

Filed and recorded on March 31 2009
at 10:10 o'clock A M in Vol. 26 of
Declarations on page 805
Monika DeLeon County Clerk
Russ Linger Deputy

CONDITIONAL USE PERMIT
RESOLUTION NO. 2009PC-1

Fee \$ 10.50

WHEREAS, Off Road Ranch, LLC, filed an application for a Conditional Use Permit seeking a permit to operate a private off-road membership leisure riding operation on property which is legally described as follows:

The N1/2 of the S1/2 of the NW1/4 and all that part of the N1/2 of the NW1/4 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

WHEREAS, the property described above is presently included in Zoning District A; and

WHEREAS, the Norfolk Planning Commission conducted a public hearing on July 8, 2008, said hearing having been duly noticed: and

WHEREAS, on July 22, 2008 the Planning Commission of the City of Norfolk granted a Conditional Use Permit to Off Road Ranch, LLC as evidenced by Resolution No. 2008PC-5; and

WHEREAS, Off Road Ranch, LLC desired to amend the operating hours of the permitted off-road riding operation permitted by Resolution No. 2008PC-5 and requested to amend the Conditional Use Permit; and

WHEREAS, in response to the applicant's request pursuant to Norfolk City Code Section 27-56 the Planning Commission may leave the conditional use permit unaltered, revoke the permit, or alter the permit by adding, deleting or modifying the conditions and restrictions contained in the permit; and

WHEREAS, on February 3, 2009, the Planning Commission of the City of Norfolk conducted a properly noticed public hearing to review the Conditional Use Permit granted by Resolution No. 2008 PC-5; and

WHEREAS, based upon information provided at the public hearing the Planning Commission of the City of Norfolk is desirous of modifying the Conditional Use Permit granted by Resolution No. 2008 PC-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 Norfolk Planning Commission of the City of Norfolk, Nebraska that the Conditional Use Permit granted by Resolution No. 2008 PC-5 to operate a private off-road membership leisure riding operation described above is hereby modified and hereinafter shall be subject to the following terms and conditions:

- (1) That the site be used as a go-cart, snowmobile and ATV track seven days a week from 9:00 a.m. until 9:00 p.m. This permit allows the track to remain open until

2:00 a.m. one weekend per month (Friday and Saturday nights) during the months of May, June, July and August. A notice of the dates of late operation shall be made available to neighboring properties.

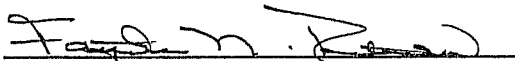
- 2) That the site be policed and picked up for litter the night of racing prior to closing the track for the evening.
- 3) That the dust on the track be controlled by consistent watering and dust kept to a minimum.
- 4) That the lighting of the track be kept to a minimum during hours of operation, and should lighting be provided it shall be directed away from adjacent properties.
- 5) This Conditional Use Permit shall be for a period of five (5) years from the effective date of the approval of this resolution, namely March 3, 2009 through March 3, 2014.
- 6) The Conditional Use Permit granted herein shall be subject to the provisions of the Norfolk City Code that provide for an appeal to be taken within 15 days of the decision of the Planning Commission.
- 7) The Conditional Use Permit granted herein shall be a personal privilege granted to the applicant and shall not be subject to transfer.
- 8) There shall be compliance with any other applicable City, County, State and Federal regulations that may apply.

PASSED AND APPROVED this 3 day of March, 2009


ATTEST:



Planning Commission Chairman



Planning Commission Secretary

Approved as to form: 

City Attorney

The foregoing instrument was acknowledged before me this 3 day of March, 2009
by J. J. Snodgrass, Planning Commission Chairperson of the City of Norfolk.

