



Application for Conditional Use Permit

- 1. Applicant's Name Alejandro Pinedo
2. Applicant's Address 1402 Liberty Dr. Lexington, NE 68350
3. Applicant's Telephone Number 702-721-2042
4. Owner's Name DLT inc. - Herlinda Pinedo
5. Owner's Address 1402 Liberty Dr. Lexington, NE 68350
6. Owner's Telephone Number 308-324-5737
7. Purpose of Conditional Use Permit Alcohol Sales, Liquor license
8. Present Zoning C-3 Highway Commercial
9. Within City Limits Yes Within Zoning Jurisdiction Yes
10. Legal Description Attached
11. Street Address of Property or Approximate Location 405 E. Pacific St., Lexington, NE
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.

Herlinda Pinedo
Signature of Owner

[Signature]
Signature of Applicant

Administrative Use Only

Date Submitted
Filing Fee \$100.00
Cert. Of Ownership
Date Sign Posted
Case Number
Accepted By
Date Advertised
Date of Public Hearing



308-324-2341 ♦ Fax: 308-324-4590 ♦ www.cityoflex.com  
406 East 7th Street ♦ P.O. Box 70 ♦ Lexington, Nebraska 68850-0070

### Certificate of Occupancy Application

Business Name: Toro Tom's Sports Bar & Grill Date: 12-13-2023

Business Address: 405 E. Pacific, Lexington, NE 68850

Owner/Tenant Name: Pinedo Enterprises LLC - Alejandro Pinedo

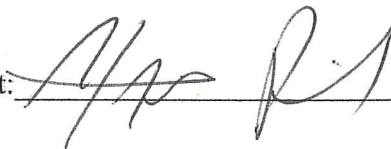
Owner/Tenant Address: 1402 Liberty Dr. Lexington, NE 68850

Phone: 702-721-2042 E-mail address: alejandropinedo7@gmail.com

Description of the proposed business (MUST BE IN DETAIL): Restaurant serving typical staples such as burgers, wings, fries, and pizza. A full bar serving a wide selection of alcohol drinks (beer, liquor, wine). Sports entertainment via multiple TVs streaming live sports and related media.

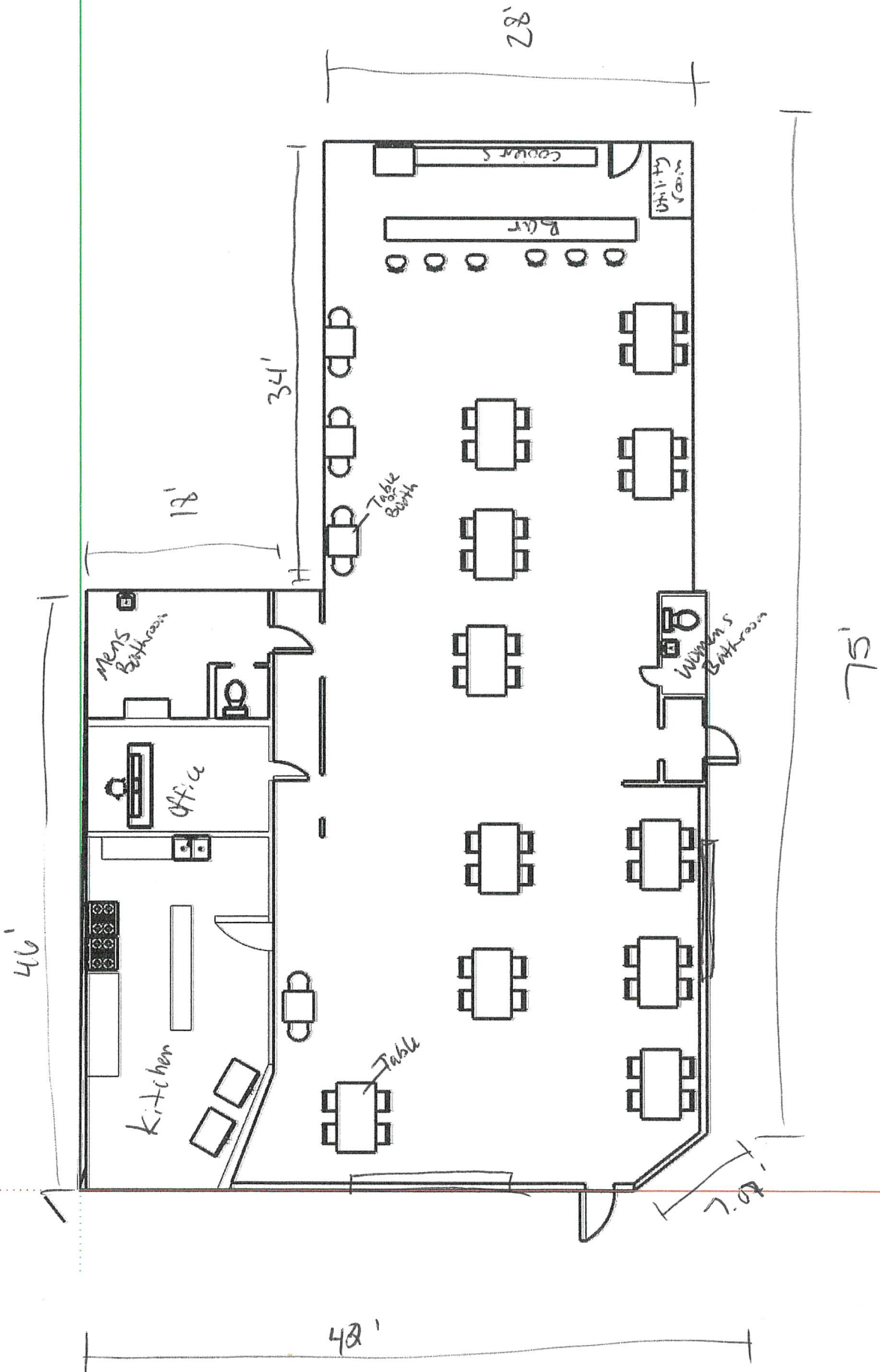
This application for Certificate of Occupancy must be accompanied with a detailed floor plan of the main structure and site plan showing both existing and proposed structures. Any other information required to enable the City Staff to determine if the plan complies with zoning and building regulations must be submitted for approval.

*If the application is denied, the Building Official will provide a plan review detailing the requirements for approval.*

Signature of Applicant: 

Signature of Building Official upon approval: \_\_\_\_\_ Date: \_\_\_\_\_

405 E. Pacific St.





405 E. Pacific Street



Proposed  
Conditional Use  
Permit

E 5TH ST

E 5TH ST

N GRANT ST

N JACKSON ST

N JEFFERSON ST

N TYLER ST

N MONROE ST

N FILLMORE ST

E 4TH ST

E 4TH ST

E 3RD ST

E 3RD ST

PLUM CREEK PKWY

E PACIFIC AVE



RESTAURANT

THE GREAT AMERICAN RESTAURANT

### **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.

# City of Lexington Conditional Use Permit

## Conditional Use Permit for a Restaurant / Bar

This Conditional Use Permit issued this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the City of Lexington, a municipal corporation in the County of Dawson County, Nebraska (“City”) to DLT INC (“Owner”), pursuant to the Lexington Zoning Ordinance.

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

See Exhibit “A”

WHEREAS, Owner has applied for a conditional use permit for the purpose of developing a restaurant/bar; 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 restaurant/bar, 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;
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:**

DLT INC  
c/o Herlinda Pinedo  
1402 Liberty 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:

\_\_\_\_\_  
Pamela 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: \_\_\_\_\_

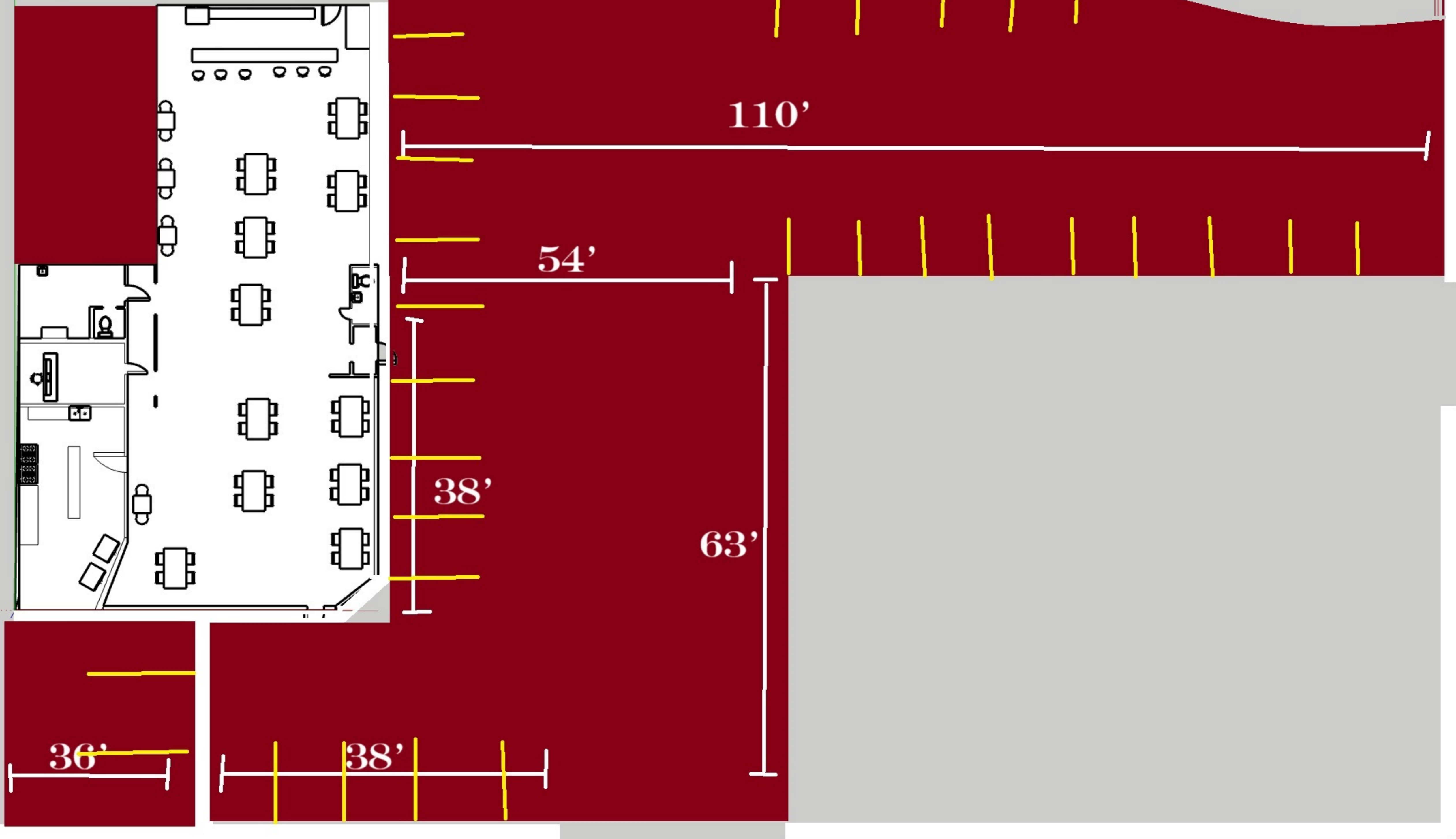
Title: \_\_\_\_\_

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

Exhibit A

The West 5.41 feet of Lot Two (2), Lots Three (3) and Four (4) and the East 19.75 feet of Lot Five (5); the South 40 feet of vacated street North of Lots One (1), Two (2), Three (3) and Four (4) and the East 19.75 feet of Lot Five (5) in Block Sixty-four (64), all in the Original Town of Plum Creek, now the City of Lexington, Dawson County, Nebraska

LOADING ZONE/AREA



<---HWY 30--->

N. TAYLOR ST.

**PLANNING COMMISSION  
CITY OF LEXINGTON**

**DETERMINATION FORM**

On **February 7, 2024**, the Lexington, Nebraska Planning Commission, at its regular meeting, recommended **Approval** (Approval/Disapproval) of a **Conditional Use Permit** for property located at **405 East Pacific** (Location) for **Alejandro Pinedo** (Name).

The Lexington Planning Commission made the following motion:

**Motion by:** Cameron Smith

**Seconded by:** Jeremy Kaiser

**Motion:** Moved by Smith, seconded by Kaiser, to recommend to the City Council approval of the Application to Conditional Use Permit by Alejandro as presented.

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

Based on the facts set forth at the Public Meeting, the Planning Commission hereby makes the following findings of fact: \*

\_\_\_\_\_ 6.08.01 That the establishment, maintenance, or operation of the conditional use will 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 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 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 not being provided.

- \_\_\_\_\_ 6.08.05 Adequate measures have not been or will not be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- \_\_\_\_\_ 6.08.06 The use shall include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
- \_\_\_\_\_ 6.08.07 The use shall 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 involve any malodorous gas or matter which is discernible on any adjoining lot or property.
- \_\_\_\_\_ 6.08.09 The use shall involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.
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- \_\_\_\_\_ 6.08.011 The use shall involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

\*If no standards are checked, then the Planning Commission has made findings of fact that the application complies with Section 6.08 of the Lexington Zoning Ordinance.



Planning Secretary