State of Nebraska)
Stanton County)SS. # 2017-01188
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Instruments at page 520
Wanda Heermann Clerk
Kris Unger Deputy
Fees $ 52.00 PA Chg

City of Norfolk, 309 N. 5th Street, Norfolk, NE 68701

CONDITIONAL USE PERMIT
RESOLUTION NO. 2017PC-9

WHEREAS, Off Road Ranch, LLC has filed an application seeking to modify provisions of an existing Conditional Use Permit which authorized operation of 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 6th P.M., in Stanton County, Nebraska; and

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

WHEREAS, on September 23, 2014, the Planning Commission of the City of Norfolk, Nebraska approved a Conditional Use Permit by enacting Planning Commission Resolution No. 2014PC-5; and

WHEREAS, on October 2, 2014, an appeal of the Planning Commission's approval of the Conditional Use Permit granted by Planning Commission Resolution No. 2014PC-5 was filed; and

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

WHEREAS, on January 5, 2016, the Planning Commission approved amendments to the Conditional Use Permit granted by City Council Resolution No. 2014-43 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 Planning Commission Resolution No. 2016PC-2; and

WHEREAS, on January 19, 2016, an appeal of the Planning Commission's approval of the Conditional Use Permit granted in Planning Commission Resolution No. 2016PC-2 was filed; and

WHEREAS, on February 16, 2016, the City Council approved the modified Conditional Use Permit to Off Road Ranch, LLC as evidenced by City Council Resolution No. 2016-5; and

WHEREAS, Off Road Ranch, LLC, by way of an application dated September 14, 2017, has requested to amend the Conditional Use Permit evidenced by Norfolk City Council Resolution No. 2016-5 seeking to modify the desired use of the facility and the dates and times of operation permitted by City Council Resolution No. 2016-5; and

WHEREAS, on October 3, 2017, 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 City Council Resolution No. 2016-5, 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 making modifications to the Conditional Use Permit granted by City Council Resolution No. 2016-5.

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 to Off Road Ranch, LLC by City Council Resolution No. 2016-5 is hereby modified as follows:

(1) That the dates for operation shall be modified from April 1 to September 15 to provide for the dates of operation to be April 1 to October 1;

(2) That the hours of operation shall be modified from 6:00 p.m. until 10:30 p.m. to provide for the hours of operation to be 5:30 p.m. until 11:30 p.m.;

(3) That three days, other than Saturdays, shall be allowed for stock car races and these dates shall be shown on the racing schedule in advance of the season; and

(4) Even though the facility is to be operated as a stock car racing facility, three events, other than stock car races, are allowed each season so long as they are not scheduled on one of the no racing Saturday nights provided for in City Council Resolution No. 2016-5. These three non-stock car racing events may occur only between the hours of 2:00 p.m. and 11:30 p.m.

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 5:30 p.m. until 11:30 p.m. from April 1 through October 1.

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 8 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. Three days, other than Saturdays, shall be allowed for stock car races and these dates shall be shown on the racing schedule in advance of the season.

5. No race cars shall be present or operated on the race track except during the specific times authorized in this Resolution and Permit.

6. Even though the facility is to be operated as a stock car racing facility, three events, other than stock car races, are allowed each season so long as they are not scheduled on one of the no racing Saturday nights. These three non-stock car racing events may occur only between the hours of 2:00 p.m. and 11:30 p.m.

7. All access to the facility 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 during events whenever the emergency exit onto Old Highway 8 is being utilized.

8. 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.

9. 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.

10. Adequate security guards shall be provided for crowd control during all events.

11. Traffic shall be controlled on the property to ensure safe and orderly ingress and egress.

12. Trash barrels shall be placed at the entrance/exit of the property on Grandview Drive.

13. All litter on county roads and ditches adjacent to the Off Road Ranch property shall be cleaned up within 24 hours after each event.

14. 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 or event each night.

15. 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.

16. The attached site plan is hereby approved and shall be complied with.

17. 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).

18. Pursuant to Norfolk City Code, this permit shall expire on October 28, 2024 and is a personal privilege.

BE IT FURTHER RESOLVED that this decision of the Planning Commission shall be subject to the provisions of the Norfolk City Code that provide for an appeal to be taken with 15 days of the decision of the Planning Commission.

PASSED AND APPROVED this 7th day of November, 2017.

ATTEST:

Brianna Duerst
Planning Commission Secretary

Brian Lundy
Planning Commission Chair

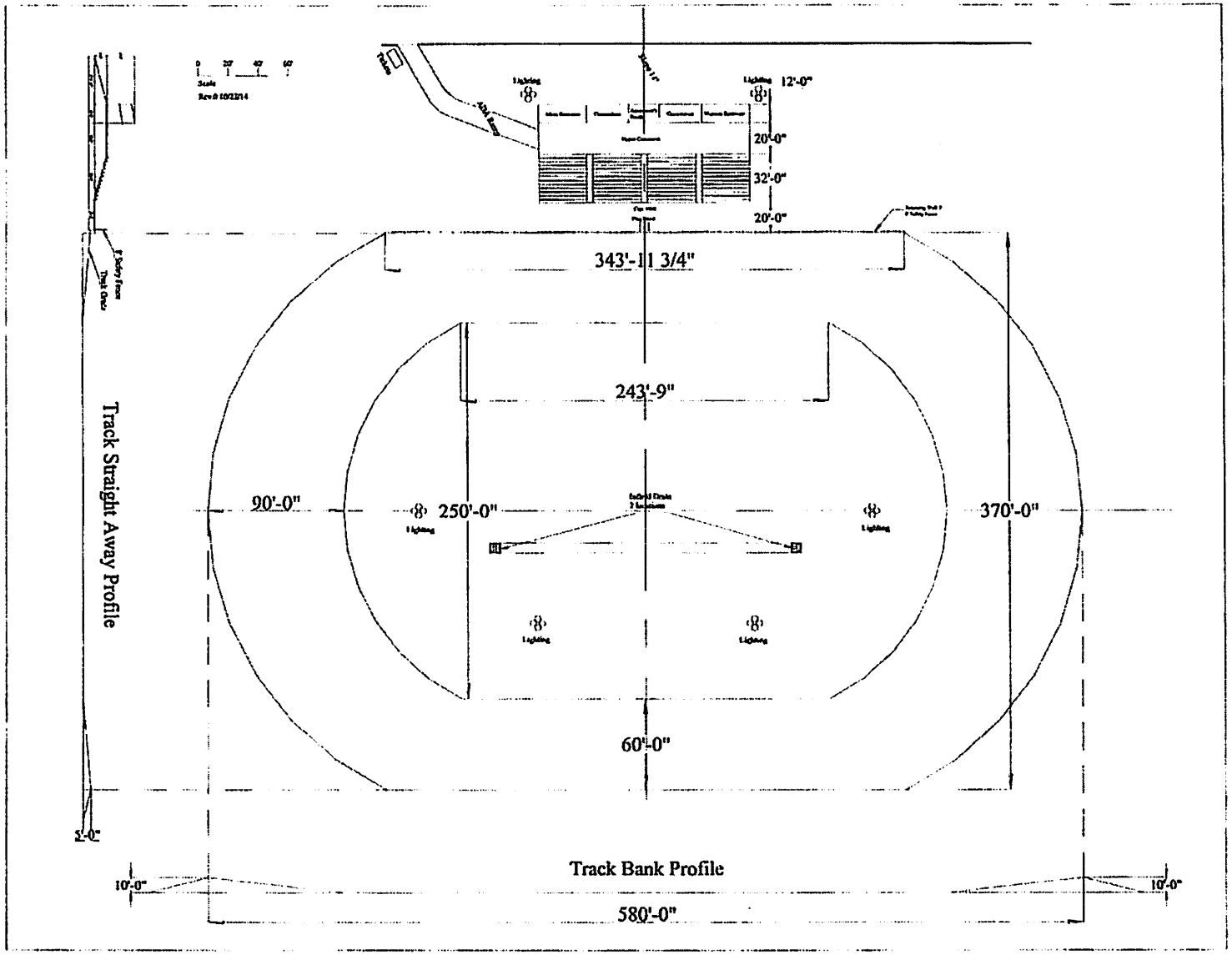
Approved as to form: Chad Eckburg
City Attorney

The foregoing instrument was acknowledged before me this 7th day of November, 2017, by Brian Lundy, Planning Commission Chair, and Brianna Duerst, Planning Commission Secretary of the City of Norfolk.

GENERAL NOTARY - State of Nebraska
VALERIE K. GRIMES
My Comm. Exp. March 30, 2020

Valerie K. Grimes
Notary Public Signature

Valerie K. Grimes
Notary Public Printed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Track Bank Profile
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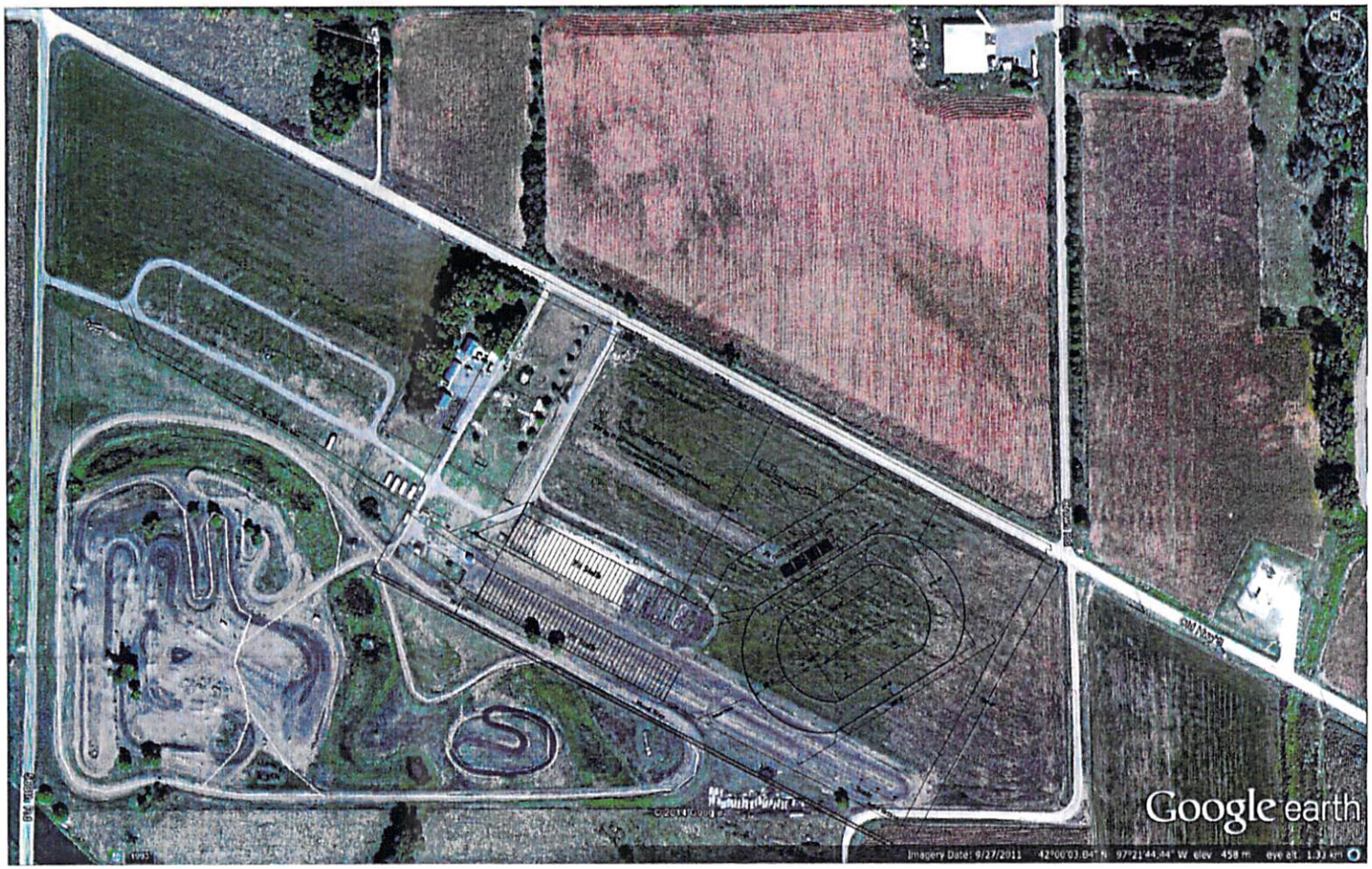
243'-9"
90'-0"
250'-0"
370'-0"
60'-0"
580'-0"
10'-0"
10'-0"
5'-0"
12'-0"
20'-0"
32'-0"
20'-0"
Lighting

