



BOARD OF ADJUSTMENT TENTATIVE AGENDA

Wednesday, March 18, 2020
4:00 PM

Public Meeting Room - Story County Administration (900 6th Street) – Nevada, Iowa*
THIS MEETING IS OPEN TO THE PUBLIC PURSUANT TO CHAPTER 21 IOWA CODE.

1. CALL TO ORDER:
2. ROLL CALL:
3. APPROVAL OF AGENDA:
4. MINUTES OF PREVIOUS MEETING(S)

Documents:

[021920 MINUTES.PDF](#)

5. APPROVAL OF FINDINGS OF FACT FROM PREVIOUS MEETING

Documents:

[FINDINGS OF FACT CUP 02-16.1 STS PETER AND PAUL CATHOLIC CHURCH.PDF](#)

6. PUBLIC COMMENTS

This is the time for members of the public to offer comments concerning matters not scheduled to be heard before the Board of Adjustment

7. HEARINGS

- 7.I. Discussion And Consideration Of CUP01-20 Windstream Broadband Communications Tower - Marcus Amman

Documents:

[STAFF REPORT.PDF](#)
[APPLICATION.PDF](#)
[ADDITIONAL DOCUMENTS.PDF](#)
[SITE LIST.PDF](#)
[IOWA DOT ACCESS CONFIRMATION.PDF](#)

- 7.II. Discussion And Consideration Of Swanson Appeal Of Director's Decision - Jerry Moore

Documents:

[STAFF MEMO.PDF](#)
[APPLICATION.PDF](#)
[FIRST REQUEST LETTER AND P AND D RESPONSE.PDF](#)
[SECOND REQUEST LETTER AND P AND D RESPONSE.PDF](#)
[PHOTOS1.PDF](#)

8. BOARD/STAFF COMMENTS

9. ADJOURNMENT

The Board shall adjourn prior to but no later than 11:30 p.m. Any business not brought forth to the Board prior to adjournment shall be tabled to the next regularly-scheduled Board hearing.

*Story County strives to ensure that its programs and activities do not discriminate on the basis of race, color, national origin, sex, age or disability. Persons requiring assistance, auxiliary aids or services, or accommodation because of a disability may contact the county's ADA coordinator at (515)382-7204.

**For further information on these cases, contact the Story County Planning and Development Department at PZWeb@storycounty.com or by phone at (515) 382-7245. Case Files, including exact property locations, may be inspected in the Story County Planning and Development Department located in the Story County Administration Building, 900 6th Street, Nevada, Iowa.



**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 19, 2020	Steve McGill, Chair	2022
	Randy Brekke, Vice Chair	2020
	Kelly Winfrey	2024
CALL TO ORDER: 4:00 PM	Matthew Neubauer	2021
PLACE: Public Meeting Room Administration Building	Wendie Schneider	2023

PUBLIC PRESENT: Mark Thiessen, Neil Grant, Jim Mareck, Ron & Liz Pehl, Gary Houdeshell

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

ROLL CALL: McGill, Winfrey, Neubauer, Schneider, Brekke

ABSENT: None

APPROVAL OF AGENDA (MCU)

APPROVAL OF MINUTES

Motion by Neubauer, Second by Schneider to approve the January 15, 2020 Minutes. (MCU)

**APPROVAL OF FINDINGS OF FACT From January 15, 2020 Meeting
Motion by Neubauer, Second by Schneider (MCU)**

Written Findings of Fact CUP11-19 Story County Animal Control
Written Findings of Fact CUP12-19 Ballard Golf and Country Club
Written Findings of Fact VAR06-19 Ballard Golf and Country Club

PUBLIC COMMENTS: None

HEARINGS:

CUP02-90.6 Martin Marietta Ames Slurry Drops And Off-Site Rescue Equipment Storage

Amelia Schoeneman provided a summary of the case and stated that this request is for a minor modification to a conditional use permit to allow the off-site storage of rescue

equipment/trailer for the mine in an existing 40' x 60' steel utility building and the addition of four slurry drops at the Ames Martin Marietta Mine. An off-site location is preferable for the rescue trailer and equipment to ensure accessibility during an emergency.

The Board of Adjustment previously heard the request at their December 18, 2019, meeting. The Board had several questions about the impact on the South Skunk River if the pipeline were to leak and the contents of the slurry. The Board approved a motion to table the request until testing and analysis of the slurry could be completed. Martin Marietta submitted the requested slurry testing results and pipeline leak prevention plan. Schoeneman went over the test results. Staff sought additional information on the applicable standards and specifically the substance that was present in range of gasoline. Martin Marietta is currently in the process of obtaining a permit through the EPA's Underground Injection Control Program. In addition, the EPA's Underground Injection Program website notes that the Iowa Department of Natural Resources Water Quality Bureau must be contacted for review of injection activities and Martin Marietta has agreed to do this. Staff believes the review of the EPA's determination is necessary for the Board to find that the standard for environmental protection for a conditional use permit is met and recommends this item be tabled until EPA's determination is provided.

Winfrey acknowledged that slurry drop 3 had been moved away from the neighboring property to the east and asked if it is anticipated that the rock wall and silt fencing would be also necessary to prevent any leaks running onto the neighboring property. Schoeneman stated that Martin Marietta moved the original location of the east slurry drop (#3) to a distance of approximately 200 feet from the common property line and in addition, based on the contour maps it is not believed to be an issue.

Neil Grant stated that contact has been made with the EPA and explained the regulations. Grant does not believe the EPA is going to require a permit at this time, but will Martin Marietta will register with the EPA. The DNR will review any input from the EPA.

MOTION: The Story County Board of Adjustment remands the Conditional Use Permit for the addition of slurry drops and off-site rescue equipment/trailer storage at the Martin Marietta Ames Mine as put forth in case CUP02-90.6, back to the applicant for further review and/or modifications and directs staff to place this item on the March or April, 2020 Story County Board of Adjustment Agenda once the applicant provides the registration or permit from the EPA under the Underground Injection Control program and required permits for the slurry drop activity/injection from the Iowa Department of Natural Resources or a copy of the communications from the Iowa Department of Natural Resources that no permitting is required.

Motion: Brekke

Second: Neubauer

Ayes: Brekke, Neubauer, Winfrey, McGill, Schneider

Nays: None

Not Voting: None

Absent: None

Vote: (5-0)

CUP02-16.1 Saints Peter and Paul Catholic Church Parking Lot Expansion

Amelia Schoeneman presented the staff report and stated that the request is to construct an addition to the existing parking lot at Saints Peter and Paul Church. Currently, parishioners park in the right of way or use stacked parking during larger events. The existing parking lot has 81 parking stalls. The addition would add 49 parking stalls on the east side of the existing parking lot. The expanded parking area would allow the church to provide adequate parking for larger

events (weddings, funerals, holiday masses). The parking lot is gravel, as is the proposed addition. A 40-foot-by-46-foot area in the existing parking lot is proposed to be paved to provide three additional Americans with Disabilities Act-compliant (accessible) parking spaces. The applicant also proposes to extend a driveway from the expanded area of the parking lot to connect with an existing circular drive to the south for additional ingress and egress. The County Engineer has reviewed and approved this plan. The applicant has also requested alternative compliance to allow the required parking lot trees to count towards the required landscaping to be added to offset the additional impervious surfaces.

Schneider had concerns about combining landscaping requirements. Schoeneman stated that there are two separate landscaping requirements. The parking lot tree landscaping requirement provides landscaping and shading for the parking lot. New trees were already planted around the parking lot, including the area where the parking lot expansion is occurring, with the previous CUP request, which meets the intent of the parking lot requirement to provide shading and landscaping. Schoeneman stated that the only place to put more trees would be along the southern edge of the new parking area, which is where the runoff flows, meeting the intent of the landscaping to be added to offset impervious surfaces. Schoeneman stated that this type of alternative compliance request has been requested before. Moore stated that another thing to consider is the adjacent land use to the east is agricultural row crops and the future use of that property is not likely to change and accommodating trees is case specific.

Mark Thiessen stated that where the septic field is located between the expanded parking lot expansion areas there is a large grass area so trees cannot be planted in that area to avoid the roots getting into the septic system. Schoeneman confirmed that landscaping is not an option in the grassy area where septic field is located.

Tom Gust stated that he has some concerns with the traffic speed on 500th Ave and wondered if the speed limit signs could have flashing red lights. Schoeneman stated that would be a request for the County Engineer. Moore stated that information would be shared with the County Engineer and Sheriff about the traffic concerns. Gust stated that he is in favor of the church's parking lot expansion.

MOTION: The Story County Board of Adjustment approves the Conditional Use Permit for the Saints Peter and Paul Catholic Church parking lot expansion as put forth in case CUP02-16.1 and alternative compliance request, with the following conditions:

- 1. The 10 trees required for the proposed parking lot, to be installed south of the proposed parking area, shall be installed and count towards the requirement that 20% of the impervious area added be landscaped.**
- 2. A demolition permit from the Story County Planning and Development Department shall be obtained before the demolition of the shed.**
- 3. A permit from the Story County Engineer shall be obtained for any work in the right of way including widening and paving accesses.**
- 4. Cordoning of the septic laterals during construction to keep all traffic off shall occur. The applicant shall contact the septic engineer to determine if the pipe between the tanks and the distribution box is strong enough for heavy construction vehicles if that line will be driven over during construction.**
- 5. No parking in the right of way of 500th Avenue is permitted prior to or after the completion of the parking lot expansion.**
- 6. The southern access of the circular drive shall be an entrance only and the northern portion be an exit only. Signage indicating this shall be installed.**
- 7. The church shall monitor if stacked parking continues after the parking lot expansion and explore methods of marking the parking stalls, such as**

curb stops, if stacked parking continues to occur.

Motion: Neubauer

Second: Brekke

Ayes: Neubauer, Brekke, Winfrey, Schneider, McGill

Nays: None

Not Voting: None

Absent: None

Vote: (5-0)

BOARD/STAFF COMMENTS:

Staff: Moore provided information about the Iowa State University Extension Planning and Zoning training. Work program update – Census, surveys for reusing accessory structures, building codes, and a needs assessment of the unincorporated villages of Shipley and Iowa Center. Discussion took place about the zoning of Shipley and Iowa Center. Moore also provided information about the AUFPA Agreement Extension, Citizenserve, and City of Nevada street improvement project.

Board: Schneider asked for clarification of repurposing accessory buildings. Moore stated that we are only gathering information currently. Schoeneman stated that we have received requests to allow a family member to live in the accessory building, or to convert accessory buildings to a rental unit.

ADJOURNMENT: 5:15 PM

Approval of Minutes

Title and Date

Prepared by Marcus Amman, Story County Planning and Development Department, 900 6th Street,
Nevada, Iowa 50201 515-382-7245

**STORY COUNTY, IOWA
CERTIFICATE OF CONDITIONAL USE PERMIT
AND WRITTEN FINDINGS OF FACT**

IN THE MATTER OF THE APPLICATION OF: : **PERMIT NO. CUP02-16.1**
Saints Peter and Paul Catholic Church, 14238 :
500th Avenue, Ames, Parcel ID 01-30-100-315, :
Parcel D in the SW NW of Section: 30 :
Township: 85 Range: 24, Lafayette Township, :
for a Minor Modification to CUP02-16 for an :
expanded parking area. :

On February 19, 2020, the Story County Board of Adjustment approved the Conditional Use Permit CASE NO. CUP02-16.1 for the request for a Conditional Use Permit modification for an expanded parking area for Saints Peter and Paul Catholic Church with conditions and an alternative compliance request to allow the 10 trees required for the proposed parking lot to be installed south of the proposed parking area and count towards the requirement that 20% of the impervious area added be landscaped.

VOTE: Motion: Brekke
Second: Neubauer
Ayes: Brekke, Neubauer, Winfrey, McGill, Schneider
Nays: None
Not Voting: None
Absent: None
Vote: (5-0)

Written Findings of Fact

Case Summary: A Minor Modification to CUP02-16 to construct an addition to the existing parking lot at Saints Peter and Paul Church. Currently, parishioners park in the right of way or use stacked parking during larger events. The existing parking lot has 81 parking stalls. The addition would add 49 parking stalls on the east side of the existing parking lot. The expanded parking area would allow the church to provide adequate parking for larger events (weddings, funerals, holiday masses). The parking lot is gravel, as is the proposed addition. A 40-foot-by-

46-foot area in the existing parking lot is proposed to be paved to provide three additional Americans with Disabilities Act-compliant (accessible) parking spaces. The applicant also proposes to extend a driveway from the expanded area of the parking lot to connect with an existing circular drive to the south for additional ingress and egress. The County Engineer has reviewed and approved this plan. The applicant has also requested alternative compliance to allow the required parking lot trees to count towards the required landscaping to be added to offset the additional impervious surfaces.

Amelia Schoeneman, Story county Planning and Development Planner, reviewed the Conditional Use Permit Application, site plans, written narrative and other related submittal materials and responses from the applicant to County staff comments in accordance to Chapter 90 Conditional Uses of the Story County Land Development Regulations. Schoeneman presented the staff report at the February 19, 2020, Story County Board of Adjustment meeting.

Conditional Use Permit Analysis

A. Applicable Regulations: Chapter 90.04: Standards for Approval

The Planning and Zoning Commission shall review the proposed development for conformance to the following development criteria:

1. **Compatibility.** The proposed buildings or use shall be constructed, arranged and operated to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious, nor offensive in appearance to abutting or nearby properties.

Staff Comment: The proposal does not include any new improvements beyond the expanded parking area, additional accessible spaces, new driveway, and additional landscaping. No new buildings or additions are proposed and no change in the use of the property will occur. The church has been located on the property for 103 years. The intent of the parking lot expansion is to create sufficient parking so that parking is not occurring in the right of way and stacked parking is not necessary. This will improve flow in the parking lot and likely have a positive impact on the single-family dwelling to the north that shares the access and drive with the church. It will also improve the safety of motorists on 500th Avenue and traffic flow as parking will not occur in the right of way.

The expanded parking area will be adjacent to the agricultural fields on the

adjacent properties. A 16-foot to 13-foot setback from the adjacent properties is proposed. A five-foot minimum setback is required. There is existing landscaping on the north and east side of the property between the proposed parking area and property line that will provide separation and buffering, especially as the trees (planted in 2016) grow.

2. **Transition.** The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.

Staff Comment: Green space surrounds the church building and other buildings. There are large agricultural parcels located to the north, east, and south of the church property adjacent to the proposed expanded parking area. There is existing landscaping on the north and east side of the property between the proposed parking area and property line that will provide separation and buffering, especially as the trees (planted in 2016) grow. The dwelling located to the north is approximately 50 feet from the north property line of the subject property. The dwelling on the west side of the road is approximately 86 feet from the west property line of the subject property. The parking lot expansion is occurring on the east side of the property away from the dwellings. The applicant plans to install additional landscaping to the south of the parking area.

Ten new trees are proposed.

3. **Traffic.** The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

Staff Comment: The intent of the proposed parking lot expansion is to improve traffic flow on the site and provide additional ingress and egress. While the use is not changing, and no additional traffic will occur, the expansion is needed to accommodate the current maximum usage levels of the property. During larger events (Christmas and Easter Mass, weddings, and funerals), the existing parking lot is not sufficiently sized to accommodate all vehicles. Some vehicles are parking in/near the road right of way during these larger events. Staff recommends a condition that no parking in the right of way is permitted.

Stacked parking is also occurring. The applicant is proposing the addition of 49 parking spaces to alleviate this issue. The applicant is proposing to pave a portion of the drive aisle into the parking lot and a 40-foot-by-46-foot

portion of the center aisle in the existing parking lot for three new accessible parking stalls. This area will be marked and provide an example for other cars to line up with. Bollards are also proposed in front of every stall adjacent to the septic system in the expanded parking area. Staff recommends a condition that the church monitor if stacked parking continues after the parking lot expansion and explore methods of marking the parking stalls, such as curb stops.

A new, 25-foot wide driveway from the southern portion of the parking area will be constructed to connect to an existing circular drive with two accesses onto 500th Avenue. The existing parking lot also has two accesses onto 500th Avenue. The County Engineer has reviewed and supports the ingress and egress plan to connect the parking lot with the circular drive, allowing the use of the additional two accesses for church traffic. A condition is recommended that a demolition permit be obtained for the demolition of a shed located where the new drive is proposed and a condition that a permit be obtained for any work in the right of way including paving or widening of accesses from the Story County Engineer. Additionally, a condition is recommended that the southern access of the circular drive be an entrance only and the northern portion be an exit only.

4. **Parking and Loading.** The development shall provide all off-street parking and loading areas as required by this Ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.

Staff Comment: The Story County Land Development Regulations prescribe parking maximums to avoid excessive parking. Following the General Site Planning Standards in Table 88-5 in the Land Development Regulations, a maximum of one parking space per every four seats in a general assemble use is permitted. With the 540 seat capacity of the church (parish hall and sanctuary seats), plus the capacity of the education center and rectory (80), a maximum of 150 parking stalls is permitted. This has been communicated with the applicant. The proposed 130 parking stalls meet this requirement.

The minimum number of accessible parking spaces is also required. The applicant is proposing to pave a portion of the drive aisle into the parking lot and a 40-foot-by-46-foot portion of the center aisle in the existing parking lot for three new accessible parking stalls.

Staff recommends a condition that the church monitor if stacked parking continues after the parking lot expansion and explore methods of marking

the parking stalls, such as curb stops.

The expanded parking area will be adjacent to the agricultural fields on the adjacent properties. A 16-foot to 13-foot setback from the adjacent properties is proposed. A five-foot minimum setback is required. There is existing landscaping on the north and east side of the property between the proposed parking area and property line that will provide separation and buffering, especially as the trees (planted in 2016) grow. The applicant plans to install additional landscaping to the south of the parking area. Ten new trees are proposed immediately south of the expanded parking area.

5. **Signs and Lighting.** Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.

Staff Comment: Internal signage for directing traffic is excepted for the sign requirements in the Story County Land Development Regulations. No other new lighting or signage is proposed.

6. **Environmental Protection.** The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.

Staff Comment: Landscaping equivalent to 20% of the impervious surfaces added is required to be installed at lower areas adjacent to the improvements to provide maximum benefit stormwater absorption. Additionally, for parking lots of more than 10 parking spaces, one tree for every five parking spaces is required to be planted. Ten trees are proposed to be planted south of the expanded parking area and will occupy a 5,053 square-foot area. The applicant indicated that runoff will flow south from the southern section of the proposed parking lot and the trees will help with stormwater absorption. Typically, the square footage of landscaping is calculated separately from the required parking lot trees. The applicant has requested alternative compliance given that other areas are already landscaped/in lawn. The 5,043 square feet of trees exceeds the 20% landscaping requirement to offset impervious surfaces. Staff recommends approval of this request.

Other stormwater management is not required for developments that disturb under one acre of area. The submitted site plan shows compliance with the

requirements for erosion control: a silt fence around the disturbed areas is shown and the applicant indicates topsoil will be reused in the new landscaping area. Staff also communicated that all disturbed areas, including topsoil stockpiles, shall be temporarily stabilized through seeding or other measures if work will not occur on an area for 14 days.

The Environmental Health Department has recommended cordoning off the septic system during construction and ensuring construction traffic will not damage the pipe between the distribution box and tanks. Staff recommends these steps as conditions.

