



BOARD OF ADJUSTMENT TENTATIVE AGENDA

Wednesday, February 19, 2020
4:00 PM

Public Meeting Room - Story County Administration (900 6th Street) – Nevada, Iowa*
THIS MEETING IS OPEN TO THE PUBLIC PURSUANT TO CHAPTER 21 IOWA CODE.

1. CALL TO ORDER:
2. ROLL CALL:
3. APPROVAL OF AGENDA:
4. MINUTES OF PREVIOUS MEETING(S)

Documents:

[011520 MINUTES.PDF](#)

5. APPROVAL OF FINDINGS OF FACTS FROM PREVIOUS MEETING

Documents:

[FINDINGS OF FACT CUP11-19 STORY COUNTY ANIMAL CONTROL.PDF](#)
[FINDINGS OF FACT CUP 12-19 BALLARD GOLF AND COUNTRY CLUB.PDF](#)
[FINDINGS OF FACT VAR 06-19 BALLARD GOLF AND COUNTRY CLUB.PDF](#)

6. PUBLIC COMMENTS

This is the time for members of the public to offer comments concerning matters not scheduled to be heard before the Board of Adjustment

7. HEARINGS

- 7.1. Discussion And Consideration Of CUP02-16.1 Saints Peter And Paul Catholic Church Parking Lot Expansion - Amelia Schoeneman

Documents:

[STAFF REPORT.PDF](#)
[SITE PLAN.PDF](#)
[INGRESS EGRESS PLAN AERIAL PHOTO.PDF](#)
[APPLICTION.PDF](#)
[NARRATIVE.PDF](#)

8. BOARD/STAFF COMMENTS

9. ADJOURNMENT

The Board shall adjourn prior to but no later than 11:30 p.m. Any business not brought forth to the Board prior to adjournment shall be tabled to the next regularly-scheduled Board hearing.

*Story County strives to ensure that its programs and activities do not discriminate on the basis of race, color, national origin, sex, age or disability. Persons requiring assistance, auxiliary aids or

services, or accommodation because of a disability may contact the county's ADA coordinator at (515)382-7204.

**For further information on these cases, contact the Story County Planning and Development Department at PZWeb@storycounty.com or by phone at (515) 382-7245. Case Files, including exact property locations, may be inspected in the Story County Planning and Development Department located in the Story County Administration Building, 900 6th Street, Nevada, Iowa.



**STORY COUNTY
PLANNING AND DEVELOPMENT
STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201-2087**

"Commitment, Vision, Balance"

515-382-7245

**MINUTES
STORY COUNTY
BOARD OF ADJUSTMENT**

AN AUDIO RECORDING OF THE FULL MEETING MAY BE FOUND IN THE PLANNING AND DEVELOPMENT DEPARTMENT, OR BY VISITING WWW.STORYCOUNTYIOWA.GOV

DATE: January 15, 2020	Steve McGill, Chair	2022
	*Randy Brekke, Vice Chair	2020
	Kelly Winfrey	2024
CALL TO ORDER: 4:00 PM	Matthew Neubauer	2021
PLACE: Public Meeting Room Administration Building	Wendie Schneider	2023

PUBLIC PRESENT:

STAFF PRESENT: Jerry Moore, Planning and Development Director; Marcus Amman, Planner; Stephanie Jones, Recording Secretary

ROLL CALL: McGill, Winfrey, Neubauer, Schneider

ABSENT: Brekke

APPROVAL OF AGENDA (MCU)

APPROVAL OF MINUTES

Motion by Schneider, Second by Neubauer to approve the December 18, 2019 minutes with the deletion of the words "in the event of leak" before slurry to be tested, from the CUP02-90.6 Martin Marietta motion. (MCU)

**APPROVAL OF FINDINGS OF FACT From December 18, 2019
Meeting Motion by Schneider, Second by Neubauer (MCU)**

Written Findings of Fact VAR05-19 Craig
Written Findings of Fact CUP10-19 Story County Conservation

PUBLIC COMMENTS: None

HEARINGS:

CUP11-19 Story County Animal Control

Marcus Amman presented the staff report and stated that the Story County Animal Control Department is proposing to construct a 25'x30' 750 square foot short term livestock control

building to provide a replacement for the current structure that is in disrepair and cannot contain livestock effectively. It is anticipated that the proposed structure will be used 3-6 times a year and will allow Animal Control employees to contain livestock that are either strays or owner released.

Schneider stated that she previously read that alligators have been kept at the shelter and she wondered where an alligator had come from in this area. Amman stated that Sue McCaskey did state at the Planning and Zoning Commission meeting that an alligator had been cared for in the past and moved to a zoo.

1. **MOTION: The Story County Board of Adjustment recommends approval of the Conditional Use Permit for the Story County Animal Control Livestock Control Structure as put forth in case CUP11-19, as submitted.**

Motion: Neubauer

Second: Schneider

Ayes: Neubauer, Schneider, Winfrey, McGill

Nays: None

Not Voting: None

Absent: Brekke

Vote: (4-0)

CUP12-19 And VAR06-19 Ballard Golf And Country Club

Marcus Amman presented the staff report and stated that Ballard Golf and Country Club is applying for a Conditional Use Permit to bring the existing use and related associated structures into conformance with the existing ordinance and to expand their existing use. Ballard Golf and Country Club is proposing to erect a 40'x40' maintenance shop for the golf course and country club. The proposed accessory structure would serve as the new heated shop, an office area to house the irrigation computer, potentially a bathroom, and equipment storage. Amman provided information regarding the buildings that had been previously constructed without obtaining permits and that since there were no permits a variance would be required.

McGill asked for clarification about why a CUP is being asked for at this time and if the CUP would bring them into compliance. Moore stated a zoning permit was issued in 1974 for the clubhouse, course, and improvements made to the pond. In 1977, requirements changed requiring a CUP so now a zoning permit cannot be issued without a CUP to bring into conformity.

MOTION: The Story County Board of Adjustment recommends approval of the Conditional Use Permit for the Ballard Golf and Country Club, associated structures, and proposed maintenance shop as put forth in case CUP12-19, with the following conditions:

1. **The applicant shall obtain zoning permits for all existing structures, excluding the clubhouse, within 30 days of Board of Adjustment action.**
2. **Support of the Conditional Use Permit includes the Board of Adjustment taking action on the submitted variance 06-19 for the existing structures located in the southwest area of the property.**
3. **Direct illumination of the business sign must be discontinued.**

Motion: Neubauer
Second: Schneider
Ayes: Neubauer, Schneider, Winfrey, McGill
Nays: None
Not Voting: None
Absent: Brekke
Vote: (4-0)

Amman presented the variance portion of the Ballard Golf and Country Club request. Amman stated that the Variance is needed to meet the minimum side setback for an existing accessory structure located in the A-1 District for other permitted uses, which establishes a minimum side setback of 50 feet. The variance request is to permit the existing 24'x35' (840 square feet) and 23'x33' (783 square feet) accessory structures that encroach on the side setback requiring a variance of 26 feet from 50 feet to 24 feet, from the closest point of the proposed building to the south property line. The existing accessory structures were built as part of the Ballard Golf and Country Club in 1975 but were never issued zoning permits.

Neubauer asked what year golf courses were removed from A-1 zoning. Amman stated golf courses were removed in 1977 as permitted uses in the A-1 District. Neubauer also asked if setbacks were changed from 10 to 50 feet. Moore stated that 50 feet is the current set back standard. Amman stated that at the time the building was constructed, the setbacks were met, but a permit had not been obtained.

Schneider asked why golf courses were removed as permitted uses in the A-1 District. Moore stated it was changed to a CUP process to allow for a more thorough review process involving County staff and input from the general public because of potential impacts of the golf course and club house uses on the site and neighborhood.

MOTION: The Story County Board of Adjustment approves the Ballard Golf and Country Club Side Setback variance request as put forth in case VAR06-19, for a variance to allow the proposed accessory structure to have a side setback of 24 feet in the A-1 District with the following conditions:

- 1. Permits for the two accessory structures must be obtained within 30 days of the Board of Adjustment action.**
- 2. Business sign lighting must be discontinued**

Motion: Neubauer
Second: Schneider
Ayes: Neubauer, Schneider, McGill, Winfrey
Nays: None
Not Voting: None
Absent: Brekke
Vote: (4-0)

BOARD/STAFF COMMENTS:

Staff: Moore stated that the Martin Marietta CUP that was deferred last month should be back at the February meeting. Moore provided updates on Citizenserve progress and the LESA referencing the information about the process that's on the website.

Board: Introductions were made by board members and each provided their background information.

ADJOURNMENT: 4:50 PM

Approval of Minutes

Title and Date

Prepared by Marcus Amman, Story County Planning and Development Department, 900 6th Street,
Nevada, Iowa 50201 515-382-7245

**STORY COUNTY, IOWA
CERTIFICATE OF CONDITIONAL USE PERMIT
AND WRITTEN FINDINGS OF FACT**

IN THE MATTER OF THE APPLICATION OF: : **PERMIT NO. CUP11-19**
Story County Animal Control, 975 W Lincoln :
Highway, Nevada IA 50201, for the request of a :
Conditional Use Permit for a Short Term :
Livestock Control Building, to be located at 975 :
W Lincoln Highway, on the SW SE of Section: :
01 Township: 83 Range: 23, Grant Township, :
(Parcel ID Number 10-01-400-340) :

On January 15th, 2020, the Story County Board of Adjustment approved the Conditional Use Permit CASE NO. CUP11-19 for the request of a Conditional Use Permit for a Short Term Livestock Control Building located at Story County Animal Control as Proposed.

VOTE: Ayes: Neubauer, Schneider, McGill, Winfrey
Nayes:
Absent: Brekke
Vote: (4-0)

Written Findings of Fact

Case Summary: The request is for a conditional use permit for construction of a Short Term Livestock Control Building at Story County Animal Control. This request is for a 750 square foot short term livestock control building to provide a replacement for the current structure that is in disrepair and cannot contain livestock effectively. This will allow Animal Control employees to be certain in their ability to contain livestock that are either strays or owner released. The proposed structure will meet all required setbacks. The proposed structure meets all standards of approval and supplemental standards required for the conditional use permit. The Story County Planning and Zoning Commission recommended approval of the conditional use permit on January 8th, 2020. The Story County Board of Adjustment approved the conditional use permit on January 15th, 2020. The Story County Board of Supervisors authorized the project at their September 24, 2019.

Marcus Amman, Story county Planning and Development Planner, reviewed the Conditional Use Permit Application, site plans, written narrative and other related submittal materials and

responses from the applicant to County staff comments in accordance to Chapter 90 Conditional Uses of the Story County Land Development Regulations. Amman presented the staff report at the January 15th, 2020, Story County Board of Adjustment meeting.

Conditional Use Permit Analysis

A. Applicable Regulations: Chapter 90.04: Standards for Approval

The Planning and Zoning Commission shall review the proposed development for conformance to the following development criteria:

1. **Compatibility.** The proposed buildings or use shall be constructed, arranged and operated to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious, nor offensive in appearance to abutting or nearby properties.

Applicant Comment: *The existing building has been used as the animal shelter for the last ten years with no complaints or issues regarding our animals being housed here. This building will be used for a livestock building to accommodate stray or owner release animals. The building will be a structure that compliments the area and it kept clean and organized.*

Staff Comment: Accessory structures are permitted within the C-LI, Commercial/Light Industrial District. The requirement for a conditional use permit is based on the provision of Chapter 90 Table 90-1 of the Story County Code of Ordinances. Under Chapter 90 any structure erected or used by township, County, or city government requires submittal of a CUP application. The property on which the proposed structure is to be constructed is 2.32 net acres and currently in use by the Story County Animal Control Department. The proposed structure is in compatibility with the existing use of the parcel. The proposed building will replace an existing structure that is in disrepair and will better secure the livestock. A majority of the surrounding land is residential lots due to proximity to the city limits of the City of Nevada. The Story County Cornerstone to Capstone (C2C) Plan designates these adjacent parcels as Urban Expansion areas. The property is located in the County outside of Nevada's corporate limits.

2. **Transition.** The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.

Applicant Comment: *This building will be used primarily use for livestock which will only be housed here. Main building will be used to be for non-livestock animals. New livestock building will only be used as a housing facility for non-livestock animals only if an emergency arises.*

Staff Comment: The proposed structure will meet the setbacks from all property lines. The overall proposed structure height will be 14 feet. The proposed structure will be 92 feet from the north property line, 61 feet from the south property line, 15 feet from the west property line, and over 500 feet from the east property line. The proposed structure will likely be seen by immediately adjacent property owners. Part of the proposed short term livestock control building will be buffered by the existing main building. Trees to east and south may also assist with buffering a portion of the proposed short term livestock control building.

