



Application for Conditional Use Permit

- 1. Applicant's Name Crossroads Center Inc
2. Applicant's Address 702 W 14th St, Hastings, NE 68901
3. Applicant's Telephone Number 402-462-6460
4. Owner's Name Daniel Buller, Executive Director
5. Owner's Address 702 W 14th St, Hastings, NE 68901
6. Owner's Telephone Number 307-921-8657
7. Purpose of Conditional Use Permit Temporary shelter for the homeless
8. Present Zoning R-3
9. Within City Limits Yes Within Zoning Jurisdiction Yes
10. Legal Description Lot 1, Lantis First Addition to the City of Lexington, Dawson Co
11. Street Address of Property or Approximate Location 1505 N Adams 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.

Mary Ellen L... Signature of Owner

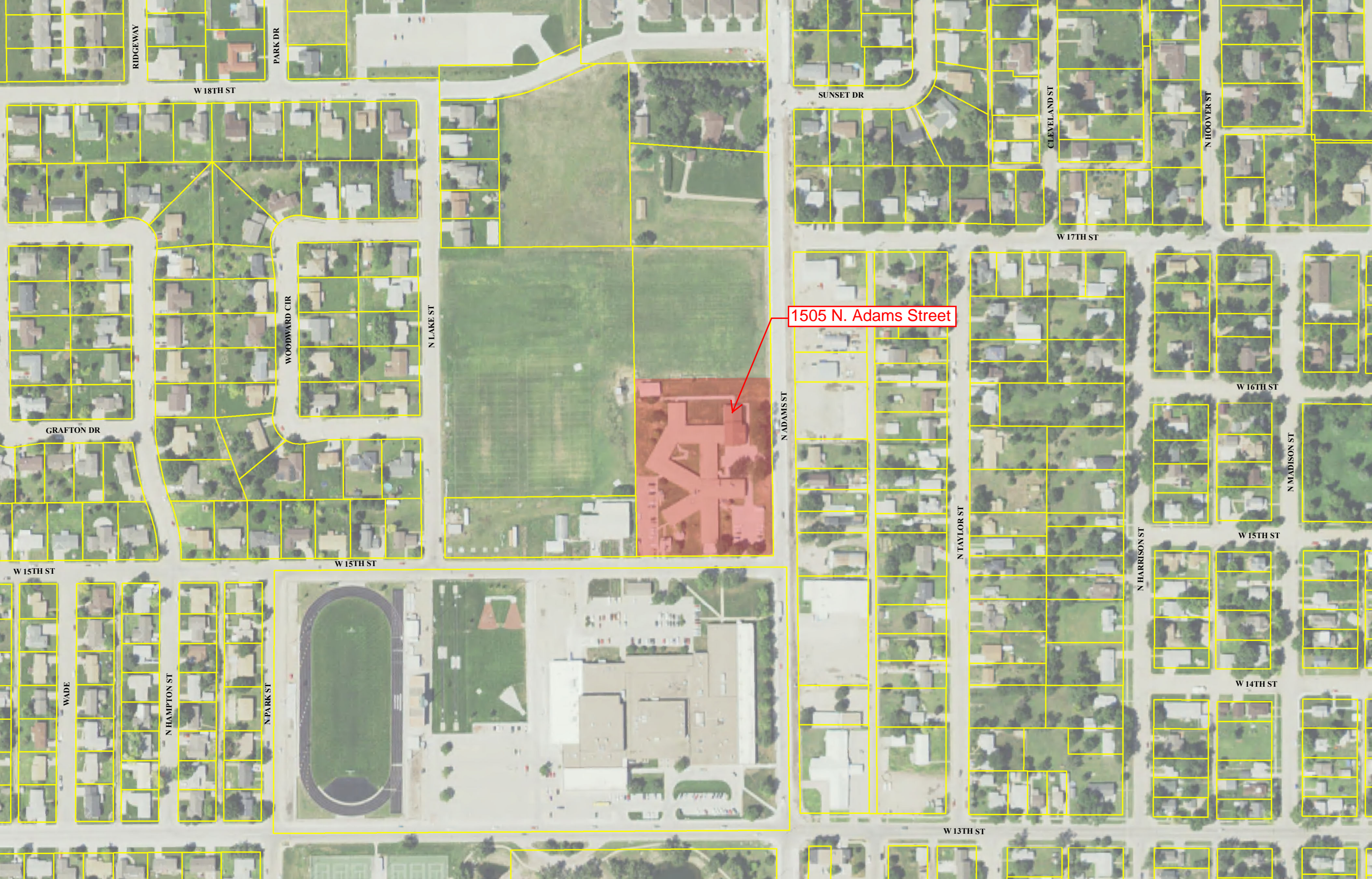
Daniel Buller, Executive Director Signature of Applicant