A. If the Commission concludes that all the above development criteria will be met, it must recommend approval of the application unless it concludes that, if completed as proposed, there is a strong probability the development will:

- 1. not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property.**

Staff Comment: Impact of the parking expansion to adjacent properties should be minimal and will improve flow in the parking lot and likely have a positive impact on the single-family dwelling to the north that shares the access and drive with the church. It will also improve the safety of motorists on 500th Avenue and traffic flow as parking will not occur in the right of way.

The expanded parking area will be adjacent to the agricultural fields on the adjacent properties. A 16-foot to 13-foot setback from the adjacent properties is proposed and there is existing landscaping on the north and east side of the property between the proposed parking area and property line that will provide separation and buffering, especially as the trees (planted in 2016) grow.

- 2. impair an adequate supply (including quality) of light and air to surrounding properties.**

Staff Comment: No new structures are being built. The gravel parking lot is an existing use being expanded.

- 3. unduly increase congestion in the roads, or the hazard from fire, flood, or similar dangers.**

Staff Comment: The intent of the proposed parking lot expansion is to improve traffic flow on the site and provide additional ingress and egress. While the use is not changing, and no additional traffic will occur, the expansion is needed to accommodate the current maximum usage levels of the property. Further, a new, 25-foot wide driveway from the southern portion of the parking area will be constructed to connect to an existing circular drive with two accesses onto 500th Avenue. The County Engineer has reviewed and supports the ingress and egress plan to connect the parking lot with the circular drive, allowing the use of the additional two accesses for church traffic.

4. **diminish or impair established property values on adjoining or surrounding property.**

Staff Comment: The Story County Assessor's Office raised no concerns with the Conditional Use Permit application.

5. **not be in accord with the intent, purpose and spirit of the Land Development Regulations or County Cornerstone to Capstone (C2C) Plan.**

Staff Comment: The proposed use is in accordance with the Story County Land Development Regulations, which permit churches in the A-1 Agricultural district if the Story County Board of Adjustment grants a Conditional Use Permit. The C2C Plan is oriented toward preserving the county's rural character and high-value agricultural land. Two-thirds of the property is in agricultural production and will not be impacted by the request. The area where the parking lot expansion is proposed is in grass. However, it was previously farmed until the 2016 conditional use permit for the church addition when the new septic system was installed in this area. The expanded parking area will be adjacent to the agricultural fields on the adjacent properties. A 16-foot to 13-foot setback from the adjacent properties is proposed. There is existing landscaping on the north and east side of the property between the proposed parking area and property line that will provide separation and buffering.

Comments

Planning and Development staff routed the CUP request to the Interagency Review Team for comments on November 20, 2019. Applicable review comments for the board's consideration are as follows:

Margaret Jaynes, Environmental Health Department

The diagram that was submitted with the application includes the diagram of the septic laterals. I recommend temporary cordoning of the laterals during construction to keep all traffic off. Check with Brian Campbell, septic engineer, to see if the pipe between the tanks and the d-box is strong enough for heavy construction vehicles if that line will be driven over during construction. After construction, a visual barrier such as small bushes, flowerbeds, or markers should be installed around the laterals to keep all church traffic off. The changes to the building will not impact the septic laterals or well. As far as the sizing of the septic laterals, it would be a good time to check the rural water use to see if the existing system is large enough.

Please note Environmental Health reviewed and supported the proposed bollards to protect the septic system after this comment.

David Swanson, Assessor's Office

No comments.

Darren Moon, County Engineer

I am fine with the changes to the driveways since they are existing and they all seem to have plenty of sight distance. It would probably be best if we required the new south drive to be enter only so we don't have cars sitting at all of the drives trying to get out at the same time. I was not aware that they were still parking on the shoulders but that mile is maintained by Boone County so if there were any complaints, they would go to them. I thought that there was a condition on the expansion the last time to no longer allow shoulder parking.

Planning and Development

The Planning and Development Department also had several comments and questions for the applicant. These were incorporated into the staff report and finding for the Board's consideration.

Comments from the General Public

Public notification letters were mailed to surrounding property owners within a quarter-mile of the site on February 12, 2020, regarding the conditional use permit application. The Planning and Development Department has not received any comments as of the writing of this report

Points to Consider for the Conditional Use Permit Request

1. The applicant is proposing the addition of 49 parking spaces, additional landscaping to the south of the parking area including ten new trees, a 25-foot wide driveway from the southern portion of the parking area to connect to an existing circular drive with two existing accesses onto 500th, and paving a portion of the drive aisle into the existing parking lot and a 40-foot-by-46-foot portion of the center aisle in the existing parking lot for three new accessible parking stalls.
2. The intent of the parking lot expansion is to create sufficient parking so that parking is not occurring in the right of way and stacked parking is not occurring during larger events/masses. This will improve the flow of traffic on-site and on 500th Avenue.
3. The proposal to connect the expanded parking area via a new drive to an existing circular drive and existing accesses will create two new access for church traffic, promoting traffic flow.
4. The expanded parking area will be adjacent to the agricultural fields on the adjacent properties. A 16-foot to 13-foot setback from the adjacent properties is proposed. There is existing landscaping on the north and east side of the property between the proposed parking area and property line.
5. The dwelling located to the north is approximately 50 feet from the north property line of the subject property. The dwelling on the west side of the road is approximately 86 feet from the west property line of the subject property. The parking lot expansion is occurring on the east side of the property away from the dwellings. As the dwelling to the north shares an access with the church through the parking lot, they may benefit from the improvements.
6. The church has been located on the property since 1917. Two-thirds of the property is in agricultural production and will not be impacted by the request if the alternative compliance request for the landscaping is approved.
7. All applicable General Site Planning Standards in Chapter 88 of the Story County Land Development Regulations are met.

Public Hearing Comments from February 19, 2020

Schneider had concerns about combining landscaping requirements. Schoeneman stated that there are two separate landscaping requirements. The parking lot tree landscaping requirement provides landscaping and shading for the parking lot. New trees were already planted around the parking lot, including the area where the parking lot expansion is occurring, with the previous CUP request, which meets the intent of the parking lot requirement to provide shading and landscaping. Schoeneman stated that the only place to put more trees would be along the southern edge of the new parking area, which is where the runoff flows, meeting the intent of the landscaping to be added to offset impervious surfaces. Schoeneman stated that this type of

alternative compliance request has been requested before. Moore stated that the adjacent land use is agricultural and will likely remain in agriculture. Moore also stated that accommodating trees is case specific.

Mark Thiessen stated that where the septic field is located between the expanded parking lot expansion areas there is a large grass area so trees cannot be planted in that area to avoid the roots getting into the septic system. Schoeneman confirmed that landscaping is not an option in the grassy area where septic field is located.

Tom Gust stated that he has some concerns with the traffic speed on 500th Ave and wondered if the speed limit signs could have flashing red lights. Schoeneman stated that would be a request for the County Engineer. Moore stated that information would be shared with the County Engineer and Sheriff about the traffic concerns. Gust stated that he is in favor of the church's parking lot expansion.

Board of Adjustment Action on Written Findings of Fact

Date: March 18, 2020

VOTE:	Ayes	Nays
McGill		
Brekke		
Neubauer		
Scarlett		
Youngberg		

Vote:

Chair: _____

Staff Report

Story County Board of Adjustment

Date of Meeting:
March 18, 2020

Case Number CUP01-20

Windstream Broadband Communications Tower (Utility Pole)

APPLICANT: Ashlee Miller

11124 Kingston Pike, Suite 119-234
Knoxville, TN 37934

STAFF PROJECT MANAGER: Marcus Amman, Planner

SUMMARY: Windstream is proposing to erect a 105 foot communications tower utility pole to provide broadband access to rural customers. The communications tower will be constructed using a galvanized steel finish utility pole. The pole will be 100 feet, with a 5 foot lightning rod for the total height of 105 feet.



On March 4th, 2020 the Story County Planning and Zoning Commission Recommended approval of the Conditional Use Permit for the Windstream Broadband Communications Tower Utility Pole CUP01-20 with the following conditions:

- **The written access and utility easement will be recorded with the Story County Recorder prior to the issuance of a zoning permit for the Communications Tower.**
- **Preliminary Zoning permit for the Communications Tower will not be issued until Story County Land Development Regulations Chapter 88.08 (4) Parking and Circulation Standards are met for well-defined circulation routes and clearly marked parking spaces acceptable to Planning and Development Staff.**



Property Information

PROPERTY OWNERS

Donald & Lisa Moody
70064 320th St
Collins, IA 50055

GENERAL PROPERTY LOCATION

Section: 28 Township: 82 Range: 21 NW NW

SITE ADDRESS

70064 320th St
Collins, IA 50055

PARCEL IDENTIFICATION NUMBER(S)

16-28-100-102

CURRENT ZONING

A-1, Agricultural District

CURRENT LAND USE

The current land use at the proposed site of the Windstream Broadband Communications Tower Utility Pole is agricultural use. The property is mainly surrounded by agricultural uses to the north, south, and east. Directly west, Landus Cooperative, is located in an A-2 Agribusiness district.

FUTURE LAND USE MAP DESIGNATION

Rural Residential District

CITIES WITHIN TWO MILES

Collins

Floodplain

None.

The following items were submitted by the applicant: CUP Application, Site Plan, narrative describing need of the Windstream Broadband Communications Tower Utility Pole, proposed structure specifications, and responses to County Staff review comments.

Background

This proposed Windstream Broadband Communications Tower Utility Pole will be used to provide broadband access to rural customers. Commercial communications towers are allowed in the A-1 Zoning district through a conditional use permit process per Chapter 90 of the Story County Land Development Regulations with supplemental standards under 90.04. This communications pole will be a 105-foot tall, galvanized steel finish utility pole.



The proposed tower will meet the County's setback requirements. The minimum setback requirement for this tower is 200 feet from the right-of-ways and 50 percent of the height or 52.5 feet for all other property lines. The proposed tower will be located 308 feet south of the 320th street right-of-way, approximately 524 feet east of the U.S. Highway 65 right-of-way, 66 feet north of the southern property line, and 100 feet from the eastern property line. The purpose of this tower is to provide rural customers access to broadband services under the federal initiative. The tower will have four WIFI antenna, one pointed in each cardinal direction. These antenna will have a range of 5 miles and are 14 inches by 8.85 inches in size. There will not be a communications building for this proposal. There will be an H-Frame where the communications equipment will be mounted. This frame will be 6 feet tall and 5 feet wide.

The property is located a quarter mile south of the City of Collins. The property on which the proposed structure is to be constructed is 5.92 net acres and currently has a residence and outbuildings constructed on it. The existing residence's garage is approximately 296 feet northwest of the proposed structure with the residence being further northwest. The proposed structure will be approximately 203 feet south of the existing outbuilding on the property. The property is located directly east of the Landus Cooperative property that contains a large agricultural storage operation taking place. The rest of the surrounding parcels are all in agricultural production. The nearest residence is approximately 1,500 feet to the northwest of the proposed structure site. This proposed structure will be partially screened from 320th Street to the north by the existing buildings on the parcel, but will be visible from U.S. Highway 65 to the west.

The traffic impacts from this proposal will be minimal. U.S. Highway 65 has an average daily traffic count of 1640, last counted in 2015. Once the construction of the tower is completed the only traffic to the site will be for maintenance to the communications tower which is anticipated to be once a month. During the construction of the tower all parking will take place on the subject property. There will be no parking on any of the right-of-way. There will be a turnaround/parking area constructed just south of the leased area where the tower will be constructed. This parking will also be where all vehicles will park when maintenance is being conducted. The access easement and the parking will be left as bare ground with no intention of adding rock to either area. There is also no signs or lighting proposed for this project. The tower does not meet the height threshold for FAA required lighting.

Throughout construction and after no significant environmental impacts are expected. This proposed structure is not anticipated to impact the supply or quality of light or air to the surrounding properties. The tower is also not anticipated to impact any property values in the area and will likely blend in with the commercial use to the west as well as the utility poles along U.S. Highway 65. The proposed site is not located in a floodplain.

The applicant provided search rings for collocation opportunities. It was determined from their analysis that the existing towers would not meet their needs, and to ensure their data's integrity. The technology the applicant uses has a limit to its capacity to provide adequate services beyond this distance. This tower is being constructed solely for Windstream's use, they are not prohibiting collocation however they do not anticipate any requests for collocation.

Analysis

A. Applicable Regulations: Chapter 90.04: Standards for Approval



The Board of Adjustment shall review the proposed development for conformance to the following development criteria:

1. **Compatibility.** The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious, nor offensive in appearance to abutting or nearby properties.

Applicant Comment: Windstream’s proposed development will be constructed, arranged and operated so as to be compatible with the character of the Agriculture zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development will not be unsightly, obnoxious nor offensive in appearance to abutting or nearby properties.

Staff Comment: Commercial communications towers are a conditional use in the A-1 District. The requirement for a conditional use permit is based on the provision of Chapter 90 Table 90-1 of the Story County Code of Ordinances. Communication towers under the conditional use have supplemental standards under 90.04. The property on which the proposed structure is to be constructed is 5.92 net acres and currently has a residence and some out buildings located on it. The property directly to the west of the subject property is owned by the Landus Cooperative and has a large agricultural grain storage operation taking place. The proposed structure will most likely blend with the existing utility poles and the commercial operation across U.S. Highway 65 to the west.

2. **Transition.** The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.

Applicant Comment: Windstream’s development will provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties with the included fencing and screening designed around the easement base will accomplish this requirement.

Staff Comment: The proposed structure will meet the setbacks from all property lines. The overall proposed structure height will be 105 feet. The minimum setback requirement for this tower is 50 percent of the overall height or 52.5 feet. The proposed structure will be 308 feet from the north property line, 66 feet from the south property line, approximately 524 feet from the west property line, and over 100 feet from the east property line. The proposed structure will likely be seen by immediately adjacent property owners. Part of the proposed communication tower would be buffered from 320th street by the existing structures on the parcel. The proposed tower will be visible from U.S. Highway 65.

3. **Traffic.** The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

Applicant Comment: Windstream’s development will provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic



flow and control, and emergency access. This requirement is met and called out on provided construction drawings.

Staff Comment: The traffic impact of the proposed structure is expected to be minimal. Once construction of the proposed structure is completed, the only traffic that will visit the site for this structure when maintenance is required, on average once a month.

- 4. Parking and Loading.** The development shall provide all off-street parking and loading areas as required by this Ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.

Applicant Comment: Windstream's development will provide all off-street parking and loading areas as required by the Ordinance, and adequate service entrances and areas. Given the setbacks of at least 300 feet from each right of way line, the visual impact is minimized. Due to the nearest neighbor residence dwelling to be further than .25 miles away the potential light or noise disturbance will be minimal.

Staff Comment: During the installation of the proposed tower, parking will take place on the subject property using existing access points to the property. No parking or equipment storage will take place in the right of way. There is a new turnaround/parking area proposed to be located to the south of the fenced in area surrounding the proposed tower. Parking use for this will consist of parking for maintenance as required at the site.

- 5. Signs and Lighting.** Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.

Applicant Comment: No signs will be required for development. This requirement is met and called out on provided construction drawings.

Staff Comment: There is no signs or lighting proposed for this communications tower. The tower will not be high enough for the FAA to require lighting.

- 6. Environmental Protection.** The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.

Applicant Comment: Windstream's development will not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.

Staff Comment: No excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds, are anticipated.



If the Board concludes that all the above development criteria will be met, it must recommend approval of the application unless it concludes that, if completed as proposed, there is a strong probability the development will:

- 1. Not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property.**

Applicant Comment: Windstream will adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property. Windstream's licensed contractors will uphold OSHA standards throughout the installation and maintenance of the site.

Staff Comment: The proposed structure will meet the setbacks from all property lines. The overall proposed structure height will be 105 feet. The minimum setback requirement for this tower is 50 percent of the overall height or 52.5 feet. The proposed structure will be 308 feet from the north property line, 66 feet from the south property line, approximately 537 feet from the west property line, and over 100 feet from the east property line. The proposed structure will likely be seen by immediately adjacent property owners. Part of the proposed communication tower would be buffered from 320th street by the existing structures on the parcel. The proposed tower will be visible from U.S. Highway 65.

- 2. Impair an adequate supply (including quality) of light and air to surrounding properties.**

Applicant Comment: Windstream will not impair an adequate supply (including quality) of light and air to surrounding property due to its small footprint and equipment used.

Staff Comment: The proposed structure will be a 105' utility pole with four Wi-Fi antennas and will have little to no impact on the supply of light and air to surrounding properties.

- 3. Unduly increase congestion in the roads, or the hazard from fire, flood, or similar dangers.**

Applicant Comment: Windstream will not increase congestion in the roads, or the hazard from fire, flood or similar dangers due to its setback requirements met from right of ways and/or structures within property.

Staff Comment: Following the construction of the proposed structure, there will be very little traffic to and from the structure. Traffic will be for maintenance to the communications tower. The proposed structure will not be located within the floodplain.

- 4. Diminish or impair established property values on adjoining or surrounding property.**

Applicant Comment: Windstream will not diminish or impair established property values on adjoining or surrounding property due to equipment used.

Staff Comment: The Story County Assessor's Office raised no concerns with this item from



the review of the requested Conditional Use Permit application. No impacts on property values are anticipated.

5. Not be in accord with the intent, purpose and spirit of the Land Development Regulations or County Cornerstone to Capstone (C2C) Plan.

Applicant Comment: we believe that the implementation of a fixed, wireless internet solution will promote and address several values and goals outlined throughout the C2C and from staff members, elected officials and County Board and Commission members.

In particular, the Story County Strategic Plan discusses the need to provide services efficiently and effectively that continually meet the needs of Story County citizens. Introducing a fixed-wireless internet solution improves quality of life for both individuals and businesses alike throughout Story County and address an underlying goal outlined within the Strategic Plan, which focuses on addressing both the evolution of technology itself and the expectations of citizens in regards to the availability of such technology.

Similarly, Chapter 3, Section 6, of The C2C Plan addresses the commitment by Story County to maintaining a high level of communication to ensure County residents remain both safe and informed. Access to reliable internet services, especially in rural areas, improves the dissemination of crucial information and promotes the County's communication objectives.

More specifically, Chapter 3, Section 9, of The C2C Plan discusses the County's strategy to support the expansion of all broadband/internet access service options to residents and businesses throughout the county, which is the primary objective of this project.

Furthermore, the implementation of a fixed-wireless internet option mitigates the need of unnecessary utility poles and overhead lines, which we believe compliments the long-term vision and goals set forth throughout the C2C and Strategic Plan. Specifically, in regard to Chapter 90.04, (1) (A), we believe that the use of a fixed-wireless solution addresses excessive proposed development of traditional wireline and utility pole infrastructure by offering a single-point solution that improves both access and reliability to internet services.

Also, in regard to Section 90.04, we want to ensure the review board that the development of this project will be in accordance with the requirements set forth in Section 1 (F).

Staff Comment: The C2C plan is oriented toward preserving the county's rural character and high value agricultural land, protecting environmentally-sensitive areas, and identifying areas for future growth and development. The proposed tower will support the expansion of all broadband/internet access service options to residents and businesses throughout the county under the C2C Infrastructure and Utilities Goal 1 strategy list. The remainder of the parcel will continue to be used for its existing use.

