

State of Nebraska  
Stanton County ) SS. #2016-00190  
Filed & Recorded 2 19 2016 at  
2:31 P M in Volume 60 of  
Instruments at page 270  
Wanda Berman Clerk  
Kris Linger Deputy  
Fees \$ 58.00 pd (Chg)

By the City of Norfolk, 309 N. 5<sup>th</sup> Street, Norfolk, NE 68701

CONDITIONAL USE PERMIT  
RESOLUTION NO. 2016-5

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 addressed as 2900 Old Highway 8 and 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 6<sup>th</sup> P.M., in Stanton County, Nebraska; and

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

WHEREAS, the Planning Commission of the City of Norfolk, Nebraska has 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 of the City of Norfolk, Nebraska 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

Tabled 2/1/2016  
adopted 2/16/2016

WHEREAS, on October 28, 2014, the City Council approved the modified Conditional Use Permit to Off Road Ranch, LLC as evidenced by Resolution No. 2014-43; and

WHEREAS, Off Road Ranch, LLC, by way of an application dated December 16, 2015, requested to amend the Conditional Use Permit evidenced by Norfolk City Council Resolution No. 2014-43 seeking to modify the operating days of stock car racing, number of allowed special races and emergency access permitted by Resolution No. 2014-43; and

WHEREAS, on January 5, 2016, the Planning Commission of the City of Norfolk, Nebraska conducted a public hearing to review the requested amendments to the Conditional Use Permit granted by Resolution No. 2014-43, said hearing having been duly noticed; and

WHEREAS, on January 5, 2016, the Planning Commission approved the requested amendments to the Conditional Use Permit as granted by agreeing to modify (a) the operating days of stock car racing to provide for Sunday as a rain date and holiday date by a vote of 7 to 1, (b) the number of allowed special races from 1 to 3 by a vote of 6 to 2, and (c) to allow emergency access to the site via the north property gate onto Old Highway 8 by a vote of 8 to 0; and

WHEREAS, the Conditional Use Permit granted to Off Road Ranch, LLC approved by the Planning Commission on January 5, 2016 is set forth in Resolution No. 2016PC-2; and

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

WHEREAS, on January 19, 2016, Kathleen Koenig Rockey filed with the City an appeal purporting to appeal the Planning Commission's approval of Conditional Use Permit No. 2014PC-5 on behalf of multiple parties who signed the actual appeal; and

WHEREAS, on January 19, 2016, Kathleen Koenig Rockey filed with the City an amended appeal of the Planning Commission's approval of Resolution No. 2016PC-2 amending Conditional Use Permit Resolution 2014-43 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 February 1, 2016, said hearing having been duly noticed; and

WHEREAS, information and testimony both in favor of and in opposition to the modification of the Conditional Use Permit of Off Road Ranch, LLC as approved by the Planning Commission on January 5, 2016 and as reflected in Resolution No. 2016PC-2 were presented at said hearing; and

NOW THEREFORE, in consideration of the foregoing recitals, 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. 2016PC-2 to approve amendments to the Conditional Use Permit granted in Resolution No. 2014-43 to Off Road Ranch, LLC is hereby modified as follows:

- (1) the modification approved by the Planning Commission to provide alternate days for racing in the event of rain or holidays is removed;
- (2) the number of allowed special races as increased by the Planning Commission from one to three is approved with modification of language being made for clarification; and
- (3) allowing emergency access to and from the site by way of the north property gate via Old Highway 8 as modified by the Planning Commission is approved with additional language so that those leaving the property are encouraged to turn right and proceed east on Old Highway 8.

BE IT FURTHER RESOLVED that the Conditional Use Permit authorizing Off Road Ranch, LLC to operate a stock car race track shall be 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.
2. There may be a total of three nights per racing season where special races replacing one of the regular classes of races may be held. Special races are races where the race cars may be operated without mufflers as required in item number 6 of this Resolution and Permit. These special races may include but are not limited to Super Late Model Races (SLMR) and Sprint Cars.
3. 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.
4. No race cars shall be present or operated on the race track except during the specific times authorized in this Resolution and Permit.
5. All access to the stock car race track shall be off of Grandview Drive. In case of emergency, use of the northern property gate onto Old Highway 8 shall be allowed. A sign prohibiting a left turn onto Old Highway 8 shall be displayed on race nights whenever the emergency exit onto Old Highway 8 is being utilized.
6. All race cars with headers, except for cars participating in the special races set forth in item number 2 above, 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.

