

State of Nebraska)
Stanton County) SS. # 2014-01145
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Wanda Hoermann Clerk
Kislinger Deputy
Fees \$64.00 Pd (Chg)

Version C (Modify)

City of Norfolk, 309 N. 5th Street, Norfolk, Nebraska

RESOLUTION NO. 2014-43

WHEREAS, Off Road Ranch, LLC, has filed an application for a Conditional Use Permit seeking a permit to operate a stock car race track on property which is legally described as follows:

The N 1/2 of the S 1/2 of the NW 1/4 and all that part of the N 1/2 of the NW 1/4 lying and being South of the County Road commonly known and referred to as "the Stanton Road" and as "Old Highway No. 8", all in Section 6, Township 23 North, Range 1 East of the 6th P.M., in Stanton County, Nebraska; and

WHEREAS, the property described above is presently included in Zoning District I-1; and

WHEREAS, the Norfolk Planning Commission conducted a public hearing on September 3, 2014, receiving input and data from the applicant and the general public concerning the Conditional Use Permit, said hearing having been duly noticed; and

WHEREAS, on September 23, 2014, the Planning Commission approved the Conditional Use Permit by a vote of 5 to 4; and

WHEREAS, on October 2, 2014, Kathleen Koenig Rockey filed with the City an appeal of the Planning Commission's approval of a Conditional Use Permit to the applicant on behalf of multiple parties who signed the actual appeal; and

WHEREAS, pursuant to Norfolk City Code Section 27-56 the City Council may, following a public hearing, reverse, affirm or modify the decision of the Planning Commission; and

WHEREAS, a public hearing on the appeal filed by Kathleen Koenig Rockey on behalf of multiple parties who signed the actual appeal was held before the City Council on October 20, 2014, said hearing having been duly noticed; and

WHEREAS, information and testimony both in favor of and in opposition to the application of Off Road Ranch, LLC, were presented at said hearing; and

WHEREAS, Grandview Drive as referenced in this Resolution is also known as 558 Avenue.

NOW THEREFORE, in consideration of the foregoing recitals and based upon the evidence and testimony received at said public hearing, the Mayor and City Council of the City of Norfolk, Nebraska hereby adopt the following Resolution:


BE IT RESOLVED by the Mayor and City Council of the City of Norfolk, Nebraska that the determination of the Planning Commission in Resolution No. 2014PC-5 to approve the application of Off Road Ranch, LLC, for a Conditional Use Permit is modified and Off Road Ranch, LLC is hereby granted a Conditional Use Permit to operate a stock car race track on the above described property subject to the following terms and conditions:

1. The stock car race track shall operate only on Saturdays, 6:00 p.m. until 10:30 p.m. from April 1 through September 15. Actual operation of race cars may occur until 11:00 p.m. if there are delays due to race car accidents or weather on Saturday night. There may be one Super Late Model Race (SLMR) per year. Two Saturday nights per racing season shall be designated as no racing nights. These no racing nights shall be scheduled during the months of June, July, or August with one of the no racing nights being on Saturday of the Madison County Fair. These dates should be shown on the racing schedule. Racing nights cancelled due to inclement weather or other reasons cannot be rescheduled on previously scheduled no racing nights. No race cars shall be present or operated on the race track except during the specific times authorized in this condition.
2. All access to the stock car race track shall be off of Grandview Drive.
3. All race cars with headers, except for cars participating in the annual SLMR race, shall be equipped with Schoenfeld mufflers, stamped IMCA609, IMCA930, or IMCA935. The Norfolk zoning administrator may approve other muffler models for utilization so long as they are proven to meet or exceed noise standards of the mufflers listed herein.
4. Public service announcements (PSAs) shall be read every hour and notices posted to remind drivers and attendees of the dangers of drinking and driving. PSAs shall also remind racers and attendees of proper trash disposal.
5. Adequate security guards shall be provided for crowd control on racing nights.
6. Traffic shall be controlled on the property to ensure safe and orderly ingress and egress.
7. Trash barrels shall be placed at the entrance/exit of the property on Grandview Drive.
8. All litter on county roads and ditches adjacent to the Off Road Ranch property shall be cleaned up within 24 hours after each race event.
9. Lighting shall be designed to illuminate the race track only. Track lights shall be turned off no later than 30 minutes after the last race each Saturday night.

10. Best Managements Practices (BMPs) shall be utilized as needed to provide for dust control, vegetation control, pest control, and sediment track out generated by traffic entering or leaving the site. To control track out, a minimum of 24' x 150' hard surfacing from the existing hard surfacing on Grandview Drive shall be installed at the point of ingress/egress to the property.
11. The attached site plan is hereby approved and shall be complied with.
12. There shall be compliance with any other applicable City, County, State, or Federal regulations that may apply including, but not limited to the following:
 - a. Hard surfacing requirements;
 - b. Landscaping requirements;
 - c. Bufferyard requirements;
 - d. Flood plain permitting; and
 - e. Storm water requirements including National Pollutant Discharge Elimination System (NPDES).
13. Pursuant to Norfolk City Code, this permit is for ten (10) years and is a personal privilege.

PASSED AND APPROVED this 28 day of October, 2014.

ATTEST:


Elizabeth A. Deck, City Clerk


Sue Fuchtmann, Mayor

Approved as to form: 
Clint Schukei, City Attorney

