



Application for Conditional Use Permit

- 1. Applicant's Name faginnacion me
2. Applicant's Address 521 N Washington St
3. Applicant's Telephone Number 308-325-48-31
4. Owner's Name Diana Elena Gonzalez
5. Owner's Address 603 Scott Lane, Lexington NE 68850
6. Owner's Telephone Number 308-325-48-31
7. Purpose of Conditional Use Permit Events & Celebrations on 1st or 2nd floor
8. Present Zoning C2
9. Within City Limits Yes Within Zoning Jurisdiction Yes
10. Legal Description
11. Street Address of Property or Approximate Location 521 N Washington St
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.

Signature of Owner [Signature]

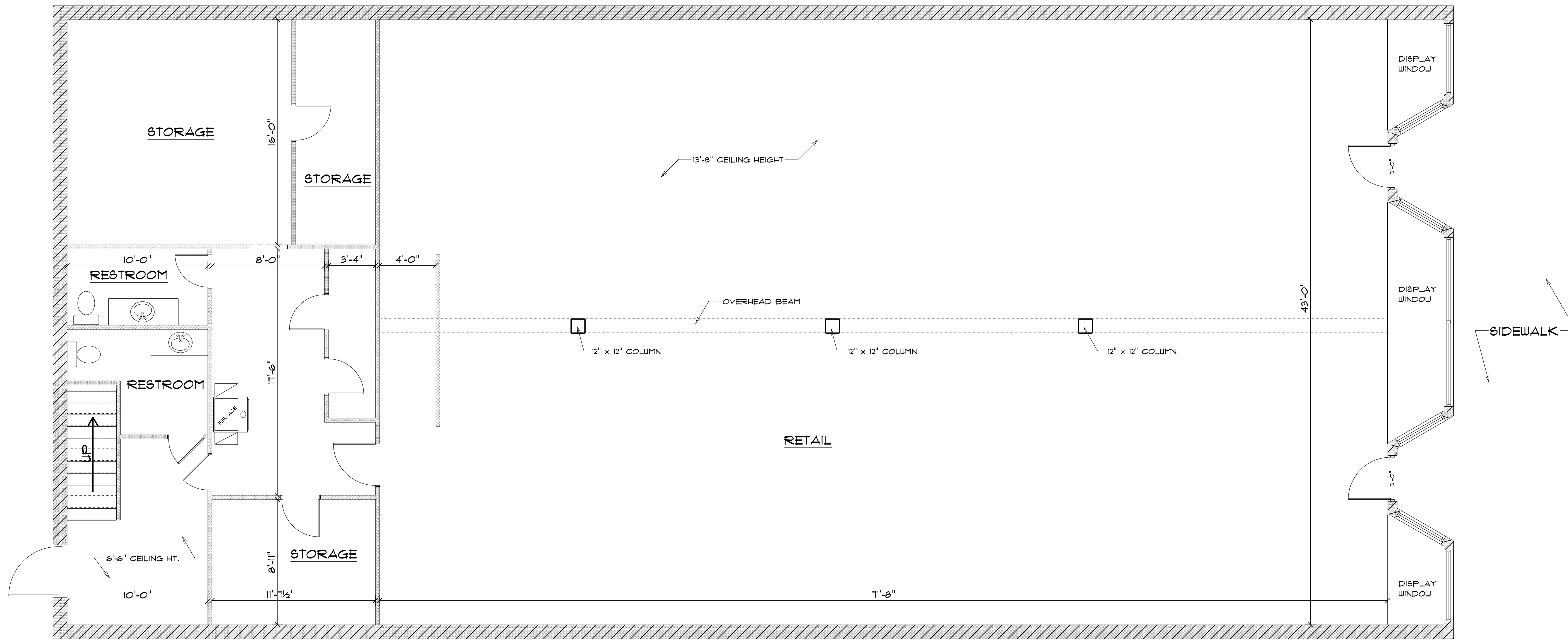
Signature of Applicant [Signature]

Administrative Use Only
Date Submitted 3-3-2023
Filing Fee \$100.00
Cert. Of Ownership
Date Sign Posted
Case Number
Accepted By
Date Advertised
Date of Public Hearing