7. 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.
8. Adequate security guards shall be provided for crowd control on racing nights.
9. Traffic shall be controlled on the property to ensure safe and orderly ingress and egress.
10. Trash barrels shall be placed at the entrance/exit of the property on Grandview Drive.
11. 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.
12. 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.
13. 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.
14. The attached site plan is hereby approved and shall be complied with.
15. 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).
16. Pursuant to Norfolk City Code, this permit shall expire on October 28, 2024 and is a personal privilege.


PASSED AND APPROVED this 16th day of February, 2016.

ATTEST:

  
Elizabeth A. Deck, City Clerk

  
Sue Fuchtmann, Mayor

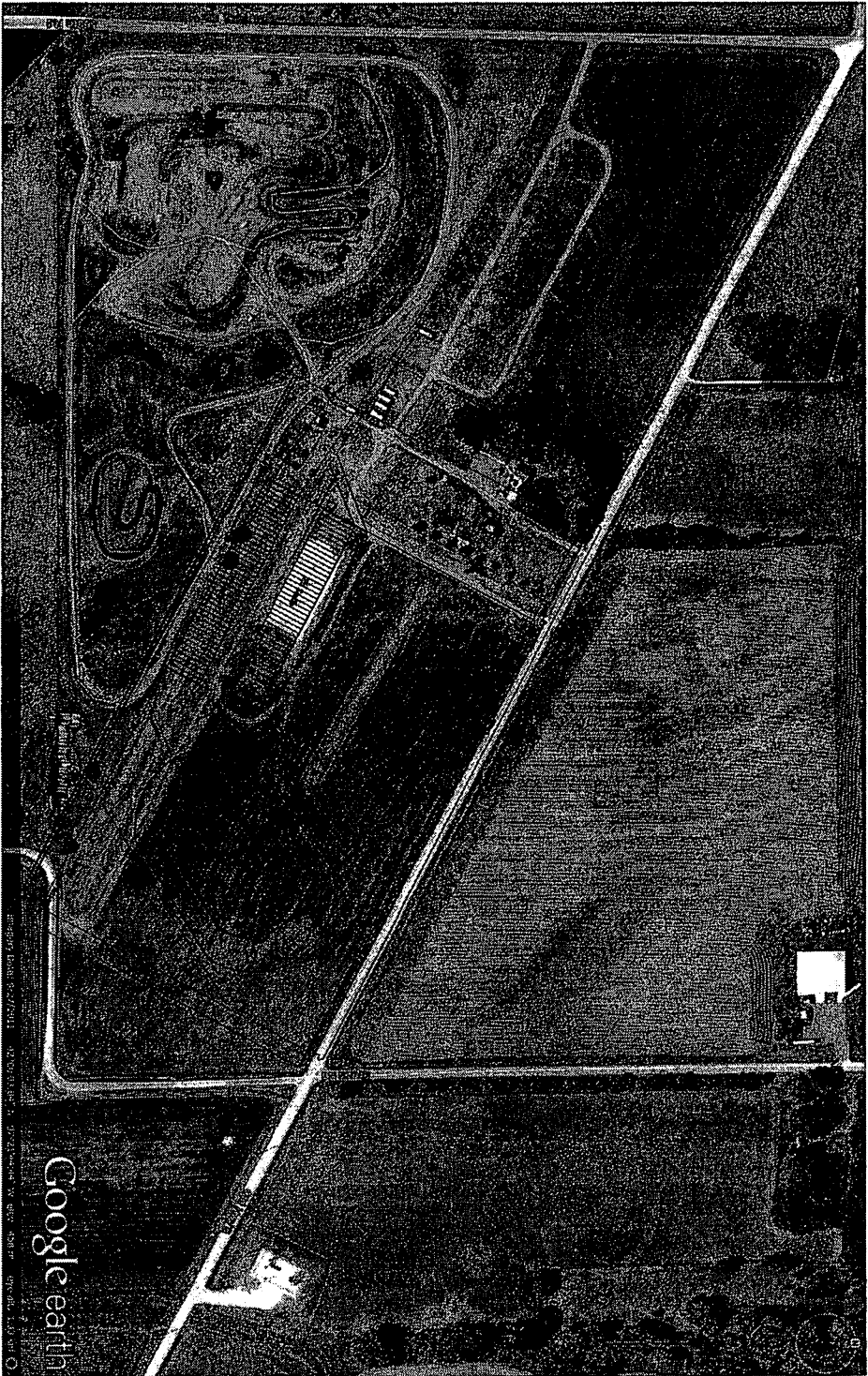
Approved as to form:

