

Application for Conditional Use Permit

- 1. Applicant's Name Industrial Tower West LLC c/o Rick Bailey
- 2. Applicant's Address 2825 E. Beaver Ave. Fort Morgan, CO 80701
- 3. Applicant's Telephone Number 970-768-6464 (Rick Bailey)
- 4. Owner's Name (of easement) Mountain Tower & Land LLC.
- 5. Owner's Address 1224 W. Platte Ave. Fort Morgan, CO 80701
- 6. Owner's Telephone Number 970-467-3172
- 7. Purpose of Conditional Use Permit replace existing pole for cell site
- 8. Present Zoning R-1
- 9. Within City Limits Yes Within Zoning Jurisdiction R-1 City of Lexington
- 10. Legal Description 40'x40' easement located in Lot 2, Blk 3, NW Sub to City of Le
- 11. Street Address of Property or Approximate Location
1709 N. Erie, 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.

[Signature]
Signature of Owner

[Signature]
Signature of Applicant

<u>Administrative Use Only</u>	
Date Submitted <u>4/6/2023</u>	Case Number _____
Filing Fee <u>\$100.00</u>	Accepted By _____
Cert. Of Ownership _____	Date Advertised _____
Date Sign Posted _____	Date of Public Hearing <u>PC 7/12/2023</u>

