



**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: February 21, 2018	Steve McGill	2017
	Lynn Scarlett	2018
CALL TO ORDER: 4:00 PM	Karen Youngberg	2019
PLACE: Public Meeting Room	*Randy Brekke	2019
Administration Building	Steve Bruns	2021
	*Absent	

PUBLIC PRESENT: Joe Pille, Brett Whiteley, Clint Allen, Doug McCay, Brett Whitely, Gina Perkins, Anna Acton, Russ Acton, Brad Perkins

STAFF PRESENT: Jerry Moore, Director; Emily Zandt, Planner, Amelia Schoeneman, Planner and Stephanie Jones, Recording Secretary

ROLL CALL: McGill, Scarlett, Youngberg, Bruns

ABSENT: Brekke

APPROVAL OF AGENDA (MCU)

APPROVAL OF JANUARY 17, 2018 MINUTES Motion Carried Unanimously (MCU)

PUBLIC COMMENTS: None

HEARINGS:

CUP04-86.2 OMG MIDWEST AND HALLETT MATERIALS

Amelia Schoeneman presented the background information for this proposed conditional use permit minor modification to permit the expansion of the stockpile area at the Hallett Materials' Ames South Pit to a seven-acre area (710-feet in length by 430-feet in width) located to the south of the existing stockpiles, within the previously approved conditional use permit boundary for mineral extraction. The mineral extraction use was most recently permitted through

Conditional Use Permit 04-86.1 in 1999. The expansion will allow for a greater diversity of products to be stored on-site and supplied. Berming and landscaping around the expanded stockpile area are proposed, as is a storm water ditch to control storm water runoff. No other aspects of the mineral extraction operation are proposed to change, including the location of the washing plant and crushing plant.

Youngberg asked what type of dust control would be used and if the dust would affect traffic on I-35 if not controlled. Schoeneman stated calcium chloride or water could be used.

Joe Pille spoke and stated that dust problems are not likely because their dredging operation is a wet operation, unless they are crushing rock. Mr. Pille stated that on hot and dry days there could be issues at the entrance and outside roads, which would be treated with water.

Brett Whitely gave a presentation on the history of Hallett Material's. Youngberg asked about the depth of the south pit and Mr. Whitely stated it would be approximately 85' deep.

MOTION: The Story County Board of Adjustment approves the Conditional Use Permit as put forth in case CUP04-86.2 with the following conditions:

- 1. A floodplain development permit shall be approved.**
- 2. Appropriate on-site dust control measures shall be provided as needed to meet compatibility and environmental protection standards.**

Motion: Bruns

Second: Youngberg

Voting Aye: McGill, Scarlett, Bruns, Youngberg

Voting Nay: None

Not Voting: None

Absent: Brekke

Vote: (4-0)

CUP09-17 RASPBERRY HILL RESORT BED AND BREAKFAST AND EVENT VENUE

Emily Zandt presented the staff report and stated that this conditional use permit request is for an eight-room bed and breakfast to accommodate approximately 20 guests available for nightly, weekly, and monthly rental throughout the year and includes a proposed new 2,376 square foot addition to the existing dwelling. The request also includes a proposed new 4,400 square foot event venue for approximately 300 guests to be used for recreational and event uses (i.e. weddings, receptions, corporate retreats, and parties). Zandt shared comments received from the City of Ames and stated that originally the city staff were not going to comment, however our understanding is City Planning and Housing staff decided to respond to the project in part due to the increase in size and use of the bed & breakfast and events venue from what the applicant submitted for the Conceptual Review and the actual Conditional Use Permit application. Youngberg asked why the City of Ames is able to comment and Zandt stated it is due to the city being part of the Ames Urban Fringe Plan. Zandt stated that the Planning and Zoning Commission recommended approval of the conditional use permit with conditions at their February 7, 2018 meeting.

