

Application for Conditional Use Permit

- 1. Applicant's Name Javier Ramirez Zamora
2. Applicant's Address 1701 Independence Ave Lexington, NE 68850
3. Applicant's Telephone Number (308) 746 1212
4. Owner's Name Javier Ramirez Laguna
5. Owner's Address 1701 Independence Ave
6. Owner's Telephone Number (308) 746 2409
7. Purpose of Conditional Use Permit Automotive Repair
8. Present Zoning CZ
9. Within City Limits yes Within Zoning Jurisdiction yes
10. Legal Description
11. Street Address of Property or Approximate Location 119 W Pacific
12. Site Plan (if applicable)

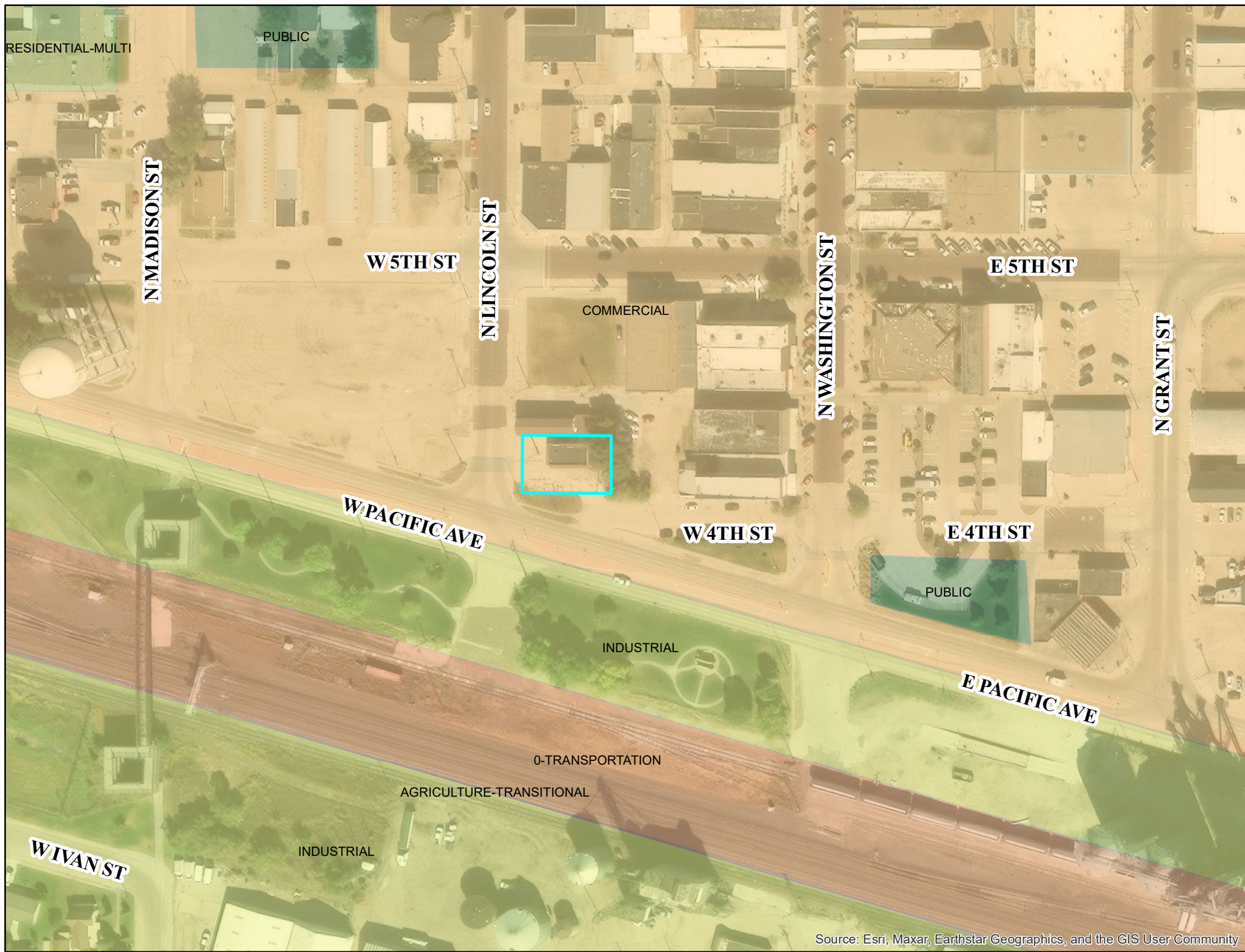
I/We the undersigned do hereby acknowledge that I/We do fully understand and agree to comply with the provisions and requirements for an application for a special use permit as described above. I/We the undersigned do hereby agree to allow City of Lexington employees or agents working for the City of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

