

STORY COUNTY  
PLANNING AND DEVELOPMENT  
STORY COUNTY ADMINISTRATION  
900 6<sup>TH</sup> STREET  
NEVADA, IOWA 50201-2087



"Commitment, Vision, Balance"

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

**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](http://WWW.STORYCOUNTYIOWA.GOV)**

<b>DATE:</b> March 16, 2016	*Steve McGill, Chair	2017
	Joanna Anderson	2016
<b>CALL TO ORDER:</b> 4:01 PM	Lynn Scarlett, Vice-Chair	2018
<b>PLACE:</b> Public Meeting Room	Karen Youngberg	2019
Administration Building	Randy Brekke	2020
	*Absent	

**PUBLIC PRESENT:** Jamie Brewer, Wilma Jean Longnecker, Nicole Nechanicky, Mike Longnecker, Steve Black, Caleb Akin.

**STAFF PRESENT:** Jerry Moore, Planning and Development Director; Stephanie Jones, Recording Secretary; Deb Schildroth, Director of External Operations

**ROLL CALL:** Anderson, Scarlett, Youngberg, Brekke

**ABSENT:** McGill

---

**APPROVAL OF AGENDA (Motion Carried Unanimously-MCU)**

**Motion:** Motion to approve Agenda.

**Motion:** Youngberg

**Second:** Brekke

---

**APPROVAL OF MINUTES (MCU)**

**Motion:** Motion to approve February 17, 2016 Minutes with adjournment time correction.

**Motion:** Youngberg

**Second:** Anderson

---

**PUBLIC COMMENTS:**

Opened at 4:02 Closed at 4:02

None

---

**HEARING ITEMS:**

**CUP3-08.1 MAJOR MODIFICATION, CENTER GROVE ORCHARD**

**Staff Member:** Jerry Moore

Jerry Moore presented the Planning and Development Department staff report for the Conditional Use Permit Application Major Modification, Center Grove Orchard. Mr. Moore provided background information about the current CUP for the Farm, Retail or Novelty use and he also went through the Standards For Approval. Board members asked various questions of staff.

**APPLICANT COMMENTS:**

Steve Black presented his case on the requested CUP Major Modification. The Board asked various questions of Mr. Black.

**PUBLIC COMMENTS:**

Scarlett opened the public hearing at 4:49.

Wilma Jean Longnecker voiced her concerns regarding the new railroad increasing attendance at the orchard. She also had concerns with the high traffic volume of vehicles on HWY 210 due to the orchard and questions about what would happen if there was a fire in the area and emergency vehicles weren't able to get through the vehicle traffic on HWY 210 to respond to the emergency. The Board asked Mr. Black and Mr. Moore to respond to this concern. Mr. Black stated that he meets every other year with the Cambridge Fire Department. Mr. Moore stated that emergency vehicles often have their lights and sirens on when responding to emergencies and most motorists know they need to pull over to the side of the road, however the concern regarding traffic congestion would likely be addressed with the requested traffic study. Mrs. Longnecker also asked if there is a limit to the size that this facility could grow. Mr. Moore explained that there were no specific growth limitations identified in the definition of Farm, Retail or Novelty, however, it was something that would likely be addressed in the future as the Planning staff study and consider options for revisions to the development regulations for Farm, Retail or Novelty uses.

Scarlett closed the public hearing at 4:57.

Board members asked further questions of Planning Staff and Mr. Black before beginning deliberations.