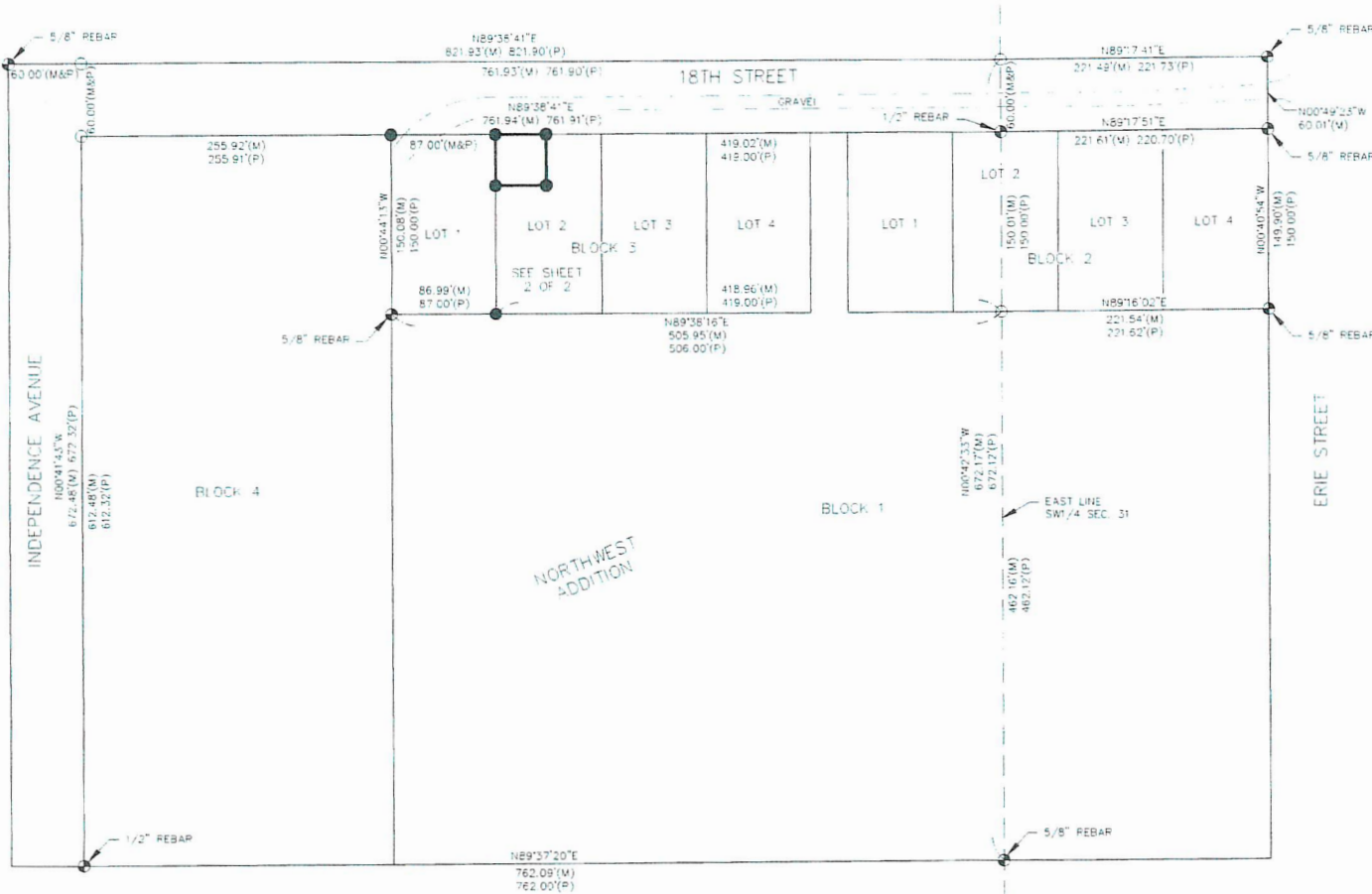
Section 6.08 Standards

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.



LEXINGTON NW VIAERO (TOWER SITE PLAN)
 A PART OF LOT 2, BLOCK 3, NORTHWEST ADDITION
 CITY OF LEXINGTON
 DAWSON COUNTY, NEBRASKA



LEGEND

- MONUMENT FOUND
- MONUMENT SET
- CALCULATED POINT
- M MEASURED DISTANCE
- R RECORDED DISTANCE
- D DECEDD DISTANCE
- ▲ PROPOSED 52' TOWER
- - - - - EXISTING CONTOUR
- - - - - EXISTING EASEMENT LINE
- PERMANENT EASEMENT LINE

VICINITY SKETCH
 DAWSON COUNTY
 NEBRASKA
 R21W

GRAPHIC SCALE

PROJECT NO.	R160255
DATE	11/29/2016
DRAWN BY	AJD
FILE NAME	Lexington NW.dwg
FIELD BOOK	DAWSON CO #
FIELD OPER.	
SURVEY FILE NO.	25
REVISION	
REVISION DATE	
REVISION	