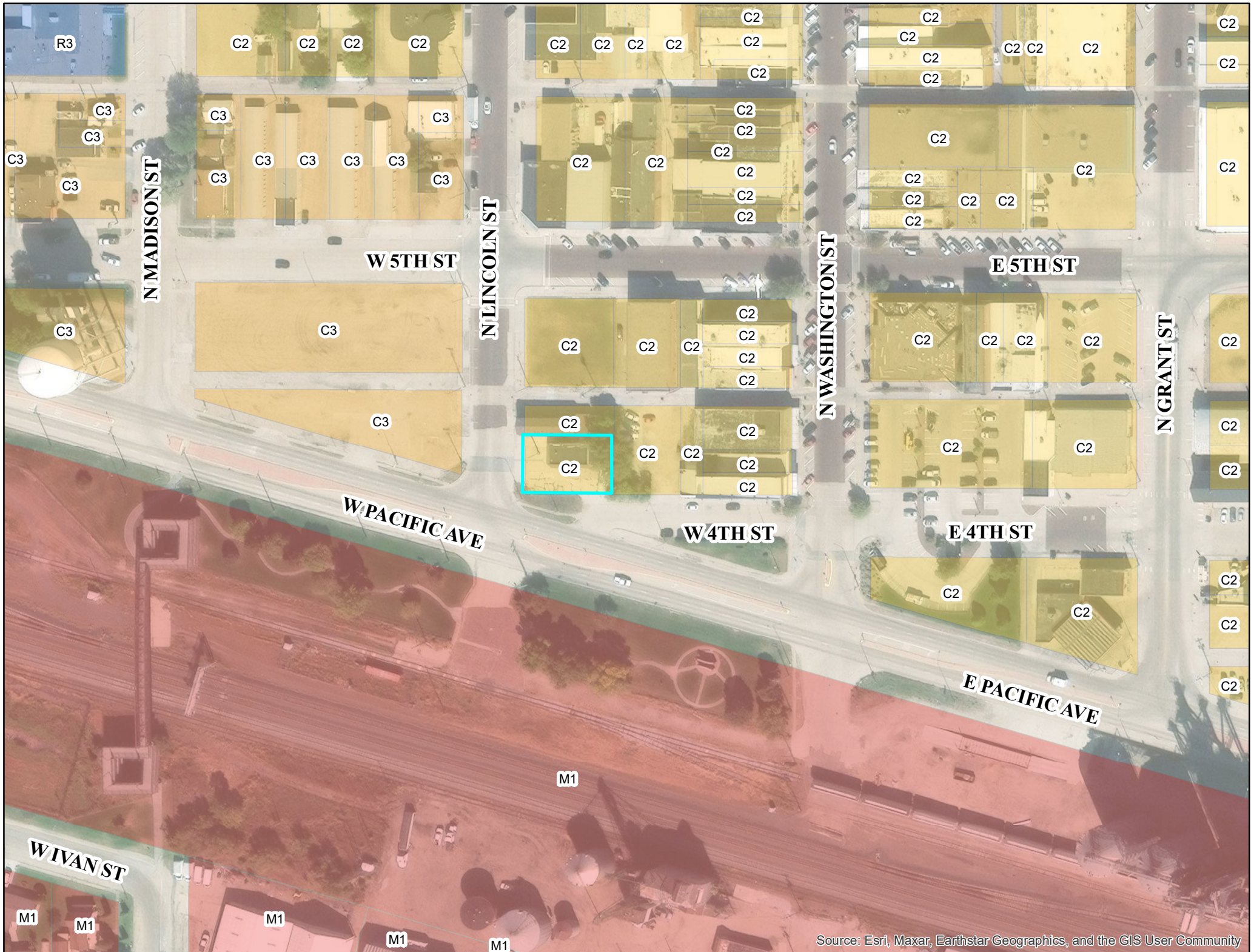
Javier Ramirez Zamora
Signature of Owner

[Signature]
Signature of Applicant

Administrative Use Only

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





Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

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.

ARTICLE 7: SUPPLEMENTAL REGULATIONS

Section 7.01 Off-Street Automobile Parking or Storage

- 7.01.01 Off-street automobile storage or parking spaces shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available for any given use not listed in Section 7.02, the ratio of one parking space per 250 square feet of gross floor area shall be used. The following are the minimum requirements for specific uses:
1. Dwellings - Two (2) spaces for each dwelling unit.
 2. Tourist Accommodations - One (1) space for each room offered for tourist accommodations.
- 7.01.02 If vehicle storage space or parking space required in Section 7.01.01 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Building Official, the Building Official may permit such space to be provided on other off-street property, provided such space lies within 400 feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- 7.01.03 All driveways, circulation areas, and off-street automobile parking areas in residential zoned districts shall be paved with concrete, asphalt or asphaltic concrete.
- 7.01.04 All driveways, loading areas, circulation areas, display areas, and off-street automobile parking areas in commercial zoned districts shall be paved with concrete, asphalt or asphaltic concrete. Storage areas may be surfaced with an approved aggregate per the Building Official.
- 7.01.05 All driveways, loading areas, and off-street automobile parking areas in industrial zoned districts shall be paved with concrete, asphalt, or asphaltic concrete. Circulation, storage, and display areas may be surfaced with an approved aggregate per the Building Official.
- 7.01.06 Where calculations in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
- 7.01.07 In residential districts, required off-street parking shall be provided on the same lot that the use is located on. In other Districts, such parking may be provided either on the same lot, or an adjacent or other lot, provided the lot on which the use requiring them is located is not separated by more than 300 feet at closest points, measured along a street or streets.
- 7.01.08 Where off-street parking is located on a lot other than the lot occupied by the use, which requires it, site plan approval for both lots is required.
- 7.01.09 Some uses may require two different use types to be calculated together in order to determine the total parking requirement (example: primary schools may require tabulation for classrooms and assembly areas).
- 7.01.10 In the C-2 Downtown Commercial District, off-street parking shall not be required, except for those permitted or conditional uses that involve large assemblies or overnight parking, such as churches, motels, hotels, auditoriums, and residential uses. In this district, when off-street parking is required, on-street parking adjacent to the use may be computed so as to be included in the total required off-street parking.
- 7.01.11 For Public Uses within a Residential District, on-street parking within 400 feet of the use may be computed so as to be included in the total required off-street parking, except apartments.
- 7.01.12 Storage of recreational vehicles shall be consistent with Section 4.23.
- 7.01.13 Commercial establishments providing drive-in or drive-through services shall provide minimum on-site stacking distances as provided below:

