

**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: October 17, 2018	Steve McGill	2022
	Lynn Scarlett	2018
CALL TO ORDER: 4:00 PM	Karen Youngberg	2019
PLACE: Public Meeting Room	*Randy Brekke	2019
Administration Building	Matthew Neubauer	2021
*Absent		

PUBLIC PRESENT: Chris Sawin, Sam Ramsey, Dale Ruigh, Cindy Hildenbrand

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

ROLL CALL: McGill, Scarlett, Youngberg, Neubauer

ABSENT: Brekke

APPROVAL OF AGENDA (MCU)

APPROVAL OF September 19, 2018 Minutes (MCU)

PUBLIC COMMENTS: None

HEARINGS:

CUP 07-16 MINNOWA CONSTRUCTION

Jerry Moore presented the staff report and stated that the request from Minnowa Construction Inc. is a 2nd extension of CUP07-16. Moore stated due to rain and other delays to extract approximately 10,000 yards of dirt and sand from the borrow pit for use in stabilizing cranes to complete installing the horizontal steel beams for the flyover bridge located at I-35, to reshape the front of the borrow pit to meet the minimum 50 feet front yard setback, and to complete the

borrow pit slopes and site restoration work. The extension is being requested until December 31, 2018.

Youngberg asked if this extension is costing the taxpayers any additional money. Moore stated that it should not be any direct cost to the public.

MOTION: The Story County Board of Adjustment recommends approval of the Conditional Use Permit for the 2nd extension request as put forth in case CUP07-16 with the condition the extension be approved through December 31, 2018 and the applicant shall contact the Planning and Development staff prior to December 31, 2018 and May 31, 2019 for site inspections to check setbacks, grading, restoration and seeding of the borrow pit and site.

Motion: Youngberg

Second: Neubauer

Ayes: Scarlett, Youngberg, McGill, Neubauer

Nays: None

Not Voting: None

Absent: Brekke

Vote: (4-0)

CUP06-17.1 MANATTS, INC. AND CUP 04-18.1 MANATTS, INC.

Moore presented a combined staff report for the two conditional use permits and stated that the first request is for a Minor Modification to previously approved CUP06-17 to extend the timeline permitted for a temporary construction and demolition landfill site indefinitely. Manatts, Inc. does not currently have any future project contracts; however, the intent is to continue to use the site for future projects when projects are awarded. Moore stated that the second request is for a Minor Modification to previously approved CUP04-18 to extend the timeline permitted for a temporary asphalt plant and a temporary concrete plant indefinitely.

McGill asked about bonds in case the area was not put back to original condition. Moore stated that there is not a bond requirement in the regulations for this use. Youngberg asked what the wall that is being built would look like when complete. Moore showed a photo of the wall and Sam Ramsey with Manatts stated that 3'x6' concrete blocks are being used. Neubauer asked if the crusher is loud, and Chris Sawin with Manatts stated that it is loud if one is close to it, but that it cannot really be heard on the other side of Hwy 30.

MOTION: The Story County Board of Adjustment approves the Minor Modification to the existing Conditional Use Permit (CUP06-17) for the Manatts Temporary Construction and Demolition Landfill site including crushing of material with an expiration date of December 31, 2021 with the following conditions:

- 1. The Conditional Use Permit will expire on December 31, 2021. The material piles, equipment, and crusher will be required to be removed at this time. If an extension of the use is requested, an application for a separate Conditional Use Permit or modification to the requested Conditional Use Permit (CUP06-17.1) will be required. The provisions of Chapter 90.05 Expiration of Permits shall not apply during this three-year Conditional Use Permit cycle.**
- 2. The gravel pad shall be allowed to remain on site for up to one year following the expiration of the conditional use permit, at which point the area must be restored**

to its original condition if no additional Conditional Use Permit applications have been submitted.

3. "Trucks Turning" signage will be required during major hauling days. All signage within the right-of-way will need to be approved by the Iowa Department of Transportation or the City of Ames, depending on the location.

Motion: Youngberg

Second: Neubauer

Ayes: Youngberg, Scarlett, McGill, Neubauer

Nays: None

Not Voting: None

Absent: Brekke

Vote: (4-0)

MOTION: The Story County Board of Adjustment approves the Minor Modification to the existing Conditional Use Permit (CUP04-18) for the Manatts Temporary Asphalt and Concrete Plant with an expiration date of December 31, 2021 with the following conditions:

1. The Conditional Use Permit will expire on December 31, 2021 and the plants will be required to be removed at this time. If an extension of the use is requested prior to the expiration date, an application for a separate Conditional Use Permit or modification to the requested Conditional Use Permit (CUP04-18.1) will be required. The provisions of Chapter 90.05 Expiration of Permits shall not apply during this three year Conditional Use Permit cycle.
2. The gravel pad shall be allowed to remain on site for up to one year following the expiration of the conditional use permit, at which point the area must be restored to its original condition if no additional Conditional Use Permit applications have been submitted.
3. Permits from the Iowa DNR, Iowa DOT, or other applicable entities shall be required if water is pumped from the pond or Skunk River.
4. An office trailer shown on the site plan will be required to be setback 50-feet from the property line.
5. The applicant shall water the site and the roadway to prevent excess dust as needed.

Motion: Neubauer

Second: Scarlett

Ayes: Neubauer, McGill, Youngberg, Scarlett

Nays: None

Not Voting: None

Absent: Brekke

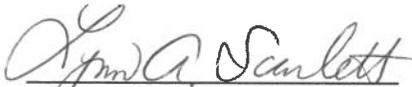
Vote: (4-0)

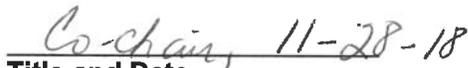
BOARD/STAFF COMMENTS:

Staff: Moore invited the board to attend the October 26, 2018 open house in honor of National Planning Month. Moore provided updates of upcoming items for the November meeting. Moore also provided an update on the YSS court ruling, which overturned the Board of Adjustment decision as they did not make their decision based on separate written findings of fact. In response to the ruling, Moore stated that staff would begin preparing a document that would go along with the minutes to show written findings of fact that the Board of Adjustment would act on at the following meeting. McGill asked for clarification about the reason why the judge overturned. Moore stated that the Board of Adjustment findings were not considered as being conclusive because they did not make their decision based on separate written findings of fact as referenced in a court case from 1979. Youngberg stated that she did not understand why the minutes would not have been proof that the board had heard the case.

Board: None

ADJOURNMENT: 5:00 PM


Approval of Minutes


Title and Date