B. Burden of Persuasion.



1. **The burden of persuasion as to whether the development, if completed as proposed, will comply with the requirements of this Chapter is at all times on the applicant.**
2. **The burden of presenting evidence to the Board of Adjustment sufficient enough for it to conclude that the application does not comply with the requirements of this Chapter is upon the person or persons recommending such a conclusion, unless the information presented by the applicant warrants such a conclusion.**

Commentary

The following comments are part of the official record of the proposed **Windstream Broadband Utility Pole CUP01-20**. If necessary, conditions of approval may be formulated based off these comments.

Conceptual Review – February 6, 2020

Comments from the Environmental Health

Environmental Health has no concerns with the CUP application #01-20 for a Windstream Utility Pole and H-frame. The existing house on this parcel has a septic system located west of the house, and a water well east of the garage; neither will be impacted by the proposed construction.

Comments from the Auditors Office

No comment

Comments from Planning and Development

1. Please confirm the height of the tower. Will the tower be 95' with antennas that extends 5' above for a total of 100'? **Communications tower will be 100 feet with a lightning rod being another 5 feet for a total of 105 feet.**
2. The site plan identifies the pole is proposed to be wood. Chapter 90.08 4 F1 states that towers/facilities shall maintain a galvanized steel finish. Please address this. **Corrected to a galvanized steel finish utility pole.**
3. In accordance with 90.08 (4) E 1, how is the fence being made to not be climbable? **Barbed wire on the top of the fence and a black privacy wrap around the chain link.**
4. Chapter 90.08 (4) E 2 states screening of the lowest six feet of the tower is required. Screening is required from the right-of-ways to the north (320th Street) and west (HWY 65) of the proposed tower. Chain link is identified as the fencing, please indicate how this will meet the requirement. **Black privacy wrap around the chain link.**
5. Please identify the surface type proposed for the access and driveway extending to the compound area. Chapter 88.08 (4) Parking and Circulation Standards require well designed and efficient parking layout and circulation. The provision indicates, parking lots shall provide well defined circulation routes for vehicles and pedestrians. All parking spaces shall be clearly marked. Appropriately placed pavement markings shall be employed where necessary to guide internal circulation and traffic ingress and egress. **We will not be graveling the easement for vehicle movement from the access to the leased area.**
6. Please label the dimensions of the access/driveway and utility easement on the drawing. **Provided**
7. Please label the dimensions of the compound lease area on the drawing. **Provided**



8. In accordance with Chapter 90.08 (4) C, please demonstrate that the proposed height is the minimum necessary to accommodate the proposal's requirements, as documented by a qualified engineer. **Letter stating need provided**
9. Please provide responses to 90.04 1 A-F Standards of Approval from the Story County Land Development Regulations. **Provided**
10. In accordance with Chapter 90.08 (4) (F) 3, signs are not allowed other than safety or warning signs. Please confirm there are no proposed signs. **No signs are proposed.**
11. Is any lighting proposed? If so it must be required by the FAA as identified in Chapter 90.08 (4) (F) 2. Please provide any correspondence from the FAA regarding lighting. **No lighting is proposed.**
12. In accordance with Chapter 90.08 (4) J 7, please indicate if the tower will be available for collocation in the future. **The tower is being constructed solely for Windstream's use. Windstream is not prohibiting future collocation, but it does not anticipate that function.**
13. Have you contacted the County Engineer's office regarding if the access to the parcel is sufficient for the use? **Not county road, spoke with IDOT and received written approval.**
14. What is the range of the proposed tower's Wi-Fi antenna? **Distance of (5) five miles.**
15. Please provide any additional drawings that show more details of the antennas planned to be mounted on the communications tower. **Provided**
16. In accordance with Chapter 90.08 (4) J 10, please provide a copy of the signed lease agreement with the property owner. The fees may be redacted. **Provided**
17. Please have an engineer sign and certify the submitted drawings. **Provided**
18. Please submit a conditional use permit application for this proposed project by February 14th, 2020 to make the deadline for the March 4th, 2020 Planning and Zoning Commission meeting and the March 18th, 2020 Board of Adjustment meeting. **Provided**

Public notices were mailed to adjacent property owners within ¼ mile of the proposed site on February 19, 2020.

Comments from the General Public:

No comments were received as of the date of this staff report.

March 4th, 2020 Meeting

A representative from Flex Deploys (Windstreams Consultant) was present.

Comments from the Planning and Zoning Commission:

Mens asked if this was the best location for the communications tower given the location of the Landus grain elevators to the west. Amman explained that based on the information that was provided it is. The representative from Flex Deploys, Jennifer Jackson, also stated that based on the research that was conducted this site meets Windstreams needs and objectives.

Mens stated that this area of the County has areas without any access to internet and was glad that this will help provide internet to the area.

Prior to the March 4th, 2020 Planning and Zoning Commission meeting Flex provided an updated site plan showing how the access, circulation routes, and parking will be marked, meeting condition number two.



Points to Consider for the Conditional Use Permit Request

1. Applicant addressed the need for the broadband utility pole.
2. Communications tower will help support the federal initiative to provide broadband access to rural customers.
3. The communications tower utility pole will be compatible with the surrounding landscape.
4. Traffic impact will be limited.
5. No environmental impacts are expected.

Conditions of Approval

Chapter 90.05: Recommendations on Applications

Staff Recommendation:

Based on review of the site, application materials, responses to County Staff comments, and the information and analysis in this staff report, Planning and Development staff recommend approval of the Conditional Use Permit application CUP01-20 with conditions:

- **The written access and utility easement will be recorded with the Story County Recorder prior to the issuance of a zoning permit for the Communications Tower.**
- **Preliminary Zoning permit for the Communications Tower will not be issued until Story County Land Development Regulations Chapter 88.08 (4) Parking and Circulation Standards are met for well-defined circulation routes and clearly marked parking spaces acceptable to Planning and Development Staff.**

Recommendation by Planning and Zoning Commission

At the March 4th, 2020 meeting, the Planning and Zoning Commission recommended approval of the Conditional Use Permit for the Windstream Broadband Communications Tower as put forth in case CUP01-20, with conditions with a 6-0 vote.

Alternatives

The Story County Board of Adjustment may consider the following alternatives:

- 1) The Story County Board of Adjustment recommends approval of the Conditional Use Permit for the Windstream Broadband Communications Tower as put forth in case CUP01-20, as submitted.
- 2) **The Story County Board of Adjustment recommends approval of the Conditional Use Permit for the Windstream Broadband Communications Tower as put forth in case CUP01-20, with conditions.**
- 3) The Story County Board of Adjustment recommends denial of the Conditional Use Permit for the Windstream Broadband Communications Tower as put forth in case CUP01-20.



- 4) The Story County Board of Adjustment remands the Conditional Use Permit for the Windstream Broadband Communications Tower as put forth in case CUP01-20, back to the applicant for further review and/or modifications, and directs staff to place this item on a future Story County Board of Adjustment agenda.

Story County Planning and Development

900 6th Street, Nevada, Iowa 50201

(515) 382-7245 — pzweb@storycountyiowa.gov — www.storycountyiowa.gov

CONDITIONAL USE PERMITS



1. Property Owner*

(Last Name) Moody

(First Name) Donald S and Lisa M

(Address) 70064 320th Street

(City) Collins (State) IA (Zip) 50055

(Phone) 515-770-5754 (Email) ds.moody1@hotmail.com

2. Applicant (if different than owner)

(Last Name) Miller Windstream Site ID: WS-CLNS-RL01

(First Name) Ashlee

(Address) 11124 Kingston Pike, Suite 119-234

(City) Knoxville (State) TN (Zip) 37934

(Phone) 713-471-0206 (Email) ashlee.miller@flexdeploys.com

3. Property Address 70064 320th Street, Collins IA 50055

Parcel ID Number(s) 1628100102

4. Certification and Signature

I/we certify that the information and exhibits submitted are true and correct to the best of my knowledge and that in filing this application I am acting with the knowledge, consent and authority of the owners of the property. Pursuant to said authority, I hereby permit County officials to enter upon the property for the purpose of inspection.

***Acknowledgement of property owner is required and may occur via email or by signature of this application.**

Property Owner Signature _____ Date _____ Applicant Signature _____ Date _____

There are 3 types of CUP Modifications: insignificant, minor, and major. The Director of Planning and Development makes the determination of the type. Insignificant modifications are reviewed by the director. Minor modifications are reviewed by the Board of Adjustment. Major modifications are considered new conditional use applications and follow the same review process as a new conditional use permit application.

New Conditional Use Permit

Proposed Conditional Use: Windstream Utility Pole and H-frame

Submittal Requirements:

- Attend conceptual review meeting (prior to submittal of CUP application, see conceptual review application and deadline on Planning and Development website)
- Filing Fee (required prior to processing): **\$275**
- Site development plan
- Written narrative explaining justification for proposed conditional use permit and conformance to the standards for approval in Section 90.04 of the Story County Code of Ordinances.

Conditional Use Permit Modification

Previous CUP and Number: _____

Submittal Requirements:

- Filing Fee (required prior to processing) : **\$50** (If determined to be a minor modification by the Planning and Development Director, the fee amount is \$175.)
- Site development plan
- Written narrative explaining modification of approved conditional use permit and response to the standards for approval in Section 90.04 of the Story County Code of Ordinances. **RECEIVED FEB 14 2020**

Receipt No. _____
 Receipt Amount _____

WS-CLNS-RL01

70064 320TH ST
COLLINS, IA 50055



DRAWN BY:	AMC
DATE:	03/03/2020

REV	DATE	DESCRIPTION	BY
A	01/16/2020	90% CD	AMC
B	01/21/2020	99% CD	AMC
0	02/13/2020	100% FINAL CD	AMC
1	03/03/2020	REVISED FINAL CD	AMC

SITE INFORMATION

SITE ID: WS-CLNS-RL01
 ADDRESS: 70064 320TH ST
 COLLINS, IA 50055
 COUNTY: STORY COUNTY
 LATITUDE: 41.8910564°
 LONGITUDE: -93.3068789°
 JURISDICTION: STORY COUNTY

CONTACTS

PROJECT MANAGER: WINDSTREAM
 PROFESSIONAL ENGINEER: IRISH TOWER, LLC
 4603 BERMUDA DRIVE
 SUGAR LAND, TEXAS 77479
 jacob.goralski@irishtower.com
 PROPERTY OWNER: NA

GENERAL NOTES

THE FACILITY IS NOT FOR HUMAN HABITATION. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OR EFFECT ON DRAINAGE; NO SANITARY SEWER SERVICE, POTABLE WATER, OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL SIGNAGE IS NEW. THE SITE LOCATION IS SUBJECT TO MOVING, UP TO 10' FROM PROPOSED LOCATION, AS NEEDED TO KEEP WITHIN PUBLIC ROW, AVOID EXISTING UTILITY LINES, AND AVOID LINE-OF-SIGHT OBSTRUCTIONS WITH BOTH FOOT AND AUTOMOTIVE TRAFFIC. CONTRACTOR SHALL NOTIFY ENGINEER OF RECORD PRIOR TO ANY CHANGES.

LOCATION MAP



PROJECT DESCRIPTION

THESE DRAWINGS DEPICT AN UTILITY POLE WITH ANTENNA INSTALLATION TO PROVIDE HIGH SPEED INTERNET SERVICE IN RURAL AREAS. THIS INSTALLATION SHALL CONSIST OF THE PLACEMENT OF A NEW POLE, FOUR (4) ANTENNAS, ONE (1) CONCEALMENT CABINET AND ASSOCIATED ELECTRICAL COMPONENTS AND MOUNTING BRACKETS AS REQUIRED

ENGINEERING

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUCTED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

2011 NATIONAL ELECTRICAL CODE 2012 INTERNATIONAL FIRE CODE
 2012 INTERNATIONAL BUILDING CODE CITY AND/OR COUNTY ORDINANCES
 2012 INTERNATIONAL MECHANICAL CODE LOCAL BUILDING CODE(S)
 2012 INTERNATIONAL PLUMBING CODE ANSI EIA/TIA 222-G
 2012 LIFE SAFETY CODE (NFPA 101)

DRAWING INDEX

SHEET NO:	SHEET TITLE
T-1	TITLE SHEET
T-2	GENERAL NOTES
B-1	SURVEY
C-1	SITE PLANS
C-2	ELEVATION DETAILS
C-3	ANTENNA LAYOUT DETAILS
D-1	EQUIPMENT DETAILS
E-1	ELECTRICAL & GROUNDING DETAILS
Z-1	ZONING CLASSIFICATIONS

NOTE: DRAWINGS ARE SCALED TO 11X17

CONTRACTOR SHALL VERIFY ALL PLANS & EXISTING DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ARCHITECT OR ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.



Know what's below.
Call before you dig.



03/03/2020

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

WS-CLNS-RL01

70064 320TH ST
COLLINS, IA 50055
STORY COUNTY

SHEET TITLE

TITLE SHEET

SHEET NUMBER

T-1

GENERAL NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SURVEY MONUMENTS AND/OR VERTICAL CONTROL BENCHMARKS WHICH ARE DISTURBED OR DAMAGED BY CONSTRUCTION. A LAND SURVEYOR MUST FIELD LOCATE, REFERENCE, AND/OR PRESERVE ALL HISTORICAL OR CONTROLLING MONUMENTS PRIOR TO ANY EARTHWORK. IF DAMAGED, SUCH MONUMENTS SHALL BE REPLACED WITH APPROPRIATE MONUMENTS BY A LAND SURVEYOR. A CORNER RECORD OR RECORD OF SURVEY, AS APPROPRIATE, SHALL BE FILED AS REQUIRED BY THE PROFESSIONAL LAND SURVEYORS ACT.
2. IMPORTANT NOTICE: CONTRACTOR SHALL CALL LOCAL UNDERGROUND LOCATE SERVICE THREE WORKING DAYS BEFORE ANY CONSTRUCTION.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL EXISTING UTILITIES WITHIN PROPOSED EXCAVATIONS AND MUST MAINTAIN MINIMUM VERTICAL AND HORIZONTAL CLEARANCES AS CALLED FOR BY LOCAL CODES AND/OR ORDINANCES.
4. CONTRACTOR IS RESPONSIBLE FOR REPAIR AND/OR REPLACEMENT OF ANY EXISTING STRUCTURES OR LANDSCAPING DAMAGED DURING CONSTRUCTION.
5. CONTRACTOR SHALL REPLACE OR REPAIR ALL TRAFFIC SIGNAL LOOPS, CONDUIT, AND LANE STRIPING DAMAGED DURING CONSTRUCTION.
6. THIS PROJECT WILL BE INSPECTED BY ENGINEERING AND FIELD ENGINEERING DIVISION.
7. ANY MANHOLES OR COVERS INSTALLED AS PART OF THIS PROJECT SHALL BE LABELED COMMUNICATIONS.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR IMPLEMENTATION OF AN EROSION CONTROL PLAN WHICH MEETS ALL APPLICABLE REQUIREMENTS OF STATE AND LOCAL AGENCIES HAVING JURISDICTION.
9. THE CONTRACTOR SHALL MAINTAIN MATERIALS AND EQUIPMENT ON SITE FOR UNFORESEEN SITUATIONS INCLUDING DAMAGE TO UNDERGROUND WATER, SEWER, AND STORM DRAIN FACILITIES WHICH COULD GENERATE FLOWS ABLE TO CAUSE EROSION AND SEDIMENT POLLUTION.

SPECIAL NOTES

1. INDEMNIFICATION CLAUSE: THE CONTRACTOR AGREES AND SHALL: ASSUME SOLE AND COMPLETE RESPONSIBILITY OF THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING THE SAFETY OF ALL PERSONS AND PROPERTIES. THESE REQUIREMENTS SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS AND CONDITIONS. THE CONTRACTOR FURTHER AGREES TO DEFEND INDEMNITY AND HOLD OWNER, REPRESENTATIVES, AND ENGINEERS HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED IN CONNECTION WITH THE PERFORMANCE OF THE WORK ON THIS PROJECT.
2. PRIOR TO START OF CONSTRUCTION AND THROUGH PROJECT COMPLETION, THE CONTRACTOR SHALL REMAIN IN FULL COMPLIANCE WITH CURRENT FEDERAL, STATE, AND LOCAL OCCUPATIONAL HEALTH AND SAFETY REGULATIONS.
3. ALL WORK SHALL CONFORM TO THE LATEST STANDARD "SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION" AS ADOPTED BY THE CITY, COUNTY OR STATE AND AS MODIFIED BY STANDARD PLANS AND ADDENDUMS.
4. ALL UTILITIES AND OTHER FACILITIES DEPICTED ON THE PLANS ARE BASED ON A SEARCH OF AVAILABLE RECORDS AND FIELD OBSERVATIONS. THE CONTRACTOR SHALL VERIFY PRIOR TO CONSTRUCTION START AND USE EXTREME CARE AND PROTECTIVE MEASURES TO AVOID DAMAGE TO ANY FACILITIES WHETHER OR NOT INDICATED ON THESE PLANS. THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL FACILITIES WITHIN THE LIMITS OF WORK, WHETHER OR NOT DEPICTED ON THESE PLANS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFICATION OF ANY CITY, COUNTY OR STATE ENGINEER INSPECTION DEPARTMENT A MINIMUM TWO DAYS PRIOR TO COMMENCEMENT OF ACTIVITY REQUIRING THEIR INVOLVEMENT.
6. THE EXPIRATION OF THE PERMIT FOR THIS PROJECT SHALL BE SPECIFIED BY THE LOCAL AUTHORITY HAVING JURISDICTION.
7. ALL UNDERGROUND CONDUITS PLACED AS PART OF THIS PROJECT MUST HAVE A MINIMUM COVER OF 48 INCHES UNLESS OTHERWISE APPROVED.
8. THE CONTRACTOR SHALL TUNNEL ALL CURB AND GUTTERS AND BORE ALL CONCRETE DRIVEWAYS AND WALKWAYS AT THE DIRECTION OF THE CITY, COUNTY OR STATE ENGINEER HAVING JURISDICTION.
9. ALL PAVEMENT CUT OR DAMAGED AS PART OF THIS PROJECT SHALL BE REPLACED AT THE DIRECTION OF THE CITY, COUNTY OR STATE ENGINEER HAVING JURISDICTION.
10. ALL SHRUBS, PLANTS OR TREES DAMAGED OR DISTURBED DURING THE COURSE OF THE WORK, SHALL BE REPLANTED AND/OR REPLACED SO AS TO RESTORE THE WORK SITE TO ITS ORIGINAL CONDITION.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROCESSING OF ALL APPLICANT PERMIT FORMS ALONG WITH REQUIRED LIABILITY INSURANCE FORMS CLEARLY DEMONSTRATING OWNER, OWNER REPRESENTATIVES, ENGINEER, AND CITY, COUNTY OR STATE ARE ALSO INSURED WITH THE REQUIRED LIABILITY INSURANCE FOR THIS CONSTRUCTION PROJECT.
12. ALL SUBSURFACE STRUCTURES INCLUDING BUT NOT LIMITED TO VAULTS, PEDESTALS, AND CONDUITS SHALL BE AS SPECIFIED IN THESE PLANS OR AS SPECIFIED BY THE ENGINEER. ANY DEVIATIONS SHALL BE APPROVED BY THE ENGINEER IN WRITING PRIOR TO INSTALLATION.
13. THE CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF ALL EXISTING UTILITIES, INCLUDING BUT NOT LIMITED TO SEWER LATERALS AND WATER SERVICES, BOTH VERTICAL AND HORIZONTAL, PRIOR TO COMMENCING IMPROVEMENT OPERATIONS.
14. THE CONTRACTOR IS RESPONSIBLE FOR COMPLETION OF EXPLORATION EXCAVATIONS CONDUCTED FOR THE PURPOSE OF LOCATING EXISTING FACILITIES SUFFICIENTLY AHEAD OF CONSTRUCTION TO PERMIT REVISIONS TO PLANS AS REQUIRED.
15. LOCATIONS OF EXISTING UTILITIES ON THESE PLANS ARE BASED UPON EXISTING RECORDS VERIFIED WHERE POSSIBLE WITH FIELD TIES. CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF LOCATIONS SHOWN, BOTH HORIZONTAL AND VERTICALLY. PRIOR TO CONSTRUCTION, SUBSTANTIAL VARIANCES FROM THE PLANS SHALL BE COMMUNICATED TO THE ENGINEER TO FACILITATE CHANGES TO CONSTRUCTION DRAWINGS AS REQUIRED.