| TYPES OF OPERATION | | MINIMUM STACKING SPACE |
|---|---|--------------------------------------|
| Financial Institution – Electronic Teller | | Two vehicles per lane* |
| Financial Institution – Personal Teller | | Three vehicles per window or kiosk* |
| Car Wash – Self Service | | Two vehicles per bay at entrance* |
| | | One vehicle per bay at exit |
| Car Wash – Automatic / Conveyor | | 200 feet per bay at entrance* |
| | | One vehicle per bay at exit |
| Drive-through Restaurant | | Four vehicles per window* |
| Coffee Kiosk | | |
| - | Drive side service | Four vehicles per lane* |
| - | Passenger side service | Two vehicles per lane* |
| Drive-through Pharmacy | | Two vehicles per lane* |
| Service Stations | | |
| - | Service Islands | Two vehicles per pump lane* |
| - | Service bay | One vehicle per bay* |
| - | Quick lube / Oil change “starting gate design” | Two vehicles per bay* |
| - | (4 or more pump islands side by side, 18 feet apart | One vehicle per lane* |
| Gated parking lot entrance | | One vehicle per gate |
| Garage Unit or Overhead door | (Major streets only) | One vehicle per door |
| Other uses | | Two vehicles per lane being serviced |

* Stacking requirements are in addition to vehicle being served.

7.01.14 Required vehicle stacking shall not block driveways or required parking stalls and shall not be located in side, front, or rear yards where parking stalls are prohibited. Each vehicle stacking unit shall be 22 feet long. Required stacking may be reduced by approval of the City Council following site plan review by the Planning Commission. Site plan review must demonstrate that circulation and loading patterns accommodate adequate space for queuing and temporary parking by users during peak hours of operation.

7.01.15 Requirements for types of buildings and uses not specifically listed herein shall be determined by the Building Official, after receiving a report and recommendation from the Building Official, based upon comparable uses listed.

Section 7.02 Schedule of Minimum Off-Street Parking and Loading Requirements

| Use | Parking Requirements |
|--|---|
| Adult entertainment establishments | One space per two persons of licensed capacity |
| Agricultural Sales / Service | One space per 500 s.f. of gross floor area |
| Amusement Arcades | One space for each 100 s.f. of gross floor area, in addition to one space for each employee on the max. shift |
| Animal Specialty Services | One space per 300 sq. ft. of gross floor area |
| Assisted Living Facilities | One space per dwelling unit plus one space per employee on the largest shift |
| Automotive Rental / Sales | One space per 500 s.f. of gross floor area |
| Automotive Repair Services | Three spaces per repair stall |
| Bars, Taverns, Nightclubs | Parking equal to 30 percent of licensed capacity |
| Boarding Houses / Bed and Breakfasts | One space per rental units |
| Bowling Alleys | Four spaces per alley |
| Campground | One space per camping unit |
| Churches, Synagogues, and Temples | One space per three seats in main worship area |
| Social Clubs, fraternal organizations | One space per 500 s.f. of gross floor area |
| College/University | Eight spaces per classroom plus one space per employee |
| Commercial Recreation | One space per three persons of licensed capacity |
| Communication Services | One space per 500 s.f. of gross floor area |
| Construction Sales / Service | One space per 500 s.f. of gross floor area |
| Convalescent and Nursing Home Services | One space per three beds plus one per employee on the largest shift |
| Convenience Store with limited fuel sales | One space per 200 s.f. of gross floor area; spaces adjacent to fuel pump are included in total number |
| Day Care (Child Care Center) | One space per employee plus one space or loading stall per each ten persons of licensed capacity |
| Duplex | Two spaces per dwelling unit |

| | |
|--|--|
| Educational Uses, Primary facilities – Kindergarten, Elementary School, Junior High | Two spaces per classroom |
| Educational Uses, Secondary facilities –High School | 10 spaces per classroom plus one space per employee |
| Equipment Rental / Sales | One space per 500 s.f. of gross floor area |
| Food Sales (general) | One space per 200 s.f. of gross floor area |
| Food Sales (limited) | One space per 300 s.f. of gross floor area |
| Funeral Homes and Chapels | Eight spaces per reposeing room |
| General Retail Sales establishments | One space per 200 s.f. of gross floor area |
| Group Care Facility | One space per four persons of licensed capacity |
| Group Care Home | One space per four persons of licensed capacity |
| Guidance Services | One space per 300 s.f. of gross floor area |
| Health Club | One space per 200 s.f. of gross floor area, plus one space for each employee on peak shift. |
| Hospitals | One space per two licensed beds |
| Hotels and Motels | One space per rental unit, plus one space per employee on largest shift. |
| Industrial Uses and Light Industrial | .75 times the maximum number of employees during the largest shift. |
| Laundry Services | One space per 200 s.f. of gross floor area |
| Libraries | One space per 500 s.f. of gross floor area |
| Medical Clinics | Five spaces per staff doctor, dentist, chiropractor |
| Mobile Home Park | Two per dwelling unit |
| Multi-family / Apartments / Condominiums | One and a half spaces per bedroom for efficiencies and one bedroom units, otherwise one space per bedroom Note: This does not include detached garages. |
| Offices and Office Buildings | One space per 200 s.f. of gross floor area |
| Recreational Facilities | One space per four occupants or, in the case of a nonstructural facility, one space per four persons the facility is intended to accommodate. |
| Residential (Single-family, attached and detached) | Two spaces per dwelling unit with one required to be enclosed |
| Restaurants (General) | Parking equal to 30 percent of licensed capacity |
| Restaurants w/ drive-through | Greater of the two: One space per 40 s.f. of dining area, or one space per 150 s.f. of gross floor area; plus five staking spaces for drive-thru window. |
| Roadside stands | Four spaces per stand |
| Service Oriented Establishments | One space per 200 s.f. of gross floor area |
| Special and Vocational Training | One space per 500 s.f. of gross floor area |
| Theaters, Auditoriums, and Places of Assembly | One space per three persons of licensed capacity |
| Veterinary Establishments / Pet Health Services | Three spaces per staff doctor |
| Warehousing | One per 2,000 s.f. of gross floor area |
| Wholesaling / Distribution Operations | One space per two employees on the largest shift |