McGill asked if this is the same property that a CUP was approved for YSS. Moore stated that it is the same property and there has been discussion with the County Attorney who advised that our department could not deny the applicant the right to submit this Conditional Use Permit

application and that it would be up to the property owner to decide which party they sell the property to. Bruns asked about square footage requirements and permitted number of people that would occupy the events venue. Zandt stated that the county does not have an adopted building code so could not enforce square footage. Bruns asked for clarification about ADA parking spots and there is a total of 4 ADA compliant parking spots. Youngberg asked the distance of the property from South Dakota and Zandt stated it is 3/4 of a mile away. Youngberg asked if the traffic is mostly car traffic. Zandt stated that there is car traffic, as well as agricultural traffic south and west of the property.

Brad Perkins spoke and stated that he is seeking to buy this property for the bed and breakfast and event venue. Mr. Perkins spoke about the occupancy. Bruns asked about the square footage, which is approximately 12 square feet per person. Mr. Perkins stated that his intent is not to pack the venue with 300 people and explained that typically if a person invites 300 people to an event not all of them show up. Mr. Perkins stated that he is interested in hiring driving services to take guests back and forth from their motels and that the driveway will accommodate a vehicle as large as 45' long to turn into the property. Mr. Perkins spoke about the parking lot, which will be constructed with geotextiles. Mr. Perkins stated that turning any existing rooms into ADA compliant rooms would be difficult, however the addition will have 4 accessible rooms and with regards to the handicapped accessible parking, there will also be a drop off location right outside the building. McGill asked what a target number for an event would be. Mr. Perkins stated that if 300 people were invited 200 would likely attend. Mr. Perkins stated that he was searching for property zoned A-1 and close to town allowing him to reasonably operate this type of proposed business. Youngberg asked about the cities comments and annexation. Zandt stated that the City would likely require the applicant to sign an agreement that the property would be annexed in the future when the city decides to annex that area. Mr. Perkins addressed the comments made by the City of Ames. Mr. Perkins stated that he wants to be able to use the land as currently zoned today with the conditional permit being proposed. Youngberg asked if the Board of Adjustment is obligated to agree with what the City of Ames is requesting. Perkins stated that the city is allowed to make comments. Jerry Moore stated that ultimately the decision would be up to the Board of Adjustment.

Attorney, Greg Ervanian, spoke on behalf of James and Teresa Palensky and stated that he feels if this CUP is granted it will create complexities since the YSS CUP was previously issued. Mr. Ervanian stated that the YSS hearing is set for May, 2018. Mr. Ervanian is uncertain that an event center is permitted in the A-1 District. Mr. Ervanian stated that the Palensky's have no objections to the bed and breakfast, but are concerned about the event center due to the large number of people significantly increasing traffic on a gravel road creating a dangerous situation. Mr. Ervanian suggested that if an event center is granted, the number of occupants should be around 100 people allowed per event for 2-3 years so that traffic and safety concerns could be evaluated. Mr. Ervanian spoke about concerns on record from the Kelley Fire Department being able to protect the area and feels that fire protection plans should be in place and added as a condition. Mr. Ervanian stated that he feels if the CUP is granted that the City of Ames comments should be added as conditions. Mr. Ervanian questioned the lateral fields for the septic system, which would propose a potential for environmental contamination.

Doug McCay spoke and stated that his wife owns the property. Mr. McCay stated that there has already been discussion about the septic and how it would work properly. Mr. McCay spoke about fire protection and farm equipment in the area. Mr. McCay stated that he spoke with the County Attorney about the YSS litigation and that he has the choice of who to sell the property. Mr. McCay stated that at the moment it appears that YSS has backed out because they were not willing to sign a contract to purchase the property.

