 11 + Vacated Alley
- 11. Street Address of Property or Approximate Location 201 E 8^m St Blk 170 T

12. Site Plan (if applicable) _____

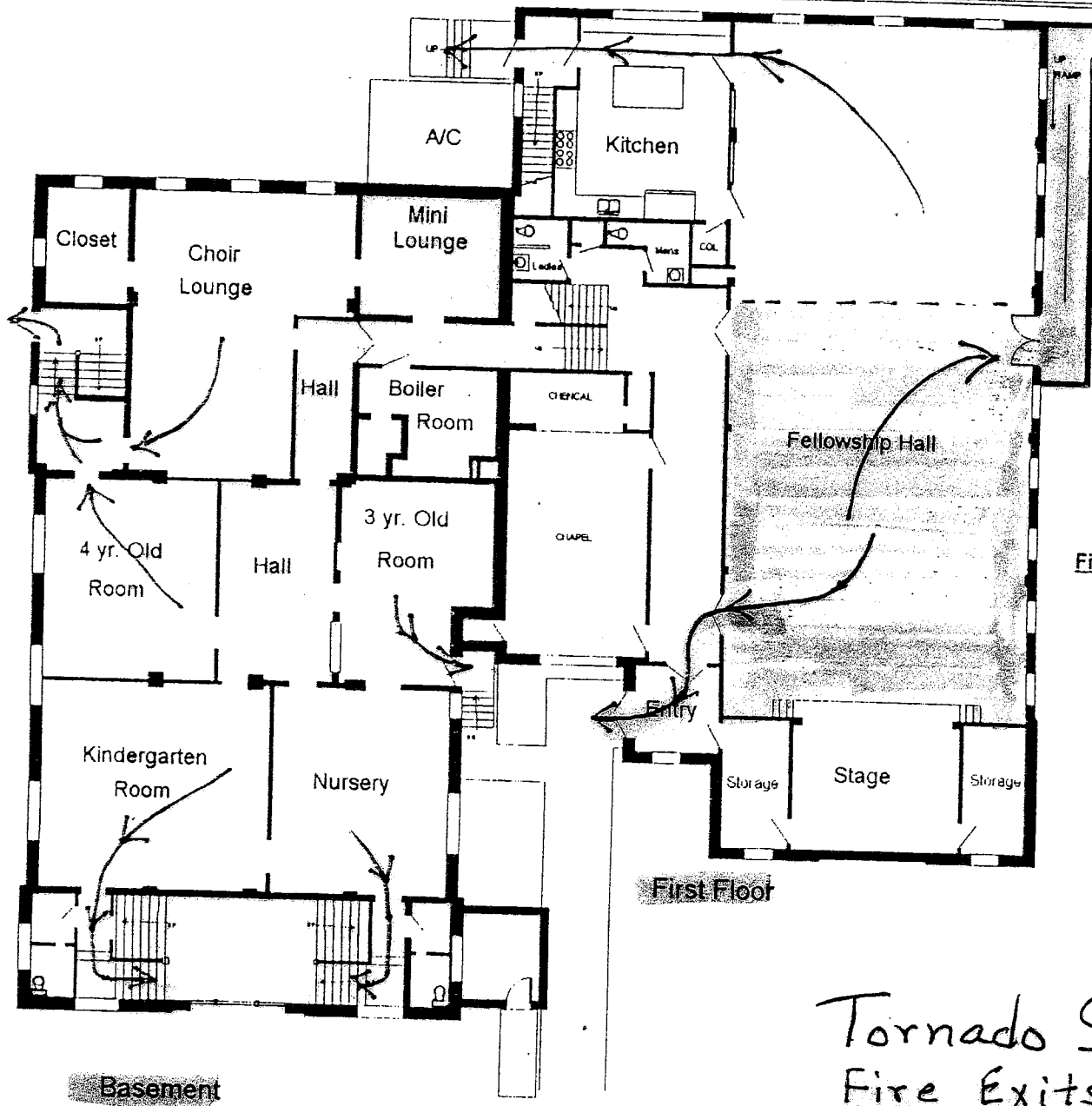
I/We the undersigned do hereby acknowledge that I/We do fully understand and agree to comply with the provisions and requirements for an application for a special use permit as described above. I/We the undersigned do hereby agree to allow City of Lexington employees or agents working for the City of Lexington, to enter the above referenced property as it pertains to this application.

