

ORDINANCE NO. _____

AN ORDINANCE TO REZONE LOTS 15 AND 16, BLOCK 3, MACCOLL AND LEFLANG'S SECOND ADDITION TO THE CITY OF LEXINGTON, FROM R-3 RESIDENTIAL DISTRICT TO C-3 HIGHWAY COMMERCIAL DISTRICT; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA AS FOLLOWS:

Section 1. That the following described property, to-wit:

Lots 15 and 16, Block 3, MacColl and Leflang's Second Addition to the City of Lexington, Dawson County, Nebraska,

is hereby rezoned from R-3 Residential District to C-3 Highway Commercial District.

Section 2. That all ordinances or sections of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED October ____, 2007.

CITY OF LEXINGTON, NEBRASKA

BY: _____
Mayor

ATTEST:

City Clerk

Administrative Use Only

Date Submitted 9-10-07
Filing Fee \$100.00 ck #7083
Cert. Of Ownership _____
Date Sign Posted _____

Case Number _____
Accepted By _____
Date Advertised _____
Date of Public Hearing 10-3-07

APPLICATION FOR REZONING

CITY OF LEXINGTON

*For an amendment to the zoning map, items 1 through 12 must be filled out completely before acceptance of this application for processing.

1. Property Owner's Name Thomas G. + M. Catherine Fayot
2. Property Owner's Address 1309 N Grant St.
3. Telephone Number (Home) 324-6910 (Work) 324-7422
4. Developer's Name _____
5. Developer's Address _____
6. Telephone Number (Home) 324-6910 (Work) 324-7422
7. Present Use of Subject Property Woodworking Shop
8. Proposed Use of Subject Property Storage Building + Parking
9. Present Zoning R-3 Requested Zoning C-3
10. Legal Description of Property Requested to be Rezoned Lots 15+16 Block 3
M^cColl + Leflang's Second Addition
1210 N Johnson St.
Approximate Street Address and Location Southeast(2) lots at intersection of 13th + Taylor
11. Area of Subject Property, Square Feet and/or Acres 100 x 100 ft
12. Characteristics of Adjacent Properties (including zoning and actual use)
North: Church South: Residence
East: Residence West: Commercial

The following information must be submitted at the time of application:

- | | |
|---|--|
| <input type="checkbox"/> Application Fee | <input type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> Justification of Rezoning | <input type="checkbox"/> Written Statement of Authorization from all Property Owners |
| <input type="checkbox"/> Blueline copies of site plan | |
| <input type="checkbox"/> Reduced copy of site plan | |

I/We, the undersigned, do hereby acknowledge that I/We do agree with the provisions and requirements for an application for rezoning 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.

M. Catherine Fayot
Signature of Owner

M. Catherine Fayot
Signature of Applicant

I am requesting a zoning change at 1210 North Johnson Street from R-3 to C-3.

The legal description of this property is: Lots 15 &16, Block 3, McColl and Leflans Second Addition.

This property is adjacent to the east of my dental office, separated by Johnson Street.

The reasons for my request are:

1. The property is currently owned by Kathy Metzger. The property has a double garage on the northeast corner of the property where her late husband had is woodworking shop. Due to current city codes regarding R-3 zoning, this property can not be owned with the garage being the only structure. If it were rezoned to C-3, I could purchase the property and maintain its current status.
2. My reason for wanting to purchase the property is for future expansion. I will have another dentist joining my practice within 4 years. I will be short of storage space for files, records, models, and spare equipment. I will also be short of parking for patients and staff.
3. Metzger's have kept this property in very good condition with well a manicured green lawn, fruit and shade trees, and numerous flower beds. I wish to be able to assure that same look in the neighborhood by purchasing this property. I will have the yard groomed, fertilized, weeds controlled, and snow removed as I have for my dental office the past six years.

I do not anticipate any changes in the appearance of this property in the next five years. In 8 to 10 years, I envision additional parking, either with street setbacks or by paving the majority of the property and bricking the garage to match my office building.

Thank you for your time in considering this zoning change.

REZONING CHECKLIST

Case No.: _____
Date Filed: _____
Date Advertised: _____
Date Notices Sent: _____
Public Hearing Date: _____

APPLICANT: THOMAS G & M. CATHERINE FAGOT

LOCATION OF PROPERTY:
1210 N JOHNSON

PRESENT ZONING: R-3 REQUESTED ZONING: C-3

PRESENT USE OF PROPERTY:
WOODWORKING SHOP

SURROUNDING LAND USE AND ZONING:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>CHURCH</u>	<u>R-1</u>
South	<u>RESIDENCE</u>	<u>R-3</u>
East	<u>RESIDENCE</u>	<u>R-3</u>
West	<u>DENTIST OFFICE</u>	<u>C-3</u>

CHARACTER OF NEIGHBORHOOD:
RESIDENCE / COMMERCIAL

NEAREST EQUIVALENT ZONING:

LOCATION: _____
CURRENT USE: _____

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts? NO
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? NO If yes, explain _____
3. Are there adequate sites for the proposed use in areas already properly zoned? NO If yes, explain _____