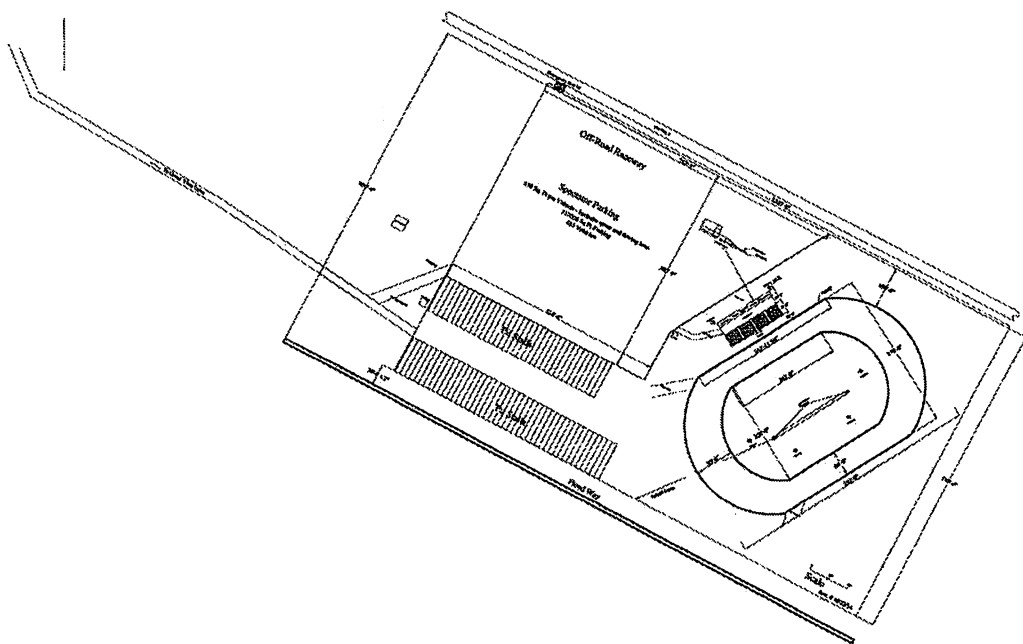
  
Clint Schukei, City Attorney

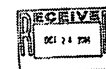
Resolution 2016-5

EXHIBIT "A"

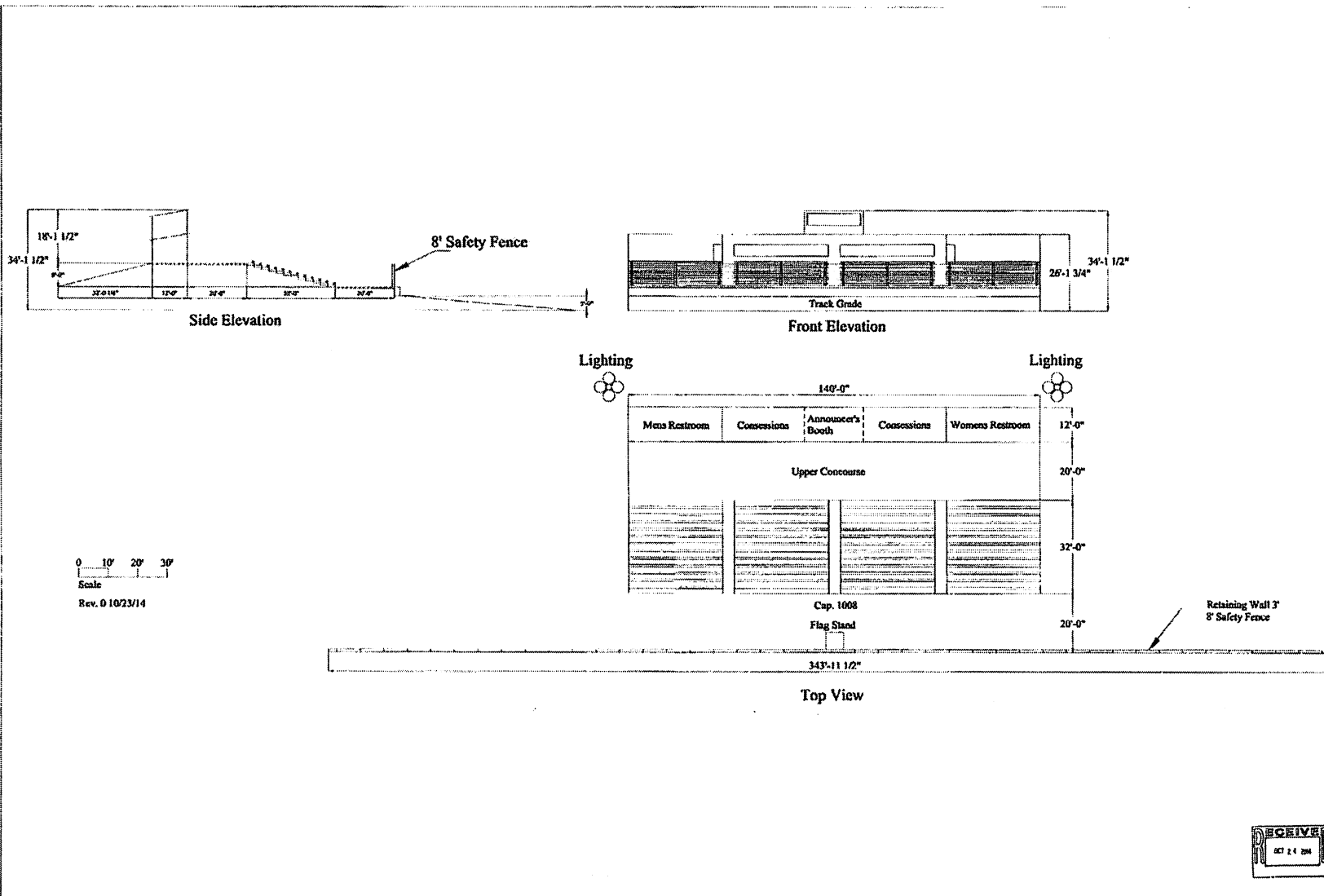
The attached site plan drawings have been reduced for filing purposes. The larger original site plan drawings may be viewed at the City Clerk's Office currently located at 309 North 5th Street, Norfolk, Nebraska.











By the City of Norfolk, 309 N. 5<sup>th</sup> Street, Norfolk, NE 68701

**CONDITIONAL USE PERMIT  
RESOLUTION NO. 2016PC-2**

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 addressed as 2900 Old Highway 8 and 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 6<sup>th</sup> P.M., in Stanton County, Nebraska; and

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

WHEREAS, the Planning Commission of the City of Norfolk, Nebraska has 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 of the City of Norfolk, Nebraska 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, on October 28, 2014, the City Council approved the modified Conditional Use Permit to Off Road Ranch, LLC as evidenced by Resolution No. 2014-43; and

WHEREAS, Off Road Ranch, LLC, by way of an application dated December 16, 2015, has requested to amend the Conditional Use Permit evidenced by Norfolk City Council Resolution No. 2014-43 seeking to modify the operating days of stock car racing, number of allowed special races and emergency access permitted by Resolution No. 2014-43; and

WHEREAS, on January 5, 2016, the Planning Commission of the City of Norfolk, Nebraska conducted a public hearing to review the requested amendments to the Conditional Use Permit granted by Resolution No. 2014-43, said hearing having been duly noticed; and

WHEREAS, based upon information provided at the public hearing the Planning Commission of the City of Norfolk, Nebraska is desirous of modifying the Conditional Use Permit granted by Resolution No. 2014-43; and

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

NOW THEREFORE, in consideration of the foregoing recitals, the Planning Commission of the City of Norfolk, Nebraska hereby adopts the following Resolution:

BE IT RESOLVED by the Planning Commission of the City of Norfolk, Nebraska that the Conditional Use Permit granted by the Norfolk City Council in Resolution No. 2014-43 to Off Road Ranch, LLC to operate a stock car race track described above is hereby modified and hereafter the Conditional Use Permit authorizing Off Road Ranch, LLC to operate a stock car race track shall be subject to the following terms and conditions:

1. The stock car race track shall operate only on Saturdays, unless on a holiday or cancelled due to weather, then the race may only take place the next day on Sunday, 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 or Sunday night. There may be one Super Late Model Race (SLMR) and two additional special nights of racing per year with these occurring on Saturday of a regularly scheduled race night or Sunday in event of weather cancellation as set forth above. 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. In case of emergency, use of the northern property gate onto Old Highway 8 shall be allowed.