Inst. 2016 - 3686

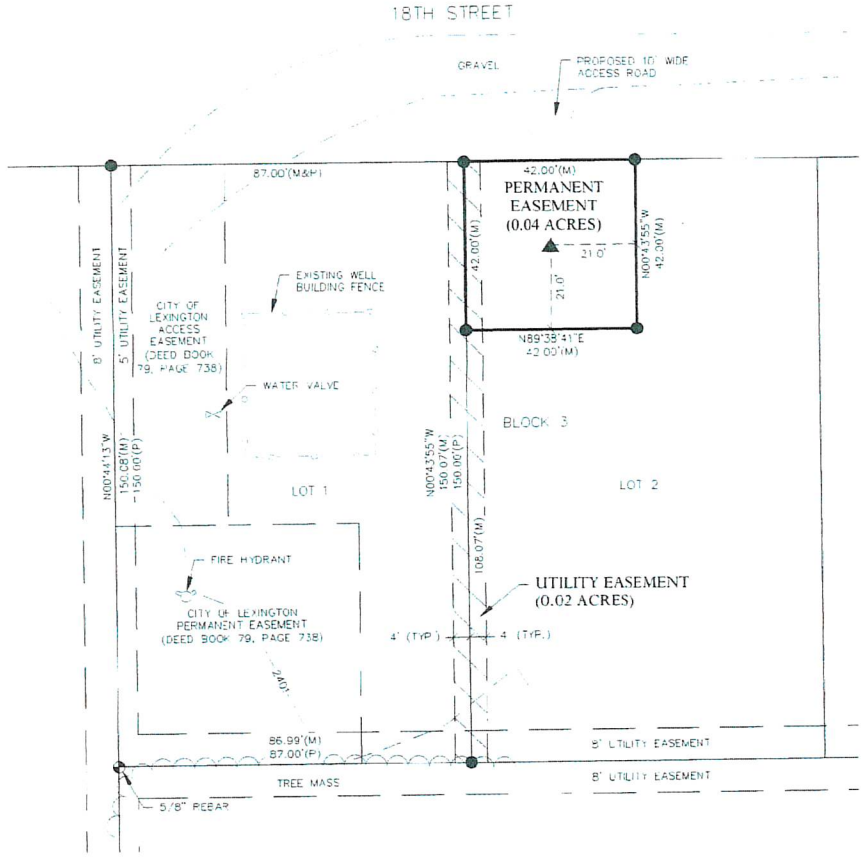
SURVEY RECORD
 LEXINGTON NW VIAERO SITE

A PART OF LOT 2, BLOCK 3
 NORTHWEST ADDITION
 CITY OF LEXINGTON
 DAWSON COUNTY, NEBRASKA

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LEXINGTON NW VIAERO (TOWER SITE PLAN)
 A PART OF LOT 2, BLOCK 3, NORTHWEST ADDITION
 CITY OF LEXINGTON
 DAWSON COUNTY, NEBRASKA



NOTE:
 PROPOSED 52' TOWER
 LAT. = 40°47'30.17903"
 LONG. = 99°45'35.49988"
 NAD 83
 BASE ELEV. = 2401 NAVD88

PERMANENT EASEMENT:

THE NORTH 42.00 FEET OF THE WEST 42.00 FEET OF LOT 2, BLOCK 3, NORTHWEST SUBDIVISION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA, CONTAINING 0.04 ACRES, MORE OR LESS.

UTILITY EASEMENT:

THE EAST 4.00 FEET OF LOT 1 AND THE WEST 4.00 FEET OF LOT 2, ALL IN BLOCK 3, NORTHWEST SUBDIVISION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA, CONTAINING 0.02 ACRES MORE OR LESS.

SURVEYOR'S REPORT:

THIS SURVEY WAS PERFORMED AT THE REQUEST OF VIAERO WIRELESS. THE PURPOSE OF THIS SURVEY WAS TO ESTABLISH THE PERIMETER AND CREATE A DESCRIPTION OF A PARCEL OF LAND LOCATED IN LOT 2, BLOCK 3, NORTHWEST SUBDIVISION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA. EXISTING MONUMENTS OF RECORD WERE FOUND AT LOCATIONS SHOWN ON THIS PLAT. ALL MONUMENTS FOUND ARE DESCRIBED ON THIS PLAT. ALL MONUMENTS SET ARE A 5/8"x24" REBAR WITH A PLASTIC CAP STAMPED "GOERTZEN L.S. 704".

ALL LINES WERE PRODUCED AND ANGLES AND DISTANCES MEASURED WITH SEILER INSTRUMENT'S VPS NETWORK, A TRIMBLE R8 GNSS RECEIVER, AND A 100 FOOT STEEL TAPE.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS PLAT OF A SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE, AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

Adam J. Goertzen
 ADAM J. GOERTZEN, L.S. 704

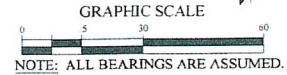


Inst. 2016 - 3686

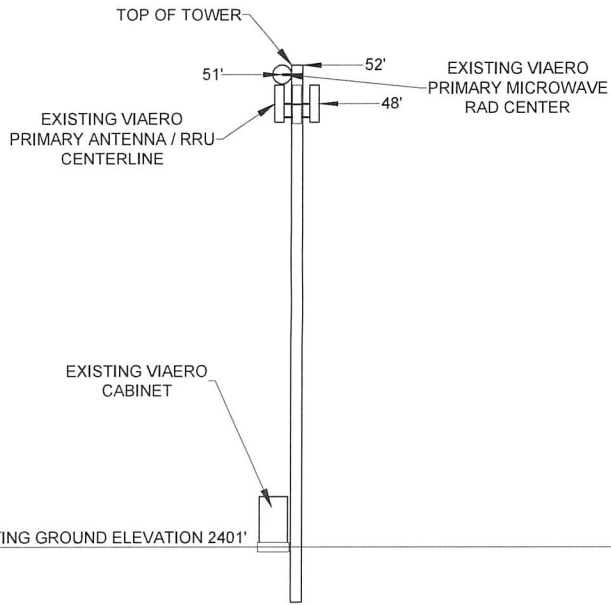
A PART OF LOT 2, BLOCK 3
 NORTHWEST ADDITION
 CITY OF LEXINGTON
 DAWSON COUNTY, NEBRASKA