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with development policies? YES
2. Consistent with future land use map? YES
3. Are public facilities adequate? YES

TRAFFIC CONDITIONS:

1. Street(s) with access to property: 13TH ST + JOHNSON ST.
2. Classification of street(s):
Arterial _____ Collector X Local _____
3. Right-of-way width: _____
4. Will turning movements caused by the proposed use create an undue traffic hazard? NO
5. Comments on traffic: _____

SHOULD PLATTING OR REPLATTING BE REQUIRED TO PROVIDE FOR:

1. Appropriately sized lots? N/A
2. Properly sized street right-of-way? N/A
3. Drainage easements? _____
4. Utility easements:
Electricity? _____
Gas? _____
Sewers? _____
Water? _____
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY IN QUESTION:

RESIDENTIAL and COMMERCIAL

ADDITIONAL COMMENTS:



**CALVARY
ASSEMBLY
OF GOD**



*Sharing the
BREAD OF LIFE
With Central Nebraska*



*Joe Masten
Senior Pastor*



*Maria Merino
Spanish Pastor*



*1304 N. Adams St.
Lexington, NE 68850*

*Voice: (308) 324-5310
Fax (308) 324-2649*

*E-mail addresses
Church*

*lexag@lexag.org
Pastor Joe*

joemasten@lexag.org

Pastor Maria

mariamertino@lexag.org



September 17, 2007

Lexington Planning and Zoning Commission
406 East 7th Street
Lexington, NE 68850

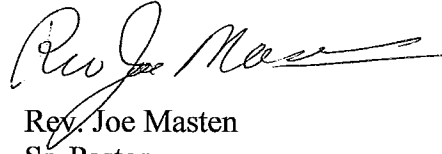
To Whom It May Concern:

Tom Fagot has asked for a zoning change on a piece of property that he wants to purchase from Kathy Metzger. This property is located at 1212 North Johnson St.

Calvary Assembly of God Church owns all of the property to the north along 13th street. We do not foresee any problems or issues with the rezoning and in fact see several advantages to us with the increase in potential parking and maybe future commercial development.