| Gross Floor Area of Use (sq. ft.) | Number of Required Loading Spaces |
|-----------------------------------|--|
| 5,000 or less | None |
| 5,001 – 25,000 | 1 |
| 25,001 – 75,000 | 2 |
| 75,001 – 150,000 | 3 |
| Over 150,000 | 4 plus one for each additional 100,000 s.f |

Section 7.03 Off-street Parking: Shared Parking Requirements

7.03.01 Notwithstanding the provisions of Section 7.02, in cases of shopping centers having 400,000 or more square feet of gross floor area and where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in the center is likely to occur, compliance with the standard retail parking ratios may be decreased by the Building Official after a recommendation by the Planning Commission.

7.03.02 Where convention centers, conference centers, assembly halls, ballrooms, or other similar facilities are built in conjunction with a hotel, office park, or shopping center, the Building Official, after receiving a recommendation from the Planning Commission may permit the construction of fewer parking spaces, due to overlapping usage of a portion of the parking spaces. Said request for a decrease in parking spaces.

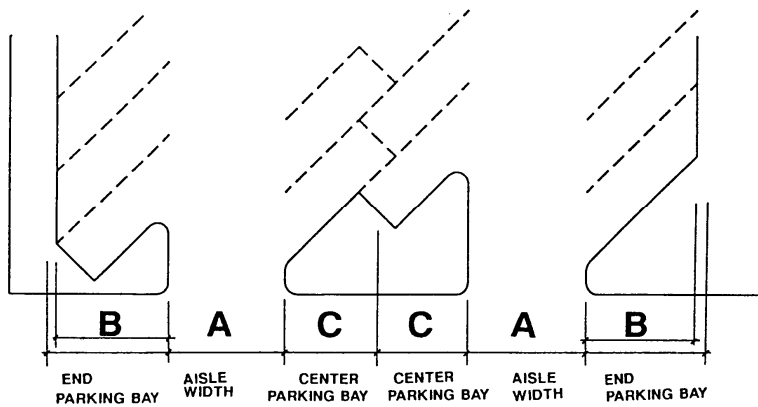
Section 7.04 Off-Street Parking: Parking for Individuals with Disabilities

7.04.01 In conformance with the Americans with Disabilities Act (ADA) and the Nebraska Accessibility Guidelines, if parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces shall be provided in each parking area in conformance with such guidelines.

Section 7.05 Off-Street Parking Design Criteria

7.05.01 Standard parking stall dimensions shall not be less than nine feet by 20 feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:

| Parking Configuration | | | |
|-------------------------------------|-----------|-----------|-----------|
| | 90-degree | 60-degree | 45-degree |
| Aisle Width (A) | | | |
| One-way traffic | ----- | 18 feet | 14 feet |
| Two-way traffic | 24 feet | 20 feet | 20 feet |
| End Parking Bay Width (B) | | | |
| Without overhang | 18 feet | 20 feet | 19 feet |
| With overhang | 16 feet | 18 feet | 17 feet |
| Center Parking Bay Width (C) | 18 feet | 18 feet | 16 feet |



7.05.02 Minimum dimensions for a parallel parking space shall be nine feet by 23 feet.

7.05.03 Minimum parking dimensions for other configurations or for parking lots with compact car spaces shall be determined by the Planning Commission and City Council upon recommendation of the Building Official and City Engineer.

Section 7.06 Home Occupations

The following are the minimum standards required for a Home Occupation:

7.06.01 No exterior displays, or a display of goods or chattels visible from the outside, or exhibit greater than one square foot in size on the premises by any method or device whatsoever or any manner which would indicate from the exterior that the dwelling unit or accessory building is being utilized in whole or in part as a home occupation.

7.06.02 Advertising displays and advertising devices displayed through a window of the building shall not be permitted.

7.06.03 No more than 20 percent of the total floor area of a dwelling unit and in no event more than 300 square feet of floor area can be used for the home occupation. This percentage is inclusive of any detached accessory buildings used for Home Occupations.

7.06.04 Home occupations shall employ no more than one part-time employee on-site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by the non-resident employee. Such occupation shall employ no full-time employee other than the residents of the dwelling unit.

