

**STORY COUNTY  
PLANNING AND ZONING**  
STORY COUNTY ADMINISTRATION  
900 6<sup>TH</sup> STREET  
NEVADA, IOWA 50201-2087  
Balance”



“Commitment, Vision,

**515-382-7245**  
**515-382-7294 (FAX)**

**MINUTES**  
**STORY COUNTY**  
**PLANNING AND ZONING COMMISSION**

<b>DATE:</b> February 4, 2013	Daryle Vegge, Chair	2013
	Nancy Couser	2015
	Steven Gast	2013
	Vacant	2017
<b>CALL TO ORDER:</b> 5:30 p.m.	*David Struthers	2012
<b>PLACE:</b> Public Meeting Room	David Weigel	2015
Administration Building	*Nancy Miller	2016
	*Absent	

**ADJOURNMENT:** 8:01 p.m.

**PUBLIC PRESENT:** Julie Stewart, Bradley Wargo, Mari Lindner, Roger Larsen, Terry Goodman, Steven Soupir, Andrew Allen, Carolyn Romer, Pete Romer, Justin Moore, Jeff Benson, Alan Crabbs

**STAFF PRESENT:** Leanne Harter, Director; Ryan Newstrom, Planner; Charlie Dissell, Planner; Kristin Cook, Recording Secretary

**ROLL CALL:** Vegge, Couser, Gast, Weigel, Miller

**ABSENT:** Struthers, Miller

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**APPROVAL OF AGENDA (MCU)**

Motion: Gast

Second: Weigel

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**APPROVAL OF MINUTES (MCU) - January 7, 2013**

Motion: Gast

Second: Couser

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**PUBLIC COMMENTS: Opened 5:31 p.m. - Closed 5:31 p.m.**

None.

**OLD BUSINESS:**

None.

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**NEW BUSINESS:**

**7. I REZ01-13 SOUPIR REZONING**

**Applicant:** Steven Soupir

**Nature of Request:** Rezone parcel from A-1, Agricultural to R-1, Residential.

**Staff Member:** Charlie Dissell

**Parcel Number:** 05-31-200-215

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**STAFF PRESENTATION:**

Mr. Charlie Dissell reviewed the proposed application for requested rezoning and outlined the applicable land use designation, ownership, current zoning, land use information and provided site shots of the property. Mr. Dissell outlined the requirements applicable to rezoning requests.

Mr. Dissell stated the property is located within the Ames Urban Fringe Area and gave an overview of such referencing how the Fringe Area applies to the proposed rezoning area.

Mr. Dissell gave an overview of previous proposals regarding proposed property.

Mr. Dissell presented the Commission with four (4) alternatives:

- 1) The Story County Planning and Zoning Commission recommends approval of the Official Zoning Map Amendment, as put forth in case REZ01-13, to the Story County Board of Supervisors, and directs staff to schedule first consideration on March 5, 2013.*
  - 2) The Story County Planning and Zoning Commission recommends conditional approval of the Official Zoning Map Amendment, as put forth in case REZ01-13, to the Story County Board of Supervisors, and directs staff to schedule first consideration on March 5, 2013.*
  - 3) The Story County Planning and Zoning Commission recommends denial of the Official Zoning Map Amendment, as put forth in case REZ01-13, to the Story County Board of Supervisors, and directs staff to schedule first consideration on March 5, 2013.*
  - 4) The Story County Planning and Zoning Commission tables the Official Zoning Map Amendment, as put forth in case REZ01-13, back to the applicant and/or staff for further review and/or modifications, and directs staff to place this item on the March 4, 2013 Planning and Zoning Commission Agenda under Old Business.*
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**COMMISSION COMMENTS:**

Mr. Daryle Vegge asked for clarification regarding Low-Density. Mr. Dissell defined such in greater detail.

Ms. Couser asked for clarification regarding previous steps taken by the applicant. Mr. Dissell reviewed previous applications submitted by the applicant. Ms. Couser also asked whether the current land use of the proposed property and surrounding properties are agricultural. Mr. Dissell reviewed current land use and size of proposed parcel as well as surrounding properties.

Mr. Gast asked for a map that shows the current zoning of the proposed area. Mr. Dissell reviewed current zoning of such area.

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**APPLICANT COMMENTS:**

Mr. Steven Soupir

Mr. Soupir gave an overview of his goal regarding the proposed rezoning. Mr. Soupir reviewed current standards of approval and gave examples of how he feels the standards have been met.