16

Kent L. Gydesen
Signature of Owner

[Signature]
Signature of Applicant

Administrative Use Only	
Date Submitted _____	Case Number _____
Filing Fee <u>\$100.00</u>	Accepted By _____
Cert. Of Ownership _____	Date Advertised _____
Date Sign Posted _____	Date of Public Hearing _____



NORTH ↑

Fire Plan
FOR

First United Methodist Church
201 E. 8 th Street
Lexington, Ne. 68850

First Floor

Basement

Tornado Shelter
Fire Exits
Fire Exits



W 10TH ST

E 10TH ST

W 9TH ST

E 9TH ST

W 8TH ST

E 8TH ST

W 7TH ST

E 7TH ST

N LINCOLN ST

N TYLER ST

N WASHINGTON ST

N GRANT ST

N JACKSON ST

N JEFFERSON ST

R3 911
R3 909
R3 907
R3 905
R3 902
R3 111
R3 109
R3

R3
910 R3
908 R3
906 R3
902 R3
111 R3 109 R3

910 R3
908 R3
R3 903 R3
R3 101
R3 105

R3
R3 908
R3
R3 201
R3
R3
R1 911
R1 907
R1
R1 207
R1

R1 910
R1 908
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R1 905
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R1 909
R1 907
R1 905
R1 901

