

Application for Conditional Use Permit

1. Applicant's Name Dennis Nava
2. Applicant's Address 411 S. Taylor St
3. Applicant's Telephone Number (308) - 746-2936
4. Owner's Name Raimundo Nava
5. Owner's Address 411 S. Taylor St
6. Owner's Telephone Number (308) - 217-0274
7. Purpose of Conditional Use Permit Auto Repair
8. Present Zoning C2
9. Within City Limits Yes Within Zoning Jurisdiction Yes
10. Legal Description 00000318 Lots 13 Thru 17 INCL BLK 62 O T
11. Street Address of Property or Approximate Location
201 E Pacific St. Lexington, NE 68850
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.

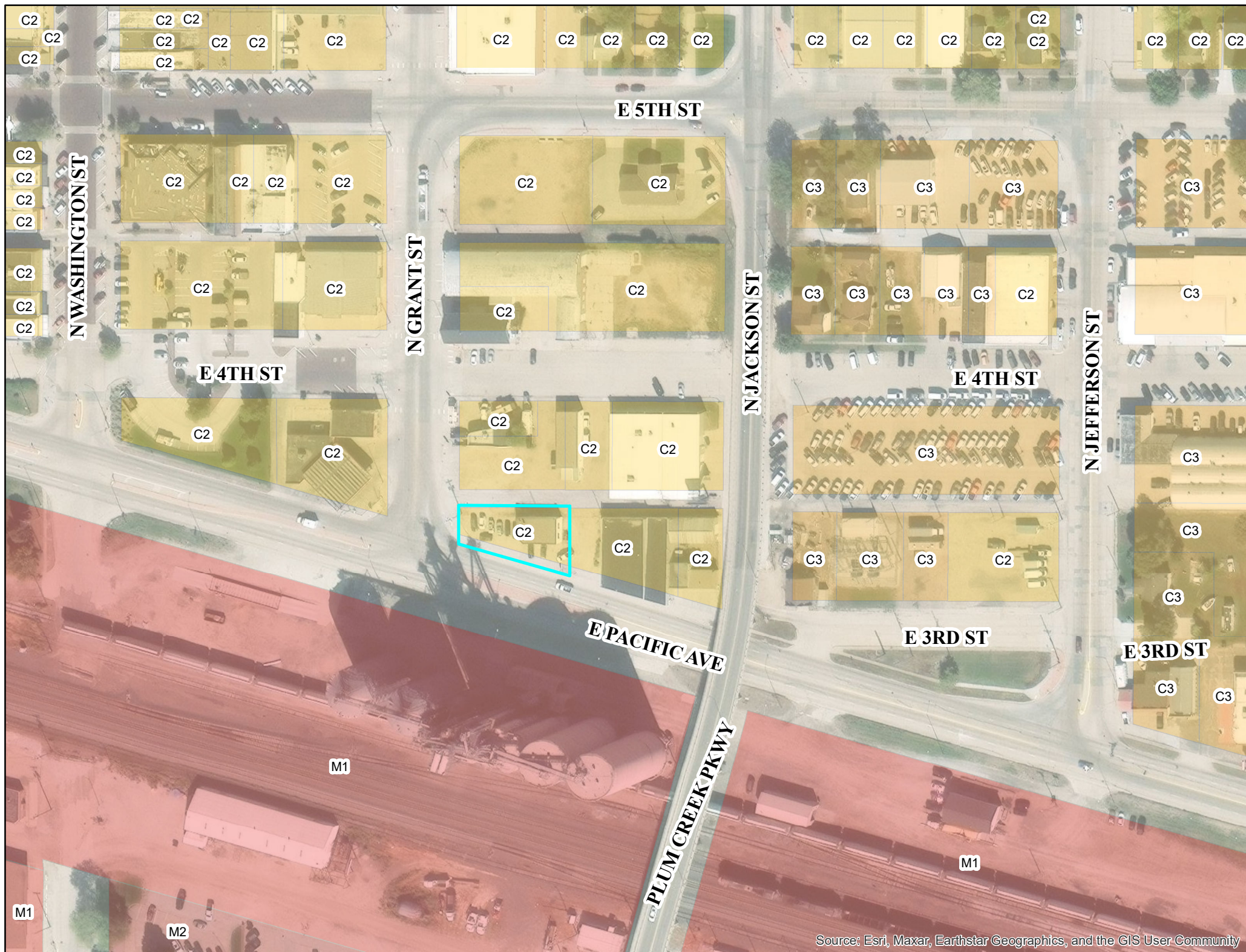
Raimundo Nava
Signature of Owner

[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 _____





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 repose 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.