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.



1505 N. Adams Street

RIDGEWAY

PARK DR

W 18TH ST

SUNSET DR

CLEVELAND ST

N HOOVER ST

W 17TH ST

WOODWARD CIR

N LAKE ST

N ADAMS ST

GRAFTON DR

W 16TH ST

N MADISON ST

W 15TH ST

W 15TH ST

W 15TH ST

N TAYLOR ST

N HARRISON ST

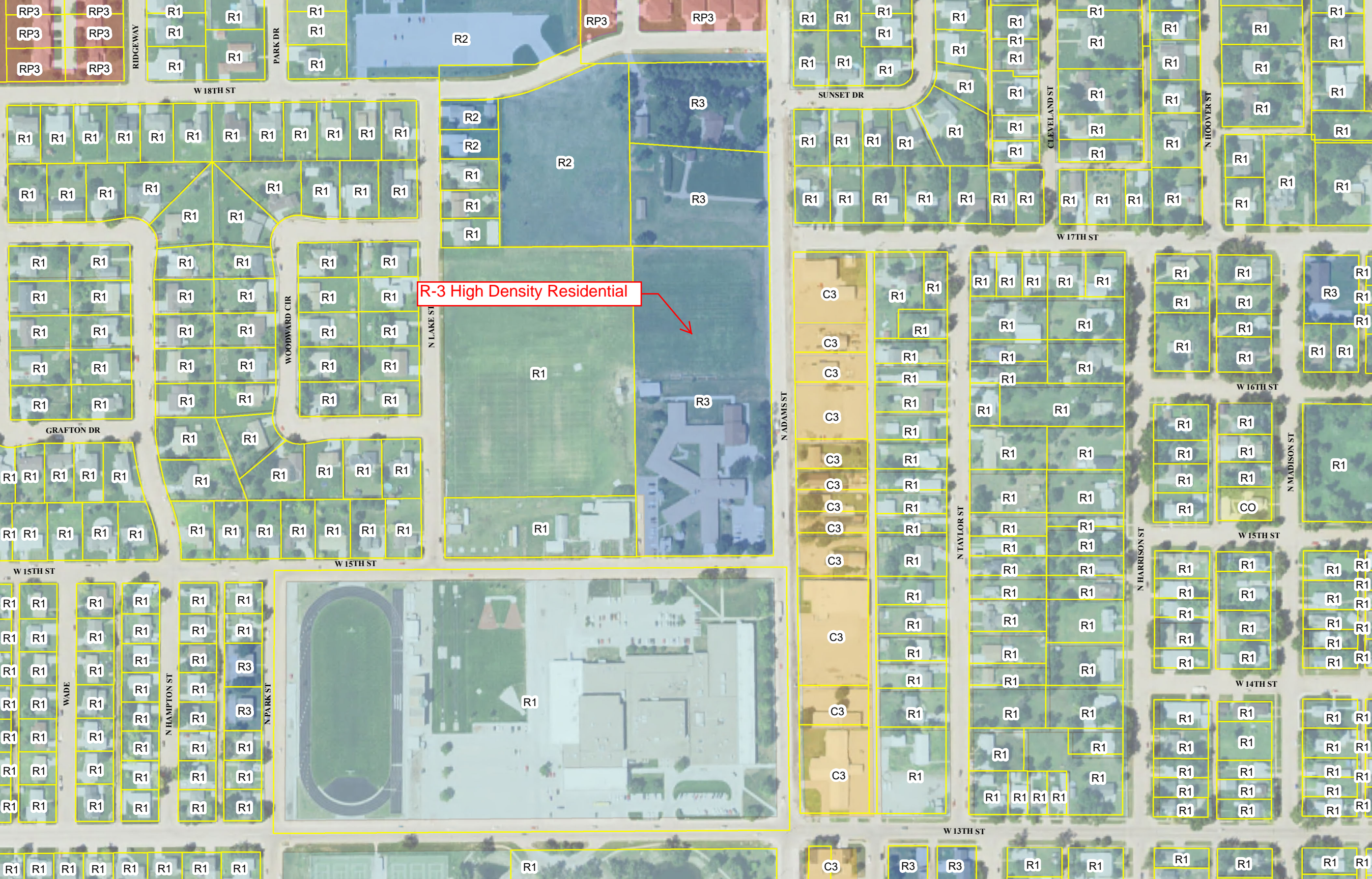
W 14TH ST

WADE

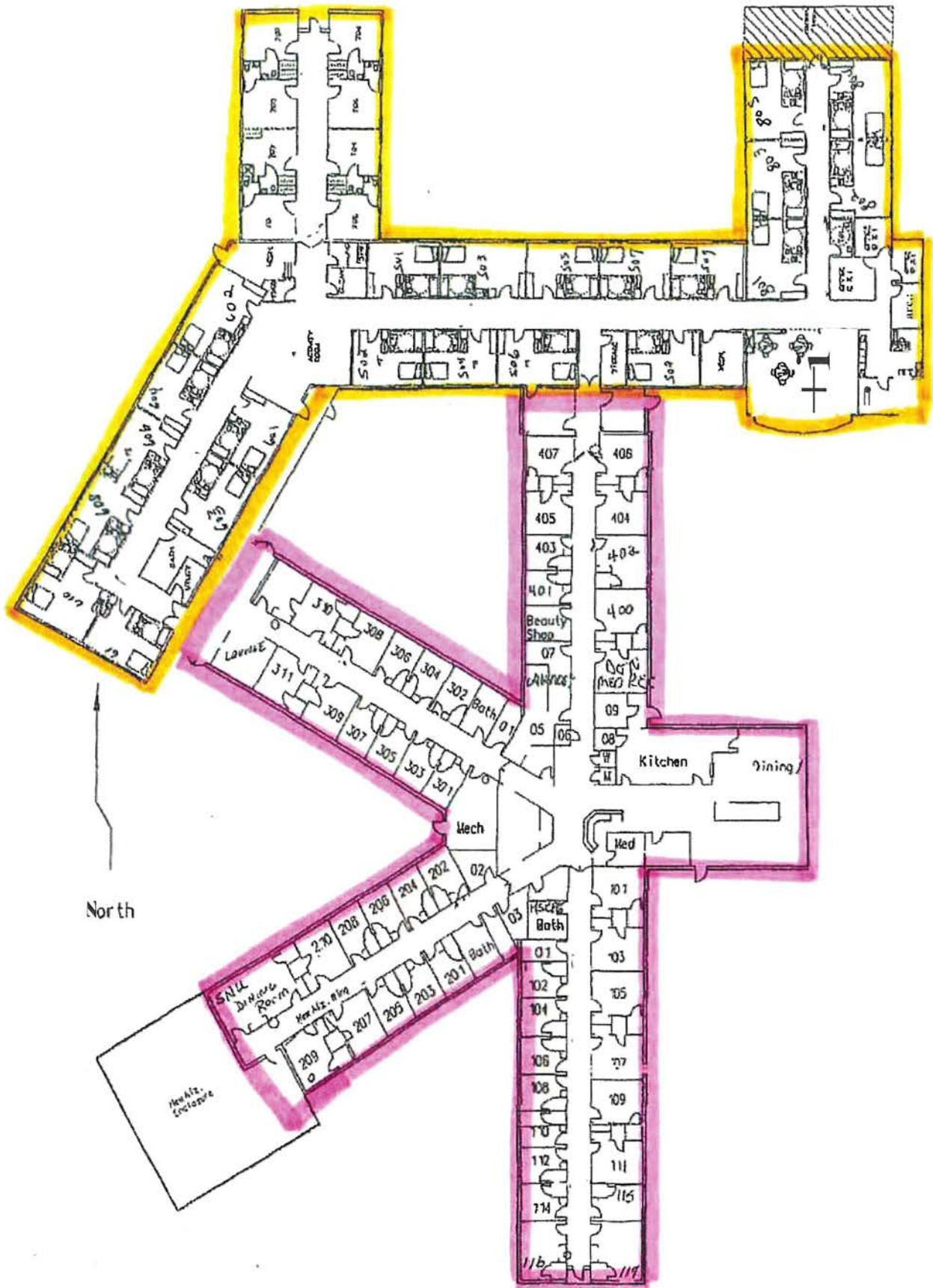
N HAMPTON ST

N PARK ST

W 13TH ST



R-3 High Density Residential



North

**City of Lexington
Conditional Use Permit**

Conditional Use Permit for a Temporary Shelter for the Homeless

This Conditional Use Permit issued this _____ day of _____, 2023, by the City of Lexington, a municipal corporation in the County of Dawson, Nebraska (“City”) to, Crossroads Center Inc. (“Owner”), pursuant to the Lexington Zoning Ordinance.

WHEREAS, Owner wishes to locate and operate a homeless shelter upon the property commonly known as 1505 N. Adams Street, Lexington, NE 68850, being the following legally described property of land within the City of Lexington zoning jurisdiction:

Lot 1, Lantis First Addition to the City of Lexington, Dawson County, Nebraska

WHEREAS, Owner has applied for a conditional use permit for the purpose of developing a temporary homeless shelter located in a R-3 High Density Residential 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