Youngberg asked about the fire concerns and why materials not requiring a sprinkler system would be used. Mr. Perkins stated that there is a 2" water line there now and that Kelley has an agreement with Ames. Mr. McCay stated that they are also able to pump water out of the pond. Zandt stated that based information from City staff, the City's fire fighting equipment requires connection to fire hydrants and there are no fire hydrants near the property. Mr. Perkins stated that he has not designed the septic system yet due to financial reasons until the CUP is approved. Mr. Perkins shared an email from Jim Palensky that showed that Mr. Palensky was aware of the proposed event center.

Mr. Ervanian stated that when the project began the Palensky's were not aware of the size of the project. Mr. Ervanian stated that the fire concern is if a fire were to spread and cause damage to adjacent properties. Mr. Ervanian clarified that he feels there should be clarification to the application process that the septic requirements be met.

Anna Acton spoke and stated that she is a wedding event planner and feels that traffic is not going to be a big issue for an event because the traffic will not be constant. Ms. Acton referred to the Prairie Moon Winery having similar hours and they hold wedding events. Ms. Acton stated that typically about 1/3 of guests invited attend wedding events.

McGill called a break at 6:15. McGill called the meeting back to order at 6:17.

McGill asked for clarification about the YSS court status. McGill asked if the CUP goes with the land. Moore first clarified that staff is not aware that YSS has backed out and there is a scheduled court date in May. Moore also stated that typically CUP's fun with the land, but the Board of Adjustment has the authority to control that too through conditions such as placing a sunset date or requiring an established time period for the Board of Adjustment to review the status of the use in the CUP. Moore lastly stated that according to the County Attorney's Office it is up to the property owner to choose which buyer to sell his property.

Bruns asked if there was adequate water supply for the location with the 300 person events venue that's proposed. Moore stated that staff has reached out to the Kelley Fire Chief and there are still questions about the water capacity and related limits. Bruns asked if discussions have taken place with Environmental Health. Zandt stated that Environmental Health has stated that if the CUP is approved that soils would need to be tested at that time.

Scarlett asked about septic concerns. Zandt stated that either Environmental Health or the DNR would regulate the septic. Scarlett asked if the Board of Adjustment could mandate water concerns by saying if a certain amount of water has to be available for fire safety. Moore stated that it is something the Board of Adjustment can consider in their review of the CUP application, however, the County does not have specific standards addressing water supply and pressure requirements in the Zoning Ordinance. Youngberg asked about the local winery and their water system. Schoeneman stated that when the winery received the CUP there are several conditions. Youngberg asked if there are conditions about fire safety on that CUP and Schoeneman stated no. Youngberg asked if it is up to the county to make sure fire code is met with the requested CUP. Moore stated that the County does not have adopted building codes for plumbing, mechanical or fire, only land development regulations and zoning ordinances.

MOTION: The Story County Board of Adjustment approves the Conditional Use Permit for the Raspberry Hill Bed and Breakfast and Event Venue as put forth in case CUP09-17 with the following conditions:

1. All parking stall areas shall be clearly marked in order to meet the Story County Land Development Regulations Section 88.08 that all parking spaces and circulation routes are well defined and clearly marked.
2. The applicant shall provide dust control on 240th Street adjacent to existing and future dwellings if daily traffic counts to and from the subject property exceed 150 vehicles per day. At any time, the Planning and Development Department may request the applicant to hire an engineer to study the traffic counts on 240th Street to and from the subject property.
3. A site plan meeting all requirements of the Story County Land Development Regulations shall be submitted for action by the Story County Board of Supervisors prior to the issuance of any Zoning Permits.

Motion: Scarlett
Second: Youngberg
Ayes: Youngburg, Scarlett, McGill
Nays: Bruns
Not Voting: None
Absent: Brekke
Vote: (3-1)

OTHER BUSINESS: None

BOARD/STAFF COMMENTS:

Staff: Moore gave an update on the following agenda items for next month: a proposed Farm Camp at Center Grove Orchard. Country Living Mobile Home Park CUP and a variance at Hickory Grove Mobile Home Park.

Board: None

ADJOURNMENT: 6:32 PM


Approval of Minutes


Title and Date