### **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.



**EXISTING FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

**PRELIMINARY PLAN**  
 3-1-23  
 3-2-23

WASHINGTON STREET

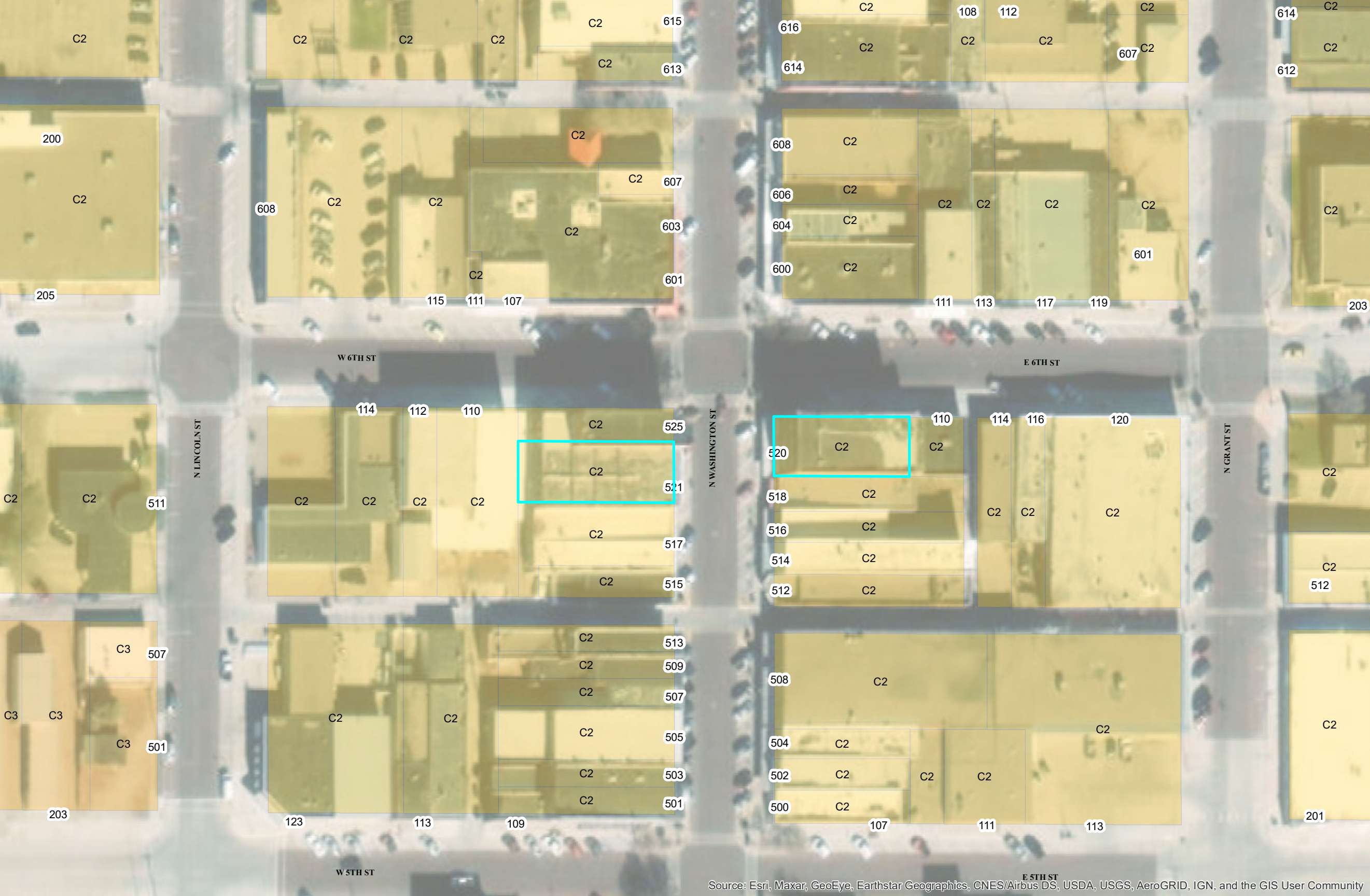
EXISTING  
 FLOOR  
 PLAN

**DIANA GONZALEZ** BUILDING  
 520 N. WASHINGTON ST. -- LEXINGTON, NE --

PROJECT NAME:  
 SHEET NO:  
 OF  
 DRAWING NO:  
 4997

PROJECT NO: FE08-01-23  
 DRAWN BY: TODD KOOPMAN  
 DATE: \_\_\_\_\_  
 ODKO  
 ARCHITECTURE  
 1000 W. GARDNER ST.  
 SUITE 100  
 LEXINGTON, NE 68002  
 (402) 485-1111  
 WWW.ODKO.COM  
 REVISIONS:  
 1  
 2  
 3

