



STORY COUNTY

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

"Commitment, Vision, Balance"

515-382-7245

MINUTES
STORY COUNTY
PLANNING AND ZONING COMMISSION

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

DATE: August 2, 2017	Aaron Steele, Chair	2018
	Jerry Cable, Vice Chair	2019
	Linda Murken	2020
	* Marvin Smith (Absent)	2018
	Ruth Hulstrom	2017
	P.J. McBride	2021
	Jonathan Sherwood	2020

CALL TO ORDER: 4:01p.m.
PLACE: Public Meeting Room
Administration Building

ADJOURNMENT: 5:46 p.m.

STAFF PRESENT: Jerry Moore, Director; Amelia Schoeneman, Planner; Emily Zandt, Planner; Stephanie Jones, Recording Secretary; Haley Weber, Planning and Development Intern

PUBLIC PRESENT: Dale Messenger, Mari Linder, Jonathan Schroeder, Ryan Haaland, Loren & Nancy Donaldson, Joseph Donaldson

APPROVAL OF AGENDA (MCU)

APPROVAL OF MINUTES (MCU)

July 5, 2017

PUBLIC COMMENTS:

None

PUBLIC HEARING ITEMS:**SUB08-17 ROLLING HILLS PLAT 4 PRELIMINARY MAJOR SUBDIVISION PLAT**

Emily Zandt presented the staff report and gave an overview of the proposed request. Ms. Zandt stated that the Major Subdivision proposed Lot 1 for construction of a new single-family dwelling and proposed Lot 2, to contain the existing single-family dwelling and accessory structure. Alternative Compliance is requested from General Site Planning Standard 88.04: maximum width of shared access easement requirement. Planning staff recommend approval of the proposed Preliminary Major Subdivision Plat with the Alternative Compliance requested.

McBride made a request for some training on the difference between a major and minor subdivision.

Murken asked about the private drive and if additional development would possibly allow for the drive to be extended. Ms. Zandt stated that would be possible and explained about the right-of-way. Steele asked if the intention of creating the lot was to sell the lot later and if a septic easement would be required. Ms. Zandt stated that a septic easement would be a requirement and agreed to the intention of selling the lot. Steele asked if Rolling Hills Drive is public right-of-way and maintained privately and Ms. Zandt stated yes.

Steele asked the applicant to share more information about the situation to create an extra lot. The applicant stated more space is needed and to be closer to family. Steele asked if there is an idea of the square footage of the house and the applicant stated there are no plans at this time for the house, but it will likely be 2-3 bedrooms. Steele commented that he is interested in exploring considerations of an amendment to the County Zoning Regulations that would permit the reuse of accessory buildings into dwellings.

Dale Messenger spoke and asked about the shared properties regarding the pond tax. Steele stated that there is no direction or guidance on this issue according to the Story County Regulations so that would be a civil matter to be addressed by the association.

Mari Linder stated that she is concerned about the ravine located on the north side of the property line. Ms. Linder stated that she feels this area is not being maintained to allow the wildlife in the area. Ms. Linder also had concerns about septic laterals possibly draining into the ravine. Sherwood asked what the setbacks would be. Ms. Zandt stated that the minimum setbacks are rear 35', front 40', and 10' side. Discussion occurred about where the septic would be placed and Ms. Zandt explained that Environmental Health would have to do an onsite evaluation to determine the location. McBride asked when the site evaluation would be done and Ms. Zandt stated at the time of applying for the zoning permit. Ms. Linder stated that she is still concerned about the wildlife. Ms. Zandt stated that the intent is to continue to keep the area natural for wildlife.

McBride asked if there is a way to determine the costs. Steele stated that most of the costs would be to the property owner. Mr. Linder spoke again and asked if there are building codes that limit the number of stories a home could be. Ms. Zandt stated that the height limit is 40 feet. Sherwood asked if it is possible to require a buffer shielding the north line. Jerry Moore stated there is an existing buffer. Ms. Zandt stated the intention is to leave all of the extending buffer. The applicant stated that the majority of the northern buffer is on the property of the adjacent properties.