7.06.05 No retail sales are permitted from the site other than incidental sales related to services provided.

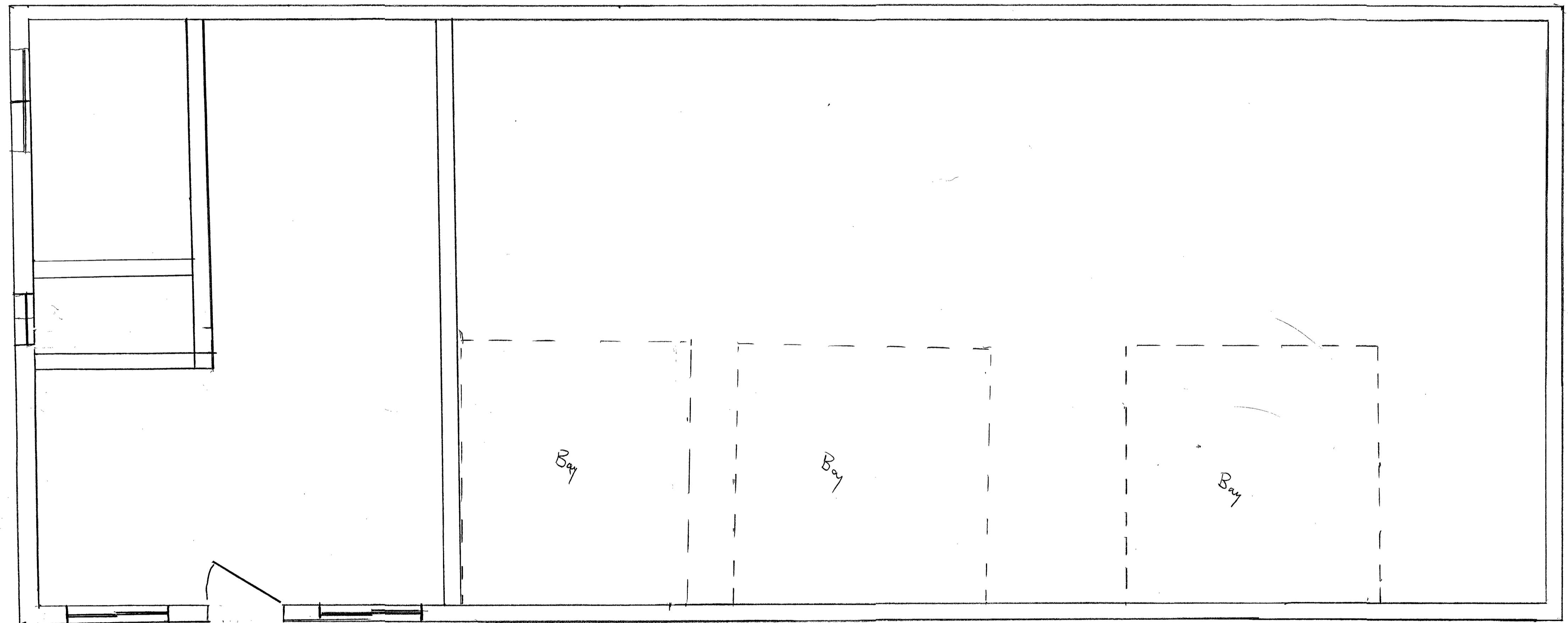
7.06.06 No storage of materials or goods or chattels, or any parts outside of a principal or accessory building or other structure is permitted.

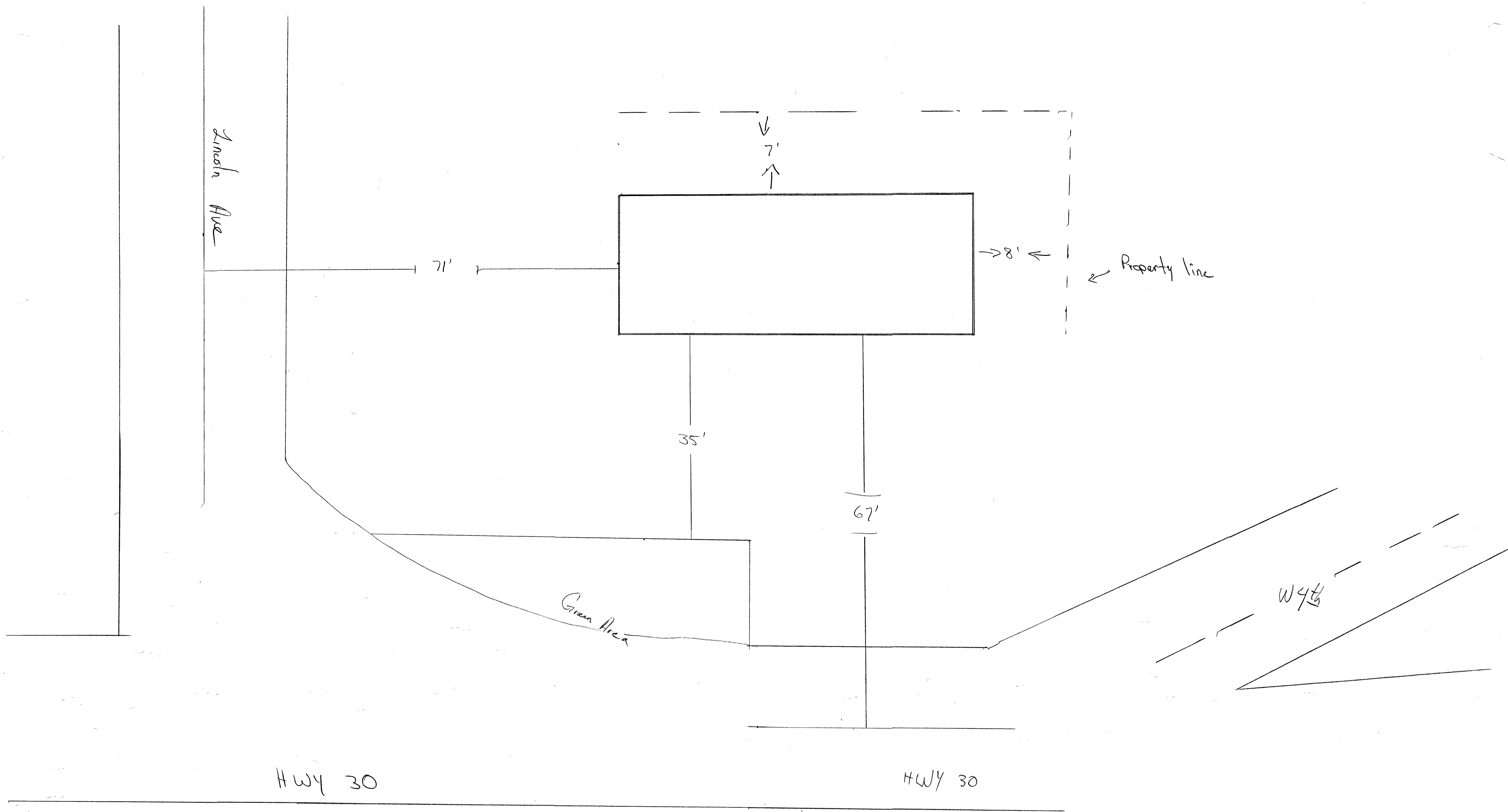
7.06.07 Additional off-street parking may be required for the business.