3. **Traffic.** The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

Applicant Comment: *Livestock building will occupy an area which is only normally accessed by shelter or county employees. Parking lot for the entire facility is located at the east end of the main building which is the opposite end of where the livestock building will be located. There is access to livestock building for emergency vehicles by way of south side of building.*

Staff Comment: The traffic impact of the proposed structure is expected to be minimal. Once construction of the proposed structure is completed, the only traffic that will visit the site for this structure will be when an animal is brought to the structure or is moved from it. Other visits would be pedestrian by Animal Control Staff from the main building on the parcel to the livestock control building. Considering the past average use, the proposed building will add 5 to 6 trips a year to drop off or move an animal from the building.

4. **Parking and Loading.** The development shall provide all off-street parking and loading areas as required by this Ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.

Applicant Comment: *The building is located in an area away for main road and is in a lower setting area which will not impact traffic in any way. Area of the building is not near the public parking area but is accessible if needed*

by area south of the main shelter building. The Animal Control livestock trailer will be parked where the existing livestock enclosure is when it is removed.

Staff Comment: During the construction of the proposed livestock control structure, parking will take place on the subject property using existing access points to the property. No parking or equipment storage will take place in the right of way. There is no proposed new parking for this building. Parking use for this will consist of unload and loading livestock, no ongoing parking will take place. Current parking for the main animal control building customers, consists of 7 parking spaces on the east side of the animal control building. Employees park on the west side of the building.

5. **Signs and Lighting.** Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.

Applicant Comment: *There will be adequate lighting on the exterior of the building to help with safety concerns however it will not impact the traffic on the road south of property. Sign will be posted on building to identify what it is located on the eastern side of the building.*

Staff Comment: There is one proposed light on the proposed structure. This will be a single light with full cutoff not to impede on Lincoln Highway or any other adjacent properties. All lighting will meet 88.09 standards. There will be a sign on the building identifying its use and will meet requirements of 89.02. There is a posted ADA sign for the customer parking on the property.

6. **Environmental Protection.** The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.

Applicant Comment: *There is no concern for any environmental issues. The building's purpose to the house livestock animals that have strayed or owner's releases and will be kept clean and organized. We will properly dispose of any animal matter that is left in the building. The manure would be cleaned out at least once per day, and disposed of. If needed, it will be however many times per day it needs to keep the structure odor and fly free. There will be adequate ventilation however odor and noise will not be*

compromised.

Staff Comment: No excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds, are anticipated. They will dispose of any animal matter as is needed. There will be adequate ventilation however odor and noise will not be compromised. They propose to install the 175 square foot green space to address the 20% landscape area to assist with soil erosion.

B. If the Commission concludes that all the above development criteria will be met, it must recommend approval of the application unless it concludes that, if completed as proposed, there is a strong probability the development will:

- 1. not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property.**

Staff Comment: The proposed structure will meet the setbacks from all property lines. The overall proposed structure height will be 14 feet. The proposed structure will be 92 feet from the north property line, 61 feet from the south property line, 15 feet from the west property line, and over 500 feet from the east property line. The proposed structure will likely be seen by immediately adjacent property owners. Part of the proposed structure will be buffered by the existing main building. Trees to east and south may also assist with buffering a portion of the proposed structure.

- 2. impair an adequate supply (including quality) of light and air to surrounding properties.**

Staff Comment: The proposed structure will be 25'x30'x14' and will have little to no impact on the supply of light and air to surrounding properties.

- 3. unduly increase congestion in the roads, or the hazard from fire, flood, or similar dangers.**

Staff Comment: Following the construction of the proposed structure, there will be very little traffic to and from the structure. Traffic will be for moving a livestock animal to or from the structure. The proposed structure will not be located within the floodplain.

4. **diminish or impair established property values on adjoining or surrounding property.**

Staff Comment: The Story County Assessor's Office raised no concerns with this item from the review of the requested Conditional Use Permit application. No impacts on property values are anticipated.

5. **not be in accord with the intent, purpose and spirit of the Land Development Regulations or County Cornerstone to Capstone (C2C) Plan.**

Staff Comment: The C2C plan is oriented toward preserving the county's rural character and high value agricultural land, protecting environmentally-sensitive areas, and identifying areas for future growth and development. The proposed short term livestock control building will be located on Commercial/Light Industrial land and will occupy a relatively small area of the parcel. The remainder of the parcel will continue to be used for other Animal Control purposes.

Conceptual Review

A Conceptual Review meeting for the proposed Conditional Use Permit request was held on Thursday, November 4th, 2019. After conceptual review, the complete application was submitted December 11, 2019 and routed to the members of the Interagency Review Team. Comments were included in the staff report.

The following were relevant comments documented by the Interagency Review Team:

Environmental Health:

1. Do not drive on laterals.

Planning and Development Department Comments and applicant responses after CUP Submittal:

1. This Conditional Use Permit is required due to table 90-1 that states "Any public building or structure or facility erected and used by any department of the township, County, or city government, including (but not limited to) public aircraft landing fields and facilities, and sanitary landfills." **C.U.P. has been submitted**
2. Meet Standards for Approval identified in Chapter 90.04 (1. A-F and 2. A-E) Conditional Uses. Also, provide written narrative about the purpose of the project. **See attachment "Livestock Bldg paperwork"**
3. Meeting table 86-7 bulk requirements identified in Chapter 86.10 Show the proposed building meets the 20 feet from the rear setback. If there is any planned lighting of the structure, the lighting must meet the requirements of 88.09.

From review of concept drawings the structure appears to meet setback requirements.

See submitted sight plan, all setbacks should be met. Lighting will be minimal and would consist of one light placed above the overhead door. Light will be of L.E.D. in type with specific cut off to not impede the adjacent Lincoln Highway or any adjacent property.

4. Removal of existing shed and fencing should be completed within 60 days of the structure being completed. This will be a condition applied to the zoning permit. **Existing shed and fencing will be removed within 60 days of completion of new structure**
5. What is the size of the existing shed that will remain on the property at the southwest corner of the animal control building? What is this shed used for? **Existing shed is an 8' X 8' movable shed and is used to store additional over stock items. It currently is used to store pet carriers and a small walk behind snow blower.**
6. The new trash enclosure appears to meet 88.07 *Fences and Walls* and 88.10 *Screening of Mechanical Equipment and Refuse Collection Areas*. **Yes new trash enclosure will meet 88.07 and 88.10**
7. The drawing identifies the proposed structure as 600 square feet. The dimensions identify it as 750 square feet. What will the size of the building be? **Structure is 750 square feet 15' X 30', site plan has been updated to reflect the correct size.**
8. What is the proposed height of the structure? **Proposed overall height of structure will be 14'**
9. Will the structure be constructed on footings or slab? **The proposed building will be of the post type construction (commonly referred to as "pole Building") the posts will be the footings. The building will have a floating concrete slab floor.**
10. There is an existing drainage pipe on the property please identify on the site plan. Also will this pipe be affected if the proposed building is built? **Storm Drainage intake will not be impacted by new proposed structure. Intake is now shown on site plan (roughly located 50' from south property line and 34' from west property line).**
11. Is there any fill dirt proposed? If so how much and where? **Project will require no additional fill dirt.**
12. What vegetation will be planted in the greenspace? **Perennial ornamental grass is planned for the designated green space replacement.**
13. Please identify employee parking areas. **Employee parking is shown on the site plan it is generally the west gravel lot.**
14. How many trips are expected to the new building daily/weekly/monthly? **If building is housing large animals it will be visited by staff daily. If no animals are present it will be twice weekly. On average large animals are at the shelter less than 2-weeks.**
15. Over the last 3 years how many times have you had to retrieve an animal that would use this structure? **There has been 16 times over the last three years the proposed building would have been used.**

16. If the conditional use permit is approved a zoning permit is needed for structure and the trash collection site fence. This can be included on one permit application. **We will plan to have the building and trash collection site fence on the same zoning permit.**
17. When was the project authorized by BOS? **Story County Board of Supervisors approved the project on 9/24/19 at a regular Tuesday board meeting.**

Other Communication from County Staff

Assessor's Office:

No Comment

Public notification letters were mailed to surrounding property owners within ¼ mile of the site on December 27, 2019 regarding the Conditional Use Permit application.

Comments from the General Public

Planning and Development Department did not receive any comments from the general public.

Sue McCaskey Animal Control Director and Joby Brogden Facilities Management Director were both in attendance for the Planning and Zoning Commission meeting to answer questions.

Comments from the Planning and Zoning Commission at their January 8th, 2020 meeting:

McBride commented that it was interesting that there was a need for Animal Control to be able to contain livestock. She stated that she thinks the project will meet that need well.

McCaskey stated they have had everything from alligators to very large horses.

Moss asked how many animals the building can contain. McCaskey stated that it could hold up to 3 animals. If more animals have to be housed then Animal Control Department would have to look for another solution.

Smith asked if the old short term livestock control building will be removed. McCaskey stated yes.

Moss asked if the proposed structure will be able to contain the animals that were discussed. McCaskey stated yes, this is primarily for livestock as they can contain diseases and must be separated from the other animals that Animal Control Department may have.

Planning and Zoning Commission recommendation:

At the January 8th, 2020 meeting, the Planning and Zoning Commission recommended approval of the Conditional Use Permit for the Story County Animal Control Short Term Livestock Control Building as put forth in case CUP11-19 with a 6-0 vote.

Public Hearing comments from the Board of Adjustment Meeting – January 15th, 2020

In summary, Amman presented the staff report and stated that this request is for construction of a short term livestock control building for Story County Animal Control. Amman stated that the building will allow for Story County Animal Control department to have a more secure location to

house livestock temporarily. Amman stated that on January 8th, 2020 the Story County Planning and Zoning Commission recommended approval of the Conditional Use Permit.

No comments relating to the merit of the proposal were made by the Board of Adjustment.

There were no comments from the general public.

Points to Consider for the Conditional Use Permit Request

1. Applicant addressed the need for the short term livestock control building.
2. The existing building is in disrepair and cannot contain livestock effectively.
3. The short term livestock control building should not be out of character based on use and zoning of the property.
4. Traffic to the property to drop off animals temporarily may be 5 to 6 times a year.
5. Additional landscaped area will be added meeting the County's requirement to address erosion control.

The Board of Adjustment approved the Conditional Use permit CUP11-19 as put forth (vote 4-0), as recommended by the Planning and Zoning Commission (vote 6-0) for the Story County Animal Control Short Term Livestock Control Building based on the information provided in the staff report, site review, material provided by the applicant in the submittal, responses to questions/comments, and meeting discussion, as put forth in case CUP11-19

Board of Adjustment Action on Written Findings of Fact

Date: February 19, 2020

VOTE: Ayes Nays

McGill

Brekke

Neubauer

Schneider

Winfrey

Vote:

Chair: _____

Prepared by Marcus Amman, Story County Planning and Development Department, 900 6th Street,
Nevada, Iowa 50201 515-382-7245

**STORY COUNTY, IOWA
CERTIFICATE OF CONDITIONAL USE PERMIT
AND WRITTEN FINDINGS OF FACT**

IN THE MATTER OF THE APPLICATION OF: : **PERMIT NO. CUP12-19**
Ballard Golf and Country Club, 30608 US :
Highway 69, Huxley, IA 50124, for the request of :
a Conditional Use Permit for the Ballard Golf :
and Country Club, all associated structures, :
and a proposed 40'x40' maintenance shop, :
located on the NW SE & NE SE of Section: 14 :
Township: 82 Range: 24, Palestine Township, :
(Parcel ID Number 13-14-400-105) :

On January 15th, 2020, the Story County Board of Adjustment approved the Conditional Use Permit CASE NO. CUP12-19 for the request of a Conditional Use Permit for the Ballard Golf and Country Club, all associated structures, and a proposed 40'x40' maintenance shop.

VOTE: Ayes: Neubauer, Schneider, McGill, Winfrey
Nayes:
Absent: Brekke
Vote: (4-0)

Written Findings of Fact

Case Summary: Ballard Golf and Country Club is applying for a Conditional Use Permit to bring the existing use and related associated structures into conformance with the existing ordinance and to expand their existing use. Ballard Golf and Country Club is proposing to erect a 40'x40' maintenance shop for the golf course and country club. The proposed 40'x40' accessory structure would serve as the new heated shop, a 12'x12' office area to house the irrigation computer, potentially a bathroom, and equipment storage. All but two of the existing structures meet all required setbacks. The applicant applied for and were granted a variance at the January 15th, 2020 Board of Adjustment Meeting for the two structures that do not meet current setbacks. The Story County Planning and Zoning Commission recommended approval of the conditional use permit with conditions on January 8th, 2020. The Story County Board of Adjustment approved the conditional use permit with conditions on January 15th, 2020. The conditions were:

1. The applicant shall obtain zoning permits for all existing structures, excluding the clubhouse, within 30 days of Board of Adjustment action.
2. Support of the Conditional Use Permit includes the Board of Adjustment taking action on the submitted variance 06-19 for the existing structures located in the southwest area of the property.
3. Direct illumination of the business sign must be discontinued.