MOTION: The Story County Planning and Zoning Commission recommended approval of the Major Preliminary Subdivision Plat – Rolling Hills Subdivision Plat 4 with the alternative compliance request to the Story County Board of Supervisors, as submitted by the applicant and as put forth in case SUB 08-17

Motion: Sherwood

Second: Cable

Voting Aye: Sherwood, Cable, McBride, Hulstrom, Murken, Steele

Voting Nay: None

Not Voting: None

Absent: Smith

Vote: (6-0)

REZ05-17 DONALDSON REZONING REQUEST

Amelia Schoeneman presented the staff report and stated that this is a Story County Zoning Map Amendment Request from the A-1 Agricultural District to the A-R Agricultural Residential District for a 4.75 net-acre parcel located at 27587 670th Avenue in Section 35 of Nevada Township. If the rezoning is granted, the applicants propose to construct a single-family dwelling on the approximately three-acre southwestern portion of the property and to place the remaining two-and-a-half acres into a perpetual conservation easement. The current A-1 District requires a minimum parcel size of 35 net-acres to construct a single-family dwelling (with exceptions). The current A-1 District designation is not compatible with the parcel as the district is tailored to high value agricultural parcels in production. The A-R District is a compatible zoning district, as it would allow for a more productive use of the parcel given its low agricultural value and high conservation value. The minimum parcel size for a dwelling in the A-R District is one acre, and thus the proposed dwelling would be permitted if the proposed rezoning were granted. The A-R District is also compatible with the parcel's Future Land Use Designation on the Story County Cornerstone to Capstone (C2C) Comprehensive Plan. Ms. Schoeneman stated that Staff recommends approval of the request with conditions.

Hulstrom asked why the request for a variance from a previous owner was not granted. Ms. Schoeneman stated that in minutes from 1990 the BOA denied the appeal siting it does not meet the spirit of the zoning ordinance in that the tract was originally created in non-conformance to the ordinance and in implying LESA the tract is still not in compliance with the ordinance for the purpose of constructing a single-family dwelling.

Steele asked about the accessory structures on the property and asked what the Assessor's Office considers the structures. Mr. Moore stated that according to previous arial photos there is no evidence of agricultural use. Steele asked how much evidence is needed to determine whether it was ever a farmstead. Murken asked about separation a farmstead from a farm. Steele asked about the LESA score and Schoeneman stated it was 251, which it meets, but that it does not meet the SA score. Murken asked how many acres the property is total and Schoeneman stated its 5.53 gross acres. Murken asked how this house was allowed to be built in the first place, and Ms. Schoeneman stated it's actually a garage and there was a permit issued for an accessory building being used as a camping shelter for occasional use. Sherwood asked if this would be considered spot zoning. Ms. Schoeneman stated that the conservation makes this a unique situation and there are eight other parcels within the county like this one.

Ryan Haaland with Davis Brown Law Firm spoke on behalf of the applicant and stated that there has been research done trying to figure out if there was ever a dwelling on the property and there was nothing found. The garage was permitted in 1981 prior to the applicant purchasing the property. Mr. Haaland stated the garage is currently being used as a camping shelter, but the applicant does spend time there for conservation purposes. Mr. Haaland stated there is no intention of making this a dwelling and that it would continue to be used as a garage or workshop if the rezoning is approved. Mr. Haaland spoke about the agricultural value in that it is not usable for row crops. Murken asked if this property was attached to other land and Ms. Schoeneman stated it was split in 1975. Mr. Moore stated in 1958 was when zoning was established.

Much discussion took place amongst the commission. Steele asked about what would happen if another applicant in the area applies for rezoning to AR. Mr. Haaland stated that he believes that the size of the parcel and rezoning is for a single-family dwelling and not a subdivision. Mr. Haaland stated that with the applicant putting half of their property into a conservation easement essentially means that the applicant is gifting land. Mr. Haaland stated that the previous owners applied for a variance and not a rezoning. Steele asked if rezoning would affect the scores amongst the surrounding parcels. Ms. Schoeneman stated that it would affect the LESA scores on adjacent parcels by 12 points. Sherwood stated that he would like to learn more about the LESA system as a possible workshop idea in the future. Hulstrom stated that she has reservations, but understands this parcel is not useful as it is. Sherwood stated that people should be more aware of what is allowed by the zoning before purchasing land. Mr. Haaland stated that most people do not know anything about zoning prior to purchasing a parcel.

MOTION: The Story County Planning and Zoning Commission recommended approval of the proposed Story County Zoning Map Amendment from the A-1 Agricultural District to the A-R Agricultural Residential District as put forth in case REZ05-17 to the Story County Board of Supervisors with the following condition:

1. The conservation easement's approval and recordation be completed prior to the rezoning taking effect.

Motion: Sherwood

Second: McBride

Voting Aye: Sherwood, McBride, Cable, Steele, Murken, Hulstrom

Voting Nay: None

Not Voting: None

Absent: Smith

Vote: (6-0)

COMMENTS

STAFF: Jerry Moore stated that this is Haley Weber's last meeting with our department. Ms. Weber has been very active and a great help within the department. Ms. Weber stated that she has learned a lot this summer and has done more than she anticipated. Mr. Moore gave updates on YSS, storm water drainage ordinance, Fernald, and Construction and Demolition.

COMMISSION: None

ADJOURNMENT: 5:46p.m.

Gary Bell
Approval of Minutes

Lo Chair 9-6-17
Title and Date