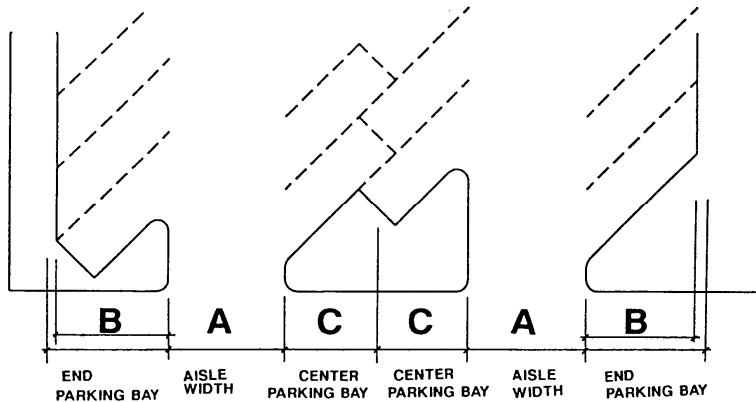
Section 7.04 Off-Street Parking: Parking for Individuals with Disabilities

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.



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

Raymundo Nava
411 S. Taylor Street
Lexington, NE 68850

COPY

To Whom It May Concern:

Your property described as, 201 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 horizontal flourish extending to the right.

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



COPY

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

September 22, 2023

Raymundo Nava
411 S. Taylor Street
Lexington, NE 68850

To Whom It May Concern:

Your property described as, 201 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 horizontal flourish extending to the right.

Bill Brecks
Development Services Director

Section 5.12 C-2 Core Commercial

5.12.01 Intent: This district is designed to provide for a wide range of retail, office, amusement and service uses normally found in a central business district. The highest density and intensity of use is permitted in this district. The Core Commercial District is intended to establish standards that will foster and maintain an area within the district boundaries that will benefit the retail trade, business, cultural, and social activities of the entire community. In addition, this district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

5.12.02 Permitted Uses:

The following principal uses are permitted in the C-2 District:

1. Automobile sales;
2. Banks;
3. Offices;
4. Museums and art galleries;
5. Parking lots, parking areas and other off-street parking facilities;
6. Public owned and operated facilities, services;
7. Professional Services;
8. Dance studio;
9. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - A. Apparel shop.
 - B. Appliance store.
 - C. Antique store
 - D. Auto parts store.
 - E. Bakery shop.
 - F. Barber and Beauty shop.
 - G. Bicycle shop.
 - H. Book store.
 - I. Camera store.
 - J. Communication services.
 - K. Computer store.
 - L. Confectionery.
 - M. Convenience Store.
 - N. Pharmacy.
 - O. Dry cleaning and laundry.
 - P. Floral shop.
 - Q. Food Sales.
 - R. Furniture store.
 - S. Gift and curio shop.
 - T. Gunsmith.
 - U. Hardware store.
 - V. Hobby, craft, toy store.
 - W. Jewelry store.
 - X. Liquor store.
 - Y. Locksmith.
 - Z. Meat market.
 - AA. Music store, studio.
 - BB. Paint store.
 - CC. Pet shop.
 - DD. Photography.
 - EE. Picture framing shop.
 - FF. Reservation center.
 - GG. Restaurant.
 - HH. Thrift Shop.
 - II. Shoe store.
 - JJ. Sporting goods.

(Amended--Ord. No. 2367, 12-8-2015)

5.12.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the C-2 District as recommended by the Planning Commission and approved by the City Council:

1. Micro-breweries;
2. Mail order services;
3. Churches, storefront churches;
4. Charitable organizations and clubs;
5. Theaters;
6. Social clubs or fraternal organizations;
7. Convention facilities and meeting halls;
8. Child care center;
9. Bars and nightclubs;
10. Car wash;
11. Drive-in bank;
12. Mortuaries;
13. Indoor recreational facilities, health clubs, bowling centers;
14. Business or vocational training facilities;
15. Residences in conjunction with the principal use when located above the ground floor;
16. Coffee kiosks;
17. Automated Teller Machines when not within the interior of a primary use;
18. Multi-family dwellings;
19. Automobile service and repair;
20. Motels and Hotels, including restaurants, convention and meeting facilities and other related uses.

(Amended--Ord. No. 2367, 12-8-2015)

5.12.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses;
2. Buildings and uses incidental to construction work are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed;
3. Parking as permitted in Sections 7.01-7.05;
4. Signs allowed in Chapter 109 of the Municipal Code;
5. Landscaping as required by Article 8.

5.12.05 Permitted Temporary Uses:

Temporary Uses require a permit from the City and shall be valid only for a specific amount of time as indicated on said permit. All platted lots or tracts of land may have a maximum number of four (4) temporary uses per calendar year. Such uses shall not last more than two (2) weeks per use, except as provided for hereafter.

1. Temporary greenhouses;
2. Temporary structures as needed for sidewalk and other outdoor sales events;
3. Firework stands, provided the criteria are met as established by the City through separate Ordinances;
4. Temporary structure for festivals or commercial events.