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 or Sunday 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 shall expire on October 28, 2024 and is a personal privilege.

This Resolution reflects the Conditional Use Permit as modified and supersedes the Conditional Use Permit granted in Norfolk City Council Resolution 2014-43.

PASSED AND APPROVED this 5<sup>th</sup> day of January, 2016.

ATTEST:

Brian Lundy  
Planning Commission Chair

Stacey Hansen  
Planning Commission Secretary

Approved as to form: \_\_\_\_\_  
City Attorney

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of January, 2016 by Brian Lundy, Planning Commission Chair and Stacey Hansen, Planning Commission Secretary of the City of Norfolk.

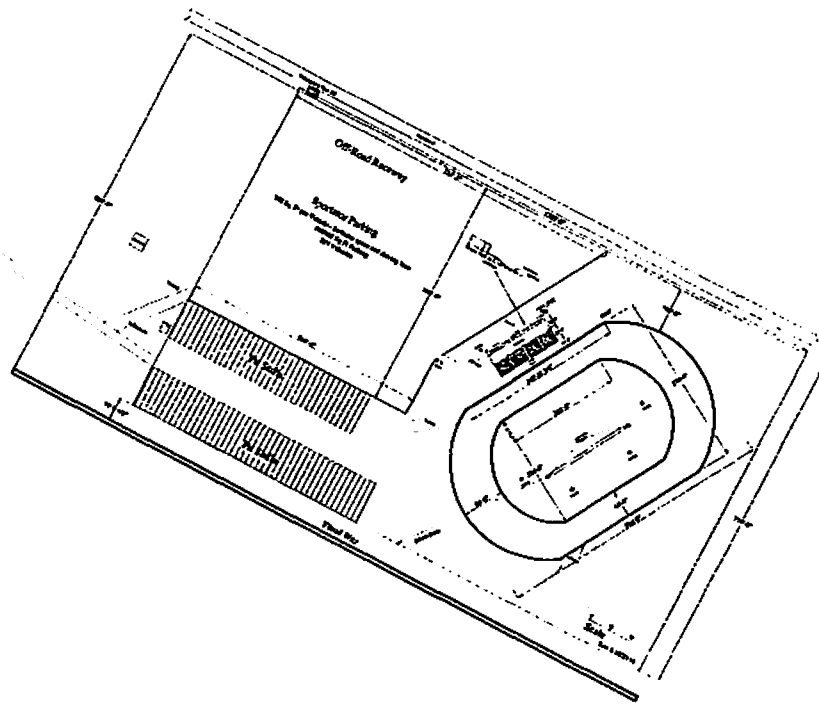


Kelli J. Svitek  
Notary Public Signature

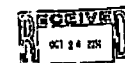
Kelli J. Svitek  
Notary Public Print



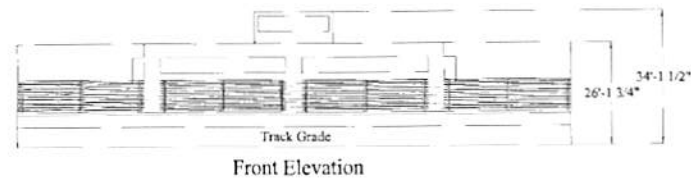
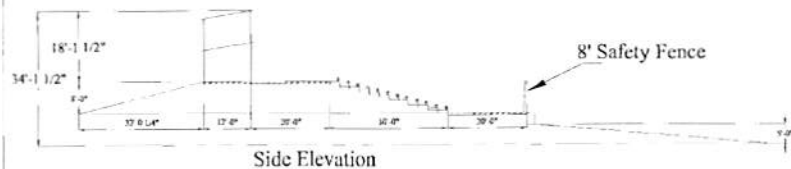




RECEIVED  
DEC 11 2014







0 10' 20' 30'  
Scale  
Rev. 0 10/23/14

Lighting



Lighting