Marcus Amman, Story county Planning and Development Planner, reviewed the Conditional Use Permit Application, site plans, written narrative and other related submittal materials and responses from the applicant to County staff comments in accordance to Chapter 90 Conditional Uses of the Story County Land Development Regulations. Amman presented the staff report at the January 15th, 2020, Story County Board of Adjustment meeting.

Conditional Use Permit Analysis

A. Applicable Regulations: Chapter 90.04: Standards for Approval
The Planning and Zoning Commission shall review the proposed development for conformance to the following development criteria:

1. **Compatibility.** The proposed buildings or use shall be constructed, arranged and operated to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious, nor offensive in appearance to abutting or nearby properties.

Applicant Comment: *The new shop will meet all setback requirements and will be used in conjunction with the other two buildings in the southwest corner of the property in order to store golf course equipment and run a golf course grounds department.*

Staff Comment: The golf course and country club was a permitted use in the A-1 District and compatible with the character of the area when it was created in 1974. The golf course and country club continues to be compatible with the surrounding uses in the area. The golf course was constructed prior to adjacent subdivisions and many of the dwellings. The Deer Creek Subdivision to the east of the subject property was platted in 1977. The Country Club View Subdivision was platted in 1999 and is located directly south of the southwestern area of the subject property. Northview Heights was platted in 2004 and is southeast of the subject property.

The accessory structures are a part of the golf course operation. The proposed structure (maintenance shop) is compatible with the southwestern corner of the parcel where the existing maintenance buildings are located. The proposed structure is in compatibility with the existing use of the parcel. A majority of the surrounding land is residential lots due to proximity to the city limits of the City of Huxley. The Story County Cornerstone to Capstone (C2C) Plan designates this parcel as natural areas to include parks. From an efficiency perspective it is beneficial to locate the proposed accessory structure near the access drives, employee parking, and the existing maintenance structures.

2. **Transition.** The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.

Applicant Comment: *The old buildings will have new steel put on them to match the proposed new building. We will seed a native grass buffer strip to the west of the proposed new building which will buffer the buildings from the highway.*

Staff Comment: The golf course and country club is buffered on the north and eastern property lines by mature trees. The existing maintenance shops are buffered to the south by mature trees. The southeastern portion of the golf course is not buffered from the parcels to the south.

The proposed structure will meet the setbacks from all property lines. The closest dwelling is approximately 415 feet to the southeast. The overall proposed structure height will be 14 feet. The proposed structure will be 112 feet from the west (front) property line, 83 feet from the south property line, 1,229 feet from the north property line, and over 2,000 feet from the east property line. The proposed structure will not likely be seen by immediately adjacent property owners as it will be buffered by two existing buildings to the south. Part of the proposed structure may be visible from the road but there is some vegetation to buffer the structure from the road. The applicant is also placing the green space to meet the 20 percent landscape requirement to the west of the proposed structure.

3. **Traffic.** The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

Applicant Comment: *The traffic patterns of the property will not change, this new building will not add any new members or employees to the property therefore the traffic patterns of the property will remain the same. Winter (off-season) 0-50 people visit per day, during peak golf season 50-120 a day varying by day of the week, tournaments, leagues, outings etc.*

Staff Comment: The golf course and country club has an average of 0-50 people a day visiting the site in the off season and 50-120 during peak golf season.

The traffic impact of the proposed structure is expected to be minimal. Once construction of the proposed structure is completed, the only traffic that will visit the structure will be employees. There are 1-4 seasonal staff reporting to the proposed structure depending on the time of year.

4. **Parking and Loading.** The development shall provide all off-street parking and loading areas as required by this Ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.

Staff Comment: The golf course and country club have a total of 74 parking spaces. 58 in the upper parking lot that is asphalt and 26 in the lower gravel lot. Two are ADA accessible parking spaces in the upper asphalt lot.

The parking impact of the proposed structure is expected to be minimal as it will be used by the golf course maintenance staff. Once construction of the proposed structure is completed, the only parking will be for 4 employees. The parking will be located directly west of the maintenance sheds. There are 1-4 seasonal staff reporting to the proposed structure depending on the time of year.

5. **Signs and Lighting.** Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.

Applicant Comment: *There will be no new signs being added to the property and any exterior lighting will be on the east side of the new building facing inward to the golf course.*

Staff Comment: The golf course and country club has 12 external

lights. There is one sign that was granted a permit that has lighting. The lighting for the external business sign was denied in 2006 after a variance was denied by the Board of Adjustment. They are not proposing adding any other signage. All other lighting appears to meet the County's requirements in 88.09.

There is one proposed light on the proposed structure on the east side of the structure. All lighting will meet 88.09 standards. There will be no signs placed on the proposed structure.

6. **Environmental Protection.** The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.

Applicant Comment: *The new building is not going to change any of the current use of the maintenance facility as well as not cause any environmental harm.*

Staff Comment: No excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds, are anticipated. Ballard Country and Golf is proposing a 1,300 square foot landscaped area just west of the proposed building and north of the maintenance employee parking area. This landscaped area will address the County's 20 percent landscaped area requirement of the proposed impervious surface.

- B. **If the Commission concludes that all the above development criteria will be met, it must recommend approval of the application unless it concludes that, if completed as proposed, there is a strong probability the development will:**
 1. **not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property.**

Staff Comment: The golf course, country club and associated structures are an established use and has operated in the area for 46 years. The proposed maintenance structure will be built in compliance with the required setbacks

from the right-of-way and adjacent property lines. While the existing maintenance buildings near the southwest corner of the parcel will need to obtain variances, trees to the south provide some buffering, to the vacant parcel to the south. Any future improvements will require that the applicant apply for the necessary zoning permits.

2. **impair an adequate supply (including quality) of light and air to surrounding properties.**

Staff Comment: The golf course, country club, and proposed maintenance structure will have little to no impact on the supply of light and air to surrounding properties.

3. **unduly increase congestion in the roads, or the hazard from fire, flood, or similar dangers.**

Staff Comment: The golf course, country club, and proposed maintenance structure will not likely increase congestion on the roads. No improvements are planned within the FEMA designated floodplain on the subject property.

4. **diminish or impair established property values on adjoining or surrounding property.**

Staff Comment: The Story County Assessor's Office raised no concerns with this item from the review of the requested Conditional Use Permit application. The golf course use and associated structures are established in the area and no impacts on property values are anticipated.

5. **not be in accord with the intent, purpose and spirit of the Land Development Regulations or County Cornerstone to Capstone (C2C) Plan.**

Staff Comment: The C2C plan is oriented toward preserving the county's rural character and high value agricultural land, protecting environmentally-sensitive areas, and identifying areas for future growth and development. The continued use of this area as its existing use is in keeping with the C2C plan as this area is identified as Natural Resource Areas to include parks.

Conceptual Review

A Conceptual Review meeting for the proposed Conditional Use Permit request was held on Thursday, December 3rd, 2019. After conceptual review, the complete application was submitted

December 10, 2019 and routed to the members of the Interagency Review Team. Comments were included in the staff report.

The following were relevant comments documented by the Interagency Review Team:

Environmental Health:

1. The proposed building will not impact the existing septic system, currently serving the clubhouse. If there will be wastewater generation in the new building, the applicant shall submit an application for a septic permit to the Environmental Health Department. The existing system was installed in 1974. Recommended pumping frequency is a minimum of five years. The applicant can contact Environmental Health for the system diagram or general information.

Planning and Development Department Comments and applicant responses after CUP Submittal:

1. **Please provide a site plan sketch for the entire Golf and Country Club. The proposed new development areas (structure, 20% landscaped area, employee parking) can be included in this overall site plan sketch. However, if information on the drawing is determined to be lacking, a professionally drawn site development plan to be acted on by the Board of Supervisors may be required.**
 - a. Included is a site plan made using Google Earth, all lines on the map are to scale per the measurements required. The Landscaped area to the West of the proposed new building and North of the parking, will be roughly 1300 sq. ft. In the site plan you can see that there are four parking spots approximately 20' x 10' for employee parking.
2. **Please identify the uses of all buildings on site plan.**
 - a. The farthest west (Maintenance building #2) building is used for equipment, outdoor tool storage, irrigation fittings, and seed. The building directly to the east of that (Maintenance building #1) is used for equipment storage as well as housing our tools, irrigation computer, Air compressor, power tools and workbenches. The proposed 40' x 40' new building would still have equipment stored in it, we would move our mechanics tools to the proposed new building, but also would like to have a 12' x 10' area framed in for an office to house our expensive irrigation computer and its components.
3. **Please identify ADA parking on the site plan.**
 - a. There are currently 2 ADA parking spots in the clubhouse parking lot. Parking for all grounds crew employees will be on the west side of the west pole building. The four parking spots will accommodate our seasonal staff.
4. **Please provide estimated values of all accessory building excluding the Clubhouse at the time they were built and estimated dates.**

(Buildings labeled using names from assessor page)

 - a. Building 3 (West Maintenance Shed): \$3600
 - b. Building 4 (Lower Cart Shed) : \$9000

- c. Building 5 (Upper Cart Shed) : \$9000
 - d. Yard Extras #3 (Brown Shop) :\$5000
 - e. Pumphouse (building by pond): \$1,000
- 5. Please identify the typical days and hours of operation for the golf course and country club.**
- a. Hours of operation of the country club varies by the season. During golf season the hours are sunup to sundown. During the off season the restaurant is open 4 days a week from 11:00AM-2:00PM, 5:00PM-9:00PM. The golf course maintenance staff made up of 1-4 crew members depending on time of year/season but hours generally range from 6:00AM-3:00PM
- 6. Please briefly explain the uses of the clubhouse.**
- a. The clubhouse is used for treating our guests (members or the public) to a great experience. There is a restaurant here which is one of only two sit down restaurants in town. The restaurant also has take-out available which many members of the community frequent. The clubhouse is also used to allow for gatherings for club functions, business meetings in the private meeting room, business Christmas parties, and weekly Kiwanis meetings. On top of that, it is a golf course clubhouse, we serve candy bars, chips, and refreshments to golfers.
- 7. If the CUP is approved, any buildings that do not have zoning permits will need to have zoning permits applied for. A zoning permit application for the new building will also need to be submitted.**
- 8. Please provide setbacks for all accessory buildings excluding the Clubhouse.**
(Buildings labeled using names from assessor page)
- a. Building 3: South: 39' West: 112' (To R.O.W.)
 - b. Building 4: North: 100' West: 494' (To R.O.W.)
 - c. Building 5: North: 135' West: 380' (To R.O.W.)
 - d. Yard Extras #3: South 39' West: 140' (To R.O.W.)
 - e. Pumphouse (not listed) South 580' East 1,110'
- 9. Please confirm the building near the pond is to be demolished and the date it is to be demolished by.**
- a. The open side picnic shelter will be demolished by March 1st 2020
- 10. Please provide additional dates of construction of all accessory buildings.**
- a. All accessory structures were constructed in 1975 besides the pump house by the pond and the addition to the lower cart shed. The addition to the lower cart shed was completed in 2006.
- 11. Please identify any planned future improvements to the property.**
- a. As of today there are no planned future improvements.
- 12. Please identify employee parking at the southern accessory buildings on site plan. Parking spaces are 9'x17.5' under County regulations, table 88-4.**
- a. Included is an overhead google earth picture showing employee parking at the maintenance facility. We will have 4 parking spots roughly 20' x 10'. Depending on the time of year we have 1-4 employees that report to the maintenance facility, these parking spots will accommodate them.

13. A Site visit will be required for pictures of the property.

14. Please provide any zoning permits that you have records for.

- a. We have no zoning permits in our files

15. Please submit a variance application and fee (1 fee for both buildings included).

Variance requests are acted on by the Board of Adjustment. The next Board of Adjustment meeting is January 15th, 2020. The application due date is December 30th, 2019. The two accessory buildings near the southwest corner of the parcel do not appear to meet setbacks. For these buildings to be in compliance with the zoning ordinance a variance request for these two accessory buildings will need to be applied for and subsequently granted. Please provide answers to the following variance request items:

- a. Finding of unnecessary hardship
 - i. The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone;
 - ii. The plight of the owner is due to unique circumstances and not to general conditions in the neighborhood which may reflect the unreasonableness of the Ordinance itself; and
 - iii. The use to be authorized by the variance will not alter the essential character of the locality.
- b. Granting the variance will not be contrary to the public interest; and
- c. The spirit and intent of the Story County Cornerstone to Capstone (C2C) Comprehensive Plan and Story County Land Development Regulations are protected.
 - 1. Both of the accessory buildings in the southwest corner of the property were constructed in 1975 and have been used as the golf course maintenance buildings since that time. These buildings have never changed in use and have been in the same location since constructed. Both buildings will continue to be used in the same way they have been for the last 45 years, and have caused no harm to the community or neighbors where they are located.