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**PUBLIC COMMENT:**

**Jeff Benson, Planner City of Ames**

Mr. Benson reviewed four issues in regards to why the request should be denied. Mr. Benson reviewed the Ames Urban Fringe Plan and Land Use Framework stating the proposed area would not comply with such if it were to be rezoned.

Mr. Gast questioned why a rezoning from A-1, Agricultural to R-1, Residential would not be consistent with the Land Use Framework and Ames Urban Fringe Plan. Mr. Benson explained in further detail as to why the rezoning would not be consistent with the current plan. Mr. Gast questioned whether the plan had been followed to date. Mr. Benson concurred. Mr. Gast questioned staff as to the reason for not having a planned amendment before the rezoning request, which it typically the case. Mr. Dissell explained the reason for such.

**Terry Goodman, Ames Resident**

Mr. Goodman stated that rural land owners want more acres of land than city parcels currently offer. Mr. Goodman stated the development seems like a natural fit with the surrounding area. Mr. Goodman also stated that if the proposal must be denied due to not being annexed into the City of Ames, then the area should be annexed so the area can be developed.

Mr. Vegge questioned whether the surrounding property owners' agree with Mr. Goodman regarding his comment about annexation. Mr. Goodman stated they may, but wonder why the city has so much input into a rural area.

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**COMMISSION DISCUSSION:**

The Commission discussed the purpose of the Ames Urban Fringe Plan. The Commission also stated that the proposed area is a great location and would like to see development in said area and feel conflicted in their decision.

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**MOTION: The Story County Planning and Zoning Commission recommends denial of the Official Zoning Map Amendment, as put forth in case REZ01-13, to the Story County Board of Supervisors, and directs staff to schedule first consideration on March 5, 2013.**

Motion: Gast

Second: Vegge

Voting Aye: Couser, Vegge, Gast

Voting Nay: Weigel

Not Voting: None

Absent: Struthers, Miller

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**NEW BUSINESS:**

7. II SUB01-13 MESSENGER SUBDIVISION

**Applicant:** Dale Messenger  
**Nature of Request:** Subdivision of two parcels into two lots  
**Staff Member:** Charlie Dissell  
**Parcel Number(s):** 15-15-315-420; 15-15-310-420

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**STAFF PRESENTATION:**

Mr. Dissell reviewed the proposed application for requested minor subdivision plat and outlined the applicable land use designation, ownership, current zoning, land use information and site shots. Mr. Dissell outlined the requirements applicable to subdivision requests and the application's conformance to the regulations.

Mr. Dissell reviewed the nature of the proposed request. Mr. Dissell reviewed the zoning and subdivision history of the property.

Mr. Dissell presented the Commission with four (4) alternatives:

- 1) The Story County Planning and Zoning Commission recommends approval of the Minor Subdivision Plat, as put forth in case SUB01-13, to the Story County Board of Supervisors, and directs staff to schedule review by the Board of Supervisors on February 12, 2013.*
  - 2) The Story County Planning and Zoning Commission recommends conditional approval of the Minor Subdivision Plat, as put forth in case SUB01-13, to the Story County Board of Supervisors, and directs staff to schedule review by the Board of Supervisors on February 12, 2013.*
  - 3) The Story County Planning and Zoning Commission recommends denial of the Minor Subdivision Plat, as put forth in case SUB01-13, to the Story County Board of Supervisors, and directs staff to schedule review by the Board of Supervisors on February 12, 2013.*
  - 4) The Story County Planning and Zoning Commission tables the Minor Subdivision Plat, as put forth in case SUB01-13, back to the applicant and/or staff for further review and/or modifications, and directs staff to place this item on the March 4, 2013 Planning and Zoning Commission Agenda under Old Business.*
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**COMMISSION COMMENTS:**

Mr. Gast asked staff for clarification regarding easements. Mr. Dissell stated staff does not typically make such recommendations. Mr. Dissell went on to say he does not see an easement as a necessary requirement, but the decision is ultimately up to the Commission.

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**APPLICANT COMMENTS:**

**Mr. Mark Lengel**

Mr. Gast asked Mr. Lengel if he has a preference whether the lot is labeled lot one or lot two. Mr. Lengel stated he does not have a preference.

