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**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: _____