Other Communication from County Staff

Assessor's Office:

No Comment

Public notices were mailed to adjacent property owners within ¼ mile of the proposed site on December 27, 2019.

Comments from the General Public:

No comments were received as of the date of this staff report.

Comments from the Planning and Zoning Commission at their January 8th, 2020 meeting: Sam Weeks and Matt Gatchel, Ballard Golf and Country Club representatives were present.

In summary, Amman presented the staff report and stated that Ballard Golf and Country Club is applying for a Conditional Use Permit to bring the existing use and related associated structures into conformance with the existing ordinance and to expand their existing use. Ballard Golf and Country Club is proposing to erect a 40'x40' maintenance shop for the golf course and country club. The proposed 40'x40' accessory structure would serve as the new heated shop, a 12'x12' office area to house the irrigation computer, potentially a bathroom, and equipment storage. Amman stated that the use and the buildings have been in place for 45 years. Amman stated that Story County Planning and Development Staff is recommending approval of the Conditional Use Permit 12-19 with conditions.

Smith asked what the significance of discontinuing the direct lighting of the business sign. Amman explained that the sign lighting is not permitted in the A-1 district and that the applicant had requested a variance in 2006 that was denied by the Board of Adjustment. Applicant stated that the light had already been disconnected for the business sign. Applicant stated that the lighting does meet Iowa DOT requirements.

McBride asked the reason for the regulation and if it was a light pollution problem. Amman stated that it is a glare concern for the county.

At the January 8th, 2020 meeting, the Planning and Zoning Commission recommended approval of the Conditional Use Permit for the Ballard Golf and Country Club and associated structures and Proposed Maintenance Shop as put forth in case CUP12-19, with conditions with a 6-0 vote.

Public Hearing comments from the Board of Adjustment Meeting – January 15th, 2020

In summary, Amman presented the staff report and stated that Ballard Golf and Country Club is applying for a Conditional Use Permit to bring the existing use and related associated structures into conformance with the existing ordinance and to expand their existing use. Ballard Golf and Country Club is proposing to erect a 40'x40' maintenance shop for the golf course and country club. The proposed 40'x40' accessory structure would serve as the new heated shop, a 12'x12' office area to house the irrigation computer, potentially a bathroom, and equipment storage. Amman stated that the use and the buildings have been in place for 45 years. Amman stated that on January 8th, 2020 the Story County Planning and Zoning Commission recommended approval of the Conditional Use Permit.

Sam Weeks and Matt Gatchel, Ballard Golf and Country Club representatives, were available to answer questions at the meeting.

McGill, wanted to clarify the purpose of the conditional use permit. Moore stated that it will bring the use into conformity with the current land use regulations and allow the golf course to build another structure. It was stated that the use of the golf course and the proposed building are what this conditional use permit request is for.

There were no comments from the general public.

Points to Consider for the Conditional Use Permit Request

1. The golf course, clubhouse and associated structures are established in the area and have served customers for 46 years.
2. This conditional use permit is to bring the existing non-conforming use into conformity with the County Land Development Regulations.
3. The CUP will provide a route to address future improvements if they are deemed necessary.
4. The applicant shall apply for Zoning Permits for all structures that did not receive zoning permits prior to their construction.
5. The applicant has submitted a variance application for the 2 accessory structures located in the southwest area of the parcel to be acted on by the Story County Board of Adjustment at the January 15th, 2020 meeting.

The Board of Adjustment approved the Conditional Use permit CUP12-19 as put forth (vote 4-0), as recommended by the Planning and Zoning Commission (vote 6-0) for the request of a Conditional Use Permit with the conditions below for the Ballard Golf and Country Club, all associated structures, and a proposed 40'x40' maintenance shop based on the information provided in the staff report, site review, material provided by the applicant in the submittal, responses to questions/comments, and meeting discussion, as put forth in case CUP12-19:

1. **The applicant shall obtain zoning permits for all existing structures, excluding the clubhouse, within 30 days of Board of Adjustment action.**
2. **Support of the Conditional Use Permit includes the Board of Adjustment taking action on the submitted variance 06-19 for the existing structures located in the southwest area of the property.**
3. **Direct illumination of the business sign must be discontinued.**

Board of Adjustment Action on Written Findings of Fact

Date: February 19, 2020

VOTE: Ayes Nays

McGill
Brekke
Neubauer
Schneider
Winfrey

Vote:

Chair: _____

Prepared by Marcus Amman, Story County Planning and Development Department, 900 6th Street,
Nevada, Iowa 50201 515-382-7245

**STORY COUNTY, IOWA
CERTIFICATE OF VARIANCE
AND WRITTEN FINDINGS OF FACT**

IN THE MATTER OF THE APPLICATION OF: : **CASE NO. VAR06-19**
Ballard Golf and Country Club, 30608 US :
Highway 69, Huxley, IA 50124, for the request of :
a Variance for two existing accessory :
structures, located on the NW SE & NE SE of :
Section: 14 Township: 82 Range: 24, Palestine :
Township, (Parcel ID Number 13-14-400-105) :

On January 15th, 2020, the Story County Board of Adjustment approved the Variance CASE NO. VAR06-19 for the request of a 26 foot Front Setback Variance from 50 feet to 24 feet for two existing accessory structures with the following conditions:

1. Permits for the two accessory structures must be obtained within 30 days of the Board of Adjustment action.
2. Business sign lighting must be discontinued

VOTE: Ayes: Neubauer, McGill, Winfrey, Schneider
Nayes:
Absent: Brekke
Vote: (5-0)

Written Findings of Fact

Case Summary: The request is for a variance to the minimum side setback for an existing accessory structure located in the A-1 District for other permitted uses, which establishes a minimum side setback of 50 feet. The variance request is to permit the existing 24'x35' (840 square feet) and 23'x33' (783 square feet) accessory structures that encroach on the side setback requiring a variance of 26 feet from 50 feet to 24 feet, from the closest point of the proposed building to the south property line. The existing accessory structures were built as part of the Ballard Golf and Country Club in 1975 but were never issued zoning permits. The property is located in Section 14 of Palestine Township parcel number 13-14-400-105. Planning and Development Staff is recommending approval of the variance with conditions. The Story County Board of Adjustment approved the variance with conditions on January 15th, 2020.

Marcus Amman, Story county Planning and Development Planner, reviewed the Variance Application, site plans, written narrative and other related submittal materials and responses from the applicant to County staff comments in accordance to Chapter 92 Conditional Uses of the Story County Land Development Regulations. Amman presented the staff report at the January 15th, 2020, Story County Board of Adjustment meeting.

Variance Permit Analysis

- A. Finding of unnecessary hardship**
1. **The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone;**

Applicant Comment: *Both of the accessory buildings in the southwest corner of the property were constructed in 1975 and have been used as the golf course maintenance buildings since that time.*

Staff Comment: The principle of reasonable return asks the Board to consider if, without a variance, a property owner cannot establish any beneficial use on their property.

The golf course is an established use that has operated on the property for 45 years. The golf course has operated as a permitted use, legal non-conforming use, and the applicant is currently requesting a CUP to bring the use into conformance with the county's regulations. The existing accessory structures were built as the maintenance shops for the golf course and country club. Without these structures the golf course would not function as it currently does. These buildings are associated with the primary use.

2. The plight of the owner is due to unique circumstances and not to general conditions in the neighborhood which may reflect the unreasonableness of the Ordinance itself; and

Applicant Comment: *Both of the accessory buildings in the southwest corner of the property were constructed in 1975 and have been used as the golf course maintenance buildings since that time.*

Staff Comment: The existing accessory structured have been in this location since 1975. Had the golf course applied for zoning permits for these buildings when they applied for the zoning permits for the golf course, country club, and the dam, the structures would have met the required side setbacks at the time of 10 feet. Story County in June of 1977 removed golf courses from the list of permitted uses in the A-1 District. Golf courses then became a conditional use and now falls under the other permitted uses category in the A-1 District setback requirements. This requirement is 50 feet in the A-1 District.

3. The use to be authorized by the variance will not alter the essential character of the locality.

Applicant Comment: *These buildings have never changed in use and have been in the same location since constructed.*

Staff Comment: The golf course and country club has been at this location since 1975. The maintenance sheds have been there since 1975 as well. Granting the variance for the associated structures to the primary use that have both been in there existing locations for 45 years will not change the essential character of the locality. The existing landscaping to the south is providing some buffering to the structures.

B. Granting the variance will not be contrary to the public interest; and

Applicant Comment: *Both buildings will continue to be used in the same way they have been for the last 45 years, and have caused no harm to the community or neighbors where they are located.*

Staff Comment: Granting the variance would not be contrary to the public interest of the Land Development Regulations to protect public health, safety, and welfare without significant investments/improvements made to the subject property.

The golf course and country club has been at this location since 1975. The

maintenance sheds have been there since 1975 as well. Granting the variance for the associated structures to the primary use that have both been in there existing locations for 45 years will not be contrary to the public interest. The structures are located near the access and driveway and the applicants adjacent parcel to the south also assists in increasing the distance to the adjacent outlot to the south that is not owned by the applicant. The accessory structures will be separated from the road by an existing setback of 112 feet or more from the right-of-way.

C. The spirit and intent of the Story County Development Plan and Story County Land Development Regulations are protected.

Applicant Comment: Yes/True

Staff Comment: The Story County Comprehensive Plan and the Story County Land Development Regulations have similar spirits/intents to maintain the county's rural character.

The Statement of Intent for the A-1 Agricultural Zoning District is:

“The A-1 District is intended and designed to accommodate land uses compatible with agriculture and to protect agricultural land from encroachment of urban land uses. The County Development Plan designates priority agricultural land as Agricultural Conservation Areas. These areas are intended to preserve rural character by limiting the development of most new non-farm dwellings to large lots. In some instances, the A-1 District permits non-farm residential development on smaller lots in furtherance of the County Development Plan goals and objectives.”

This property is located in the Story County A-1 district. The property is designated Natural Area to include parks. The primary land use of the subject parcel is the golf course and country club which has been on the property since 1974. The subject property includes the golf course, club house, and 5 other accessory structures with no area in agriculture production.

Comments from the Interagency Review Team

The complete application was forwarded to the members of the Interagency Review Team on Thursday, January 2nd, 2020. The following comments were received:

Story County Environmental Health: No Comments

Story County Engineer: No Comments

Story County Assessor: No Comments

Story County Planning and Development: (Applicant responses are in bold.)

1. Please identify the Side property line. **Side Property pins were identified. A stringer was placed between them to obtain the current side setback of 24 feet.**
2. How did you identify the side property line? **Side property pins were identified using Beacon as a starting point and metal detecting for the pins.**
3. Please explain how this is a unique circumstance that was created not by you? **The building were included on when the initial golf course was approved. The ordinance was changed to remove this use.**
4. Please provide proposed drawings? **Provided**

Comments from Cities within Two Miles

Notification was provided to the City of Huxley on December 7th, 2020. No comments were received from the City of Huxley at the time of the writing of this report.

Comments from the General Public

Notification letters were mailed to surrounding property owners regarding the variance request on December 27th, 2019. No comments were received at the time of the writing of this report.

Public Hearing comments from the Board of Adjustment Meeting – January 15th, 2020

Amman presented the staff report and stated that this request is for a variance of 26 feet from the A-1 District front setback requirement of 50 feet. Amman stated that the buildings were built when the rest of the golf course was built in 1975. During that time the side setback in the A-1 district was 10 feet for the golf course use. Had the golf course applied for permits for these buildings when they applied for the golf course, dam, and country club, these buildings would have been in conformance. The golf course applied for a conditional use permit to bring the golf course into conformity with the current land use regulations and applied for the variance at the same time as the conditional use permit. This variance is necessary to bring the property into conformance. The property pins were located and it was noted that the current structures are 24 feet from the side property line. The applicant also owns a 15 foot wide adjacent parcel to the south making the closest property not owned by the applicant 39 feet away.

Sam Weeks and Matt Gatchel, Ballard Golf and Country Club representatives, were available to answer questions at the meeting.

Neubauer, acknowledged that golf courses were removed in 1977 and asked when the setback was changed to 50 feet. Amman explained that the current standard is 50 feet and that the variance must be based on the current standard.

McGill, stated that had they applied for permits at the time of construction the existing buildings would have met the side setbacks. Amman confirmed.

No one from the public was in attendance.