THIS DOCUMENT IS PRELIMINARY AND IS NOT AN ARCHITECTURAL PLAN. THESE PLANS ARE SUBJECT TO CHANGE WITHOUT NOTICE. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND REGULATIONS. THE ARCHITECT ASSUMES NO LIABILITY FOR CONSTRUCTION DEFECTS OR OMISSIONS.



N LINCOLN ST

N WASHINGTON ST

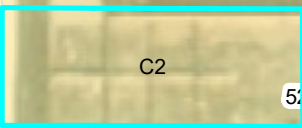
N GRANT ST

W 6TH ST

E 6TH ST

W 5TH ST

E 5TH ST






## Nebraska State Fire Marshal Inspection Report

Facility Name	Marbella's Dress Costure
Address	521 N Washington St, Lexington, NE
ZIP	68850
Facility Phone Number	
Inspector Name	Mike Hoeft
Inspector Badge#	8733
Inspector Agency	Nebraska State Fire Marshal
Inspector Email	mike.hoeft@nebraska.gov
Inspector Phone Number	308-530-9493
Number of Visits	
Date of Inspection	2023-04-26
Inspection Type	Revisit
Status	Failed
Complete Corrections By	
Occupant Load	192
Fee Card	N/A
Fee Sheet/Facility ID Number	
Code Reviews	

Inspectors and Operator Staff Involved			
Lead Inspector	Badge #	Agency	Phone Number
Mike Hoeft	8733	Nebraska State Fire Marshal	308-530-9493
Owner / Responsible Party	Phone Number	email	
Diana Gonzalez			
Mailing Address: 521 N Washington, Lexington, Nebraska 68850			

All items must be corrected to comply with the laws of the State of Nebraska and with rules and regulations adopted by the State Fire Marshal as mandated by section 81-502 to 81-541.01. It is the duty of the owner or person in charge of the above-named facility to immediately take measures to bring the facility into compliance with state regulations. ALL CORRECTIONS SHALL BE MADE AND ALL ITEMS CORRECTED ON OR BEFORE undefined

If you have questions on this Order, contact Mike Hoeft by phone at 308-530-9493 or by Email at [mike.hoeft@nebraska.gov](mailto:mike.hoeft@nebraska.gov)

Inspector Comments / Notes	Main floor only
Report completed by Deputy	Michael Hoeft
Date Signed	2023-04-26
Signature	

**Inspection Violations**

<b>Failed Item</b>	<b>Status</b>	<b>Code</b>
<b>Existing Assembly</b>		
8. Doors The egress doors shall swing in the path of travel.	Fail	See below code 13.2.2.2
10. Panic Hardware Panic Hardware shall be installed on the exit doors	Fail	See below code 13.2.2.2.3
40. Illumination of Means of Egress Exit signs shall be provided.	Fail	See below code 13.2.8
41. Emergency Lighting Emergency lighting units shall be provided.	Fail	See below code 13.2.9
42. Marking Means of Egress	Fail	See below code 13.2.10

## Inspection Code Reference

- 13.2.2.2 - 2012 ed - Doors.
- 13.2.2.2.3 - 2012 ed - Any door in a required means of egress from an area having an occupant load of 100 or more persons shall be permitted to be provided with a latch or lock only if the latch or lock is panic hardware or fire exit hardware complying with
- 13.2.8 - 2012 ed - Illumination of Means of Egress. Means of egress, other than for private party tents not exceeding 1200 ft<sup>2</sup> (112 m<sup>2</sup>), shall be illuminated in accordance with Section 7.8.
- 13.2.9 - 2012 ed - Emergency Lighting.
- 13.2.10 - 2012 ed - Marking of Means of Egress.