**MOTION: The Story County Board of Adjustment acknowledges the recommendation of the Planning and Zoning Commission and approves the Conditional Use Permit with the following nine conditions as put forth in case CUP3-08.1. (Editor's Note: The Board of Adjustment also requested Planning staff to provide a copy of the traffic study results to the Cambridge Fire Department for them to determine if the concern raised at the meeting about Center Grove Orchard customer's vehicles stacking up on HWY 210 potentially obstructing or blocking their emergency vehicles from responding to an emergency fire call was adequately addressed in the traffic study and/or if it was also a shared concern for their department.)**

1. Annually, during peak operating periods, the applicant shall have at minimum two dust control applications applied on 610<sup>th</sup> Avenue starting from the intersection of HWY 210 and 610<sup>th</sup> Avenue north to the furthest north overflow access, north of the cemetery. Additional dust control applications may be requested to the Story County Engineering Department.
2. The applicant shall have an Iowa licensed engineer review the train track layout area and provide a written statement that storm water and water quality have been addressed using best management practices of the Iowa Storm Water Management Manual and the Iowa Statewide Urban Design and Specifications guidelines for erosion and sediment control both identified in the Story County Land Development Regulations. If these items were not adequately addressed, the engineer shall specify the measures needed to comply with these items and the applicant shall complete the measures within one year.
3. In accordance with the agreement between the applicant and the cemetery president, the applicant's staff shall walk the cemetery each Monday during the operating season to pick up any garbage located within the cemetery. In addition to the operating site, the applicant shall also check the adjacent road right-of-ways adjacent to their property and pick up any garbage each week.
4. The use of speakers outdoors is not permitted except for matters of public safety. The applicant may however submit a sound study or report from a professional sound company or related source addressing measures to adequately use outdoor speakers for the Story County Planning and Zoning Commission and Board of Adjustment to consider.
5. The applicant shall hire an Iowa licensed engineer to conduct a traffic study on HWY 210 and 610<sup>th</sup> St adjacent to the Center Grove Orchard property during peak and other operating times of the season for comparison and provide recommendations on any needed access, traffic, or

road related improvements where appropriate. The engineer shall contact Planning staff prior to commencing with the traffic study to ascertain the basis and necessary details of the study.

6. This Conditional Use Permit (including the CUP granted in 2008) shall be valid for one (1) year. The Story County Planning and Zoning Commission and Board of Adjustment shall reconsider the Conditional Use Permit after reviewing and considering the results and findings of the traffic study at their regularly scheduled meetings two months prior to the end of the term of the Conditional Use Permit to determine whether the Conditional Use Permit shall be extended, conditions added, removed or revoked altogether. Any suggested improvements from the traffic study that are required by the Story County Planning and Zoning Commission and Board of Adjustment shall be completed at the applicant's expense and within the time limit determined by the Story County Planning and Zoning Commission and Board of Adjustment.

7. The applicant shall contact the Planning and Development Department to learn if any future proposed buildings, activities or uses of the property meet the Farm, Retail or Novelty use and about any required permitting process.

8. Within 90 days the applicant shall submit a safety plan to the Planning and Development Department staff that addresses at minimum measures for protecting customers from hazardous weather conditions and other situations. The safety plan will also be reviewed and considered by the Planning and Zoning Commission and Board of Adjustment at the same meetings the traffic study is reviewed and considered.

9. Within one year, the applicant shall submit a copy of the Iowa Department of Natural Resources certification and related information for the Planning and Zoning Commission and Board of Adjustment to review and consider for the proposed new wastewater treatment system.

**Motion:** Youngberg

**Second:** Anderson

**Voting Aye:** Scarlett, Brekke, Youngberg, Anderson

**Voting Nay:** None

**Not Voting:** None

**Absent:** Steve McGill

**Vote:** (4-0)

---

**BOARD/STAFF COMMENTS:**

Mr. Moore updated the Board of Adjustment on the progress of the C2C Plan and informed them the plan was for the Board of Supervisors to hold a hearing in June to consider adopting the document. Scarlett asked if there would be a Board of Adjustment meeting in April. Planning Staff advised that it was not known at that time due to the submittal deadline if there would be an April meeting.

---

**MOTION: Motion to adjourn.**

**Motion:** Youngberg

**Second:** Brekke

**Voting Aye:** Brekke, Youngberg, Anderson, Scarlett

**Voting Nay:** None

**Not Voting:** None

**Absent:** Steve McGill

---

**ADJOURNMENT:** 5:08

*Jim A. Scarlett*

Approval of Minutes

*Co-chair 4/06/16*

Title and Date