EROSION AND SEDIMENT CONTROL NOTES

TEMPORARY EROSION/SEDIMENT CONTROL PRIOR TO COMPLETION OF FINAL IMPROVEMENTS SHALL BE INSTALLED BY CONTRACTOR OR QUALIFIED PERSON AS INDICATED BELOW:

1. ALL REQUIREMENTS OF THE CITY, COUNTY AND STATE "STORM WATER STANDARDS" MUST BE INCORPORATED INTO THE DESIGN AND CONSTRUCTION OF THE PROPOSED GRADING/IMPROVEMENTS CONSISTENT WITH THE APPROVED STORM WATER POLLUTION PREVENTION PLAN (SWPPP), WATER QUALITY TECHNICAL REPORT (WQTR), AND/OR WATER POLLUTION CONTROL PLAN (WPCP).
2. A GRAVEL BAG SILT BASIN SHALL BE INSTALLED IMMEDIATELY UPSTREAM OF STORM DRAIN INLETS AS INDICATED ON DETAILS.
3. FOR INLETS LOCATED AT SUMPS ADJACENT TO TOP OF SLOPES. THE CONTRACTOR SHALL INSURE WATER DRAINING TO THE SUMP IS DIRECTED INTO THE INLET AND A MINIMUM OF 1.00' FREEBOARD EXISTS AND IS MAINTAINED ABOVE THE TOP OF THE INLET. IF FREEBOARD IS NOT PROVIDED BY GRADING SHOWN ON THESE PLANS THE CONTRACTOR SHALL PROVIDE IT VIA TEMPORARY MEASURES, I.E. GRAVEL BAGS OR DIKES.
4. THE CONTRACTOR OR QUALIFIED PERSON SHALL BE RESPONSIBLE FOR CLEANUP OF SILT AND MUD ON ADJACENT STREET(S) AND STORM DRAIN SYSTEM DUE TO CONSTRUCTION ACTIVITY.
5. THE CONTRACTOR OR QUALIFIED PERSON SHALL CHECK AND MAINTAIN ALL LINED AND UNLINED DITCHES AFTER EACH RAINFALL.
6. THE CONTRACTOR SHALL REMOVE SILT AND DEBRIS AFTER EACH MAJOR RAINFALL.
7. THE CONTRACTOR SHALL MAINTAIN EQUIPMENT AND WORKERS FOR EMERGENCY WORK AT ALL TIMES DURING THE RAINY SEASON. MATERIALS NECESSARY FOR EMERGENCY MEASURES SHALL BE STOCKPILED ON SITE AT CONVENIENT LOCATIONS TO FACILITATE RAPID CONSTRUCTION OF TEMPORARY DEVICES WHEN RAIN IS IMMINENT.
8. THE CONTRACTOR IS RESPONSIBLE FOR RESTORING ALL EROSION/SEDIMENT CONTROL DEVICES TO WORKING ORDER TO THE SATISFACTION OF THE CITY/COUNTY/STATE ENGINEER OR RESIDENT ENGINEER FOLLOWING ANY RUN-OFF PRODUCING RAINFALL.
9. THE CONTRACTOR SHALL INSTALL ADDITIONAL EROSION/SEDIMENT CONTROL MEASURES AS REQUIRED BY THE RESIDENT ENGINEER DUE TO UNCOMPLETED GRADING OPERATIONS OR UNFORESEEN CIRCUMSTANCES.
10. THE CONTRACTOR SHALL BE RESPONSIBLE AND TAKE NECESSARY PRECAUTIONS TO PREVENT PUBLIC TRESPASS ONTO AREAS WHERE IMPOUNDED WATERS CREATE A HAZARDOUS CONDITION.
11. ALL EROSION/SEDIMENT CONTROL MEASURES PROVIDED PER THE APPROVED GRADING PLAN SHALL BE INCORPORATED HERON. ALL EROSION/SEDIMENT CONTROL FOR INTERIM CONDITIONS SHALL BE DONE TO THE SATISFACTION OF THE RESIDENT ENGINEER.
12. UPON COMPLETION OF WORK EACH DAY, GRADED AREAS AROUND THE PROJECT PERIMETER MUST DRAIN AWAY FROM THE FACE OF THE SLOPE.
13. ALL REMOVABLE PROTECTIVE DEVICES SHOWN SHALL BE IN PLACE AT THE END OF EACH WORKING DAY WHEN RAIN IS IMMINENT.
14. GRADING, INCLUDING CLEARING AND GRUBBING SHALL ONLY BE CONDUCTED IN AREAS WHERE THE CONTRACTOR OR QUALIFIED PERSON CAN PROVIDE EROSION/DEDIMENT CONTROL MEASURES.

ROW GROUND CONSTRUCTION NOTES:

1. THE CONTRACTOR SHALL REMOVE/CLEAN ALL DEBRIS, NAILS, STAPLES, OR NON-USED VERTICALS OFF THE POLE.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH MUNICIPAL, COUNTY, STATE, AND FEDERAL STANDARDS AND REGULATIONS.
 3. THE CONTRACTOR SHALL CALL LOCAL UNDERGROUND LOCATE SERVICE THREE WORKING DAYS BEFORE ANY CONSTRUCTION IS STARTED.
 4. ALL EXISTING LANDSCAPING SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION.
 5. ALL EQUIPMENT SHALL BE BONDED.
 6. IF A METERING CABINET IS INSTALLED, A MINIMUM 3' CLEARANCE IS REQUIRED AT DOOR OPENING.
 7. IF A METERING CABINET IS INSTALLED, THE CONTRACTOR SHALL CAULK THE CABINET BASE AT THE PAD.
- STANDARD GROUNDING NOTES:
1. GROUND SHALL BE TESTED AT 25 OHMS OR LESS.
 2. GROUND RODS SHALL BE 5/8"x8'. ATTACHMENT TO GROUND RODS SHALL BE EXOTHERMIC WELD OR UL LISTED DIRECT BURY CLAMP BELOW GRADE.
 3. BURIED GROUND AND BONDING WIRE SHALL BE #6 AWG.
 4. MOLDING SHALL BE STAPLED EVERY 1' AND AT EACH END.

STANDARD CONDUIT NOTES:

1. SCHEDULE 40 CONDUIT SHALL BE USED UNDERGROUND.
2. SCHEDULE 80 CONDUIT SHALL BE USED FOR RISERS.
3. RISERS SHALL BE ATTACHED TO POLE WITH STANDARD U-CLAMPS AND LAG SCREWS.
4. RISER U-CLAMPS TO BE INSTALLED EVERY 5'.
5. FOR UG POWER INSTALLATIONS, 2" SDR-11 RED CONDUIT SHALL BE UTILIZED.
6. GROUND WIRE MOLDING STAPLES MAY BE BE UTILIZED FOR ATTACHING CONDUIT LESS THAN 1" DIAMETER.
7. ALL CONDUIT SHALL BE PROOFED WITH A MANDREL AND EQUIPPED WITH A PULL ROPE OR MULE TAPE.

STANDARD TRENCHING NOTES:

1. A MINIMUM OF 2'-6" OF COVER SHALL BE MAINTAINED OVER ALL ELECTRICAL CONDUITS.
2. A MINIMUM OF 4'-0" OF COVER SHALL BE MAINTAINED OVER ALL COMMUNICATIONS CONDUITS.
3. IN STREETS, SLURRY TO GRADE AND MILL DOWN 1-1/2" FOR AC CAP.
4. IN DIRT, SLURRY TO 18" FROM GRADE AND FILL WITH 95% COMPACTION NATIVE SOIL FOR BALANCE.
5. WARNING TAPE SHALL BE INSTALLED 1'-0" ABOVE ALL CONDUITS. #18 WARNING TAPE SHALL BE INSTALLED ABOVE GROUND RING.

ROW UTILITY POLE CONSTRUCTION NOTES:

1. BOLT THREADS SHALL NOT PROTRUDE MORE THAN 1-1/2".
2. HOLES LEFT IN POLE DUE TO REARRANGEMENT OF CLIMBERS SHALL BE FILLED.
3. CLIMB STEPS ADJACENT TO CONDUIT SHALL HAVE EXTENDED STEPS.
4. CABLE SHALL NOT IMPEDE 15" CLEAR SPACE OFF POLE FACE (12:00).
5. 90° SHORT SWEEPS SHALL BE USED UNDER ANTENNA ARM. CABLES MUST TRANSITION ON THE INSIDE OR BOTTOM OF ARMS. (NO CABLE SHALL BE INSTALLED ON TOP OF ARMS.)
6. CABLE CLAMPS SHALL BE UTILIZED TO SECURE CABLE TO ARMS; 2" CARRIER CABLE ID TAGS SHALL BE PLACED ON BOTH SIDES OF ARMS.
7. UTILIZE A 90° CONNECTOR AT CABLE CONNECTION TO ANTENNA.
8. 1/2" CABLE TO BE UTILIZED UNLESS NOTED OTHERWISE.
9. VOIDS AROUND CABLES AT CONDUIT OPENINGS SHALL BE FILLED WITH FOAM SEALANT TO PREVENT WATER INTRUSION.



DRAWN BY:	AMC
DATE:	03/03/2020

REV	DATE	DESCRIPTION	BY
A	01/16/2020	90% CD	AMC
B	01/21/2020	99% CD	AMC
0	02/13/2020	100% FINAL CD	AMC
1	03/03/2020	REVISED FINAL CD	AMC

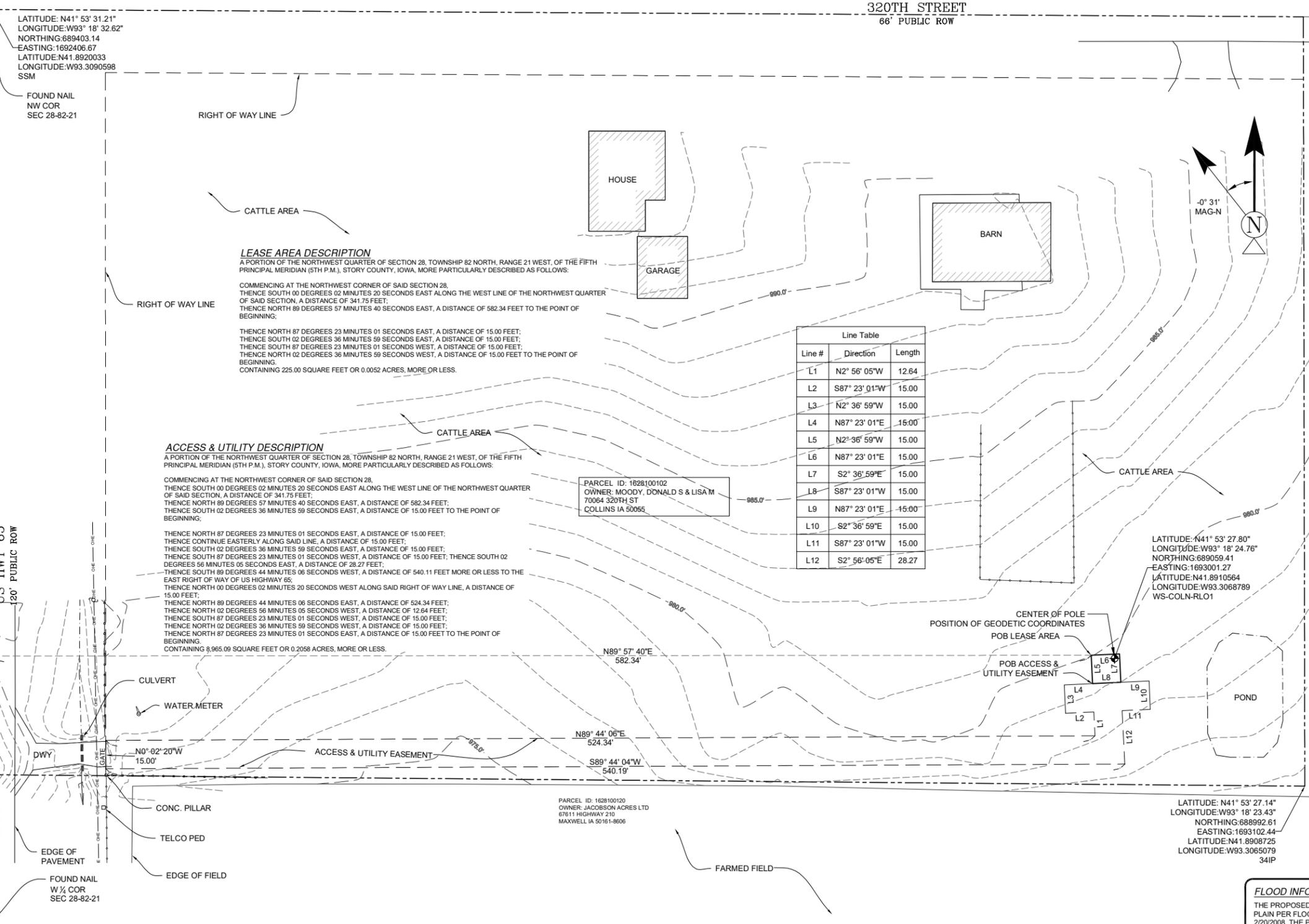


WS-CLNS-RL01

70064 320TH ST
COLLINS, IA 50055
STORY COUNTY

SHEET TITLE
GENERAL NOTES

SHEET NUMBER
T-2



LATITUDE: N41° 53' 31.21"
 LONGITUDE: W93° 18' 32.62"
 NORTHING: 689403.14
 EASTING: 1692406.67
 LATITUDE: N41.8920033
 LONGITUDE: W93.3090598
 SSM

FOUND NAIL
 NW COR
 SEC 28-82-21

US HWY 65
 120' PUBLIC ROW
 SO 02' 20"E
 2288.72'

FOUND NAIL
 W 1/4 COR
 SEC 28-82-21

LEASE AREA DESCRIPTION
 A PORTION OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 82 NORTH, RANGE 21 WEST, OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), STORY COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 28,
 THENCE SOUTH 00 DEGREES 02 MINUTES 20 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION, A DISTANCE OF 341.75 FEET;
 THENCE NORTH 89 DEGREES 57 MINUTES 40 SECONDS EAST, A DISTANCE OF 582.34 FEET TO THE POINT OF BEGINNING;
 THENCE NORTH 87 DEGREES 23 MINUTES 01 SECONDS EAST, A DISTANCE OF 15.00 FEET;
 THENCE SOUTH 02 DEGREES 36 MINUTES 59 SECONDS EAST, A DISTANCE OF 15.00 FEET;
 THENCE SOUTH 87 DEGREES 23 MINUTES 01 SECONDS WEST, A DISTANCE OF 15.00 FEET;
 THENCE NORTH 02 DEGREES 36 MINUTES 59 SECONDS WEST, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.
 CONTAINING 225.00 SQUARE FEET OR 0.0052 ACRES, MORE OR LESS.

ACCESS & UTILITY DESCRIPTION
 A PORTION OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 82 NORTH, RANGE 21 WEST, OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), STORY COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 28,
 THENCE SOUTH 00 DEGREES 02 MINUTES 20 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION, A DISTANCE OF 341.75 FEET;
 THENCE NORTH 89 DEGREES 57 MINUTES 40 SECONDS EAST, A DISTANCE OF 582.34 FEET;
 THENCE SOUTH 02 DEGREES 36 MINUTES 59 SECONDS EAST, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING;
 THENCE NORTH 87 DEGREES 23 MINUTES 01 SECONDS EAST, A DISTANCE OF 15.00 FEET;
 THENCE SOUTH 02 DEGREES 36 MINUTES 59 SECONDS EAST, A DISTANCE OF 15.00 FEET;
 THENCE SOUTH 87 DEGREES 23 MINUTES 01 SECONDS WEST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 02 DEGREES 36 MINUTES 59 SECONDS EAST, A DISTANCE OF 28.27 FEET;
 THENCE SOUTH 89 DEGREES 44 MINUTES 06 SECONDS WEST, A DISTANCE OF 540.11 FEET MORE OR LESS TO THE EAST RIGHT OF WAY OF US HIGHWAY 65;
 THENCE NORTH 00 DEGREES 02 MINUTES 20 SECONDS WEST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 15.00 FEET;
 THENCE NORTH 89 DEGREES 44 MINUTES 06 SECONDS EAST, A DISTANCE OF 524.34 FEET;
 THENCE NORTH 02 DEGREES 36 MINUTES 59 SECONDS WEST, A DISTANCE OF 15.00 FEET;
 THENCE SOUTH 87 DEGREES 23 MINUTES 01 SECONDS WEST, A DISTANCE OF 15.00 FEET;
 THENCE NORTH 02 DEGREES 36 MINUTES 59 SECONDS WEST, A DISTANCE OF 15.00 FEET;
 THENCE NORTH 87 DEGREES 23 MINUTES 01 SECONDS EAST, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.
 CONTAINING 8,965.09 SQUARE FEET OR 0.2058 ACRES, MORE OR LESS.

Line #	Direction	Length
L1	N2° 56' 05"W	12.64
L2	S87° 23' 01"W	15.00
L3	N2° 36' 59"W	15.00
L4	N87° 23' 01"E	15.00
L5	N2° 36' 59"W	15.00
L6	N87° 23' 01"E	15.00
L7	S2° 36' 59"E	15.00
L8	S87° 23' 01"W	15.00
L9	N87° 23' 01"E	15.00
L10	S2° 36' 59"E	15.00
L11	S87° 23' 01"W	15.00
L12	S2° 56' 05"E	28.27

PARCEL ID: 1628100102
 OWNER: MOODY, DONALD S & LISA M
 70064 320TH ST
 COLLINS IA 50055

PARCEL ID: 1628100120
 OWNER: JACOBSON ACRES LTD
 67611 HIGHWAY 210
 MAXWELL IA 50161-8606

LATITUDE: N41° 53' 27.80"
 LONGITUDE: W93° 18' 24.76"
 NORTHING: 689059.41
 EASTING: 1693001.27

LATITUDE: N41° 53' 27.14"
 LONGITUDE: W93° 18' 23.43"
 NORTHING: 688992.61
 EASTING: 1693102.44
 LATITUDE: N41.8908725
 LONGITUDE: W93.3065079
 341P



SITE MAP: NOT TO SCALE

BENCHMARK
 ELEVATION ESTABLISHED FROM GPS OBSERVATIONS CONSTRAINED TO OPUS SOLUTIONS, APPLYING GEOID 12A SEPARATIONS NAVD88 DATUM.