Points to Consider for the Variance Request

1. The accessory structures have been at their current location since 1975.
2. Having equipment to maintain the golf course is essential to their operation.
3. Had zoning permits been applied for at the time of the construction of the accessory structures they would have met setback requirements.
4. The granting of the variance is not contrary to the public interest.
5. The golf course is an established use and is essential to the character of the locality.
6. The property owner also owns a 15 foot wide adjacent parcel to the south of the subject property making the distance from the building to a parcel not owned by the Ballard Golf and Country Club 39 feet.

The Board of Adjustment approved (vote 4-0) the Variance with the conditions as identified below, as recommended by the Planning and Development Staff based on the information provided in the staff report, site review, material provided by the applicant in the submittal, responses to questions/comments, and meeting discussion as put forth in case VAR06-19:

1. Permits for the two accessory structures must be obtained within 30 days of the Board of Adjustment action.
2. Business sign lighting must be discontinued

Board of Adjustment Action on Written Findings of Fact

Date: February 19th, 2020

VOTE: Ayes Nays

McGill

Brekke

Neubauer

Schneider

Winfrey

Vote:

Chair: _____

Staff Report

Story County Board of Adjustment

Date of Meeting:
February 19, 2020

CASE NUMBER CUP02-16.1

Request for a Minor Modification to CUP02-16 for an expanded parking area for Saints Peter and Paul Catholic Church, 14238 500th Avenue.

APPLICANT: Mark Thiessen, Angelo Architectural Associates
Gary Houdeshell, Saints Peter and Paul Church

STAFF PROJECT MANAGER: Amelia Schoeneman, Planner

SUMMARY: This request is to construct an addition to the existing parking lot at Saints Peter and Paul Church. Currently, parishioners park in the right of way or use stacked parking during larger events. The existing parking lot has 81 stalls. The addition would add 49 stalls on the east side of the existing parking lot. The expanded parking area would allow the church to provide adequate parking for larger events (weddings, funerals, holiday masses). The parking lot is gravel, as is the proposed addition. A 40-foot-by-46-foot area in the existing parking lot is proposed to be paved to provide three additional Americans with Disabilities Act-compliant (accessible) parking spaces. The applicant also proposes to extend a driveway from the expanded area of the parking lot to connect with an existing circular drive to the south for additional ingress and egress. The County Engineer has reviewed and approved this plan. The applicant has also requested alternative compliance to allow the required parking lot trees to count towards the required landscaping to be added to offset the additional impervious surfaces. Planning and Development staff recommend approval of the requests with conditions.





Property Information

PROPERTY OWNER

Saints Peter and Paul Catholic Church

GENERAL PROPERTY LOCATION

Lafayette Township, Section 30
14238 500th Avenue, Ames

PARCEL IDENTIFICATION NUMBER

01-30-100-315

CURRENT ZONING

A-1 Agricultural District

Districts

Xenia Rural Water
Midland Power Cooperative
Story City Fire
Story City Ambulance

CURRENT LAND USE

The property includes a church (constructed in 1917), a rectory used for meeting space, a classroom building, a dwelling, two accessory structures, and agricultural row crops.

C2C PLAN FUTURE LAND USE MAP DESIGNATION

Agricultural Conservation

CITIES WITHIN TWO MILES

None

Background

Subject Property

Saints Peter and Paul Catholic Church was constructed in 1917. The church, rectory used for meeting space, classroom building, dwelling, and two accessory structures are located in the north portion of the 8.43-acre parcel with frontage on 500th Avenue. The land immediately surrounding the church and buildings consists of grass. The southern two-thirds of the parcel consists of agricultural row crops. An existing gravel parking area is located on the north side of the church, contains two separate gravel accesses off 500th Avenue, and is large enough to accommodate 89 stalls.

In 2016, the church obtained CUP02-16 for an addition to the north and west sides of the church, totaling approximately 6,200 square feet. The addition made the second-floor sanctuary Americans with Disabilities Act compliant (accessible to all parishioners) and expanded the parish hall to allow the entire parish to meet at once. The sanctuary has 252 seats and the parish hall has 288 seats. A new septic



system as part of the 2016 conditional use permit was sized to accommodate approximately 299 parishioners for larger events.

The addition also moved the main entrance from the west side of the church and created a main entrance on the north side. Part of the goal of the project was to encourage parishioners to park in the existing parking lot on the north side of the building instead of along the road shoulder on the west side of the building. No parking was added as part of the 2016 request.

The 2016 conditional use permit was approved with conditions that the Story County General Site Planning Standards be met, entrance and exit only signs be installed at the drives, and that no parking be permitted in or near the road right of way. The subsequently approved site development plan for the addition included paved, Americans with Disabilities Act-compliant (accessible) parking spaces, trees for every five parking spaces, and landscaping equivalent to 20% of the impervious surfaces added, meeting the Story County General Site Planning Standards.

Proposed Use

During larger events (Christmas and Easter Mass, weddings, and funerals), the existing parking lot on the north side of the church building is not sufficiently sized to accommodate all vehicles. Some vehicles are parking in/near the road right of way during these larger events. Stacked parking is also occurring. The applicant is proposing the addition of 49 parking spaces to alleviate this issue.

The new spaces will be contiguous to and east of the existing parking lot. The parking lot will be gravel. The area is currently in grass. The church's septic system is also located in this area and bisects the proposed parking lot into two sections. The area was previously in row crop production prior to the 2016 conditional use permit when the new septic system was installed in the area. The section on the north side of the septic system will contain 29 spaces and be 11,600 square feet. The section on the south side of the septic system will contain 20 stalls and be 6,800 square feet. Steel pipe bollards will be installed along the edge of the parking stalls adjacent to the septic system to prevent vehicles from driving over or parking on the system. The Environmental Health Department has reviewed this plan.

As part of the request, a new drive from the southern section of the parking area will be constructed. The driveway will be 25 feet wide and will connect the parking area to an existing circular drive with two accesses onto 500th Avenue. The existing parking area also has two existing accesses to 500th Avenue. The northern-most access to the existing parking area is an exit and the southern access to the existing parking area is an entrance. The existing circular drive to the south of these accesses serves the dwelling, rectory, and classrooms to the south of the church building. It does not currently connect to the existing parking area. Once connected to the parking area via the new drive, the north access to 500th Avenue from the circular drive will be exit only access. The south access to 500th Avenue from the circular drive will be an entrance only access. The County Engineer has reviewed and supports the ingress and egress plan.

In order to construct the drive, three propane tanks will be moved. The propane tanks are located in the curve of the proposed drive and will be relocated west of the drive, to the southwest of the church building. An existing shed south of the church will also be removed, which is presently located where the proposed drive will join with the circular drive—this will require a demolition permit.

The applicant indicated that the expansion of the parking area and associated work would not likely



occur for two to three years as fundraising needs to first be completed. Under the Story County Land Development Regulations, substantial action must be taken on a conditional use permit within five years or the permit expires. This was communicated to the applicant.

Applicable Requirements

Churches are allowed in the A-1 Agricultural District with the granting of a Conditional Use Permit by the Board of Adjustment. There are no supplemental standards for the use.

Other applicable requirements are in Chapter 88 of the Story County Land Development Regulations, General Site Planning Standards. This chapter includes requirements for parking, landscaping, and environmental protection.

Regarding parking requirements, the Story County Land Development Regulations prescribe parking maximums to avoid excessive parking. Following the General Site Planning Standards in Table 88-5 in the Land Development Regulations, a maximum of one parking space per every four seats in a general assemble use is permitted. With the 540 seat capacity of the church (parish hall and sanctuary seats), plus the capacity of the education center and rector (80), a maximum of 150 stalls is permitted. This has been communicated with the applicant. The proposed 130 parking stalls meet the parking requirement.

Chapter 88.08 Parking and Circulation Standards (4) Circulation and Pavement Markings also requires that “all parking spaces shall be clearly marked.” Staff communicated this with the applicant, given the issue with stacked parking. The applicant indicated that since the surface is gravel, it cannot be stripped. However, the additional parking spaces will address the issue of insufficient parking leading to the stacked parking and parking in the road right of way. Further, the applicant is proposing to pave a portion of the drive aisle into the existing parking lot and a 40-foot-by-46-foot portion of the center aisle in the existing parking lot for three new accessible stalls. This area will be marked and provide an example for other cars to line up with. In the expanded parking area, bollards are proposed in front of every parking stall adjacent to the septic system.

Approximately 23,450 square feet of new impervious surfaces are shown on the site plan. Chapter 88 requires stormwater management if over one-acre (43,560 square feet) of impervious surfaces are added. The applicant understands that if future additional or impervious surfaces are added, these will be added to the 23,450 square feet of impervious surface added as part of the parking lot expansion to determine if stormwater management is required.

The applicant is also required to add landscaping equivalent to 20% of the impervious surface being added to the site. Additionally, for parking lots of more than 10 parking spaces, one tree for every five parking spaces is required to be planted. Ten trees are proposed to be planted south of the expanded parking area and will occupy 5,053 square feet of area. The trees are clustered in this area as new trees and landscaping were previously planted along the eastern edge of the site as part of the previous conditional use permit. The area south of the church near the dwelling, classroom, and refectory is already a lawn with several trees. The applicant indicated that runoff flows south from the southern section of the parking lot and the trees will provide stormwater absorption. Typically, the square footage of landscaping is calculated separately from the required parking lot trees. The applicant has requested alternative compliance given that other areas are already in grass/landscaped and that the treed area will provide stormwater absorption. The 5,043 square feet of trees exceeds the 20%



landscaping requirement to offset impervious surfaces. Alternative compliance is a mechanism permitted by the Land Development Regulations for applicants to submit proposed plans that do not meet current county land development requirements, provided the applicant identifies and discusses how the modifications and alternatives better accomplish the purposes of the county's ordinance.

Chapter 88 also includes erosion control requirements during construction. The submitted site plan shows a silt fence around the disturbed areas and indicates topsoil will be reused in the new landscaping area. Staff also communicated that all disturbed areas, including topsoil stockpiles, shall be temporarily stabilized through seeding or other measures if work will not occur on an area for 14 days. The applicant indicated stabilization would occur as soon as possible.

Surrounding Land Use

The property with the church is located a quarter-mile south of the intersection of 140th Street and 500th Avenue. The 2015 Iowa Department of Transportation traffic count shows the average daily traffic on 500th between 130th and 140th as 770 vehicles.

The subject property is over four miles southwest of the city of Story City and two miles northwest of the City of Gilbert.

The area surrounding the church consists of large agricultural parcels. There are five dwellings within a quarter of a mile of the subject property.

The land uses of adjacent parcels include:

North—there are two parcels (1 net acre and 40.36 net acres in size) with single-family dwellings on each to the north of the subject property. The dwelling on the one-acre parcel is approximately 50 feet from the south property line shared with the subject property and shares an access/driveway with the church. The other dwelling to the north is over 900 feet from the church property and part of a large parcel in agricultural production and with agricultural buildings.

East and South— a 33.3 net-acre parcel in agricultural row crops.

West— a 4.25 net-acre parcel with a single-family dwelling and a 33.93 net-acre parcel in agricultural production. The dwelling is approximately 125 feet west of the subject property and across 500th Avenue.

Conditional Use Permit Analysis

A. Applicable Regulations: Chapter 90.04: Standards for Approval

The Board of Adjustment shall review the proposed development for conformance to the following development criteria:

- 1. Compatibility.** The proposed buildings or use shall be constructed, arranged and operated to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious,



nor offensive in appearance to abutting or nearby properties.

Applicant Comment: The proposed 49 additional stall parking lot expansion will be constructed to match the existing adjacent parking lot. We will be providing 10 new addition deciduous trees around the 49 new parking spaces. The new parking expansion will occur to the rear or east part of the site, which currently on their adjacent land, the new parking lot expansion is not visible from their existing residences. To the north is one small residential house, which currently has the existing parking lot adjoining this property for approximately the last 50 years. To the south and east are agriculture fields usually planted with corn or soybeans. To the west of the property is Highway R38 with a farm place directly across the highway from the existing church structure so a majority of the parking lot expansion will not even be visible from the residence and farm yard. Also the 10 new trees will help screen any view this residence might have of the proposed parking expansion.

Staff Comment: The proposal does not include any new improvements beyond the expanded parking area, additional accessible spaces, new driveway, and additional landscaping. No new buildings or additions are proposed and no change in the use of the property will occur. The church has been located on the property for 103 years. The intent of the parking lot expansion is to create sufficient parking so that parking is not occurring in the right of way and stacked parking is not necessary. This will improve flow in the parking lot and likely have a positive impact on the single-family dwelling to the north that shares the access and drive with the church. It will also improve the safety of motorists on 500th Avenue and traffic flow as parking will not occur in the right of way.