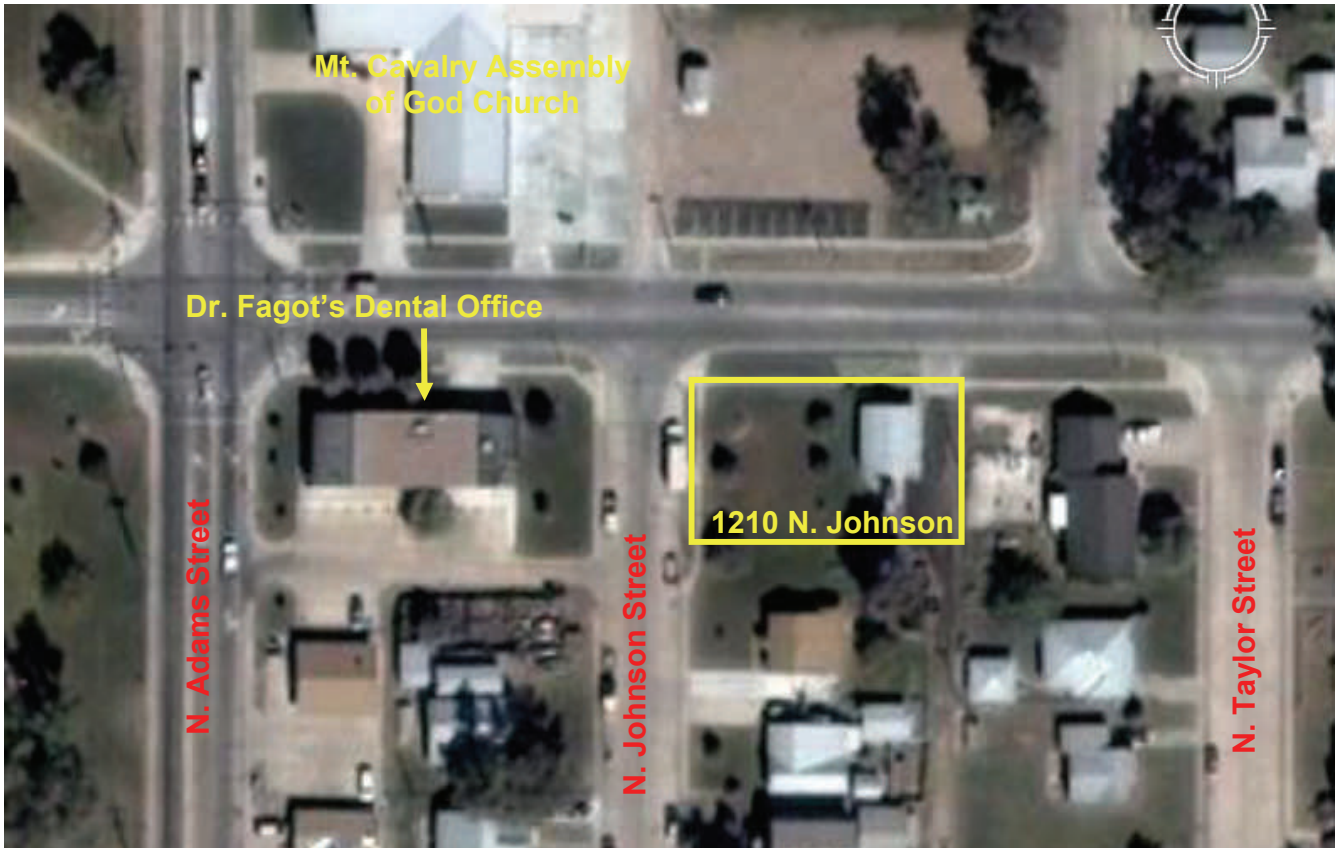
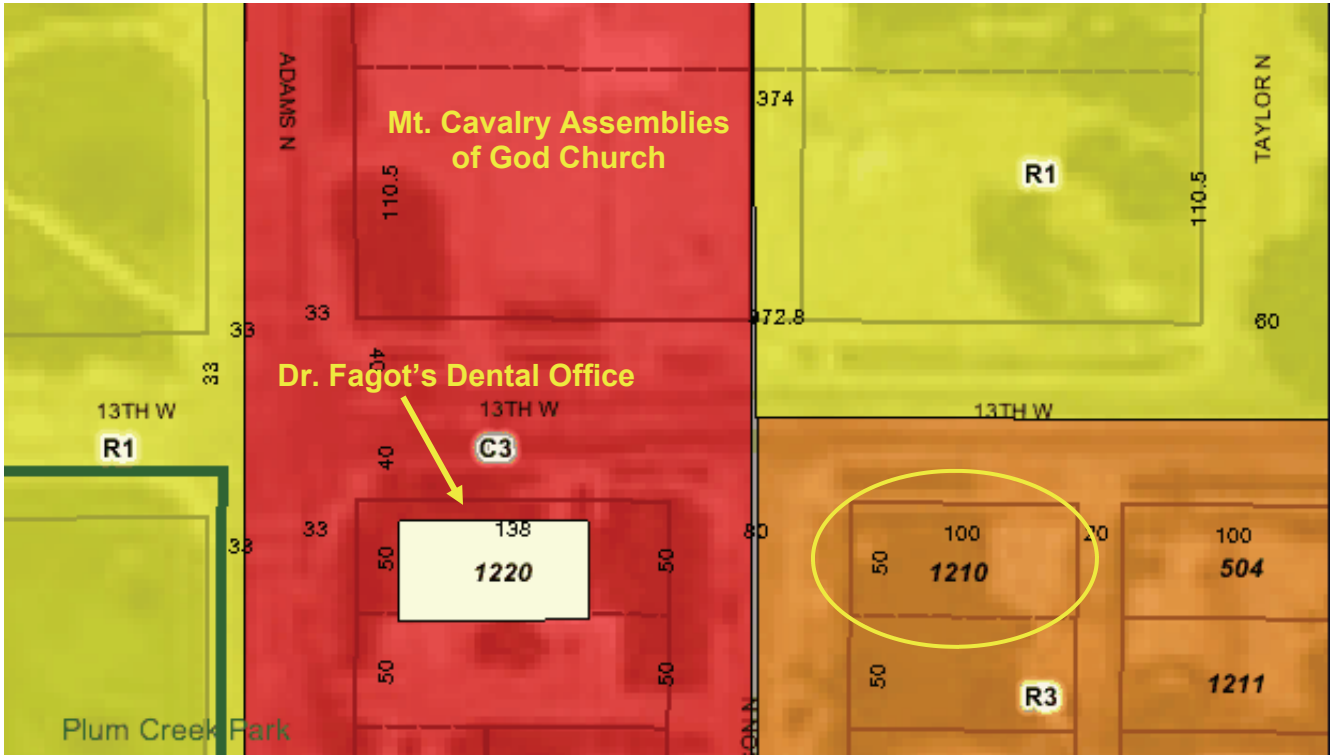
We have no objections to this zoning change.

Sincerely,



Rev. Joe Masten
Sr. Pastor

Rezoning Request
1210 North Johnson
October 2007
Maps, Charts, Photographs



PLANNING COMMISSION CITY OF LEXINGTON

DETERMINATION FORM

On October 3, 2007, the Lexington, Nebraska Planning Commission at its regular meeting, recommended Approval of a Rezoning _____ (Rezoning, Special Use, Subdivision, Variance, Zoning, Zone Appeal, Etc.) Request located at 1210 North Johnson _____ for Thomas G and M Catherine Fagot (Name).

The Lexington Planning Commission made the following motion:

Motion by: Jim Hain

Seconded by: Rusty Sutton

Motion: Following discussion, moved by Hain, seconded by Sutton, to recommend approval of request by Thomas G and M Catherine Fagot to rezone property at 1210 N Johnson, from R-3 Residential to C-3 Commercial and forward recommendation to City Council for consideration. Roll call. Voting "aye" were Vazquez, Smith, Sutton, Hain, Owens. Fagot abstained. Motion carried.

Pamela Berke
Planning Secretary