SURVEY RECORD
 LEXINGTON NW VIAERO SITE

PROJECT NO.	R160255
DATE	11/29/2016
DRAWN BY	AJG
FILE NAME	Lexington NW.Dwg
FIELD BOOK	DAWSON CO #1
FIELD DRAW	JG
SURVEY FILE NO.	
REVIEW BY	
REVIEW DATE	
REVISIONS	



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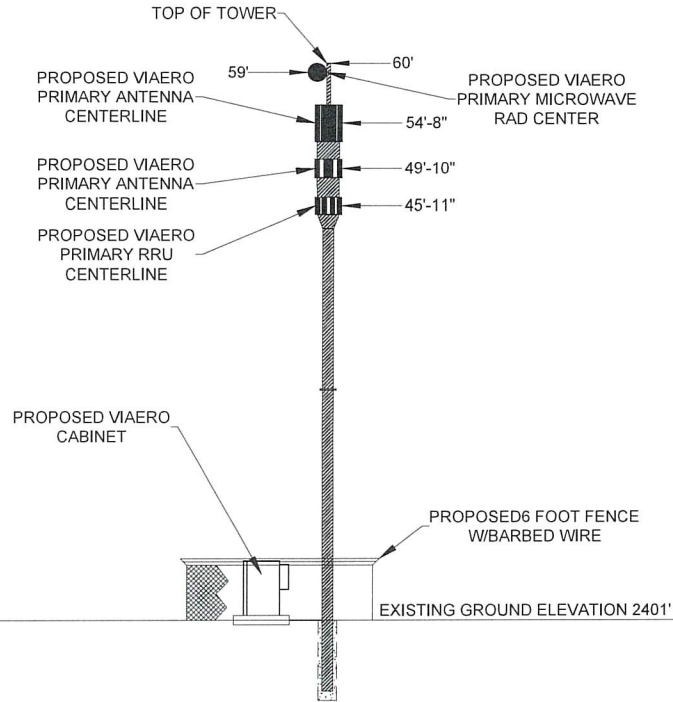


EXISTING
NORTH ELEVATION

- NOTES:
1. EXISTING TOWER WILL NE REMOVED
 2. EXISTING CABINET WILL BE REMOVED
 3. EXISTING ANTENNAS, RADIOS AND MICROWAVE WILL BE REMOVED

TOWER ELEVATION NORTH DETAIL:

SCALE: N.T.S



PROPOSED
NORTH ELEVATION



2825 E. BEAVER AVENUE
FORT MORGAN, CO 80701

PROJECT INFORMATION:

SITE NAME:
LEXINGTON NORTHWEST
LEXINGTON, NE
(DAWSON COUNTY)

SEAL:

REV	DATE	ISSUED FOR:

DRAWN BY: CHECKED BY:

SHEET TITLE:
**TOWER ELEVATION
NORTH**

SHEET NUMBER: REVISION:

A-4

**PLANNING COMMISSION
CITY OF LEXINGTON**

DETERMINATION FORM

On **July 12, 2023**, the Lexington, Nebraska Planning Commission, at its regular meeting, recommended **Approval** (Approval/Denial) of a **Conditional Use Permit** for property located at **1709 North Erie Street** (Location) for **Industrial Tower West LLC** (Name).

The Lexington Planning Commission made the following motion:

Motion by: Jeremy Kaiser

Seconded by: Jared Jacob

Motion: Moved by Kaiser, seconded by Jacob, based on Section 6.08 Standards related to conditional use permits, to recommend to the City council approval of the application as presented.

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



Planning Commission Secretary

*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.

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.
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