7.06.08 If home occupation is for a business office for services rendered at another location then not more than two (2) business or employee vehicles parked on or adjacent to the home occupation property at any one time; provided only one said vehicle may be allowed to park on street right-of-way.

Scale 3/8"
119 W Pacific
Lexington NE
Javier Ramirez

18



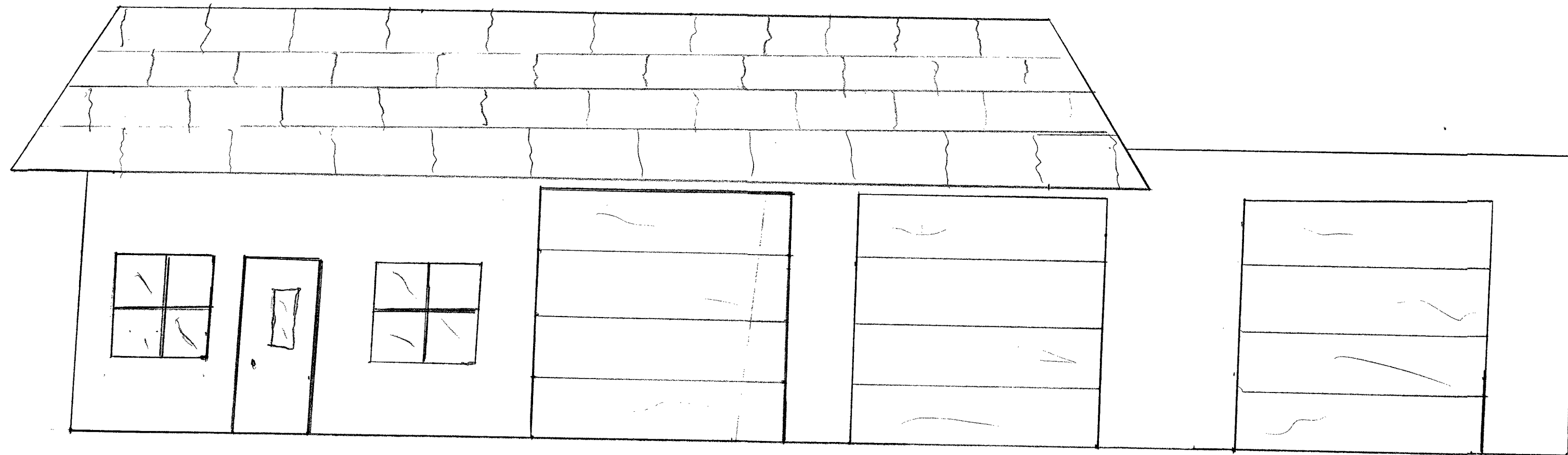


Scale 1/8"