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**PUBLIC COMMENT:**

None

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**BOARD DISCUSSION:**

None

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**MOTION: The Story County Planning and Zoning Commission recommends conditional approval of the Minor Subdivision Plat, as put forth in case SUB01-13, to the Story County Board of Supervisors, and directs staff to schedule review by the Board of Supervisors on February 12, 2013.**

Motion: Gast  
Second: Couser  
Voting Aye: Vegge, Gast, Weigel, Couser  
Voting Nay: None  
Not Voting: None  
Absent: Struthers, Miller

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**NEW BUSINESS:**

**7. III CUP01-13 ALLEN**

**Applicant:** Andrew and Hollie Allen

**Nature of Request:** Conditional Use Permit to operate a preschool in the A-1, Agricultural zoning district.

**Staff Member:** Ryan Newstrom

**Parcel Number:** 13-13-350-315

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**STAFF PRESENTATION:**

Mr. Newstrom presented the vicinity map, proposed development as submitted, standards of approval, provided site shots, and covered the dates of legal notification and publication requirements. Mr. Newstrom gave an overview of the planned entrance and exit of the proposed childcare center location.

Mr. Newstrom outlined the Conceptual and Interagency Reviews completed by the Interagency Review Team and reviewed submitted comments.

Mr. Newstrom read into the record a comment submitted by a citizen against the approval of the proposed Conditional Use Permit.

Mr. Newstrom presented site shots of the property and reviewed the applicable standards for approval for the Commission to consider in reviewing the proposed conditional use permit.

Mr. Newstrom presented the Commission with four (4) alternatives:

- 1) *The Story County Planning and Zoning Commission recommend conditional approval of the Conditional Use Permit, as put forth in case CUP01-13, to the Story County Board of Adjustment, and directs staff to place the case on the March 6, 2013 Board of Adjustment agenda.*
- 2) *The Story County Planning and Zoning Commission recommend approval of the Conditional Use Permit, as put forth in case CUP01-13, to the Story County Board of Adjustment, and directs staff to place the case on the March 6, 2013 Board of Adjustment agenda.*
- 3) *The Story County Planning and Zoning Commission recommend denial of the Conditional Use Permit, as put forth in case CUP01-13, to the Story County Board of Adjustment, and directs staff to schedule first consideration on March 6, 2013.*
- 4) *The Story County Planning and Zoning Commission tables the Conditional Use Permit, as*

*put forth in case CUP01-13, back to the applicant and/or staff for further review and/or modifications, and directs staff to place this item on the March 4, 2013 Planning and Zoning Commission Agenda under Old Business.*

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**COMMISSION COMMENTS:**

Mr. Weigel asked for clarification regarding the Conditional Use Permit annual review process. Mr. Newstrom explained the current process of such reviews.

Mr. Vegge stated he would like to see one of the conditions removed regarding parking along the roadway.

Mr. Gast questioned the location of the City of Huxley city limits in regards to the proposed location. Mr. Newstrom stated there is currently no parking allowed along the roadway in proposed area.

Mr. Gast asked for staff recommendations regarding fencing on the property to mitigate possible child danger. Mr. Newstrom stated staff did not have enough information submitted regarding such. Mr. Newstrom also stated that the applicant could answer any questions regarding fencing and parking.

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**APPLICANT COMMENTS:**

**Mr. Andrew Allen**

Mr. Allen provided staff and Commission with an amended driveway and parking plan. Mr. Allen went on to explain the proposal. Mr. Allen explained a two phase student drop-off and pick-up proposal.

Mr. Allen gave an overview of plans for a fence on the property. Mr. Allen stated he is very willing to work with surrounding property owners.

Mr. Allen stated the plans include an ADA compliant restroom, which will be in compliance with the State Fire Marshall.

Mr. Allen reviewed his reasons for not wanting to be annexed into the City of Huxley. Mr. Allen gave an overview of an annexation agreement he currently has with the City of Huxley.

Mr. Gast questioned the location of the planned fence. Mr. Allen stated he plans to place a fence on the property line unless the Commission has a concern and would like to have it placed differently.

Ms. Couser asked for clarification regarding planned vegetation. Mr. Allen gave an overview of his vegetation plans on the property.

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**PUBLIC COMMENT:**

**Mr. Roger Larsen**

Mr. Larsen questioned whether the City of Huxley has a 28E agreement with the County in the proposed area. Mr. Newstrom stated the city would only be involved if there is a proposed subdivision. Mr. Larsen gave reasons he felt the property should be kept agricultural land.