BASIS OF BEARINGS
 BEARINGS SHOWN HEREON ARE BASED UPON U.S. STATE PLANE NAD83 COORDINATE SYSTEM IOWA SOUTH ZONE US FOOT, DETERMINED BY GPS OBSERVATIONS, COMPLETED ON 1.7.2020

UTILITY NOTES
 SURVEYOR DOES NOT GUARANTEE THAT ALL UTILITIES ARE SHOWN OR THEIR LOCATIONS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND DEVELOPER TO CONTACT LOCAL 811 AND ANY OTHER INVOLVED AGENCIES TO LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION. REMOVAL, RELOCATION AND/OR REPLACEMENT IS THE RESPONSIBILITY OF THE CONTRACTOR.

SURVEYOR NOTES
 NO SEARCH OF PUBLIC RECORDS HAS BEEN COMPLETED TO DETERMINE ANY DEFECTS AND/OR AMBIGUITIES IN THE TITLE OF THE PARENT PARCEL.
 THIS SURVEY IS FOR THE PROPOSED LEASE AREA AND THE PROPOSED ACCESS AND UTILITY EASEMENT ONLY, AND ONLY A PARTIAL BOUNDARY SURVEY OF THE PARENT TRACT HAS BEEN PERFORMED.
 THIS PROPERTY IS SUBJECT TO ANY RECORD EASEMENTS AND/OR RIGHT OF WAY SHOWN HEREON OR NOT.
 THIS SURVEY IS NOT INTENDED FOR LAND TRANSFER.

SURVEYOR HAS NOT PERFORMED A SEARCH OF PUBLIC RECORDS TO DETERMINE ANY DEFECT IN TITLE ISSUED. THE BOUNDARY SHOWN HEREON IS PLOTTED FROM RECORD INFORMATION AND DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PROPERTY.



DRAWN BY: MD
 CHECKED BY: GR

REV	DATE	DESCRIPTION
A	1.15.19	REVIEW

LAND SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEY UNDER THE LAWS OF THE STATE OF IOWA.

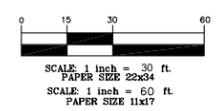
GREGORY L. ROSS
 L.S.#13286

SIGNED: 1.17.2020
 Date

My License renewal date is December 31, 2020

TITLE REPORT INFO
 REFERENCE IS MADE TO THE TITLE REPORT ORDER #1912263284, ISSUED BY ABSTRACT & TITLE SERVICES STORY COUNTY, DATED 12.20.19.
 ALL EASEMENTS CONTAINED WITHIN SAID TITLE REPORT AFFECTING THE IMMEDIATE AREA SURROUNDING THE LEASE HAVE BEEN PLOTTED (EXCEPT FOR ROOFTOPS).

SCHEDULE B ITEMS:
 NO EASEMENTS LISTED AT THE TIME SEARCHED



FAA COORDINATE POINT
 CENTER OF POLE (NAD83)
 LATITUDE 41° 53' 27.80 NORTH
 LONGITUDE 93° 18' 24.76 WEST
 ELEVATION 979.58' (NAVD88)

1-A ACCURACY CERTIFICATION
 THE HORIZONTAL ACCURACY OF THE LATITUDE AND LONGITUDE OF THE GEODETIC COORDINATES FALL WITHIN TWENTY (20) FEET. THE ELEVATIONS (NAVD88) OF THE GROUND AND FIXTURES FALL WITHIN THREE (3) FEET.

FLOOD INFORMATION
 THE PROPOSED LEASE AREA SHOWN HEREON IS NOT LOCATED IN A 100-YEAR FLOOD PLAIN PER FLOOD HAZARD BOUNDARY MAP, COMMUNITY-PANEL NO. 19169C0345E, DATED 2/20/2008. THE PROPOSED LEASE AREA IS LOCATED IN ZONE "X".

LEGEND

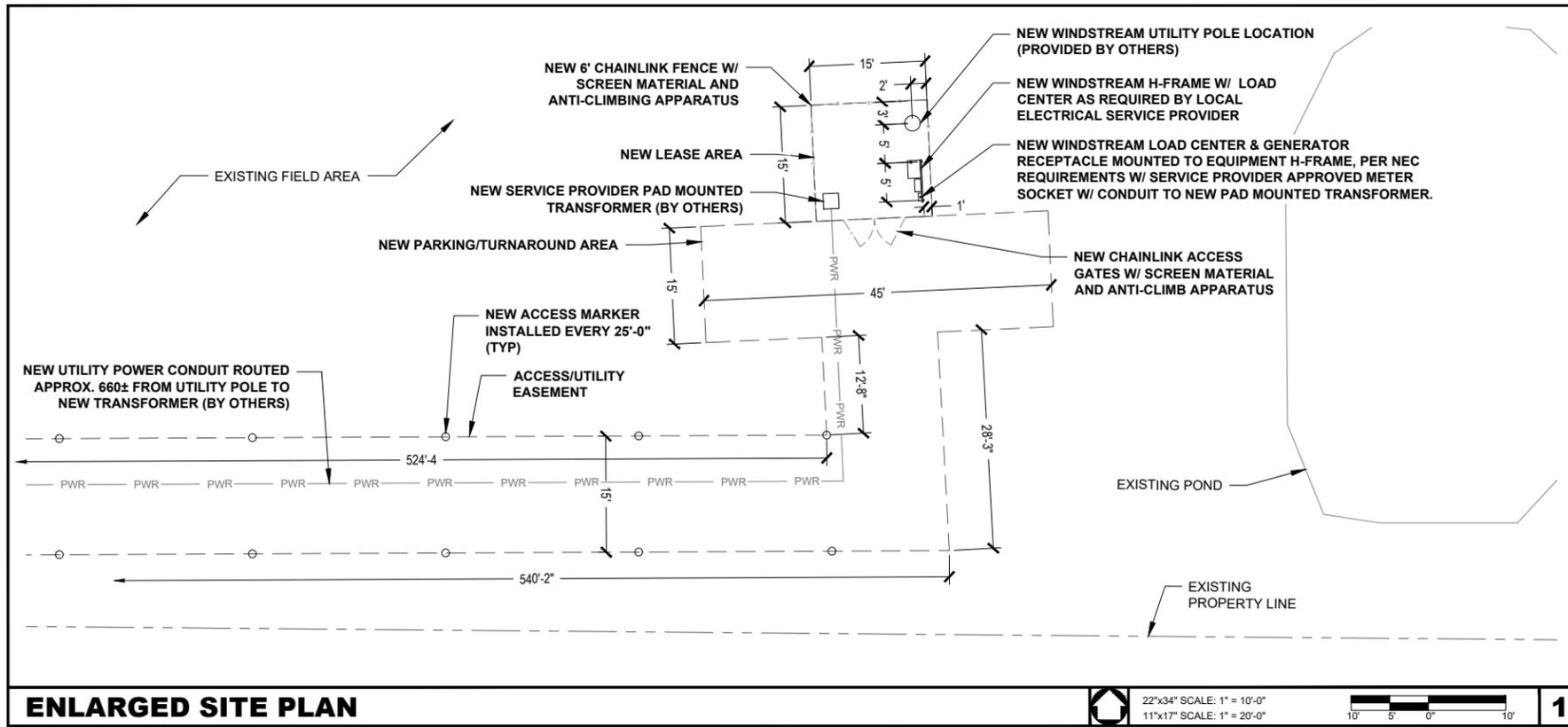
POB	POINT OF BEGINNING	SPOT ELEVATION
POT	POINT OF TERMINUS	POSITION OF GEODETIC COORDINATES
PUE	PUBLIC UTILITY EASEMENT	WATER CONTROL VALVE
ROW	RIGHT OF WAY	FIRE HYDRANT
DW	DRIVEWAY	POWER POLE
SW	SIDEWALK	ELECTRIC MANHOLE
●	FOUND AS NOTED	TELCO MANHOLE

OVERHEAD ELECTRIC PROPERTY LINE BARBED WIRE FENCE

SITE NAME:
 WS-CLNS-RL01
 SITE ADDRESS:
 70064 320TH ST.
 COLLINS, IA 50055
 STORY COUNTY

SHEET TITLE
**TOPOGRAPHIC
 SITE
 SURVEY**

SHEET NUMBER
B-1



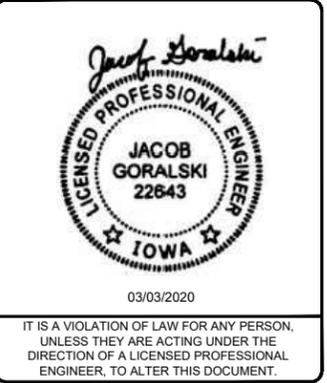
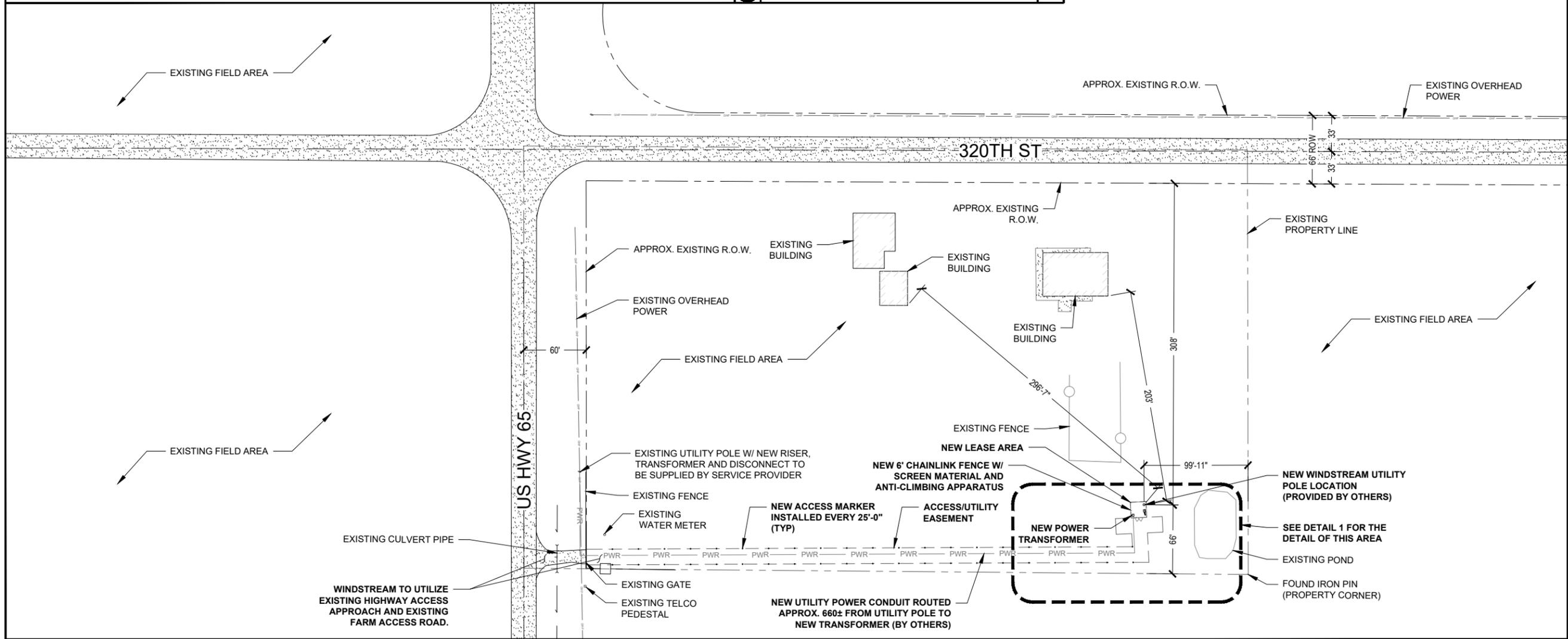
NOTE:
 1. WINDSTREAM TO UTILIZE EXISTING ACCESS OFF OF HWY 65 AND EXISTING FARM ACCESS ROAD.
 2. NO SIGNAGE IS REQUIRED.
 3. NO LIGHTING IS REQUIRED BY FAA.
 4. NO LANDSCAPING PLANNED AS PART OF THIS PROJECT.

LEGAL DESCRIPTION:
 THE NORTH 404.5 FEET OF THE WEST 695 FEET OF THE NW 1/4 OF SECTION 28, TOWNSHIP 82 NORTH, RANGE 21 WEST OF THE 5TH P.M., STORY COUNTY, IOWA.



DRAWN BY:	AMC
DATE:	03/03/2020

REV	DATE	DESCRIPTION	BY
A	01/16/2020	90% CD	AMC
B	01/21/2020	99% CD	AMC
0	02/13/2020	100% FINAL CD	AMC
1	03/03/2020	REVISED FINAL CD	AMC

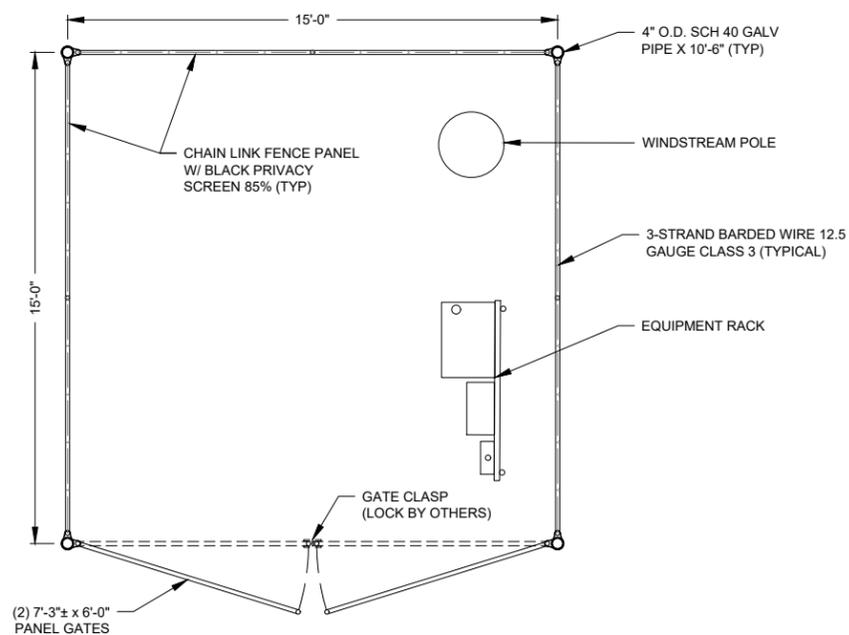
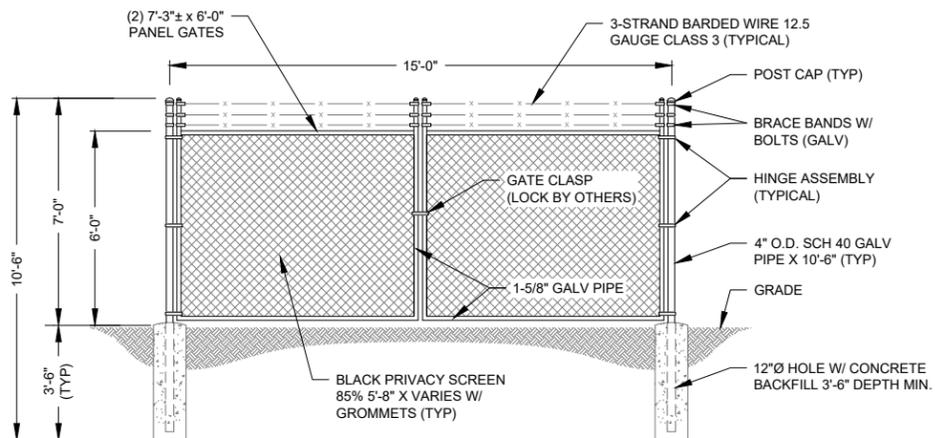
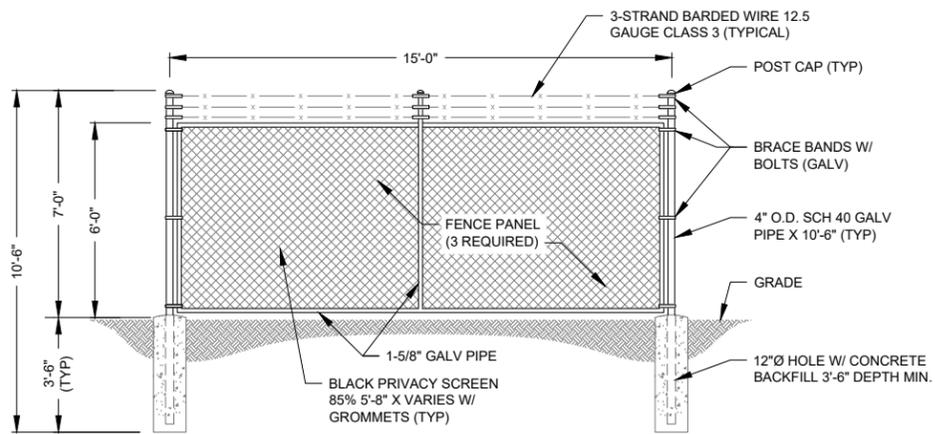


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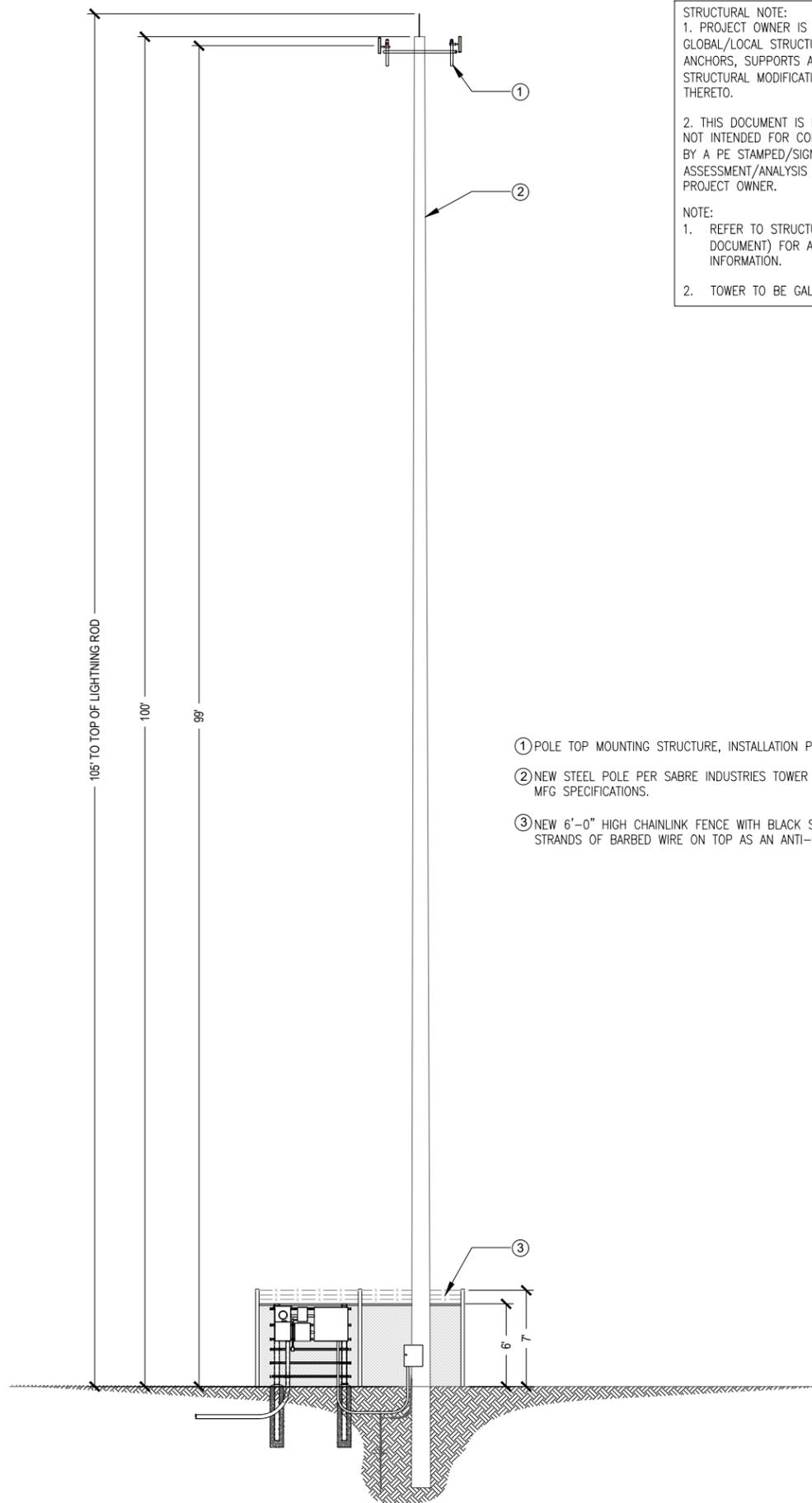
70064 320TH ST
 COLLINS, IA 50055
 STORY COUNTY

SHEET TITLE
SITE PLAN

SHEET NUMBER
C-1



NOTE:
ORIENTATION SHOWN FOR
REFERENCE ONLY, SEE SHEET C-1
FOR LOCATION OF GATE.