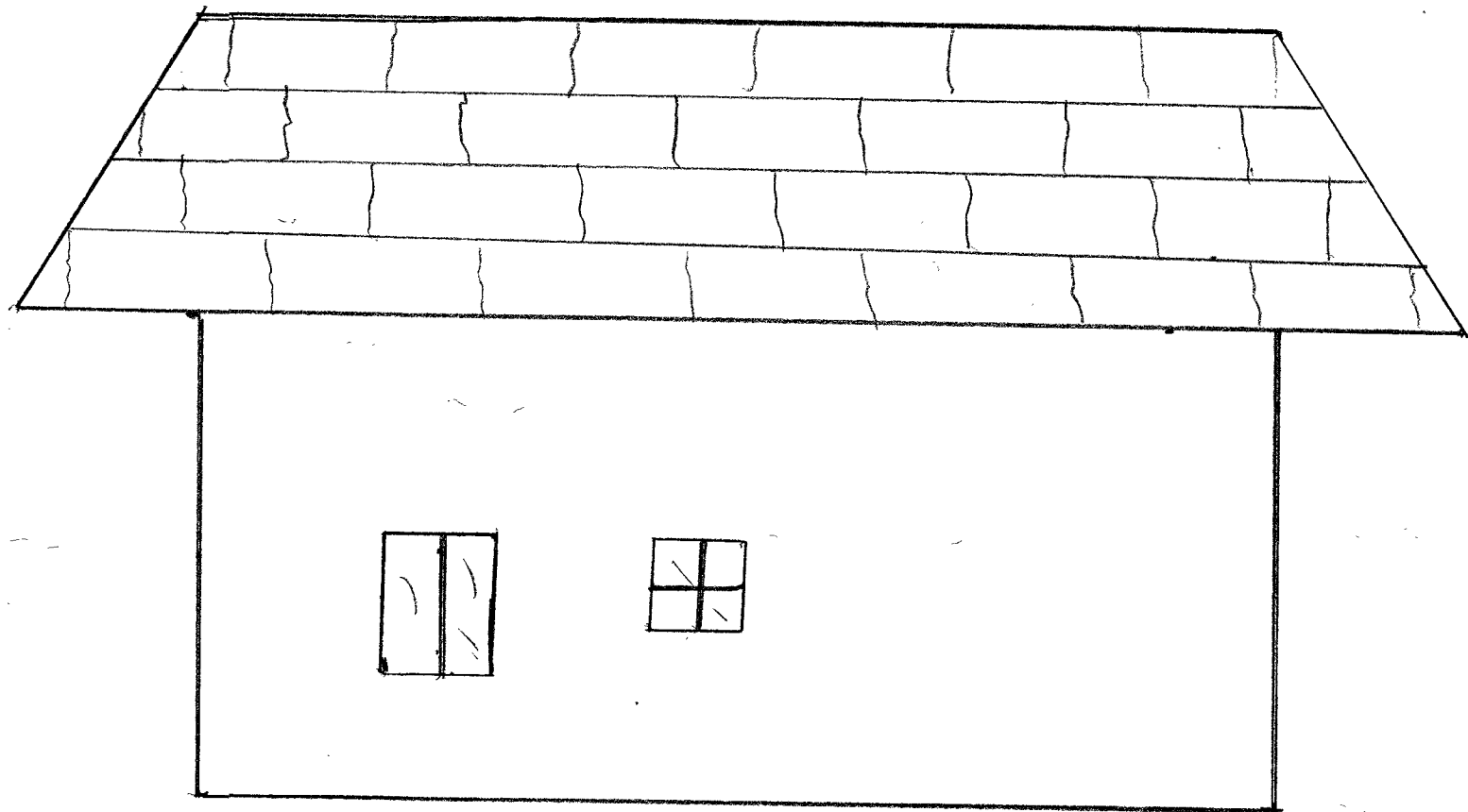
Javier Ramirez
119 W Pacific
Lexington Ne

