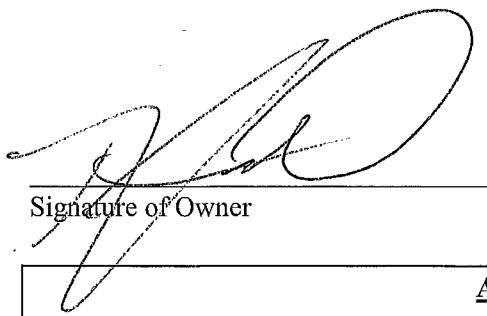




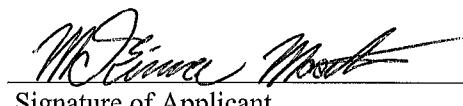
## Application for Conditional Use Permit

1. Applicant's Name McKinna Moats
2. Applicant's Address 43839 Rd 759
3. Applicant's Telephone Number 308-325-0226
4. Owner's Name Troy Moats
5. Owner's Address 43839 Rd 759 Lexington, NE
6. Owner's Telephone Number 308-325-4367
7. Purpose of Conditional Use Permit outdoor storage (U-hauls) ~~overflow personal storage~~
8. Present Zoning Highway Commercial
9. Within City Limits YES Within Zoning Jurisdiction
10. Legal Description
11. Street Address of Property or Approximate Location 209 W Taft
12. Site Plan (if applicable) \*See attached