- ① POLE TOP MOUNTING STRUCTURE, INSTALLATION PER POLE MFG SPECIFICATIONS.
- ② NEW STEEL POLE PER SABRE INDUSTRIES TOWER DESIGN. TO BE ERECTED PER MFG SPECIFICATIONS.
- ③ NEW 6'-0" HIGH CHAINLINK FENCE WITH BLACK SCREEN MATERIAL AND 3 STRANDS OF BARBED WIRE ON TOP AS AN ANTI-CLIMB APPARATUS.

STRUCTURAL NOTE:
1. PROJECT OWNER IS RESPONSIBLE FOR PROVIDING A GLOBAL/LOCAL STRUCTURAL ANALYSIS OF EQUIPMENT ANCHORS, SUPPORTS AND DESIGN/DETAILING OF ANY STRUCTURAL MODIFICATIONS/REINFORCEMENT REQUIRED THERETO.
2. THIS DOCUMENT IS FOR PERMITTING ONLY AND IS NOT INTENDED FOR CONSTRUCTION UNLESS ACCOMPANIED BY A PE STAMPED/SIGNED STRUCTURAL ASSESSMENT/ANALYSIS REPORT AS PROVIDED BY THE PROJECT OWNER.
NOTE:
1. REFER TO STRUCTURAL ANALYSIS REPORT (SEPARATE DOCUMENT) FOR ADDITIONAL STRUCTURAL INFORMATION.
2. TOWER TO BE GALVANIZED STEEL FINISH

windstream communications

t3 Broadband

IRISH TOWER
GENERAL CONSTRUCTION | ENGINEERING | PROJECT MANAGEMENT
4603 Bermuda Drive, Sugar Land, TX 77479
Voice: (281) 796-2651 | Fax: (856) 598-3136
irishtower.com

DRAWN BY: AMC
DATE: 03/03/2020

REV	DATE	DESCRIPTION	BY
A	01/16/2020	90% CD	AMC
B	01/21/2020	99% CD	AMC
0	02/13/2020	100% FINAL CD	AMC
1	03/03/2020	REVISED FINAL CD	AMC

Jacob Goralski

LICENSED PROFESSIONAL ENGINEER
JACOB GORALSKI
22643
IOWA

03/03/2020

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

WS-CLNS-RL01

70064 320TH ST
COLLINS, IA 50055
STORY COUNTY

SHEET TITLE
ELEVATION
DETAILS

SHEET NUMBER
C-2



DRAWN BY:	AMC
DATE:	03/03/2020

REV	DATE	DESCRIPTION	BY
A	01/16/2020	90% CD	AMC
B	01/21/2020	99% CD	AMC
0	02/13/2020	100% FINAL CD	AMC
1	03/03/2020	REVISED FINAL CD	AMC



03/03/2020

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

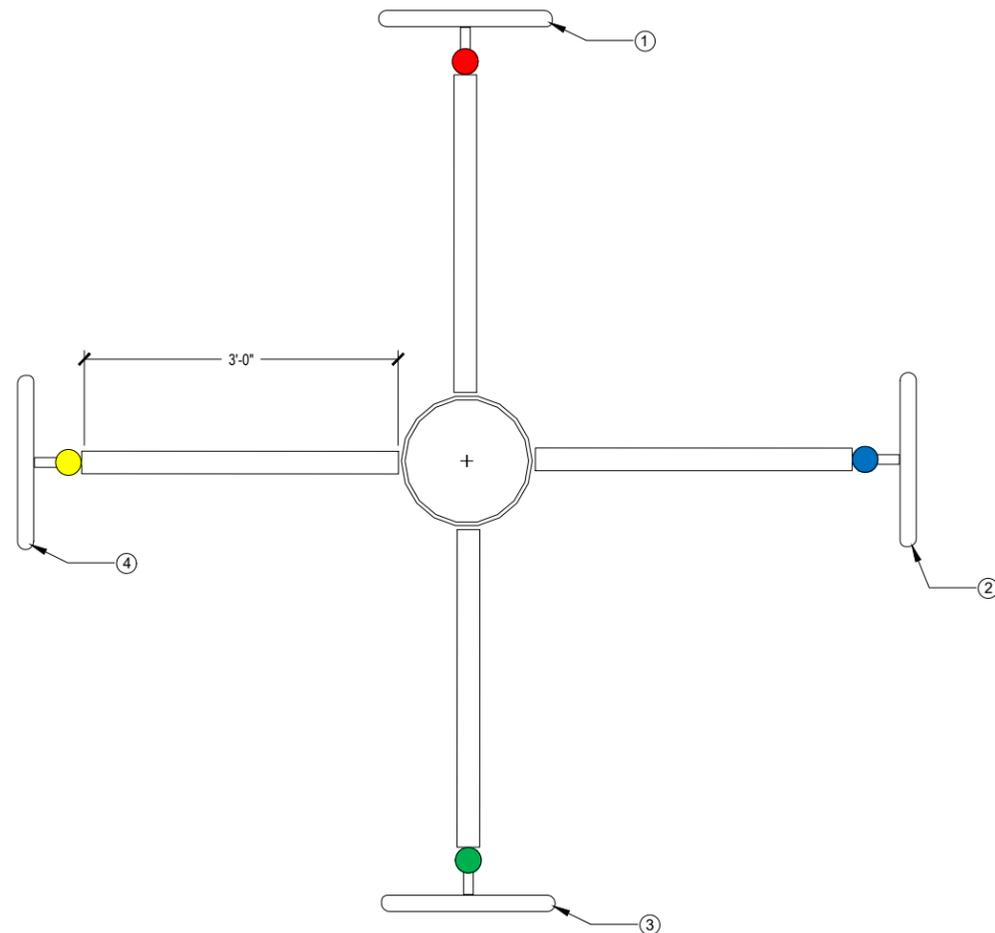
WS-CLNS-RL01

70064 320TH ST
COLLINS, IA 50055
STORY COUNTY

SHEET TITLE
**ANTENNA LAYOUT
DETAILS**

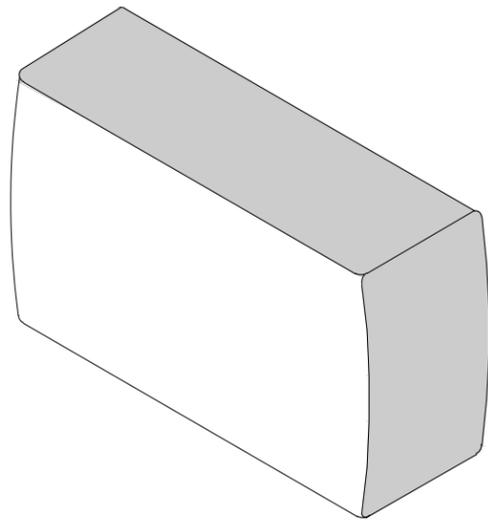
SHEET NUMBER

C-3

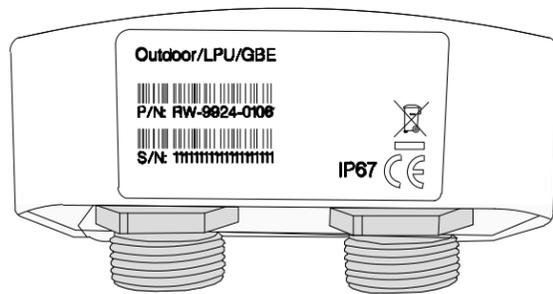


- ① AZIMUTH 01 (0° NORTH) HAS A SINGLE BS AT 99°ACL, 0° AZIMUTH WITH 0° PHYSICAL DOWN TILT AND PROVISIONED WITH A 40 MHZ WIDE CHANNEL IN THE 5.8 GHZ RANGE (SEE RFDS FOR SPECIFIC FREQUENCY. AZIMUTH 01 (NORTH) IS LABELED WITH RED TAPE, THE TOP OF THE PIPE IS MARKED WITH A SINGLE WRAP OF RED TAPE. THE BS SHOULD HAVE A SINGLE WRAP OF RED TAPE ON EACH END OF THE FOLLOWING CABLES; THE JUMPER CABLE BETWEEN THE LPU AND THE BS, THE VERTICAL CABLE RUN BETWEEN THE TOP LPU AND THE BOTTOM LPU AND THE JUMPER BETWEEN THE BOTTOM LPU AND POE SWITCH PORT.
- ② AZIMUTH 02 (90° EAST) HAS A SINGLE BS AT 99°ACL, 90° AZIMUTH WITH 0° PHYSICAL DOWN TILT AND PROVISIONED WITH A 40 MHZ WIDE CHANNEL IN THE 5.8 GHZ RANGE (SEE RFDS FOR SPECIFIC FREQUENCY. AZIMUTH 02 (EAST) IS LABELED WITH BLUE TAPE, THE TOP OF THE PIPE IS MARKED WITH A SINGLE WRAP OF BLUE TAPE. THE BS SHOULD HAVE A SINGLE WRAP OF BLUE TAPE ON EACH END OF THE FOLLOWING CABLES; THE JUMPER CABLE BETWEEN THE LPU AND THE BS, THE VERTICAL CABLE RUN BETWEEN THE TOP LPU AND THE BOTTOM LPU AND THE JUMPER BETWEEN THE BOTTOM LPU AND POE SWITCH PORT.
- ③ AZIMUTH 03 (180° SOUTH) HAS A SINGLE BS AT 99°ACL, 180° AZIMUTH WITH 0° PHYSICAL DOWN TILT AND PROVISIONED WITH A 40 MHZ WIDE CHANNEL IN THE 5.8 GHZ RANGE (SEE RFDS FOR SPECIFIC FREQUENCY. AZIMUTH 04 (WEST) IS LABELED WITH GREEN TAPE, THE TOP OF THE PIPE IS MARKED WITH A SINGLE WRAP OF GREEN TAPE. THE BS SHOULD HAVE A SINGLE WRAP OF GREEN TAPE ON EACH END OF THE FOLLOWING CABLES; THE JUMPER CABLE BETWEEN THE LPU AND THE BS, THE VERTICAL CABLE RUN BETWEEN THE TOP LPU AND THE BOTTOM LPU AND THE JUMPER BETWEEN THE BOTTOM LPU AND POE SWITCH PORT.
- ④ AZIMUTH 04 (270° WEST) HAS A SINGLE BS AT 99°ACL, 270° AZIMUTH WITH 0° PHYSICAL DOWN TILT AND PROVISIONED WITH A 40 MHZ WIDE CHANNEL IN THE 5.8 GHZ RANGE (SEE RFDS FOR SPECIFIC FREQUENCY. AZIMUTH 04 (WEST) IS LABELED WITH YELLOW TAPE, THE TOP OF THE PIPE IS MARKED WITH A SINGLE WRAP OF YELLOW TAPE. THE BS SHOULD HAVE A SINGLE WRAP OF YELLOW TAPE ON EACH END OF THE FOLLOWING CABLES; THE JUMPER CABLE BETWEEN THE LPU AND THE BS, THE VERTICAL CABLE RUN BETWEEN THE TOP LPU AND THE BOTTOM LPU AND THE JUMPER BETWEEN THE BOTTOM LPU AND POE SWITCH PORT.





BASE STATION	
MANUF:	RADWIN
PART #:	RW-5BC5-0649
HEIGHT:	8.86"
WIDTH:	14.01"
DEPTH:	3.7"
WEIGHT:	7.28 LBS



FRONT VIEW

LIGHTNING PROTECTION	
MANUF:	RADWIN
PART #:	RW-9924-0106
HEIGHT:	2.04"
WIDTH:	3.87"
DEPTH:	1.88"
WEIGHT:	0.49 LBS



CABINET	
MANUF:	WESTELL
PART #:	BXM1019-NHE3
HEIGHT:	22.5"
WIDTH:	25.5"
DEPTH:	27.8"
WEIGHT:	70.00 LBS



DRAWN BY:	AMC
DATE:	03/03/2020

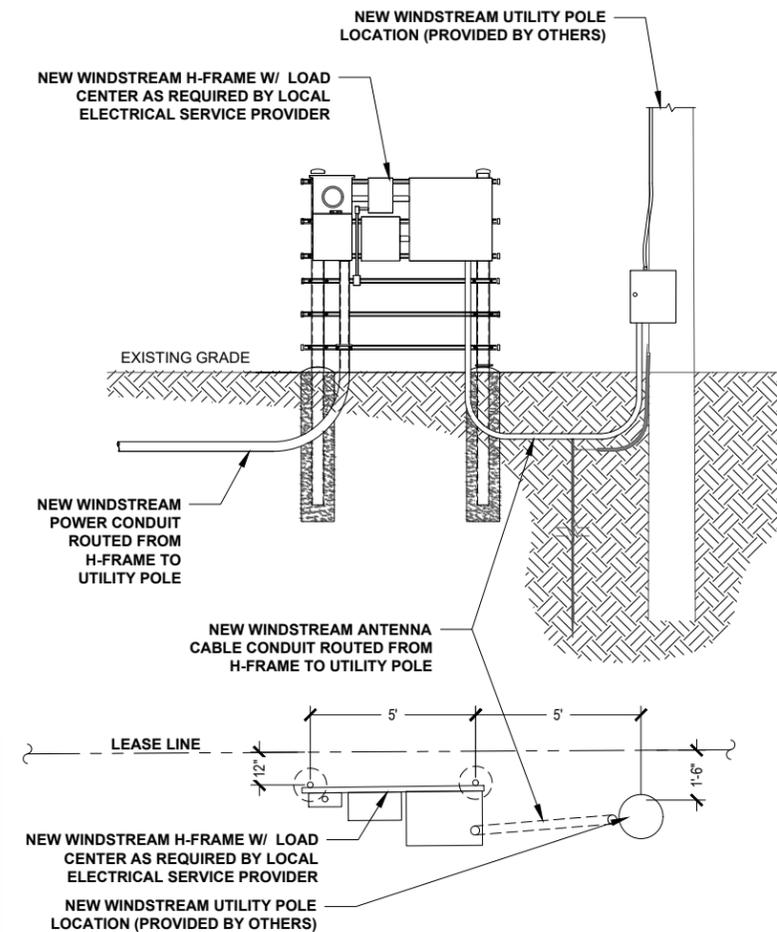
REV	DATE	DESCRIPTION	BY
A	01/16/2020	90% CD	AMC
B	01/21/2020	99% CD	AMC
0	02/13/2020	100% FINAL CD	AMC
1	03/03/2020	REVISED FINAL CD	AMC

RADWIN BASE STATION

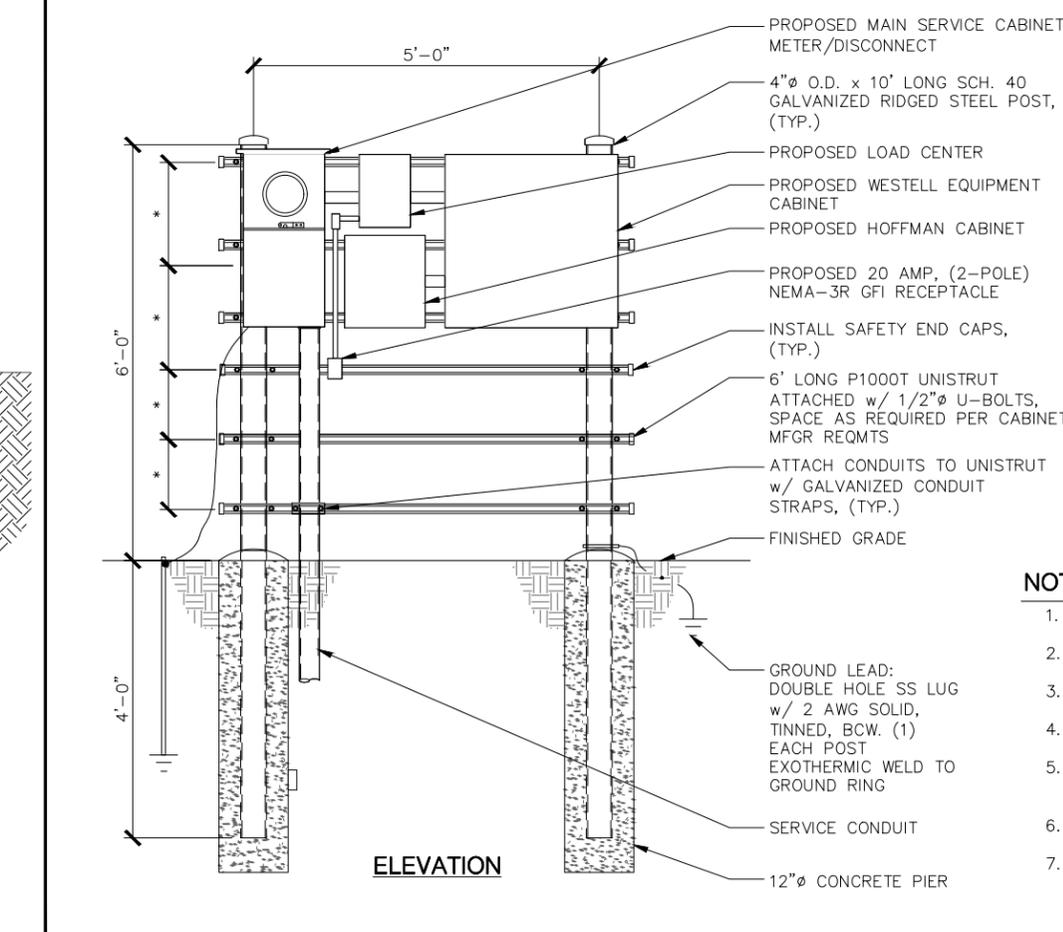
1 LIGHTNING PROTECTOR

2 WESTELL BOXER OUTDOOR CABINET

3



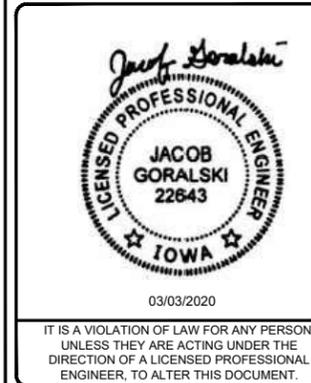
DETAIL RACK ELEVATION



4 H-FRAME DETAIL

NOTES:

- *- COORDINATE ELEVATIONS WITH EQUIPMENT/MOUNTING HEIGHT.
- STEEL SHALL BE HOT DIP GALVANIZED.
- CABINETS SHALL BE MOUNTED WITH STAINLESS STEEL BOLTS.
- METAL POSTS ARE NOT ALLOWED TO SERVE AS EQUIPMENT GROUNDING CONDUCTOR.
- UNISTRUT SHALL NOT EXTEND BEYOND POST & MUST HAVE SAFETY END CAPS FOR SAFETY REASONS.
- METALLIC PARTS SHALL BE BONDED ACCORDING TO THE NEC.
- GROUNDING SHALL CONFORM TO NEC AND SECTION 436-439.