910 R1
908 R1
906 R1
904 R1
R1 401
R1 403
R1 405
R1 406
R1
R1 907
R1 905
R1 903
R1 901

R1
R1
R1 906
R1 904
R1 902
R1

R3 807
R3 801

110 108 106 104
R3 R3 R3 R3
R3 807
C2 C2 C2
C2 805
111 109 107 101

810 R3 106 108
808 R3 R3 R3 R3811
806 R3
800 C2 C2 C2
103 801

C2 C2
C2 C2

R3 R3 R3 R3
R3 301 R3 303 R3 307 R3 311
R3 306 R3 807

810 R3
806 R3
R3 R3 405 R3 409 R3 411
R3 R3 R3 R3

812 R3
806 R3
R3 R3 R3
501 503 505

R3 711
R3 707

110 106
C2 C2
C2 709
C2 707
C2 705
C2 701
107

700
C2

202 C2 C2 C2 C2
204 206 C2 210
205 C2 211 C2

R3 300 R3 302 R3 R3 306 R3 308 R3 310
702 R3
301 R3 R3 303 307 R3 309 R3 705
R3 311

R3 R3 R3 406 R3
R3 709
R3 707
R3 R3 R3 R3 R3
R3 R3

708 R3
706 R3
R3 R3
501 505 507

C2

110 106
C2 C2 C2 C2
C2 623
C2 615

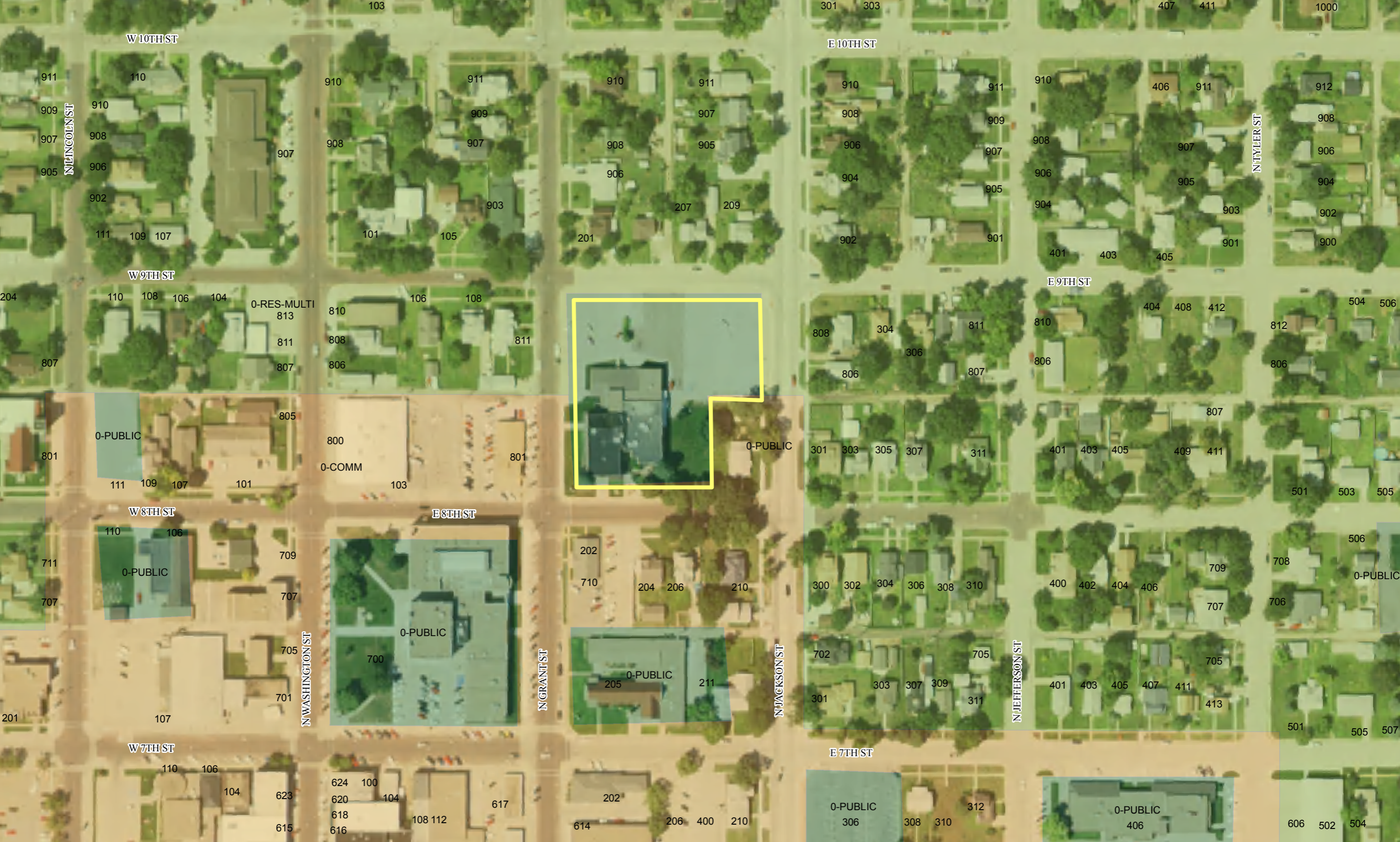
624 C2 100 C2
620 C2 104
618 C2 108 112
616 C2 C2 617
C2

614 C2
C2 206 400 210

C2 306 C2 308 C2 310
C2 312
C2

C2 406

R3 R3
606 502 504



W 10TH ST

E 10TH ST

W 9TH ST

E 9TH ST

W 8TH ST

E 8TH ST

W 7TH ST

E 7TH ST

N LINCOLN ST

N TYLER ST

N WASHINGTON ST

N GRANT ST

N JACKSON ST

N JEFFERSON ST

110 108 106 104
0-RES-MULTI
813
811
807

810 106 108
808 811
806

0-PUBLIC

808 304 811
806 306 807

810 404 408 412
806 401 403 405 409 411

812 504 506
806 501 503 505

801
111 109 107 101

800
0-COMM 801
103

0-PUBLIC

301 303 305 307 311

807 401 403 405 409 411

501 503 505

110 106
0-PUBLIC
711 709 707

700
0-PUBLIC
705 701

202 710 204 206 210

300 302 304 306 308 310
702 303 307 309 311 705

400 402 404 406 709 708
707 706

506 0-PUBLIC

107

700

205 211
0-PUBLIC

301 303 307 309 311

401 403 405 407 411 413
705

501 505 507

110 106 104 623 615

624 100 620 104 617
618 108 112 616

202 614 206 400 210

0-PUBLIC 306 308 310 312

0-PUBLIC 406

606 502 504

**PLANNING COMMISSION
CITY OF LEXINGTON**

DETERMINATION FORM

On **August 7, 2019**, the Lexington, Nebraska Planning Commission, at its regular meeting, recommended **Approval** (Approval/Disapproval) of a **Conditional Use Permit Application** (Rezoning, Conditional Use, Subdivision, Variance, Zoning, Zone Appeal, Etc.) for property located at **201 East 8th Street** (Location) for **First United Methodist Church**. (Name).

The Lexington Planning Commission made the following motion:

Motion by: Kristi Moyer

Seconded by: Curtis Roemmich

Motion: Moved by Moyer, seconded by Roemmich, to recommend to City Council approval of a Conditional Use Permit application by First United Methodist Church for a daycare facility.

Roll Call: Voting "aye" were Margritz, Jacob, Quintero, Smith, Kaiser, Denker, Roemmich, Moyer, Worthing. Motion carried.



Planning Secretary

ARTICLE 6: CONDITIONAL USE PERMITS

Section 6.01 General Provisions

The City Council may, by conditional use permit after a Public Hearing and referral to and recommendation from the Planning Commission, authorize and permit conditional uses as designated in the district use regulations. Approval shall be based on findings that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area.