Mr. Larsen questioned the timeline of zoning permit and conditional use permit approvals. Mr. Newstrom stated the business was proposed at the time of zoning permit application. At such time, staff directed Mr. Allen to apply for a Conditional Use Permit to be allowed to have such a business on site.

Mr. Larsen asked for clarification regarding the State Fire Marshall requirements. Mr. Allen gave an overview of requirements and stated he will be in compliance.

Mr. Larsen reviewed current covenants and stated how he feels the proposed use would not comply. Mr. Larsen also stated he has concerns regarding property valuation and parking.

**Mr. Bradley Wargo**

Mr. Wargo stated he chose his current residential location due to its rural location and feels a commercial business should not be in the area. Mr. Wargo also has concerns regarding property value decreasing.

**Mr. Justin Moore**

Mr. Moore stated that at this time the City of Huxley does not have plans to alter the no-parking along the roadway.

**Ms. Carolyn Romer**

Ms. Romer gave an overview of surrounding property owners. Ms. Romer questioned the hours of the proposed operation. Mr. Allen stated the proposed hours of operation. Ms. Romer stated her concerns regarding traffic coming and going from the proposed business.

Mr. Wargo stated a concern of a large pond located directly across the street that is not enclosed and a possible child hazard. Mr. Wargo also questioned possible future growth of the proposed business.

**Mr. Pete Romer**

Mr. Romer stated there is currently heavy traffic in the area due to sporting events and has a concern regarding possible child danger due to the heavy traffic also stating he feels parking could be a problem. Mr. Romer stated the home being built is beautiful, but should be kept residential in use and not contain a business.

Mr. Gast questioned Mr. Moore regarding the proposed driveway whether the drive would intersect with another roadway. Mr. Moore stated the current review of the proposed drive did not indicate an intersection with adjacent roadways, but it is nearby.

Mr. Gast questioned the proposed use of the nearby pond. Mr. Moore stated the pond is a retention pond. Mr. Gast asked if the covenants of surrounding properties would apply to the proposed parcel. Mr. Moore stated all covenants are a civil agreement stating the City and the County do not get involved in enforcing covenants.

Mr. Larsen stated that property owners must agree to all covenants when building in the area and feels the proposed business is not in accordance with the existing covenants. Mr. Larsen gave his expertise regarding the driveway as he works for the DOT.

Mr. Allen stated he sees this proposal as a home based business and appreciated his neighbors coming forward with concerns.

Mr. Larsen stated he feels a home based business is still a business.

Ms. Romer stated that Mr. Allen could keep his business at its current location.

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**BOARD DISCUSSION:**

None

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**MOTION: The Story County Planning and Zoning Commission recommend conditional approval of the Conditional Use Permit, as put forth in case CUP01-13, to the Story County Board of Adjustment, and directs staff to place the case on the March 6, 2013 Board of Adjustment agenda.**

**CONDITIONS:**

1. **No Conditional Use Permit shall be issued prior to receiving a certificate of occupancy from the State Fire Marshal.**
2. **No parking or stopping on Timberlane Drive pending resolution with the County Engineer on the parking and traffic issue.**
3. **The Board of Adjustment shall review the permit after one (1) year from approval to monitor any issues with traffic during load-in and load-out and adjust or revoke the permit accordingly. They will also determine at that time if any further review shall be necessary in the future.**

Motion: Vegge

Second: Weigel

Voting Aye: Gast, Weigel, Couser, Vegge

Voting Nay: None

Not Voting: None

Absent: Struthers, Miller

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**OTHER BUSINESS:**

**Long Range Planning**

Ms. Leanne Harter gave an overview of the Planning and Development 2013 Work Program.

Ms. Harter also gave an overview of the proposed FY14 budget.

**Follow-up on items recommended to the Board of Supervisors and Board of Adjustment**

None

**COMMISSION COMMENTS:**

Mr. Gast stated the rezoning case presented tonight was a difficult decision and questioned whether the county assessment is the same as the City of Ames assessment and feels the Ames Urban Fringe Plan is working. Ms. Harter gave staff opinion regarding such.

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**STAFF COMMENTS:**

None

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**ADJOURNMENT: 8:01 p.m.**

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**Approval of Minutes**

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**Title and Date**