5.12.06 Height and Lot Requirements:

1. The height and minimum lot requirements for uses, including accessory uses, shall be as follows:

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft) *	Rear Yard (ft)*	Max. Height (ft)	Max. Lot Coverage (%)
Permitted Uses	2,500	25	0	0	0	45	100
Conditional Uses	2,500	25	0	0	0	45	100

* 10 feet when abutting a zoning district requiring a side or rear yard.

** 25' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of fifty (50) feet.

5.12.07 Use Limitations:

1. When adjacent to residentially zoned land, no storage, parking, drives or signs shall be within 15 feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Article 8.
2. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

ARTICLE 2: DEFINITIONS

Section 2.02 Definitions

For the purpose of this Ordinance, certain words and terms are hereby defined as follows:

JUNK (or SALVAGE) YARD shall mean a place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures, abandoned or inoperable motor vehicles or parts thereof, and other used materials are bought, sold, exchanged, stored, baled or cleaned; and places or yards for the storage of salvaged metal, materials and equipment. The term "junkyard" or "salvage yard" does not include pawnshops and establishments for the sale, purchase or storage of used cars or trucks presently in operable condition, and used furniture and household equipment in usable condition and not including the processing of used, discarded or salvaged materials as part of manufacturing operations.



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

January 4, 2021

Raymundo Nava
411 S. Taylor Street
Lexington, NE 68850

RE: 201 E. Pacific Street

Mr. Nava,

Your property described as, 201 E. Pacific Street, Lexington, NE is in violation of the Zoning Ordinance of the City of Lexington, Section 5.12. 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 black ink, appearing to read "Bill Brecks", with a long horizontal line extending to the right.

Bill Brecks
Development Services Director
City of Lexington



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

Complete

November 17, 2020

Raymundo Nava
411 S. Taylor Street
Lexington, NE 68850

To Whom It May Concern,

Pursuant to The Lexington City Code, notice is hereby given to abate a nuisance being maintained at the property known as, 201 E. Pacific Street. The nuisance consists of items listed in the enclosed inspection report.

These conditions must be abated by 12/10/20 or the City of Lexington will cause action to correct this violation and the owner will be responsible for the removal and disposition costs. If the recipient believes this order was prepared in error or does not accurately reflect the current conditions of the property, a hearing may be requested before the Board of Adjustment, within 5 days of this notice, to give testimony and show cause why this order should not be issued against the property owner. Please contact the Developmental Services Department at (308) 324-2341, between 8:00 AM and 5:00 PM, Monday through Friday with any questions or concerns. Your prompt attention to this matter is greatly appreciated.

Sincerely,

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

Bill Brecks
Development Services Manager
Development Services Department

bbrecks@cityoflex.com

City of Lexington Property Maintenance Report

Violations

302.8 MOTOR VEHICLES- Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.



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

April 17, 2019

Raymundo Nava
411 S. Taylor Street
Lexington, NE 68850

RE: 201 E. Pacific Street

Dear Mr. Nava,

A review of your Conditional Use Permit shows that you are in violation of said Conditional Use Permit. Your property is in violation of Lexington Zoning Code Sections 7.01.04 and 7.02. 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. Further, your Conditional Use Permit provides that only three (3) vehicles will be maintained on the property for the purposes of service and repair. You are in violation of this provision.

In order to fulfill the conditions of your Conditional Use Permit, please remedy these violations immediately. Should you choose to not comply with the terms of your agreement; a hearing will be called, at the next available City Council meeting, to revoke your permit. 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.

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Bill Brecks
Development Services Director
City of Lexington



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

November 30, 2016

Jeff Ernstmeyer
73718 Road 417
Eustis, NE 69028

COPY

RE: 203 E. Pacific Street

Dear Mr. Ernstmeyer,

A review of your Conditional Use Permit shows that you are currently in violation of Lexington Zoning Code Sections 7.01.04 and 7.02. 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.

In order to fulfill the conditions of your Conditional Use Permit please remedy this violation immediately. 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.

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Bill Brecks
Development Services Director
City of Lexington



City of Lexington Conditional Use Permit

Conditional Use Permit for Educational Use (Automotive/Welding Classrooms)

This Conditional Use Permit issued this 27th day of October, 2015, by the City of Lexington, a municipal corporation in the County of Dawson, Nebraska ("City") to, Jeff Ernstmeyer ("Owner"), pursuant to the Lexington Zoning Ordinance.

WHEREAS, Owner wishes to locate and operate an automobile service and repair facility at 203 East Pacific Street upon the following legally described property of land within the City of Lexington zoning jurisdiction:

Lots 13 through 17, Block 62, 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:

**Jeff Ernstmeyer
73718 Road 417
Eustis, NE 69028**

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: _____