Allowable uses may be permitted, enlarged, or altered upon application for a conditional use permit in accordance with the rules and procedures of this ordinance. The Council may grant or deny a conditional use permit in accordance with the intent and purpose of this ordinance. In granting a conditional use permit, the Council will authorize the issuance of a conditional use permit and shall prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the conditional use permit.

Section 6.02 Application for Conditional Use Permits

A request for a conditional use permit or modification of a conditional use permit may be initiated by a property owner or his or her authorized agent by filing an application with the City upon forms prescribed for the purpose. The application shall be accompanied by a drawing or site plan and other such plans and data showing the dimensions, arrangements, descriptions data, and other materials constituting a record essential to an understanding of the proposed use and proposed modifications in relation to the provisions set forth herein. A plan as to the operation and maintenance of the proposed use shall also be submitted. The application shall be accompanied with a non-refundable fee.

Section 6.03 Planning Commission Public Hearing

Before any proposal for a conditional use permit is considered by the City Council, the Planning Commission shall conduct a public hearing after prior notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the City of Lexington, one time at least 10 days prior to such hearing and either notice posted on the property or mailed to property owners within 300 feet at least 10 days prior to such hearing.

Section 6.04 City Council Public Hearing

Before issuance of any conditional use permit, the Council will consider the application for the conditional use permit together with the recommendations of the Planning Commission at a public hearing after prior notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the City of Lexington, one time at least 10 days prior to such hearing and either notice posted on the property or mailed to property owners within 300 feet at least 10 days prior to such hearing.

Section 6.05 Decisions

A majority vote of the Council shall be necessary to grant a conditional use permit. Approved conditional use permits shall be in the form of a conditional use agreement signed by owner and City outlining the specific conditions placed upon the use by the City Council. The applicant shall have 12 months from the approval of the conditional use permit to commence the use, unless an extension is granted according to Section 6.05.01. If the use stated within the conditional use permit has not been commenced within 12 months, or approved time period, said permit shall become invalid and any activity shall be required to apply for a new conditional use permit. All decisions by the City Council and the recommendations of the Planning Commission shall be required to provide findings of fact for their decision for either approval or denial.

6.05.01 The Building Official has granted an additional six month administrative extension provided:

1. The character (including uses, parking conditions, traffic, and others) of the area in which the use(s) were approved has not changed significantly;
2. The applicant has made some effort to follow through with said permit or there were circumstances that slowed the applicants' progress; and
3. If the administrative extension of the second six month period has lapsed without establishment of said conditionally permitted use; or, if staff deems the character of the area has changed within the initial six month period, the applicant shall be required to reapply to both the Planning Commission and City Council for further approval(s).

Section 6.06 Transferability

Any approved conditional use permit is automatically transferable upon sale of the property from the original applicant to another party. However, the new owner shall assume the responsibility for complying with:

- 6.06.01 The conditions of the permit;
- 6.06.02 The use shall not change or be expanded unless a new conditional use permit is approved; and
- 6.06.03 Failure to comply with the conditions of the permit shall subject the new owner to the revocation process of this Article.

Section 6.07 Revocation

Any approved conditional use permit may be revoked for failure to comply with the conditions approved by the City Council. Revocation shall require that the City notify the applicant of any noncompliance, in writing, and provide the applicant 30 days to correct the issue(s).

Failure to comply with the notice shall cause a public hearing to be scheduled by the City Council, to review the permit and the approved conditions and the failure to act by the applicant. If the applicant is found to be noncompliant with the issued permit and conditions, the City Council shall revoke the permit and order the use to cease and desist.

Failure to follow a cease and desist order shall cause action to be filed the City Attorney in District Court.

Revocation may also occur, if the City documents that the use has ceased operations for 12 consecutive months. The City shall notify the applicant of the revocation in writing. The permit shall be invalid within 30 days.

Section 6.08 Standards

No conditional use permit shall be granted unless that Planning Commission or City Council has found:

- 6.08.01 That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort or general welfare of the community.
- 6.08.02 That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
- 6.08.03 That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
- 6.08.04 Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
- 6.08.05 Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 6.08.06 The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
- 6.08.07 The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.
- 6.08.08 The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.
- 6.08.09 The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.
- 6.08.010 The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
- 6.08.011 The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

3. Waiver. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this permit.
4. Indemnification. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the owner, his/her agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.
5. Severability. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.
6. Notice. Any notice to be given by City shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed to the owner as follows: