



Application for Conditional Use Permit

- 1. Applicant's Name Joel Garcia Reyes
2. Applicant's Address 110 E 6th
3. Applicant's Telephone Number (308) 746-5784
4. Owner's Name Lorena Ramirez
5. Owner's Address 1307 N park
6. Owner's Telephone Number 308 651 9790
7. Purpose of Conditional Use Permit Bible Study, Sunday School
8. Present Zoning C2
9. Within City Limits Yes Within Zoning Jurisdiction Yes
10. Legal Description W 40' of the north 1/4 Lot 4 Block 45 QT
11. Street Address of Property or Approximate Location 110 E 6th Street
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.

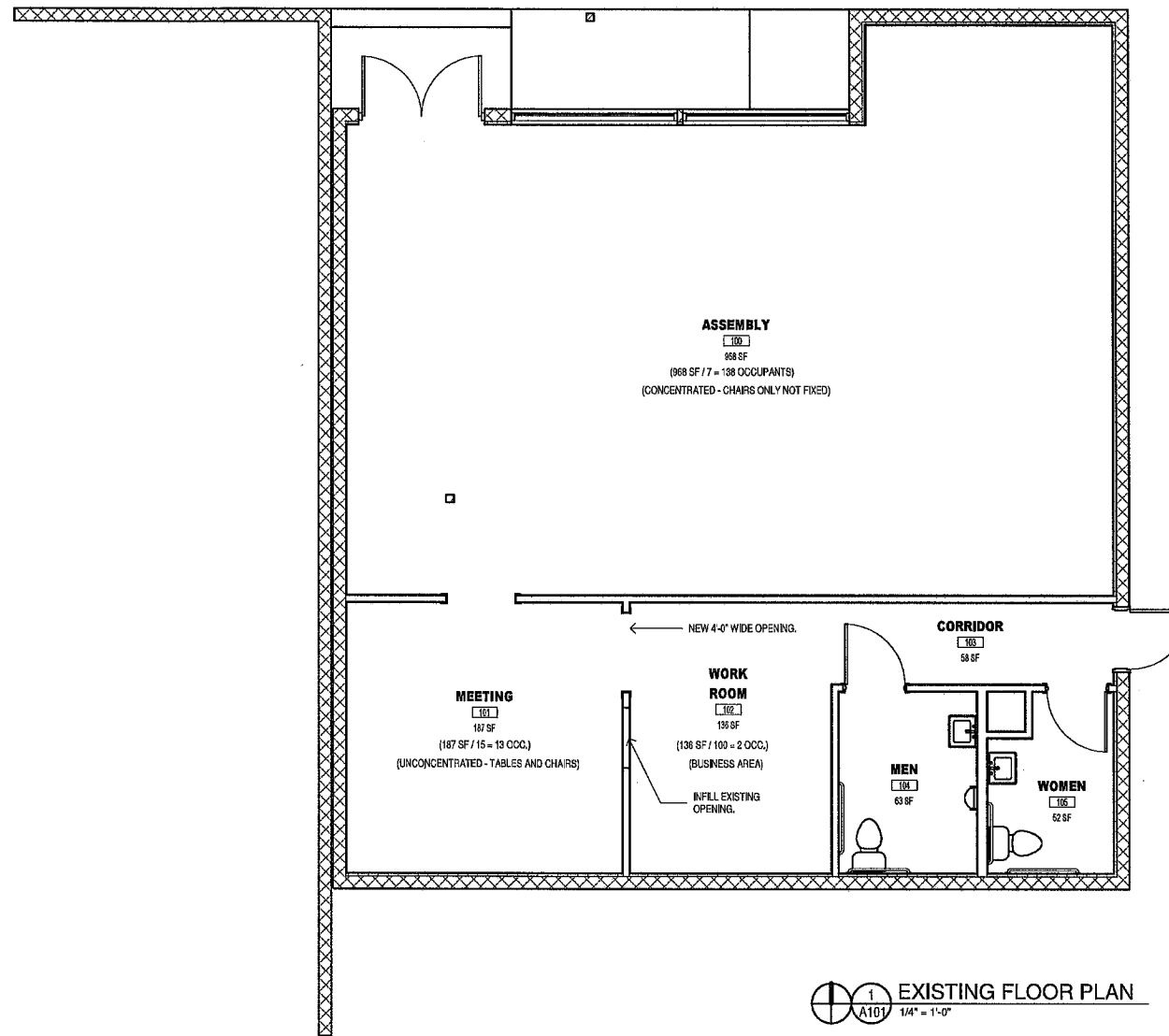
Signature of Owner Lorena Ramirez

Signature of Applicant Joel Garcia Reyes

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



EXISTING FLOOR PLAN
 1/4" = 1'-0"

Bradley E. Brandenburg + Associates

Architecture Planning Interior Design

1208 N. Jackson St.,
 Lexington, Nebraska 68850
 P: 308-324-0070
 F: 308-324-0080
 bebarchitecture.com

REV PLAN

Project For:
Iglesia Cristiana Pentecostes MMM
Existing Interior Layout
 Lexington, Nebraska

First Floor Plan

Progress Print
 Not For Construction

Seal

REVISIONS

No.	DATE	DESCRIPTION

Project No.: 2018_07
 Date: October 16, 2019

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Sheet:

A101

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.

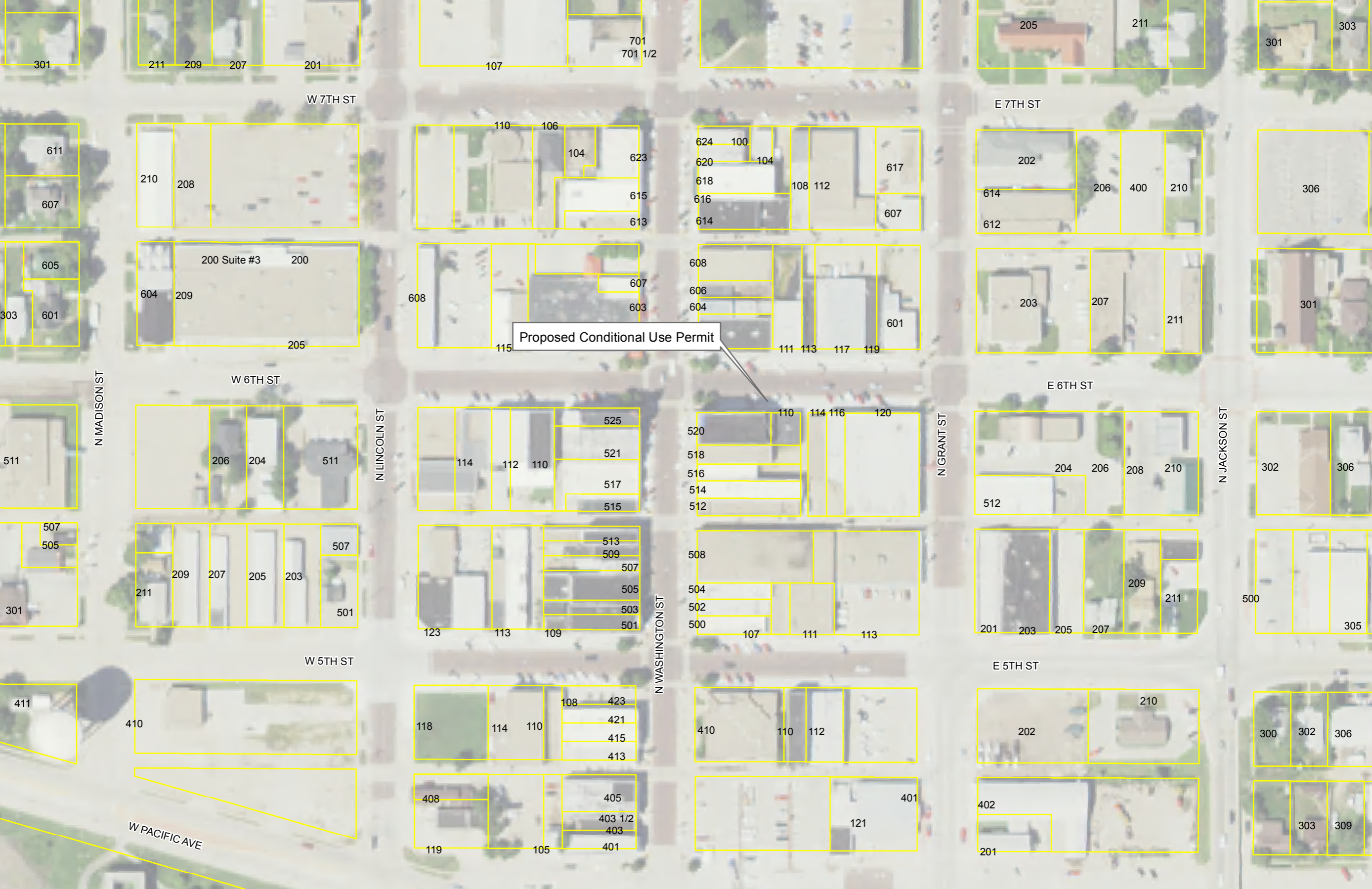
Failure to follow a cease and desist order shall cause action to be filed the City Attorney in District Court.

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.



Proposed Conditional Use Permit

301

211 209 207 201

107

701
701 1/2

205

211

301

303

W 7TH ST

E 7TH ST

611

607

210

208

110

106

104

623

624 100

620 104

617

618

108 112

607

616

614

202

614

206

400

210

306

605

200 Suite #3 200

604

209

601

205

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607

603

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606

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601

203

207

211

301

Proposed Conditional Use Permit

111 113 117 119

W 6TH ST

E 6TH ST

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W 5TH ST

E 5TH ST

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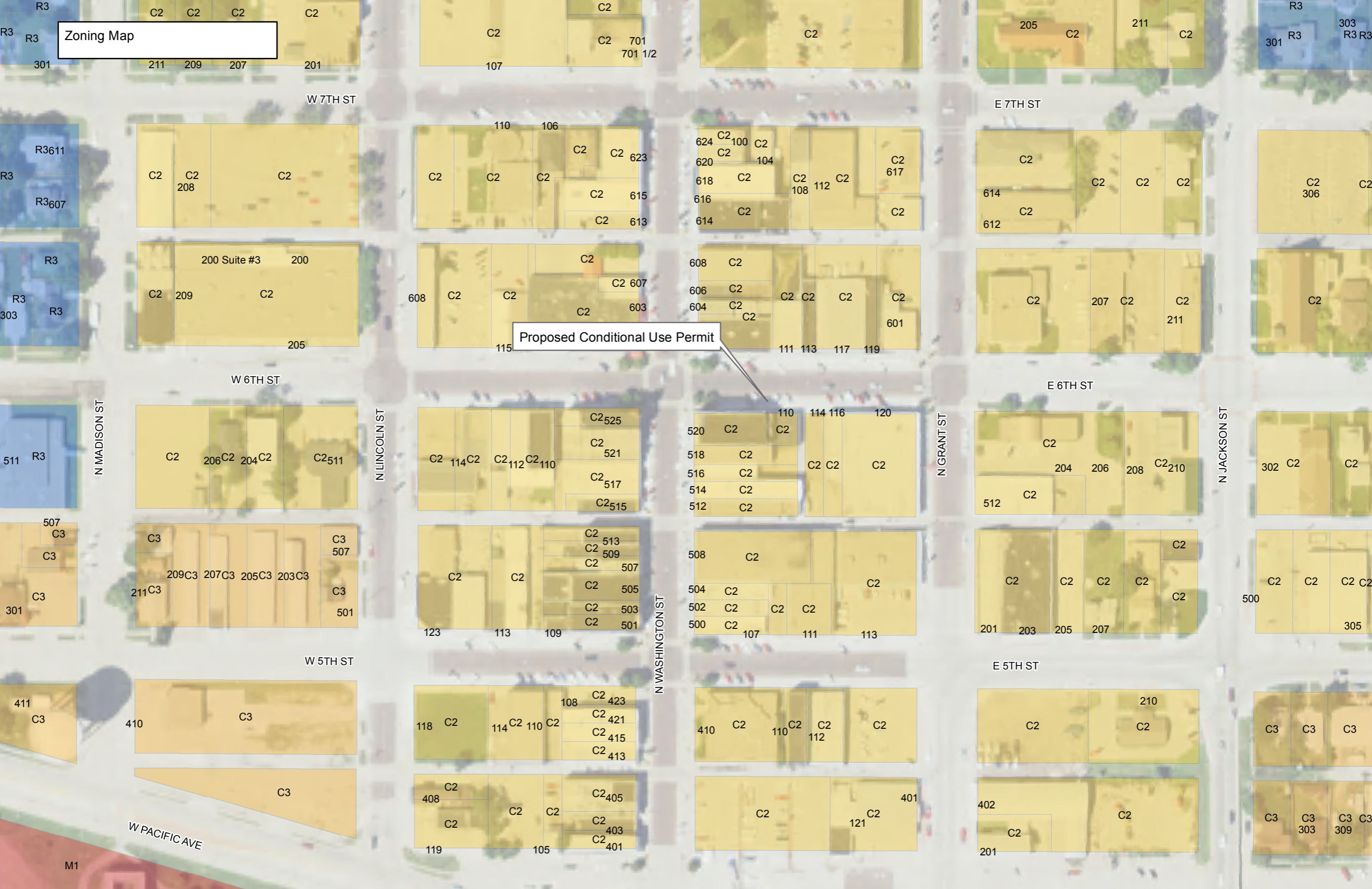
303

309

W PACIFIC AVE

Zoning Map

Proposed Conditional Use Permit



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 reposing 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.

City of Lexington Conditional Use Permit

Conditional Use Permit for a Church

This Conditional Use Permit issued this _____ day of _____, 2018, by the City of Lexington, a municipal corporation in the County of Dawson County, Nebraska (“City”) to the **Lorena Ramirez** (“Owner”), pursuant to the Lexington Zoning Ordinance.

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

West 40 feet of the North 44 feet, of Lot 4 Block 45 Original Town in Dawson County, Nebraska.

WHEREAS, Owner has applied for a conditional use permit for the purpose of developing a storefront **church**; 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 **church**, 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 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 codes must be followed.**
 - b. **The Owner will waive any hearing or otherwise not protest any license application pursuant to the Nebraska Liquor Control Act.**
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:

Lorena Ramirez
1307 N. Park 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: _____
Date: _____