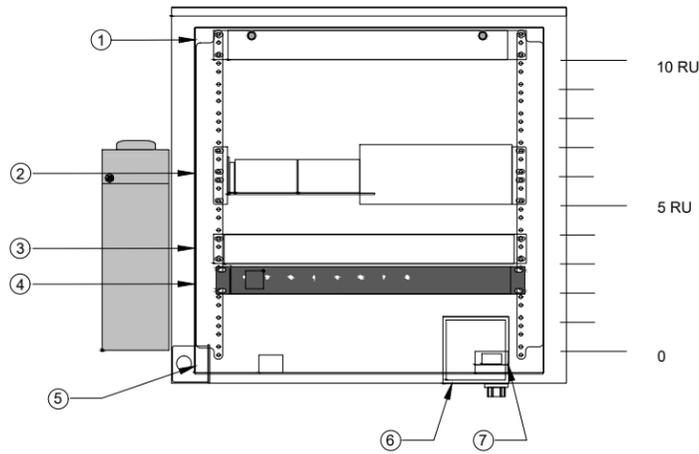


WS-CLNS-RL01
70064 320TH ST
COLLINS, IA 50055
STORY COUNTY

SHEET TITLE
**EQUIPMENT
DETAILS**

SHEET NUMBER
D-1

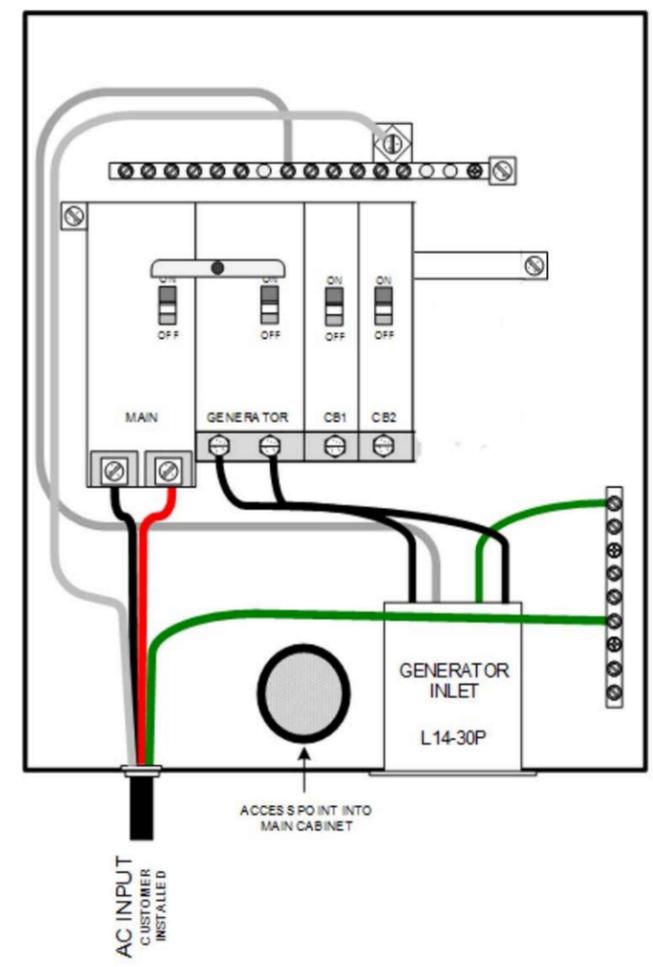
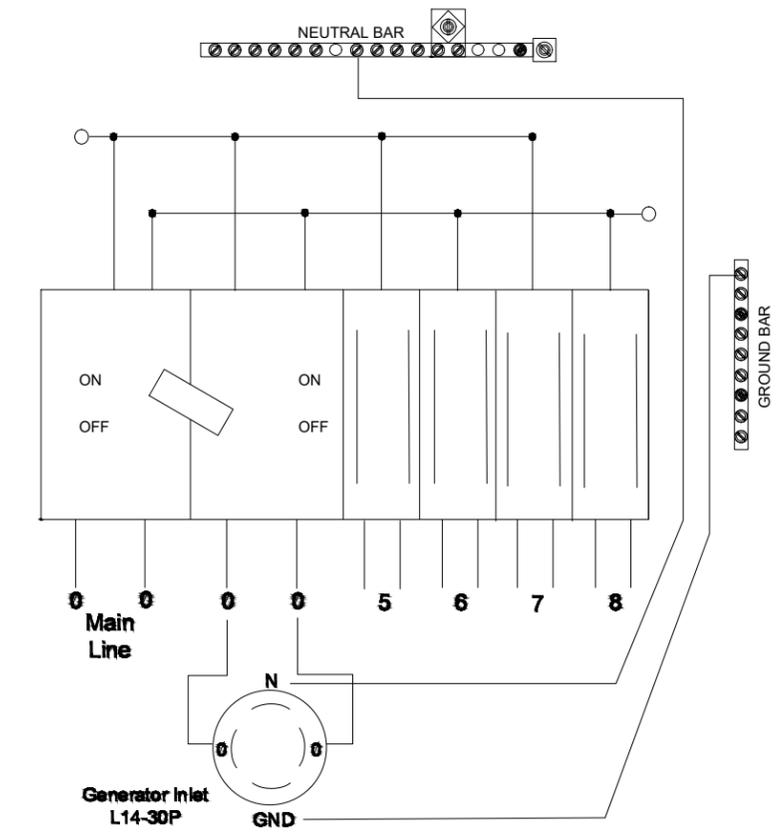
5



- ① LOCATION OF THE CORNING FIBER MANAGEMENT TRAY
- ② LOCATION OF THE ALCATEL-LUCENT OMI SWITCH
- ③ LOCATION OF THE ALPHA CORDEX RECTIFIER
- ④ LOCATION OF THE AC PDU
- ⑤ LOCATION OF THE DUPLEX GFCI OUTLET
- ⑥ LOCATION OF THE 2-GANG ELECTRICAL BOX
- ⑦ LOCATION OF THE DOOR SWITCH ASSEMBLY

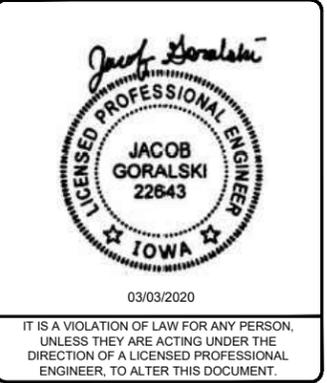
CABINET DETAIL

1



DRAWN BY:	AMC
DATE:	03/03/2020

REV	DATE	DESCRIPTION	BY
A	01/16/2020	90% CD	AMC
B	01/21/2020	99% CD	AMC
0	02/13/2020	100% FINAL CD	AMC
1	03/03/2020	REVISED FINAL CD	AMC



WS-CLNS-RL01

70064 320TH ST
COLLINS, IA 50055
STORY COUNTY

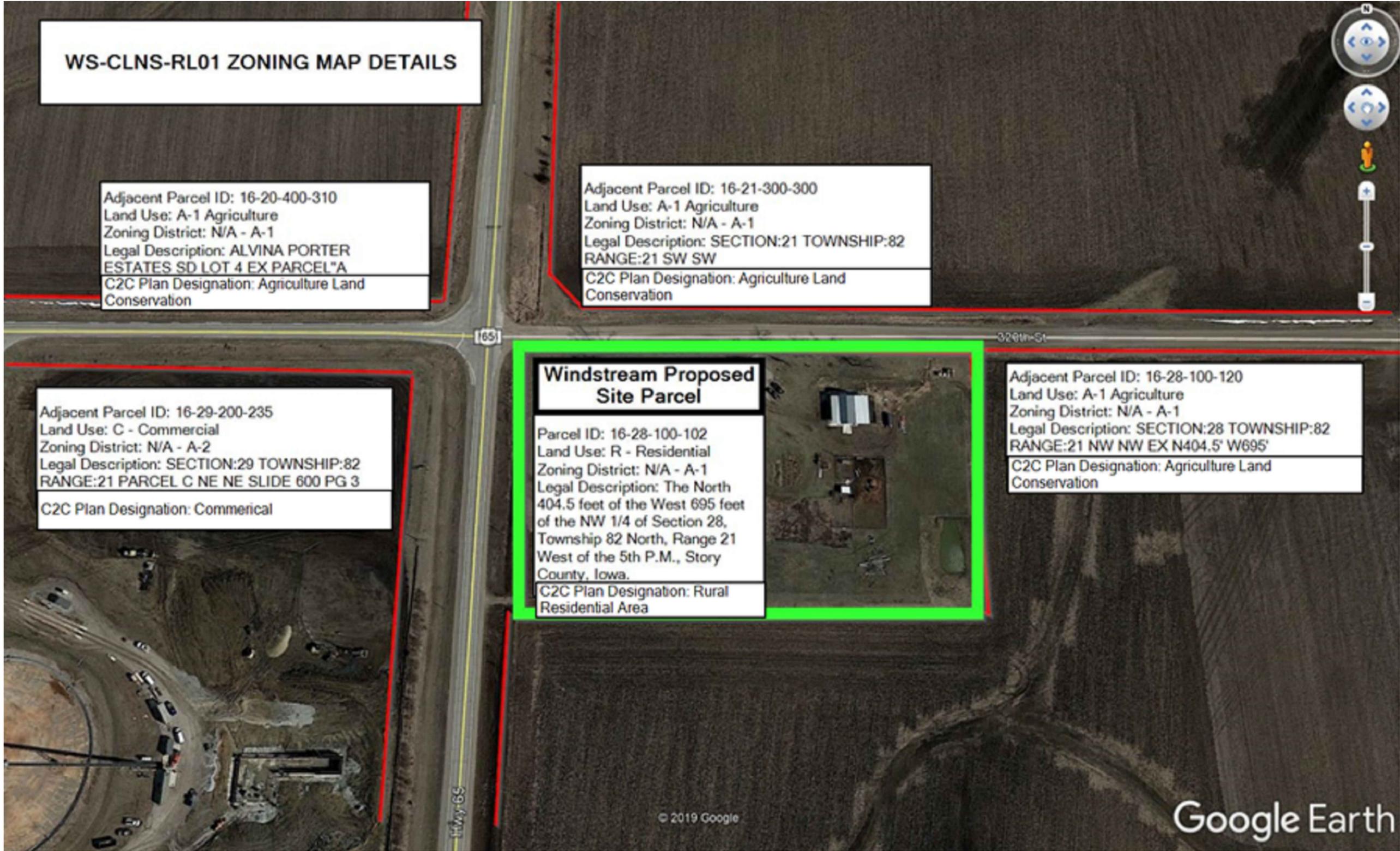
SHEET TITLE
ELECTRICAL & GROUNDING DETAILS

SHEET NUMBER
E-1

NOT USED

2 LOAD CENTER

3



WS-CLNS-RL01 ZONING MAP DETAILS

Adjacent Parcel ID: 16-20-400-310
 Land Use: A-1 Agriculture
 Zoning District: N/A - A-1
 Legal Description: ALVINA PORTER ESTATES SD LOT 4 EX PARCEL "A"
 C2C Plan Designation: Agriculture Land Conservation

Adjacent Parcel ID: 16-21-300-300
 Land Use: A-1 Agriculture
 Zoning District: N/A - A-1
 Legal Description: SECTION:21 TOWNSHIP:82 RANGE:21 SW SW
 C2C Plan Designation: Agriculture Land Conservation

Adjacent Parcel ID: 16-29-200-235
 Land Use: C - Commercial
 Zoning District: N/A - A-2
 Legal Description: SECTION:29 TOWNSHIP:82 RANGE:21 PARCEL C NE NE SLIDE 600 PG 3
 C2C Plan Designation: Commerical

Windstream Proposed Site Parcel
 Parcel ID: 16-28-100-102
 Land Use: R - Residential
 Zoning District: N/A - A-1
 Legal Description: The North 404.5 feet of the West 695 feet of the NW 1/4 of Section 28, Township 82 North, Range 21 West of the 5th P.M., Story County, Iowa.
 C2C Plan Designation: Rural Residential Area

Adjacent Parcel ID: 16-28-100-120
 Land Use: A-1 Agriculture
 Zoning District: N/A - A-1
 Legal Description: SECTION:28 TOWNSHIP:82 RANGE:21 NW NW EX N404.5' W695'
 C2C Plan Designation: Agriculture Land Conservation



DRAWN BY: AMC
 DATE: 03/03/2020

REV	DATE	DESCRIPTION	BY
A	01/16/2020	90% CD	AMC
B	01/21/2020	99% CD	AMC
0	02/13/2020	100% FINAL CD	AMC
1	03/03/2020	REVISED FINAL CD	AMC



IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

WS-CLNS-RL01
 70064 320TH ST
 COLLINS, IA 50055
 STORY COUNTY

SHEET TITLE
ZONING CLASSIFICATIONS

SHEET NUMBER
Z-1

Site Name	Landlord	Lat	Long	Status
WS-CLNS-RL01	Windstream	41.8910564	-93.3068789	Proposed
WS-CMBR-RL01	ATC # 420289	41.9137663	-93.5072443	Existing
WS-MCBG-RL01	McCallsburg Water tank	42.171175	-93.405283	Existing
WS-MXWL-RL01	Windstream	41.8379589	-93.4063598	Proposed
WS-MXWL-RL02	Windstream	41.9275483	-93.4000813	Proposed
WS-NEVD-RL01	Windstream	41.9809958	-93.5554168	Proposed
WS-NEVD-RL02	US Cellular/Pyramid	42.025528	-93.435083	Existing
WS-ROLD-RL01	One Source Tower	42.186219	-93.502119	Existing
WS-STOR-RL01-SBA colo	SBA # IA 20581	42.1757	-93.600992	Existing
WS-STOR-RL02-ATC colo	ATC # 50825	42.107156	-93.502075	Existing

From: [Schlesky, Kevin](#)
To: [Ashlee Miller](#)
Subject: RE: WS-CLNS-RL01 - Iowa DOT Access Confirmation
Date: Wednesday, February 26, 2020 5:59:23 AM
Attachments: [image001.png](#)

Ashlee,

Yes you can use the existing entrance. But keep in mind that no improvements can be made unless the entire entrance is brought up to today's policy standards.

Thanks

Kevin

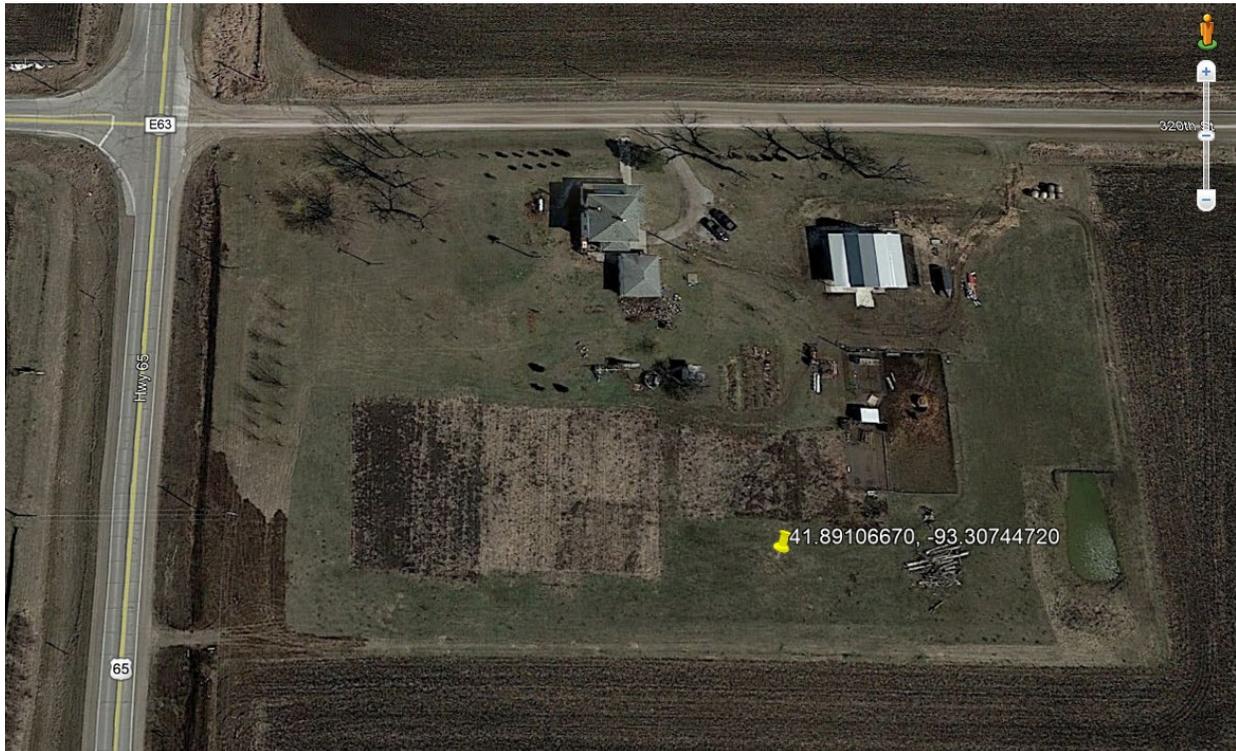
Kevin L. Schlesky
Office Ph. 515-663-6363
Cell Ph. 515-460-1187
Fax 515-817-6643
57073 US Hwy 30 East
Ames, Iowa 50010

From: Ashlee Miller <ashlee.miller@flexdeploys.com>
Sent: Tuesday, February 25, 2020 12:49 PM
To: Schlesky, Kevin <Kevin.Schlesky@iowadot.us>
Subject: WS-CLNS-RL01 - Iowa DOT Access Confirmation

Good Afternoon Mr. Schlesky,

My name is Ashlee Miller and I am a representative for Windstream. Windstream is proposing a utility pole on private property with easement access to Story County. Windstream wanted to confirm the existing drive is sufficient for our need. Do you have any issues with Windstream using this access? I was told by Marcus Amman at Story County to reach out to you for confirmation.

Give me a call if you have any questions.