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 a homeless shelter, 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. The Owner, and staff, must operate and furnish homeless shelter services in compliance with applicable Federal, State, and local laws and regulations pertaining to licensure and any other relevant health and safety requirements, including but not limited to such regulations set forth by the Department of Health and Human Service
 - b. A Certificate of Occupancy must be obtained before the premise may be occupied.
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 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;
- c. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use;
- 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.
- e. Continued compliance with the standards set forth in Section 6.08 of the Lexington Zoning Ordinance.

4. Environmental Hazards. 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.

Revocation of Permit

1. Revocation for Non-Compliance. Revocation shall require that the City notify the Owner of any non-compliance, in writing, and provide the Owner 30 days to correct the issue(s). Failure to comply shall cause a public hearing to be scheduled before the City Council, to review the permit and the approved conditions and the failure to act by the Owner. If the Owner is found to be non-compliant, the City Council shall revoke the permit and the order the use to cease and desist. Failure to follow a cease and desist shall cause action to be filed in the District Court and the Owner shall be responsible for all damages, including costs and reasonable attorney fees, or any such other remedies as allowed by Nebraska law.
2. Revocation for Abandonment. Revocation may also occur if the City documents that the use has ceased operations for 12 consecutive months. The City shall notify the Owner in writing and the permit shall be invalid within 30 days of such notice.

Miscellaneous

1. Entire Understanding. This Conditional Use contains the entire agreement of the parties relating to this matter. It supersedes any prior agreements or understandings among them and shall not be modified or altered or amended in any manner except in writing and signed by both parties
2. Binding. This Conditional Use, and all conditions stated herein, shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, legatees, devisees, personal representatives, successors and permitted assigns.
3. Waiver. 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.

4. Indemnification. 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.
5. Severability. 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.
6. Notice. 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:

**Daniel Buller
702 W 14th St
Hastings, NE 68901**

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.

Operator:

Owner:

By: _____

By: Daniel Buller _____

Title: Operator _____

Title: Owner _____

Date: _____

Date: _____