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.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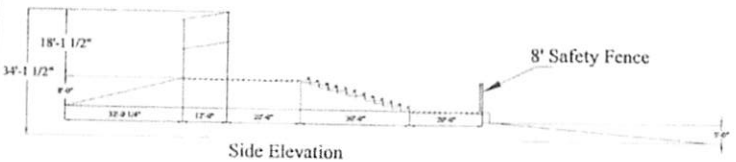

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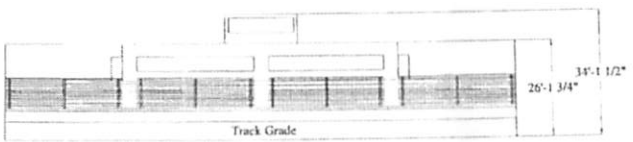
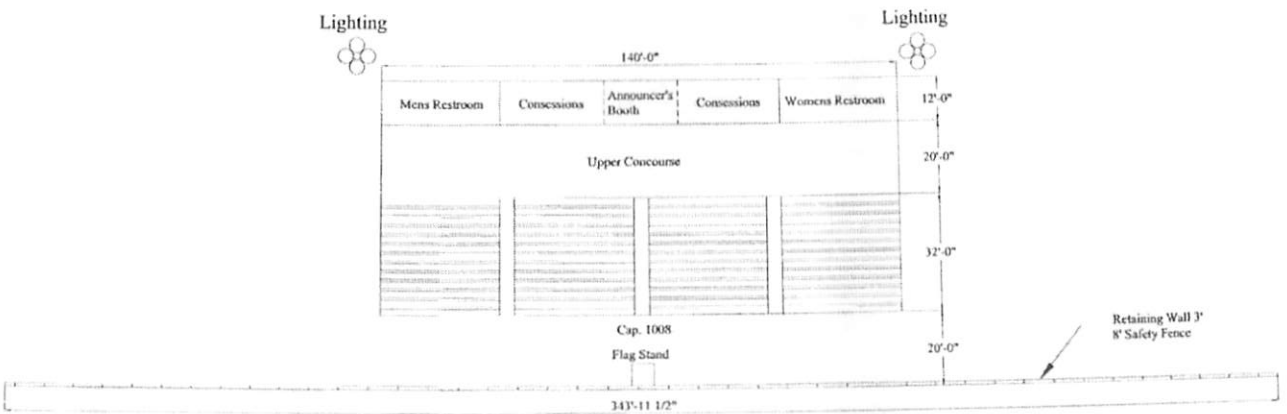


Front Elevation



Top View

0 10' 20' 30'
Scale

Rev. 0 10/23/14

RECEIVED
OCT 24 2014