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



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 \_\_\_\_\_

240217365

240182790

240137507

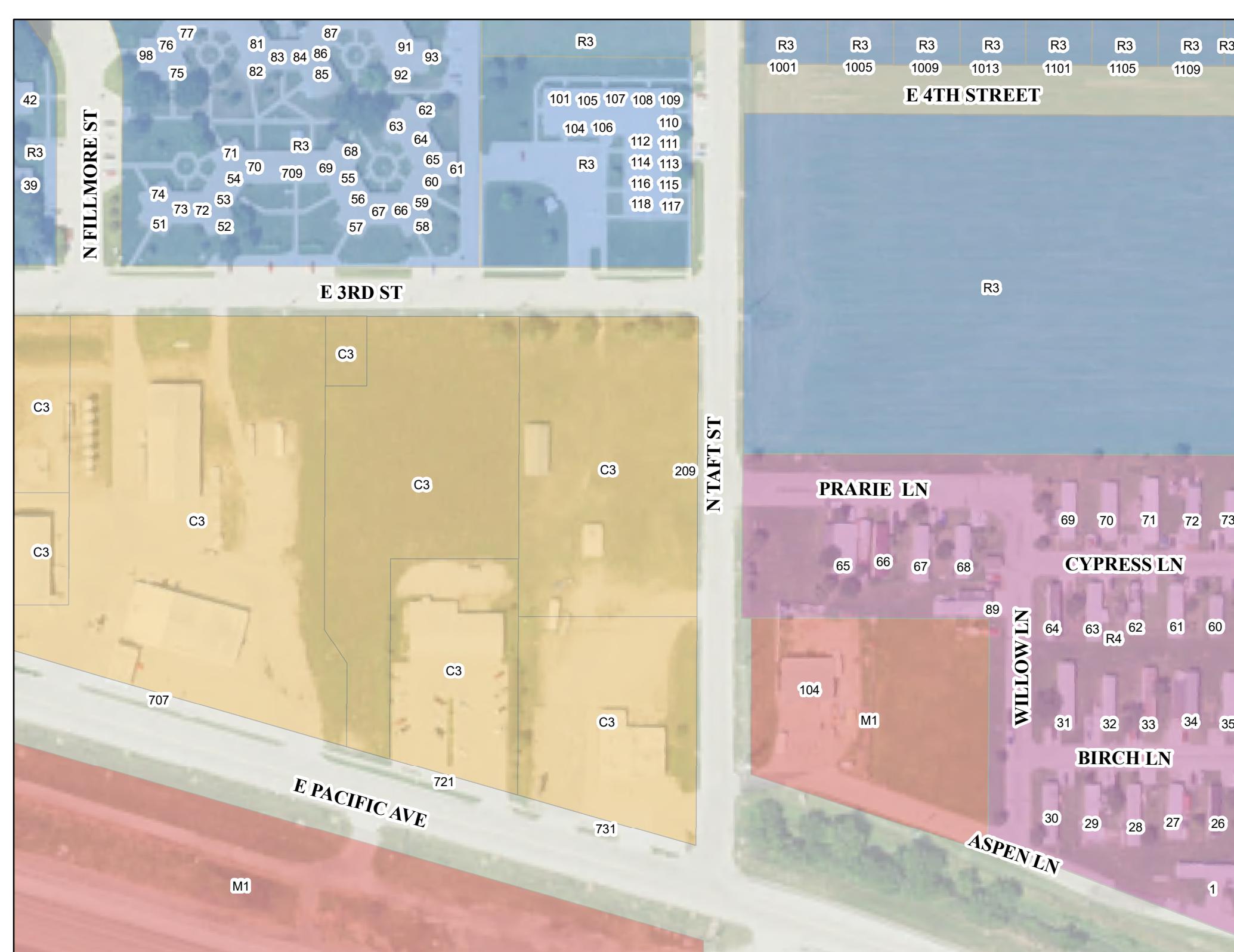
240137590

Taft

6 ft  
true  
etc

drive

2





**City of Lexington  
Conditional Use Permit**

**Conditional Use Permit for Outdoor Storage**

This Conditional Use Permit issued this \_\_\_\_\_ day of \_\_\_\_\_, 2026, by the City of Lexington, a municipal corporation in the County of Dawson, Nebraska ("City") to, Moats Rentals, LLC ("Owner"), pursuant to the Lexington Zoning Ordinance.

WHEREAS, Owner wishes to operate a U-Haul business, which is considered Outdoor Storage, at 209 N. Taft Street upon a portion of the following legally described property of land within the City of Lexington zoning jurisdiction:

The North 363' of the East 200.03' Of Lot Two (2), Tract F of Subdivision of Section Five (5), Township Nine (9) North, Range Twenty-One West of the 6th P.M.,  
Lexington, Dawson County, Nebraska

WHEREAS, Owner has applied for a conditional use permit for the purpose of said Outdoor Storage in an C3 Highway Commercial District; and

WHEREAS, the Mayor and City Council of the City of Lexington make the following findings of fact in regards to the issuance of a conditional use permit: the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area, and such use is not in violation of any the standards set forth in Section 6.08 of the Lexington Zoning Ordinance dated February 11, 2014, and amended December 8, 2015; and

WHEREAS, the Mayor and City Council of the City of Lexington, based on the above findings of fact, are agreeable to the issuance of a conditional use permit to the Owner for such purposes, subject to the appropriate conditions, safeguards, and time limits 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 Outdoor Storage, 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 nontransferable 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. A building permit must be applied for and issued per Section 4.28 of the Lexington City Code.
  - b. All requirements of the Lexington Zoning Ordinance must be met, including any requirements set forth in Section 5.13.03(15.) of the Lexington Zoning Ordinance.
  - c. No personal or other commercial storage facilities shall be created or maintained for a purpose other

than a U-Haul Rental Business.

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:**

**Moats Rentals LLC  
43839 County Road 759  
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:

---

Bill Brecks  
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:**

Signature: \_\_\_\_\_

Printed: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## **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.

PLANNING COMMISSION  
CITY OF LEXINGTON

**DETERMINATION FORM**

On \_\_\_\_\_, the Lexington, Nebraska Planning Commission, at its regular meeting, recommended \_\_\_\_\_ (Approval/Disapproval) of a Conditional Use Permit for property located at \_\_\_\_\_ (Location) for \_\_\_\_\_ (Owner).

The Lexington Planning Commission made the following motion:

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Motion: \_\_\_\_\_

Roll Call: Voting "aye" were \_\_\_\_\_

Voting "Nay" were \_\_\_\_\_

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.

- \_\_\_\_\_ 6.08.03 That the establishment of the conditional use will 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 not being provided.
- \_\_\_\_\_ 6.08.05 Adequate measures have not been or will not be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- \_\_\_\_\_ 6.08.06 The use shall include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
- \_\_\_\_\_ 6.08.07 The use shall 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 involve any malodorous gas or matter which is discernible on any adjoining lot or property.
- \_\_\_\_\_ 6.08.09 The use shall 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 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 involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

\*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.

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City Clerk