Scale 1/4"
Javier Ramirez
119 W Pacific
Lexington NE

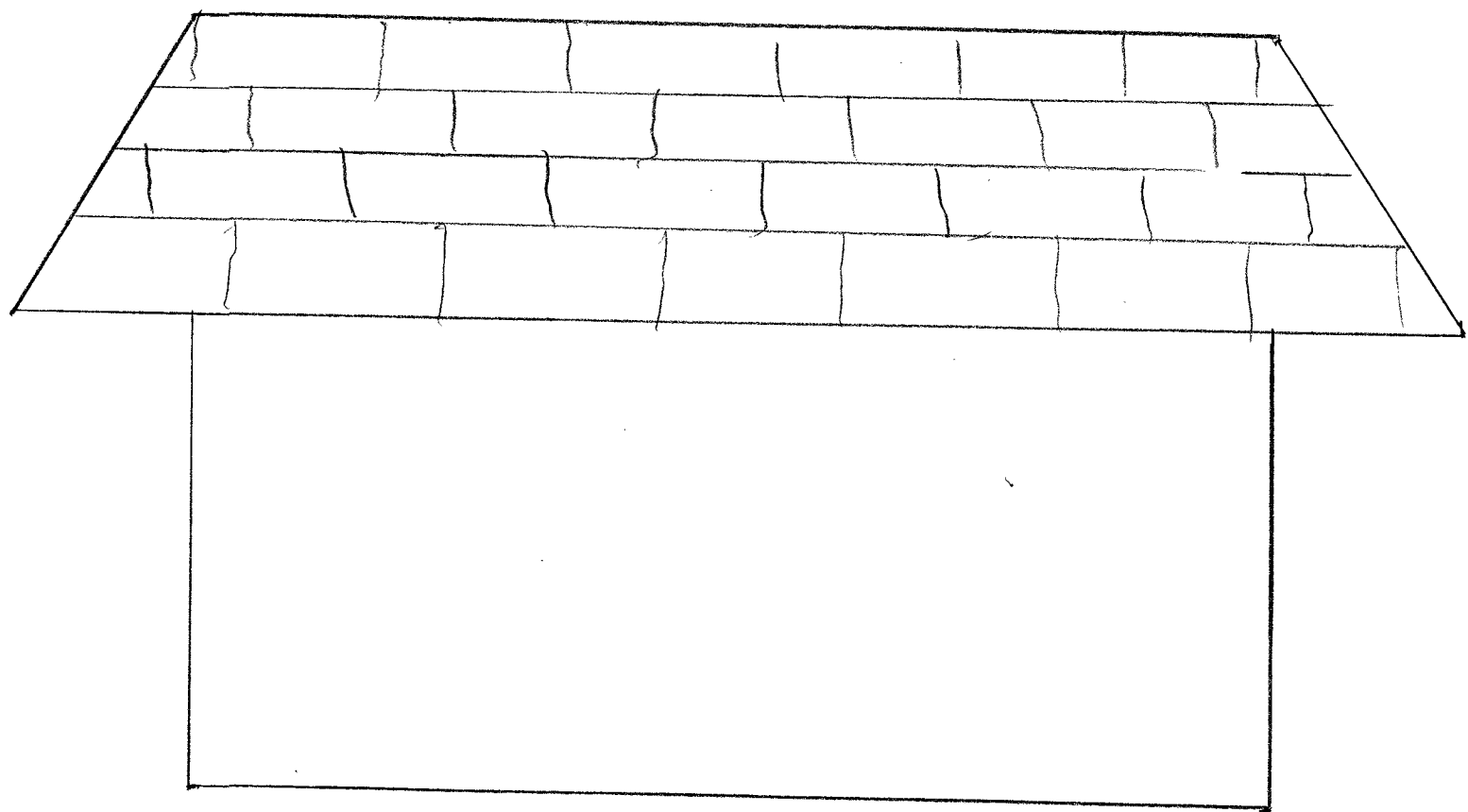
South



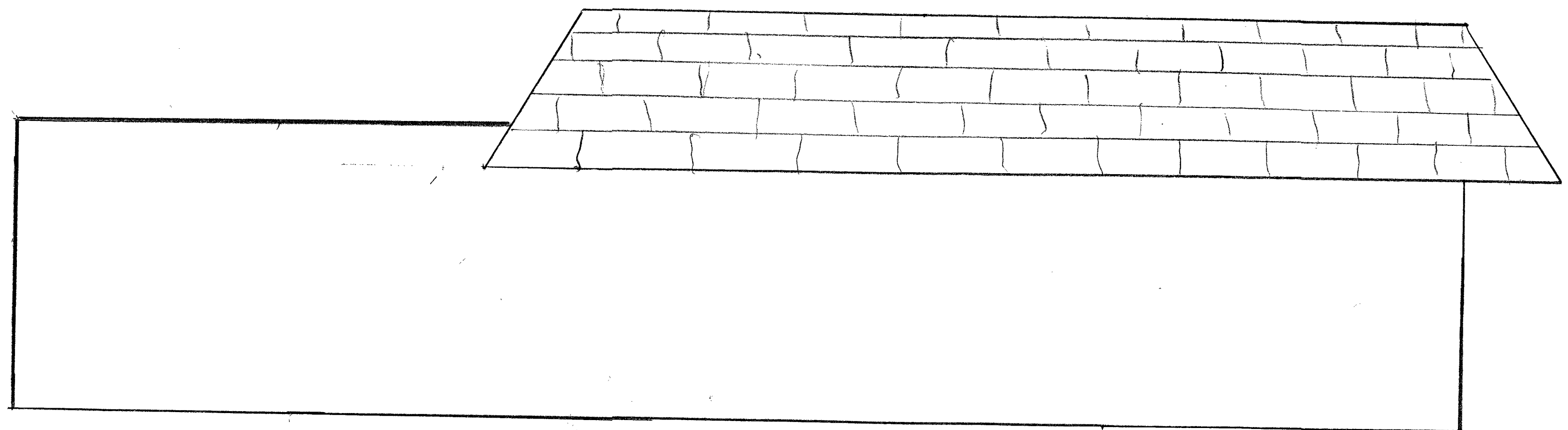
West



East



South





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

March 19, 2025

COPY

LAGUNA, JAVIER RAMIREZ
1701 INDEPENDENCE AVENUE
LEXINGTON, NE 68850

To Whom It May Concern:

Your property described as, 119 W. Pacific Street, Lexington, NE is in violation of the Zoning Ordinance of the City of Lexington, Section 5.12. Your use of the property as a Salvage Yard is not an approved use or conditional use in the C-2 Core Commercial Zoning District.

If the violation is not corrected you may be subject to penalties, including a fine of up to \$500 a day, with each day the violation continues being a separate offense. Further, the City of Lexington may forward the matter to the City Attorney who may commence further legal action against you.

To avoid these fines or further legal action to enforce the zoning regulations, please cease the illegal use of your premises. Your prompt attention to this matter is appreciated. Please contact the Development Services Department at (308) 324-2341, between 8:00 AM and 5:00 PM, Monday through Friday, with any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bill Brecks", with a long, sweeping horizontal line extending to the right.

Bill Brecks
Development Services Manager
Development Services Department
bbrecks@cityoflex.com

October 17, 2023

LAGUNA, JAVIER RAMIREZ ETAL
1701 INDEPENDENCE AVENUE
LEXINGTON, NE 68850

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Sincerely,



Bill Brecks
Development Services Director

City of Lexington Conditional Use Permit

Conditional Use Permit for Automobile Service and Repair

This Conditional Use Permit issued this ___ day of _____, 2019, by the City of Lexington, a municipal corporation in the County of Dawson, Nebraska (“City”) to, Javier Ramirez Laguna (“Owner”), pursuant to the Lexington Zoning Ordinance.

WHEREAS, Owner wishes to locate and operate an automobile service and repair facility at 119 W. Pacific Street upon the following legally described property of land within the City of Lexington zoning jurisdiction:

South 65’, Lots 7 thru 10, including block 53 Original Town

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating an automobile service and repair facility; 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 of the property described herein for an automobile service and repair facility, 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 transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City, or unless exempted herein.
2. In respect to the proposed Use:
 - a. Owner shall provide egress/ingress and off-street parking in accordance with Section 7.01.04 and Section 7.02.
 - b. Owner shall follow all applicable property maintenance codes adopted by the city.
 - c. Additional Requirements
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 use authorized by the conditional use permit must be initiated within twelve (12) months of approval.
 - c. All obsolete or unused structures and accessory facilities or materials specifically pertaining to such permitted use shall be removed at owner’s expense within twelve (12) months of cessation of the

conditional use, if required by the City.

4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as a permitted use hereunder upon the first of the following to occur:
 - a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
 - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
 - c. Owner's breach of any other terms hereof and his/her failure to correct such breach within ten (10) days of City's giving notice thereof.
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 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/her successors and assigns.

1. 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.
2. 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:

Contact Name and Address:

**Javier Ramirez Laguna
1506 N. Erie 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/operator

Date: _____