**PLANNING COMMISSION  
CITY OF LEXINGTON**

**DETERMINATION FORM**

On **April 5, 2023**, the Lexington, Nebraska Planning Commission, at its regular meeting, recommended **None** (Approval/Disapproval) of a **Conditional Use Permit Application** (Rezoning, Special Use, Subdivision, Variance, Zoning, Zone Appeal, Etc.) for property located at **521 North Washington** (Location) for **Fascinacion Inc / Diana Gonzalez** (Name).

The Lexington Planning Commission made the following motion:

**Motion by:** Cameron Smith

**Seconded by:** Jeremy Kaiser

**Motion:** Following discussion, moved by Smith, seconded by Kaiser, to make no recommendation to the city council regarding the application for CUP as presented.

**Roll Call:** Voting "aye" were Tappan, Gonzalez, Roemmich, Moyer, Kaiser, Smith, Worthing. Motion carried.



Planning Secretary

# **City of Lexington Conditional Use Permit**

## **Conditional Use Permit for a Meeting Hall**

This Conditional Use Permit issued this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the City of Lexington, a municipal corporation in the County of Dawson County, Nebraska (“City”) to Diana Gonzalez (“Owner”), pursuant to the Lexington Zoning Ordinance.

WHEREAS, Owner wishes to develop a meeting hall upon the following described tract of land within the City of Lexington zoning jurisdiction:

The South 45 Feet of the North 70 Feet, Lots 1 & 2 & the East 15 Feet of the South 45 Feet of the North 70 Feet of Lot 3, all in Block 46, Original Town of Plum Creek, now City of Lexington, in Dawson County, Nebraska.

WHEREAS, Owner has applied for a conditional use permit for the purpose of developing a meeting hall; and

WHEREAS, the Mayor and City Council of the City of Lexington make the following findings of fact in regards to the issuance of a conditional use permit: the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area, and such use is not in violation of any the standards set forth in Section 6.08 of the Lexington Zoning Ordinance dated February 11, 2014, and amended December 8, 2015; and

WHEREAS, the Mayor and City Council of the City of Lexington are agreeable to the issuance of a conditional use permit to the owner for such purposes, subject to certain conditions and agreements as hereinafter provided.

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the owner to use the area designated on the Conditional Use Permit Application for a meeting hall, said use hereinafter being referred to as “Permitted Use or Use”.

### **Conditions of Permit**

The conditions to which the granting of this permit is subject are:

1. The rights granted by this permit are not transferable and any variation or breach of any terms hereof shall cause the permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the proposed Use:
  - a. A Certificate of Occupancy must be applied for and issued per Section 111 of the International Building Code. All applicable building, fire and zoning codes must be followed;
  - b. the owner shall be responsible for the collection and disposal of refuse and garbage by contracting with a refuse and garbage collection licensee.
3. The applicant’s right to maintain the use as approved pursuant to these provisions shall be based on the

following:

- a. An annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval;
  - b. The structure shall not be enlarged, extended, reconstructed, or structurally altered except in changing the use of the structure to use permitted in the district in which it is located;
  - c. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval;
  - d. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at owner's expense within twelve (12) months of cessation of the conditional use.
4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:
- a. Owner's breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof;
  - b. If the use of the structure and premises in combination is discontinued or abandoned for 12 consecutive months, the and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located;
5. In the event of the owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be removed at owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.
6. 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.

### **Miscellaneous**

The conditions and terms of this permit shall be binding upon owner, his successors and assigns.

1. Delay of City to terminate this permit on account of breach of owner of any of the terms hereof shall not constitute a waiver of City's right to terminate, unless it shall have expressly waived said breach and a waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.
2. 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.

- 3. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed to the owner as follows:

**Contact Name and Address:**

Diana Gonzalez  
521 N. Washington Street  
Lexington, NE 68850

**Effective Date:**

This permit shall take effect upon the filing hereof with the City Clerk a signed original hereof.

THE CITY OF LEXINGTON

By \_\_\_\_\_  
John Fagot, Mayor

Attest:

\_\_\_\_\_  
Pam Baruth  
City Clerk

CONSENT AND AGREEMENT

The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and timely perform and discharge all obligations and liabilities herein required by owner to be performed or discharged.

Owner:

By: \_\_\_\_\_

Title: Owner \_\_\_\_\_

Date: \_\_\_\_\_

Applicant:

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_