The expanded parking area will be adjacent to the agricultural fields on the adjacent properties. A 16-foot to 13-foot setback from the adjacent properties is proposed. A five-foot minimum setback is required. There is existing landscaping on the north and east side of the property between the proposed parking area and property line that will provide separation and buffering, especially as the trees (planted in 2016) grow.

2. Transition. The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.

Applicant Comment: The proposed parking lot expansion has provided a new 5,037 sq. ft. of green space of new lawn and 10 new deciduous over-story trees to serve as a visual and drainage buffer for the new parking lot expansion. The new parking lot expansions closest stall is 250 feet from the Highway.

Staff Comment: Green space surrounds the church building and other buildings. There are large agricultural parcels located to the north, east, and south of the church property adjacent to the proposed expanded parking area. There is existing landscaping on the north and east side of the property between the proposed parking area and property line that will provide separation and buffering, especially as the trees (planted in 2016) grow. The dwelling located to the north is approximately 50 feet from the north property line of the subject property. The dwelling on the west side of the road is approximately 86 feet from the west property line of the subject property. The parking lot expansion is occurring on the east side of the property away from the dwellings. The applicant plans to install additional landscaping to the south of the parking area.



Ten new trees are proposed.

3. **Traffic.** The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

Applicant Comment: This project is being proposed for public safety so that the church has adequate on-site parking spaces and do not have church attendees parking on the shoulder of Highway R38. On a normal Saturday or Sunday Mass, the existing parking lot has adequate capacity for parking. However on those large Mass events like Christmas, Easter, Large Weddings or Funerals the existing church parking lot is not adequate for these large event Masses. Thus, the Church Board wants to adhere to the Story County Planning Requirements to not have church attendees parking on the shoulder of Highway R-38.

The traffic flow in the parking lot will be more organized than before, as we have now shown on the site plan how they should park the cars in the parking lot and provide sufficient space to do so, as we will have (130) 10 foot wide x 20 foot long stalls. Since they will now have enough parking stalls they will not have to double park or stack cars tight in the lot so this will be it much safer and better for normal traffic flow and emergency vehicular access. The two existing north ingress and egress will remain the and we propose to add one connecting drive to the south circle drive to provide another ingress / egress, which would also provide a loop drive arrive the church, providing better traffic flow and much better emergency vehicle access for EMS or Fire Trucks if ever needed to be able to enter the church parking area from either direction with access around the entire church structure.

Staff Comment: The intent of the proposed parking lot expansion is to improve traffic flow on the site and provide additional ingress and egress. While the use is not changing, and no additional traffic will occur, the expansion is needed to accommodate the current maximum usage levels of the property. During larger events (Christmas and Easter Mass, weddings, and funerals), the existing parking lot is not sufficiently sized to accommodate all vehicles. Some vehicles are parking in/near the road right of way during these larger events. Staff recommends a condition that no parking in the right of way is permitted.

Stacked parking is also occurring. The applicant is proposing the addition of 49 parking spaces to alleviate this issue. The applicant is proposing to pave a portion of the drive aisle into the parking lot and a 40-foot-by-46-foot portion of the center aisle in the existing parking lot for three new accessible stalls. This area will be marked and provide an example for other cars to line up with. Bollards are also proposed in front of every stall adjacent to the septic system in the expanded parking area. Staff recommends a condition that the church monitor if stacked parking continues after the parking lot expansion and explore methods of marking the parking stalls, such as curb stops.

A new, 25-foot wide driveway from the southern portion of the parking area will be constructed to connect to an existing circular drive with two accesses onto 500th Avenue. The existing parking lot also has two accesses onto 500th Avenue. The County Engineer has reviewed and supports the ingress and egress plan to connect the parking lot with the circular drive, allowing the use of the additional two accesses for church traffic. A condition is



recommended that a demolition permit be obtained for the demolition of a shed located where the new drive is proposed and a condition that a permit be obtained for any work in the right of way including paving or widening of accesses from the Story County Engineer. Additionally, a condition is recommended that the southern access of the circular drive be an entrance only and the northern portion be an exit only.

4. **Parking and Loading.** The development shall provide all off-street parking and loading areas as required by this Ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.

Applicant Comment: Parking and Loading spaces will all be off-street parking and loading areas. This is why we are proposing this project to provide enough off-street parking so church attendees do not park on the shoulder of Highway R-38. All new parking shall be screened from impacting adjacent properties. The closest new parking stall will be 250 feet from the main Highway R-38 and cars will be parked parallel to highway so no headlights will shine at highway. The church does not receive shipments of materials or goods, the parishioners deliver materials and goods in their automobiles.

Staff Comment: The Story County Land Development Regulations prescribe parking maximums to avoid excessive parking. Following the General Site Planning Standards in Table 88-5 in the Land Development Regulations, a maximum of one parking space per every four seats in a general assemble use is permitted. With the 540 seat capacity of the church (parish hall and sanctuary seats), plus the capacity of the education center and rectory (80), a maximum of 150 stalls is permitted. This has been communicated with the applicant. The proposed 130 stalls meet this requirement.

The minimum number of accessible parking spaces is also required. The applicant is proposing to pave a portion of the drive aisle into the parking lot and a 40-foot-by-46-foot portion of the center aisle in the existing parking lot for three new accessible stalls.

Staff recommends a condition that the church monitor if stacked parking continues after the parking lot expansion and explore methods of marking the parking stalls, such as curb stops.

The expanded parking area will be adjacent to the agricultural fields on the adjacent properties. A 16-foot to 13-foot setback from the adjacent properties is proposed. A five-foot minimum setback is required. There is existing landscaping on the north and east side of the property between the proposed parking area and property line that will provide separation and buffering, especially as the trees (planted in 2016) grow. The applicant plans to install additional landscaping to the south of the parking area. Ten new trees are proposed immediately south of the expanded parking area.

5. **Signs and Lighting.** Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.



Applicant Comment: No new signs will be provide at the two existing south circle driveways designating the north driveway as “Exit Only” and the south driveway as “Enter Only”. The parking lot has poles lights and building wall pack lights to light the parking areas. No new parking lighting is proposed for the new parking area. Adequate light can be obtained from the existing parking lighting.

Staff Comment: Internal signage for directing traffic is excepted for the sign requirements in the Story County Land Development Regulations. No other new lighting or signage is proposed.

6. **Environmental Protection.** The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.

Applicant Comment: The new parking area will blend visually with the existing parking areas and have provide green space run-off areas around the proposed parking areas so that there is a green buffer area between the adjacent properties and the church parking areas. This project shall not generate excessive noise, vibrations, dust, smoke, odors, glare or groundwater pollution. The church will function basically the same way it has for the last 102 years. The Site Plan Drawing SP1.1 indicates where the contractor shall install storm water silt fences and barriers during construction to maintain water and silt run-off. The church maintenance staff will mow all of the grass and lawn areas so there are no weeds on the property during this project

Staff Comment: Landscaping equivalent to 20% of the imperious surfaces added is required to be installed at lower areas adjacent to the improvements to provide maximum benefit stormwater absorption. Additionally, for parking lots of more than 10 parking spaces, one tree for every five parking spaces is required to be planted. Ten trees are proposed to be planted south of the expanded parking area and will occupy a 5,053 square-foot area. The applicant indicated that runoff will flow south from the southern section of the proposed parking lot and the trees will help with stormwater absorption. Typically, the square footage of landscaping is calculated separately from the required parking lot trees. The applicant has requested alternative compliance given that other areas are already landscaped/in lawn. The 5,043 square feet of trees exceeds the 20% landscaping requirement to offset impervious surfaces. Staff recommends approval of this request.

Other stormwater management is not required for developments that disturb under one acre of area. The submitted site plan shows compliance with the requirements for erosion control: a silt fence around the disturbed areas is shown and the applicant indicates topsoil will be reused in the new landscaping area. Staff also communicated that all disturbed areas, including topsoil stockpiles, shall be temporarily stabilized through seeding or other measures if work will not occur on an area for 14 days.

The Environmental Health Department has recommended cordoning off the septic system during construction and ensuring construction traffic will not damage the pipe between the



distribution box and tanks. Staff recommends these steps as conditions.

If the Commission concludes that all the above development criteria will be met, it must recommend approval of the application unless it concludes that, if completed as proposed, there is a strong probability the development will:

1. **not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property.**

Staff Comment: Impact of the parking expansion to adjacent properties should be minimal and will improve flow in the parking lot and likely have a positive impact on the single-family dwelling to the north that shares the access and drive with the church. It will also improve the safety of motorists on 500th Avenue and traffic flow as parking will not occur in the right of way.

The expanded parking area will be adjacent to the agricultural fields on the adjacent properties. A 16-foot to 13-foot setback from the adjacent properties is proposed and there is existing landscaping on the north and east side of the property between the proposed parking area and property line that will provide separation and buffering, especially as the trees (planted in 2016) grow.

2. **impair an adequate supply (including quality) of light and air to surrounding properties.**

Staff Comment: No new structures are being built. The gravel parking lot is an existing use being expanded.

3. **unduly increase congestion in the roads, or the hazard from fire, flood, or similar dangers.**

Staff Comment: The intent of the proposed parking lot expansion is to improve traffic flow on the site and provide additional ingress and egress. While the use is not changing, and no additional traffic will occur, the expansion is needed to accommodate the current maximum usage levels of the property. Further, a new, 25-foot wide driveway from the southern portion of the parking area will be constructed to connect to an existing circular drive with two accesses onto 500th Avenue. The County Engineer has reviewed and supports the ingress and egress plan to connect the parking lot with the circular drive, allowing the use of the additional two accesses for church traffic.

4. **diminish or impair established property values on adjoining or surrounding property.**

Staff Comment: The Story County Assessor's Office raised no concerns with the Conditional Use Permit application.

5. **not be in accord with the intent, purpose and spirit of the Land Development Regulations or County Cornerstone to Capstone (C2C) Plan.**

Staff Comment: The proposed use is in accordance with the Story County Land Development Regulations, which permit churches in the A-1 Agricultural district if the Story County Board of



Adjustment grants a Conditional Use Permit. The C2C Plan is oriented toward preserving the county's rural character and high-value agricultural land. Two-thirds of the property is in agricultural production and will not be impacted by the request. The area where the parking lot expansion is proposed is in grass. However, it was previously farmed until the 2016 conditional use permit for the church addition when the new septic system was installed in this area. The expanded parking area will be adjacent to the agricultural fields on the adjacent properties. A 16-foot to 13-foot setback from the adjacent properties is proposed. There is existing landscaping on the north and east side of the property between the proposed parking area and property line that will provide separation and buffering.

B. Burden of Persuasion.

1. **The burden of persuasion as to whether the development, if completed as proposed, will comply with the requirements of this Chapter is at all times on the applicant.**
2. **The burden of presenting evidence to the Planning and Zoning Commission sufficient enough for it to conclude that the application does not comply with the requirements of this Chapter is upon the person or persons recommending such a conclusion, unless the information presented by the applicant warrants such a conclusion.**

Comments

The following comments are part of the official record of the proposed conditional use permit modification. If necessary, conditions of approval may be formulated based on these comments.

Planning and Development staff routed the CUP request to the Interagency Review Team for comments on November 20, 2019. Applicable review comments for the board's consideration are as follows:

Margaret Jaynes, Environmental Health Department

The diagram that was submitted with the application includes the diagram of the septic laterals. I recommend temporary cordoning of the laterals during construction to keep all traffic off. Check with Brian Campbell, septic engineer, to see if the pipe between the tanks and the d-box is strong enough for heavy construction vehicles if that line will be driven over during construction. After construction, a visual barrier such as small bushes, flowerbeds, or markers should be installed around the laterals to keep all church traffic off. The changes to the building will not impact the septic laterals or well. As far as the sizing of the septic laterals, it would be a good time to check the rural water use to see if the existing system is large enough.

Please note Environmental Health reviewed and supported the proposed bollards to protect the septic system after this comment.

David Swanson, Assessor's Office

No comments.

Darren Moon, County Engineer



I am fine with the changes to the driveways since they are existing and they all seem to have plenty of sight distance. It would probably be best if we required the new south drive to be enter only so we don't have cars sitting at all of the drives trying to get out at the same time. I was not aware that they were still parking on the shoulders but that mile is maintained by Boone County so if there were any complaints, they would go to them. I thought that there was a condition on the expansion the last time to no longer allow shoulder parking.

Comments from the General Public

Public notification letters were mailed to surrounding property owners within a quarter-mile of the site on February 12, 2020, regarding the conditional use permit application. The Planning and Development Department has not received any comments as of the writing of this report.

Points to Consider for the Conditional Use Permit Request

1. The applicant is proposing the addition of 49 parking spaces, additional landscaping to the south of the parking area including ten new trees, a 25-foot wide driveway from the southern portion of the parking area to connect to an existing circular drive with two existing accesses onto 500th, and paving a portion of the drive aisle into the existing parking lot and a 40-foot-by-46-foot portion of the center aisle in the existing parking lot for three new accessible stalls.
2. The intent of the parking lot expansion is to create sufficient parking so that parking is not occurring in the right of way and stacked parking is not occurring during larger events/masses. This will improve the flow of traffic on-site and on 500th Avenue.
3. The proposal to connect the expanded parking area via a new drive to an existing circular drive and existing accesses will create two new access for church traffic, promoting traffic flow.
4. The expanded parking area will be adjacent to the agricultural fields on the adjacent properties. A 16-foot to 13-foot setback from the adjacent properties is proposed. There is existing landscaping on the north and east side of the property between the proposed parking area and property line.
5. The dwelling located to the north is approximately 50 feet from the north property line of the subject property. The dwelling on the west side of the road is approximately 86 feet from the west property line of the subject property. The parking lot expansion is occurring on the east side of the property away from the dwellings. As the dwelling to the north shares an access with the church through the parking lot, they may benefit from the improvements.
6. The church has been located on the property since 1917. Two-thirds of the property is in agricultural production and will not be impacted by the request if the alternative compliance request for the landscaping is approved.
7. All applicable General Site Planning Standards in Chapter 88 of the Story County Land Development Regulations are met.

Staff Recommendation to Board of Adjustment

The Planning and Development Staff recommends approval of the Conditional Use Permit for the parking lot expansion at Saints Peter and Paul Catholic Church. This recommendation is based on a site review, the information provided in this staff report, responses from the applicant to County staff comments and information submitted by the applicant as put forth in case CUP02-16.1 with the following Conditions:

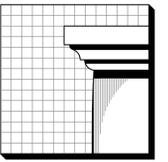


1. **The 10 trees required for the proposed parking lot, to be installed south of the proposed parking area, shall be installed and count towards the requirement that 20% of the impervious area added be landscaped.**
2. **A demolition permit from the Story County Planning and Development Department shall be obtained before the demolition of the shed.**
3. **A permit from the Story County Engineer shall be obtained for any work in the right of way including widening and paving accesses.**
4. **Cordoning of the septic laterals during construction to keep all traffic off shall occur. The applicant shall contact the septic engineer to determine if the pipe between the tanks and the distribution box is strong enough for heavy construction vehicles if that line will be driven over during construction.**
5. **No parking in the right of way of 500th Avenue is permitted prior to or after the completion of the parking lot expansion.**
6. **The southern access of the circular drive shall be an entrance only and the northern portion be an exit only. Signage indicating this shall be installed.**
7. **The church shall monitor if stacked parking continues after the parking lot expansion and explore methods of marking the parking stalls, such as curb stops, if stacked parking continues to occur.**

Alternatives for Board of Adjustment

The Story County Board of Adjustment may consider the following alternatives:

- 1) The Story County Board of Adjustment approves the Conditional Use Permit for the Saints Peter and Paul Catholic Church parking lot expansion as put forth in case CUP02-16.1 and alternative compliance request, as submitted.
- 2) **The Story County Board of Adjustment approves the Conditional Use Permit for the Saints Peter and Paul Catholic Church parking lot expansion as put forth in case CUP02-16.1 and alternative compliance request, with conditions.**
- 3) The Story County Board of Adjustment denies the Conditional Use Permit for the Saints Peter and Paul Catholic Church parking lot expansion as put forth in case CUP02-16.1 and alternative compliance request, as submitted.
- 4) The Story County Board of Adjustment remands the Conditional Use Permit for the Saints Peter and Paul Catholic Church parking lot expansion as put forth in case CUP02-16.1 and alternative compliance request, back to the applicant for further review and/or modifications, and directs staff to place this item on the March 18, 2020, Story County Board of Adjustment agenda.



ANGELO ARCHITECTURAL ASSOCIATES, LLC

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OWNER:
ARCHDIOCESE OF DUBUQUE
1229 MT. LORETTA AVENUE
P.O. BOX 479
DUBUQUE, IA 52004-0479

PROJECT:
SAINTS PETER AND PAUL
CATHOLIC CHURCH
PARKING LOT EXPANSION

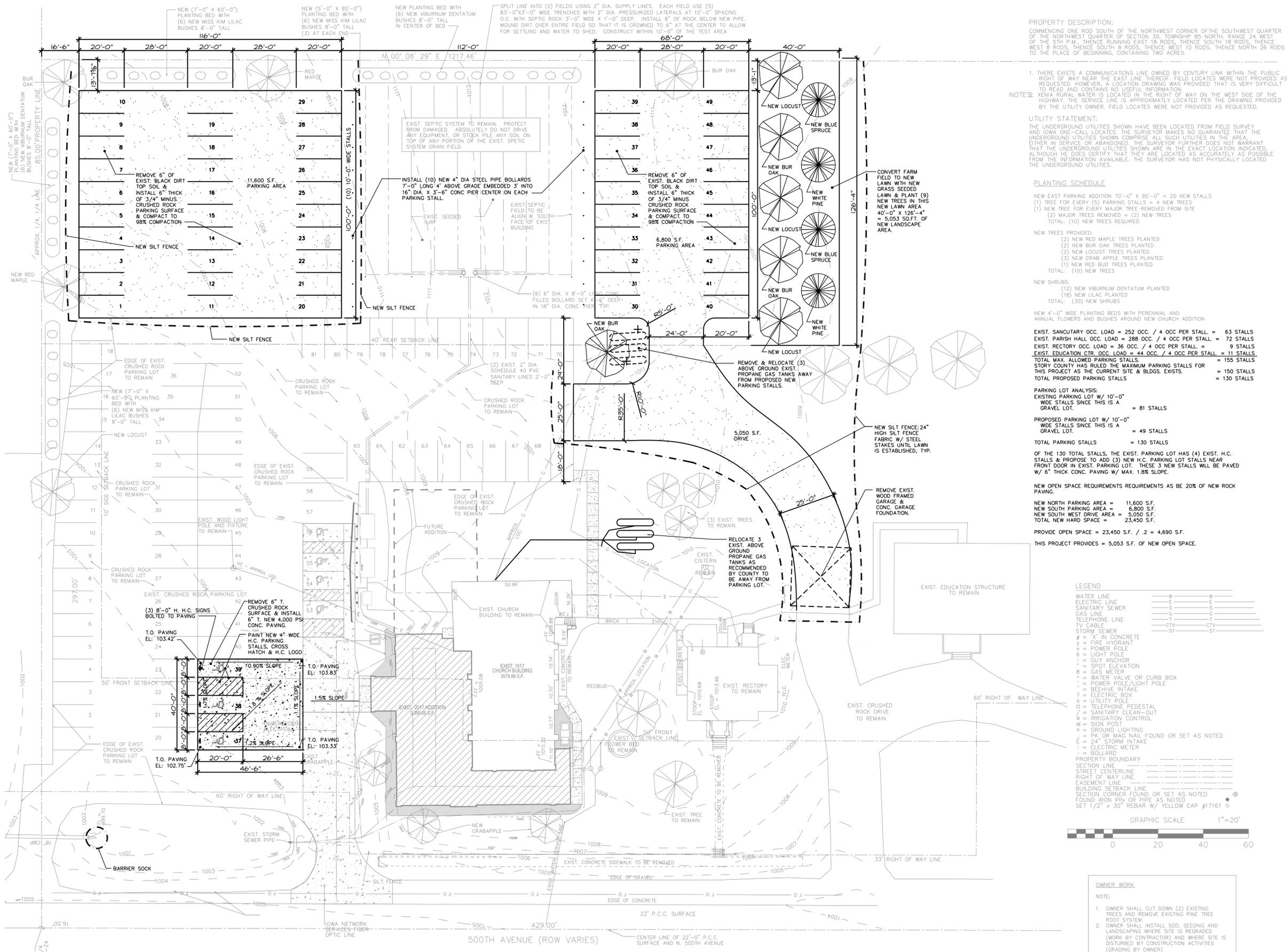
PROJECT LOCATION:
14238 N. 500TH AVENUE
AMES, IA
P.O. BOX 327
GILBERT IOWA 50105

PARKING LOT EXPANSION SITE PLAN

JOB NO. 1921
JANUARY 27, 2020

SP1.1

COUNTY REVIEW SUBMITTAL FOR P & Z REVIEW - 1-27-2020



PROPERTY DESCRIPTION:
COMMENCING ONE ROD SOUTH OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 85 NORTH, RANGE 24, WEST OF THE 5TH P.M., THENCE RUNNING EAST 18 RODS, THENCE SOUTH 18 RODS, THENCE WEST 8 RODS, THENCE SOUTH 8 RODS, THENCE WEST TO RODS, THENCE NORTH 26 RODS TO THE PLACE OF BEGINNING, CONTAINING TWO ACRES.

NOTES:
1. THERE EXISTS A COMMUNICATIONS LINE OWNED BY CENTURY LINK WITHIN THE PUBLIC RIGHT OF WAY NEAR THE EAST LINE THEREOF. FIELD LOCATES WERE NOT PROVIDED AS REQUESTED. HOWEVER, A LOCATION DRAWING WAS PROVIDED THAT IS VERY DIFFICULT TO READ AND CONTAINS NO USEFUL INFORMATION.
2. RURAL WATER IS LOCATED IN THE RIGHT OF WAY ON THE WEST SIDE OF THE HIGHWAY. THE SERVICE LINE IS APPROXIMATELY LOCATED PER THE DRAWING PROVIDED BY THE UTILITY OWNER. FIELD LOCATES WERE NOT PROVIDED AS REQUESTED.

UTILITY STATEMENT:
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY AND IOWA ONE-CALL LOCATES. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

PLANTING SCHEDULE
NEW EAST PARKING ADDITION 70'-0" X 95'-0" = 20 NEW STALLS
(1) TREE FOR EVERY (5) PARKING STALLS = 4 NEW TREES
(1) NEW TREE FOR EVERY MAJOR TREE REMOVED FROM SITE
(2) MAJOR TREES REMOVED = (2) NEW TREES
TOTAL: (10) NEW TREES REQUIRED

EXIST. SANCTUARY OCC. LOAD = 252 OCC. / 4 OCC PER STALL = 63 STALLS
EXIST. PARISH HALL OCC. LOAD = 288 OCC. / 4 OCC PER STALL = 72 STALLS
EXIST. RECTORY OCC. LOAD = 36 OCC. / 4 OCC PER STALL = 9 STALLS
EXIST. EDUCATION CTR OCC. LOAD = 44 OCC. / 4 OCC PER STALL = 11 STALLS
TOTAL MAX. ALLOWED PARKING STALLS = 155 STALLS
STORY COUNTY HAS RULED THE MAXIMUM PARKING STALLS FOR THIS PROJECT AS THE CURRENT SITE & BLDGS. EXISTS. = 150 STALLS
TOTAL PROPOSED PARKING STALLS = 130 STALLS

PROPOSED PARKING LOT W/ 10'-0" WIDE STALLS SINCE THIS IS A GRAVEL LOT. = 81 STALLS
PROPOSED PARKING LOT W/ 10'-0" WIDE STALLS SINCE THIS IS A GRAVEL LOT. = 49 STALLS
TOTAL PARKING STALLS = 130 STALLS

OF THE 130 TOTAL STALLS, THE EXIST. PARKING LOT HAS (4) EXIST. H.C. STALLS & PROPOSE TO ADD (3) NEW H.C. PARKING LOT STALLS NEAR FRONT DOOR IN EXIST. PARKING LOT. THESE 3 NEW STALLS WILL BE PAVED W/ 6" THICK CONC. PAVING W/ MAX. 1.8% SLOPE.

NEW OPEN SPACE REQUIREMENTS REQUIREMENTS AS BE 20% OF NEW ROCK PAVING.
NEW NORTH PARKING AREA = 11,600 S.F.
NEW SOUTH PARKING AREA = 6,800 S.F.
NEW SOUTH WEST DRIVE AREA = 5,050 S.F.
TOTAL NEW HARD SPACE = 23,450 S.F.
PROVIDE OPEN SPACE = 23,450 S.F. / .2 = 4,690 S.F.
THIS PROJECT PROVIDES = 5,053 S.F. OF NEW OPEN SPACE.

LEGEND
WATER LINE
ELECTRIC LINE
SANITARY SEWER
GAS LINE
TELEPHONE LINE
TV CABLE
STORM SEWER
= "X" IN CONCRETE
Y = FIRE HYDRANT
P = POWER POLE
L = LIGHT POLE
G = GUY ANCHOR
S = SPOT ELEVATION
B = GAS METER
V = WATER VALVE OR CURB BOX
I = POWER POLE / LIGHT POLE
H = BEEHIVE INTAKE
E = ELECTRIC BOX
U = UTILITY POLE
T = TELEPHONE PEDESTAL
/ = SANITARY CLEAN-OUT
B = IRRIGATION CONTROL
S = SIGN POST
A = GROUND LIGHTING
E = PIPOR MAG. NAIL FOUND OR SET AS NOTED
R = 24" STORM INTAKE
M = ELECTRIC METER
PROPERTY BOUNDARY
SECTION LINE
STREET CENTERLINE
RIGHT OF WAY LINE
EASEMENT LINE
BUILDING SETBACK LINE
SECTION CORNER FOUND OR SET AS NOTED
FOUND IRON PIN OR PIPE AS NOTED
SET 1/2" x 30" REBAR W/ YELLOW CAP #17161

OWNER WORK
NOTE:
1. OWNER SHALL CUT DOWN (2) EXISTING TREES AND REMOVE EXISTING PINE TREE ROOT SYSTEM.
2. OWNER SHALL INSTALL SOD, SEEDING AND LANDSCAPING WHERE SITE IS REGRADED (WORK BY CONTRACTOR) AND WHERE SITE IS DISTURBED BY CONSTRUCTION ACTIVITIES (GRADING BY OWNER)
3. OWNER IS RESPONSIBLE FOR WATERING ALL LANDSCAPING AND NEW LAWN

1 PARKING LOT EXPANSION SITE PLAN

SCALE: 1" = 20'-0"

\\msw\ANGELO_M\ANGELO\Projects\1921_P&Z\1921_P&Z.dwg, Sat, Jan 25 04:08:18 2020, Angelo_PP155_141026.dwg, temp1.dwg

Relocate gas tanks near church, see new site plan

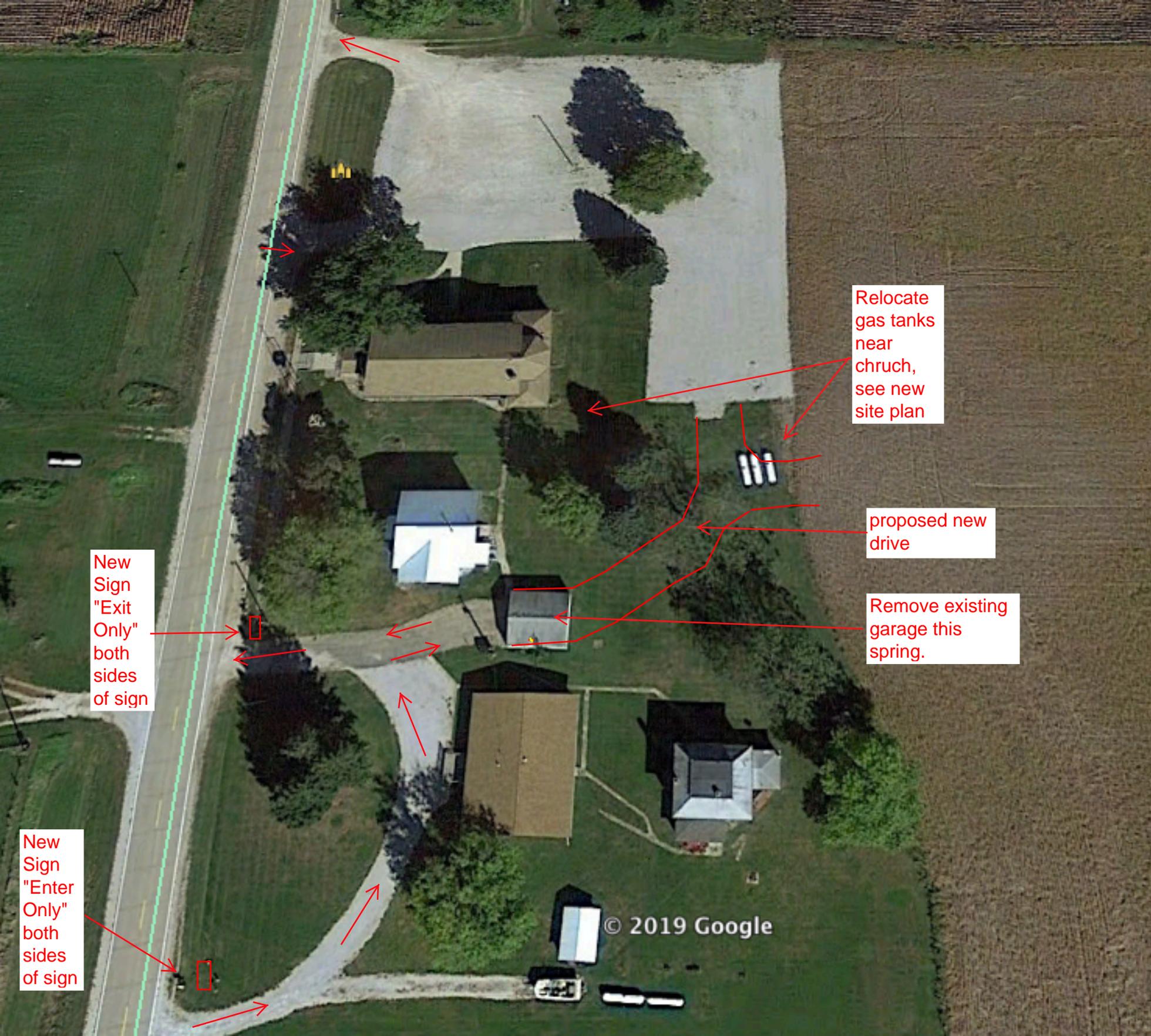
proposed new drive

Remove existing garage this spring.

New Sign "Exit Only" both sides of sign

New Sign "Enter Only" both sides of sign

© 2019 Google



Cup 02-16.1

CONDITIONAL USE PERMITS



1. Property Owner*

(Last Name) ST. PETER & PAUL CHURCH
 (First Name) _____
 (Address) 14239 SOUTH AVE
 (City) AMEL (State) IA (Zip) 50014
 (Phone) _____ (Email) _____

2. Applicant (if different than owner)

(Last Name) _____
 (First Name) _____
 (Address) _____
 (City) _____ (State) _____ (Zip) _____
 (Phone) _____ (Email) _____

3. Property Address 14239 500th Ave Amel, IA Parcel ID Number(s) _____

4. Certification and Signature

I/we certify that the information and exhibits submitted are true and correct to the best of my knowledge and that in filing this application I am acting with the knowledge, consent and authority of the owners of the property. Pursuant to said authority, I hereby permit County officials to enter upon the property for the purpose of inspection.
 *Acknowledgement of property owner is required and may occur via email or by signature of this application.

Property Owner Signature [Signature] Date 1/27/2020 Applicant Signature _____ Date _____

There are 3 types of CUP Modifications: insignificant, minor, and major. The Director of Planning and Development makes the determination of the type. Insignificant modifications are reviewed by the director. Minor modifications are reviewed by the Board of Adjustment. Major modifications are considered new conditional use applications and follow the same review process as a new conditional use permit application.

New Conditional Use Permit

Proposed Conditional Use: _____

Submittal Requirements:

- Attend conceptual review meeting (prior to submittal of CUP application, see conceptual review application and deadline on Planning and Development website)
- Filing Fee (required prior to processing): \$275
- Site development plan
- Written narrative explaining justification for proposed conditional use permit and conformance to the standards for approval in Section 90.04 of the Story County Code of Ordinances.

Conditional Use Permit Modification

Previous CUP and Number: _____

Submittal Requirements:

- Filing Fee (required prior to processing) : \$50 (If determined to be a minor modification by the Planning and Development Director, the fee amount is \$175.) \$175 - \$50 = \$125 due
- Site development plan
- Written narrative explaining modification of approved conditional use permit and response to the standards for approval in Section 90.04 of the Story County Code of Ordinances.

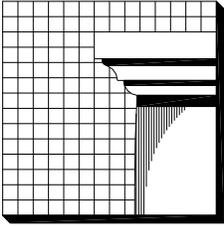
RECEIVED

FEB 07 2020

STORY CO. PLANNING & DEVELOPMENT

Receipt No. 570216
 Receipt Amount 125-

570202 \$150.00



ANGELO ARCHITECTURAL ASSOCIATES, LLC

January 15, 2020

Amelia Schoeneman, Planner
Story County Planning & Development
Administration Building
900 6th Street
Nevada, IA 50201
Phone: 515-382-7245
aschoeneman@storycountyiowa.gov

This is the 1st Response to the Story County Planning and Development Department Comments for St. Peter & Paul Catholic Church Parking Lot Expansion. Listed below is the response to the email from Amelia Schoeneman dated December 23, 2019 for the following Project:

Project Name: **Saints Peter & Paul Catholic Church Parking Lot Expansion, 14238 500th Avenue, Gilbert IA 50105**

Dear Ms. Schoeneman,

Planning and Development Department Comments:

Response #1. The reason for expanding the St. Peter & Paul Catholic Church parking lot is to provide enough parking spaces to prevent church parishioners for parking on the shoulder of R38. The County requested that the church not park on the shoulder of R-38 at any time. There are only about 5 events during the year that the existing church parking lot is not large enough to accommodate spaces for all church goers to parking in the lot. These events are usually Christmas, Easter, and an occasional wedding or funeral. Otherwise the other Sundays there are plenty of parking spaces in the existing parking lot. This parking has nothing to do with the future expansion of the church, only to keep church-goers from parking on R-38 shoulder. Angelo has not been hire for any future building planning there has not been any discussion with the Church about any future expansion at this time. If any expansion might occur it is 5 to 10 years away or more to the best of our knowledge at this time.

Response #2. Do to the County's concern of the close proximity of the (3) existing propane gas tanks to the new drive, the church board proposes to relocate the tanks on and existing lawn area west of the new proposed parking lot drive for safety purposes.

Response #3. The existing parish hall has a seating capacity of 288 Seats divided by a factor of 4 = 72 occupants. Angelo was never retained to draw or provide a code analysis for the existing Church Rectory and the existing Education Center. However, base on the owners comments on how they use these two structures for youth education this is our best understanding for the Rectory is use for approximately 36 youth instruction and the Education Center for 44 youth instruction.

Base on one stall per 4 occupants the total of 80 occupants for the Rectory and Education Center require 20 stalls. Thus a total of 72 + 20 occupants = 92 occupants for the existing Parish Hall, Rectory and Education Center. We proposed that the approved 63 stalls from the existing church sanctuary and the additional 92 stalls allowed for the other supporting spaces the maximum parking spaces allowed is 63 + 92 = 155 parking spaces.

We are requesting that a total of 49 additional parking stalls be added to the existing 81 parking stalls to for a total of 130 parking stalls.

Response #4. Please see the required proposed 10 new trees show on site plan. This is a very tightly developed site, which is good as it makes for a very efficient use of the land. The only area to plant additional trees that will survive is south of the new proposed parking area, which will filter all of the water coming off the southeast proposed parking area.

Response #5. Please refer to site plan for proposed ADA parking stalls. We propose to add three new H.C. parking stall just west of the 4 existing H.C. parking stalls since this existing paving is less than a 2% slope in all direction from the stall to the existing main entry. Only (5) H.C. parking stalls are required since this the total site will have 130 parking stalls.

Response #6. A minimum area of 5,053 sq. ft. of landscape area will be added south of the proposed parking area. This will be the same area, as the (10) new trees will be planted. We propose converting 5,053 sq. ft. of farmland to landscaped lawn area.

Response #7. See Location of 24" high steel staked silt fence fabric material around the project work areas as shown on drawings. The soil stock pile area will be the 40' x 126' long new proposed lawn area. After all of the proposed crushed rock parking lot areas are completed any extra soil will be removed from the stock pile area and then the lawn area will be graded and seeded as soon as possible.

Response #8. The Owner acknowledges that this project will use 19,400 s.f. of the allowable 1 acre (43,560 sq. ft.) and will be counted with any disturbed area that are part of future projects and storm water quality, rate and volume controls may be required.

The church board is proposing this project for mainly safety concerns to keep church attendees from parking along Highway R38. If the county approves this Parking Lot Expansion Plan, they are not sure how long this project has approval to construct, but they are requesting the county allow this project to have a 2 year approval period to get this parking lot project completed and they will need some time to raise the funds for this project. They would sure appreciate anything the county could do to extend this project so they can raise the funds and properly construct and complete this project.

This is the Design Team's best efforts to respond to the Story County, Planning and Development Depart Review Comments. Please email Mark Thiessen - Angelo Architectural Associates, LLC @ mthiessena1@mchsi.com or call me at 515-250-6950 if the Plan Reviewer's have any additional concerns or questions that need to be addressed.

Respectfully, Angelo Architectural Associates, LLC
Mark A. Thiessen A.I.A.

CC Ameila Schoeneman – Story County – jmoore@storycountyiowa.gov
CC Gary Houdeshell – Saints Peter & Paul Catholic Church – ghoudeshell@lang-cg.com