Thanks,

ASHLEE MILLER

Site Acquisition Specialist
FLEX Deployment Solutions

713-471-0206
 ashlee.miller@flexdeploys.com
 flexdeploys.com

11124 Kingston Pike | Suite 119-234 | Knoxville, TN 37934



Story County Planning and Development
Administration Building
900 6th Street, Nevada, Iowa 50201

Ph. 515-382-7245 Fax 515-382-7294
www.storycountyiaowa.gov

MEMORANDUM

TO: Story County Board of Adjustment
FROM: Jerry L. Moore, Planning and Development Director
RE: Appeal of the Director's Decision
MEETING
DATE: March 18, 2020

Story County Regulation

Story County Land Development Regulation Chapter 92.02 (1.) Appeals of the Director's Decision. The Board of Adjustment shall hear and decide appeals where it is alleged that there is error of law in any order, requirement, decision or determination made by the Planning and Development Director or his/her designee in the enforcement of the Ordinance.

Appeal

On March 6, 2020, Andrew Swanson, 64905 190th Street, Nevada, IA submitted a request to appeal the Director's (Planning and Development Department) Decision to the Story County Board of Adjustment that a zoning permit cannot be issued or an agricultural exemption cannot be approved to place a railroad caboos on his property located at 19269 650th Avenue, in Richland Township.

Background/Timeline

- Mr. Swanson submitted a letter to the Planning and Development Department on February 3, 2020 identifying his plans to purchase the railroad caboos. He inquired about Story County regulations addressing his plan to place the railroad caboos on his property at 19269 650th Avenue.
- Mr. Swanson indicated that the railroad caboos would be considered a backyard accessory. He also mentioned his plan to construct a single family dwelling on the property but did not have construction plans yet. However, the caboos was available now. If a dwelling was not constructed on the property he indicated he would request to use the railroad caboos as storage.
- Upon review of the letter, I called Mr. Swanson to get a clearer understanding of his plans. He communicated to me that he was interested in railroad caboos and had an opportunity to purchase a railroad caboos currently used by the Boone Convention and Visitors Bureau that is located in the City of Boone. He indicated that he wanted to place the railroad caboos, along with railroad tracks on his property near one of the existing two accessory structures.



PLEASE RECYCLE



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- Mr. Swanson emailed a photo of the railroad caboose to me on February 7, 2020.
- I responded to Mr. Swanson's letter on February 10, 2020 and provided information about principal permitted uses, accessory uses, and conditional uses in the A-1 Agricultural District, and I indicated that a railroad caboose is not a principal permitted use, accessory use, or a conditional use in the A-1 Agricultural District. I also provided information about the definition of accessory structure, and that our department could not issue a zoning permit for the railroad caboose. I provided two options for him to consider in response to my decision from the Story County Land Development Regulations, appealing my decision to Board of Adjustment, and submitting a text amendment requesting a change to the Story County Land Development Regulations to address the railroad caboose.
- Mr. Swanson responded by dropping off a second letter to the Planning and Development Department for me on February 11, 2020. He stated that he questioned my decision, he asked if an item on wheels qualified as real property in need of a permit, and if he could request an agricultural exemption. He also listed other possible uses of the railroad caboose including, a backyard addition for looks or storage, and playground equipment or possible museum. He lastly wanted to know about his penalties or remedies other than the options I provided in my first letter.
- I responded to Mr. Swanson's second letter on February 19, 2020 by restating my previous response and the two options, in addition to Story County Land Development Regulation Chapter 92.11 which requires compliance with the County's ordinance. I also answered his questions and stated that a railroad caboose was a manufactured item intended for the railroad industry, and that a railroad caboose did not meet the items addressed under Story County's or the state's agricultural exemption provisions.
- Mr. Swanson sent me an email on February 20, 2020 generally asking if there were any code or ordinance that would allow the railroad caboose as a museum property or private property. He also asked if in Story County it was a crime and or violation punishable under the law to be in possession of the railroad caboose.
- Mr. Swanson came in to the Planning and Development Department again to discuss my second response. I responded by talking to him and showing him Story County's zoning regulations and how a railroad caboose was not a principal permitted, accessory use, or a potential conditional use in the A-1 District. I also showed him the section from the ordinance that addresses agricultural exemptions and that the provision did not address railroad cabooses or cover his plan to place a railroad caboose on his property.
- Mr. Swanson came into the Planning and Development Department again on March 3, 2020 to show me photos of the railroad caboose with an outdoor electric meter



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and interior wiring. He asked if I still thought it was a manufactured item intended for the railroad industry. I asked him about the location of the railroad caboose again and he confirmed it was in the City of Boone and I responded that every jurisdiction's ordinances addresses situations like this differently and that the photos did not change my decision and I referred him to the two options I previously provided if he did not agree with my decision.

- Mr. Swanson submitted the appeal on March 6, 2020. The appeal provides background information, a statement about agricultural exemptions, information about permitted uses in the A-1 District, his analysis, and a conclusion.

Analysis

The request – Place a railroad caboose on private property at 19269 650th Avenue, in Richland Township, in unincorporated Story County.

Zoning and land use at property – subject property is zoned A-1 Agricultural District and contains 29.09 acres (25 acres are in agricultural row crops). From review of an aerial, there are two accessory structures approximately 24'x48' and 18'x28' located within an approximate 3 ½ acre grassy and treed area. Mr. Swanson planned to place the railroad caboose in the grassy area of the property, near the accessory structures.

Adjacent zoning and land use – zoned A-1 Agricultural District with agricultural row crops and five single family dwelling within ½ mile of the property. The parcels located north and west of property are also owned by Mr. Swanson. The Village of Fernald has various zoning districts, including R-1 Transitional Residential District, A-2 Agribusiness, and CLI-Commercial Light Industrial. Fernald is located just beyond ½ mile east of the property.

Railroad caboose – manufactured item for the railroad industry. The railroad caboose is currently located in the City of Boone on a commercial property and used by the Boone Convention and Visitors Bureau.

Director's Decision - a railroad caboose is not a principal permitted use, accessory use, or something that may be requested with a conditional use permit in the A-1 Agricultural District. Nor is a railroad caboose identified in Story County's or state law as being agricultural exempt. Consequently, a zoning permit cannot be issued and an agricultural exemption cannot be approved to place the railroad caboose on the property.

Options to address Director's decision

1. Appeal Director's Decision
2. Submit Text Amendment



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Applicable Story County Regulations

Story County Land Development Regulations 86.04 A-1 Agricultural District, Statement of Intent. The A-1 District is intended and designed to accommodate land use compatible with agriculture and to protect agricultural land from encroachment of urban land uses. Also, in part, the Cornerstone to Capstone (C2C) Comprehensive Plan designates priority agricultural land as Agricultural Conservation Areas that are intended to preserve rural character.

Principal permitted uses in the A-1 Agricultural District zoning of the property including agricultural row crop and/or livestock production, single family dwelling, horse stables, and cemeteries.

When a principal permitted use is established in the A-1 District, an accessory use may also be permitted including, accessory buildings, home businesses, noncommercial wind energy conversion systems, solar energy systems, and towers and certain Conditional Uses.

Chapter 85.08 Definitions

Accessory Structure (building). A structure detached from a principal building located on the same lot, parcel, or tract and customarily incidental and subordinate to the principal building or use.

Also, Story County Land Development Regulations Chapter 85.07 Exemptions, states in part, "The following exemptions may apply to certain types of development located in unincorporated Story County; however such uses shall not be exempt from the standards set forth in Chapter 87 Land Division Requirements or exempt from adopted Floodplain Management Ordinance Chapter 80 of this Code of Ordinances.

1. Agricultural Exemption. Except to the extent required to implement Section 335.37 Code of Iowa, no regulations adopted under the Ordinance apply to land, farm houses, farm barns, farm outbuildings, or other buildings or structures that are primarily adapted by reason of nature and area, for use for agricultural purposes, while so used."



PLEASE RECYCLE



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Ph. 515-382-7245 Fax: 515-382-7294

Chapter 85.08 Definitions

Building. In part, means any structure having a roof supported by walls or by columns designed or intended for enclosure, shelter or housing of persons, animals or chattels.

Structures. Means a combination of materials to form construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Applicable State Regulation

Under Code of Iowa 335.2 Farms Exempt.

Except to the extent required to implement section 335.27, no ordinance adopted under this chapter applies to land, farm houses, farm barns, farm outbuildings or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used. However, the ordinances may apply to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream.

Recommendation

Based on the background information provided in this memo, Story County's and the state regulations, I request the Board of Adjustment to support the director's decision that a zoning permit cannot be issued and an agricultural exemption cannot be approved to place the railroad caboose on the property and alternative 1. The proposed placement of a railroad caboose on private property in the A-1 Agricultural District does not fit within the current Story County Land Development Regulations. Mr. Swanson has the option of submitting a proposed text amendment for Story County to review and consider for placement of the railroad caboose on his or other property.

Alternatives

- 1) **The Story County Board of Adjustment supports the director's decision to not issue a zoning permit or approve an agricultural exemption to Mr. Swanson to place the railroad caboose on the property located at 19269 650th Avenue.**
- 2) The Story County Board of Adjustment overturns the director's decision to not issue a zoning permit to Mr. Swanson to place the railroad caboose on the property located at 19269 650th Avenue.



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Story County Planning and Development Department
Ph. 515-382-7245 Fax: 515-382-7294

- 3) The Story County Board of Adjustment overturns the director's decision to not approve an agricultural exemption to Mr. Swanson to place the railroad caboose on the property located at 19269 650th Avenue.



PLEASE RECYCLE

Story County Planning and Development

900 6th Street, Nevada, Iowa 50201
(515) 382-7245 — pzweb@storycountyiowa.gov — www.storycountyiowa.gov

VARIANCES, WAIVERS, APPEALS



1. Property Owner*

(Last Name) Swanson
(First Name) Andrew
(Address) 64905 190th Street.
(City) Nevada (State) IA (Zip) 50201
(Phone) 515 291 6200 (Email) Andy@midwesternet

2. Applicant (if different than owner)

(Last Name) _____
(First Name) _____
(Address) _____
(City) _____ (State) _____ (Zip) _____
(Phone) _____ (Email) _____

3. Property Address 19269 650th Avenue **Parcel ID Number(s)** _____

4. Certification and Signature

I/we certify that the information and exhibits submitted are true and correct to the best of my knowledge and that in filing this application I am acting with the knowledge, consent and authority of the owners of the property. Pursuant to said authority, I hereby permit County officials to enter upon the property for the purpose of inspection.

***Acknowledgement of property owner is required and may occur via email or by signature of this application.**

Property Owner Signature [Signature] Date 3/5/20 Applicant Signature _____ Date _____

Variations are considered by the Story County Board of Adjustment and are requests to vary the strict application of the height, area, setback, parking or density requirements. Waivers are considered by the Story County Planning and Zoning Commission and Board of Supervisors and are requests to minimally ease the requirements for property development. Appeals are considered by the Story County Board of Adjustment where it is alleged that there is an error of law in any order, requirement, decision or determination made by the Planning and Development Director or his/her designee on enforcement of the Ordinance.

Variance

Ordinance Section: _____

Submittal Requirements:

- Legal description of area
- Filing Fee (required prior to processing):
\$175 per request
- Proposed site plan
- Written narrative explaining justification for proposed variance and response to the legal principles outlined in Section 92.03(4) of the Story County Code of Ordinances

Waivers

Ordinance Section: _____

Submittal Requirements:

- Filing Fee (required prior to processing):
\$175 per request
- Written narrative explaining justification for proposed waiver and response to the legal principles outlined in Section 92.02 (4) of the Story County Code of Ordinances and standards in Section 92.04

Appeal of Director's Decision

Date of Director's Written Decision: 2/10/20

Submittal Requirements:

- Filing Fee (required prior to processing):
\$175 per request
- Written narrative specifying grounds for appeal

Receipt No. 570237
Receipt Amount 175

RECEIVED

MAR 06 2020

STORY CO. PLANNING & DEVELOPMENT

APPEAL AND CHALLENGE TO THE DECISION OF THE DIRECTOR OF STORY COUNTY
PLANNING AND DEVELOPMENT
IN RE: ZONING REQUEST

Comes now the undersigned Andrew J. Swanson and states THAT:

1. I stopped by the office of planning and zoning for Story County, Iowa to inquire regarding regulations involving potentially building a house or two on property I own in said Story County in or around the area of an existing farmstead.
2. Incidental to that visit I also inquired as to what if any regulations there may be regarding my potential purchase of a former railroad cabooses and then re-locating it to land that I own in Story County.
3. On a follow up call to find out the status of my information request; I was referred to Jerry L. Moore, Planning and Development Director, hereinafter referred to as Director, which, with whom I spoke.
4. During these initial two conversations I discussed several potential scenarios.
5. On February 10, I received a response from the Director.
6. In that response, I was given a very specific statement with no mention of agriculture exemption as defined and mandated by Code of Iowa or other scenarios discussed in initial conversations; rather only specific information and two offers which would have me pay a fee for a second opinion challenging his decision or accepting his decision and requesting an amendment..
7. Attempting to be certain that I was asking the correct questions due in part to Director's very specific response, I replied in another letter.
8. On February 19, I received another response from the Director.
9. Once again, I replied and subsequently made follow up contacts with the office of and the Director asking if there was any way I could obtain and legally possess the former railroad cabooses that had been adapted by Boone Convention and Visitors Bureau for use as an information/welcome center, and used by them for many years as such. I was again denied.
10. The last contact I had was on March 4, during my final attempt to be absolutely certain Director understood exactly what I was talking about due to his unwillingness to consider any potential use for a former railroad cabooses other than for use on a railroad. I had photos enlarged showing the adapted use as an office, with electric wiring, air conditioning clearly having been used as a NON railroad office that I wanted to leave with Amelia or the Director. Amelia was out but the Director was in. His response was troubling to me. This finally necessitated my undertaking of preparing this Challenge to the decision of the Director. Copies of these

mentioned photos are included herewith and shall be considered a part of my filing.

Review of the Record and Challenge to the decision of the Director

It is contained in the laws and the record that:

1. **FARMS EXEMPT:** *Story County, Iowa Code of Ordinances 85.07*
2. *Story County, Iowa Code of Ordinances 85.02 B.* says in part:

“To provide for a balance between the land use rights of individual landowners.....” but otherwise the intent and purpose are either not applicable to the issue at hand or compromised in any way.

WHAT IS ALLOWED: 86.04 A-1 AGRICULTURAL DISTRICT

Principal Permitted Uses.

- A. Having a building on an existing farmstead area or for that matter anywhere in the A-1 Agricultural District for farm uses such as storage, office and many other farm uses **IS ALLOWED** as agriculture is a permitted use.
- B. Having a building, used for examples including but not limited to, a home business, a playhouse, garden shed, dog house, tool shed or storage as an “Accessory structure” is allowed on an existing farmstead or anywhere else in the A-1 Agricultural District where a Single-family dwelling is located or allowed.
- E. A building is allowed in parks and forest preserves.

Permitted Accessory Uses.

- A. Accessory Buildings

At Issue:

1. Is there any balance between the land use rights of individual landowners which include quiet enjoyment and the pursuit of happiness; and the social, and environmental concerns of the public when a city or the county is developing or enforcing land use regulations outside corporate limits, even in instances where there is no legitimate concern, or is it merely at the discretion of Director and must he follow the rules?
2. In the instances of an existing farmstead or under a farm exemption is the Director even allowed to have that authority? After all we are not talking about “urban sprawl” or having an impact on availability of farmland from which, is to a large extent, the Scope and Purpose from which the authority vested in the County and subsequently the Director arises.
3. Do we subscribe to the Director’s idea and definition that “Once a railroad caboose, only for railroad use ” or do we use the Story County, Iowa Code of Ordinances definition that a former railroad caboose, obviously long-

removed from its original, intended use is **simply and obviously a building**. County Code **85.08 DEFINITIONS**. Number 32. "Building" means any structure having a roof supported by walls or by columns designed or intended for enclosure, shelter or housing of persons, animals or chattels...." If we yield to the former, does the same thing that applies to a railroad caboose apply to a railroad? That mentality would indicate that NO former railroad can EVER be used for anything else such as trails, public areas, converted to farmland or developed for anything other than a railroad.

A reasonably prudent person might conclude that if stranded at sea, about to drown and an empty fuel can floating nearby could serve as a life preserving flotation device by reason of nature and area it would be **adapted for use.....** at least by a reasonably prudent person and most likely by the lowest level of intelligence in an average group of high school graduates.

Perhaps we should once again refer to the Definitions Section of the County Code for guidance on this issue. **Number 277**. "Use" means the purpose or purposes for which land or a structure is designed, arranged, or intended, or to which purpose land or a structure is occupied, maintained, leased or operated. **Development Regulations indicates in partno regulations adopted** under the Ordinance apply to land, farm houses, farm barns, farm outbuildings, or other buildings or structures that are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used. I am confident that in instances where an exemption was allowed for legitimate purposes, the Director stands ready willing and eager to eliminate that exemption as soon as the legitimate use no longer occurs. This indicates that changes do happen. **"other buildings that are primarily adapted by reason of nature and area, for agricultural purposes"** The agricultural and other uses I have outlined are consistent with the law. Former railroad cabooses can and have been **adapted** for many uses. Definition ADAPT : make (something) suitable for a new use or purpose; modify. Past tense: adapted

In the year 2020 it is at best, disappointing, to find a public official that is unwilling to recognize the value in adapting or re-purposing of buildings or allow it, even where it is legal.

CONCLUSION:

I, Andrew J. Swanson, did and did-so in *"good faith"*, request permission from Director and provided legitimate building uses for farmstead; farm; farm exempt; single family residence; potentially even park uses, whether it be primary or accessory uses/structures on property I own in Story County. These requests should not have been denied and cannot be legally denied by you, if you follow the law.

Doing so denies me of my rights as a property owner.
Doing so where there is an entitled exemption, is overreach.
The agriculture uses outlined are exempt and the others are consistent with
and are within the legally permitted uses.

Feeling a dual personal and civic duty responsibility, my conscience
requires me to herewith appeal the decision of the Director on this matter
and further ask for your immediate reversal of his decision.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Andrew J. Swanson", with a circular flourish at the beginning.

Andrew J. Swanson

2/3/2020

I am writing to inquire as to the legality of acquiring a railroad caboose. My main plan is to build a house at 19269 650th Avenue, Nevada. The caboose would be considered as a backyard accessory. The caboose is available now and I do not have my house plans or constructed. One can tell that building ^{a house} ~~is~~ is in my ^(has been in) (long term) hopefully short term plans. In the event for some reason I got the caboose and the house did not get built I would request to have it as ^{as storage and on} as ^{as storage} ^{with or without house.} time is of the essence

Sincerely

Andy Sur

andy@midiaowa.net

RECEIVED

FEB 03 2020

STORY CO. PLANNING
& DEVELOPMENT



Story County Planning and Development
Administration Building
900 6th Street, Nevada, Iowa 50201

Ph. 515-382-7245
www.storycountyiaowa.gov

February 10, 2020

Andy Swanson
64905 190th Street
Nevada, IA 50201

Subject: Follow up to your inquiry about the Planning and Development Department's response to your plan to acquire and place a railroad caboose on your property located at 19269 650th Avenue (parcel#07-21-200-405)

Dear Mr. Swanson:

On Thursday, February 6, 2020, you inquired with the Story County Planning and Development Department about our response to your plan to acquire and place a railroad caboose on your property located at 19269 650th Avenue.

Also, in a phone conversation with you on Friday, February 7, 2020 you indicated that you have an interest in trains and that you have an opportunity to acquire a caboose that is currently being used by the Boone Convention and Visitors Bureau and you would like to place it on the property.

In reviewing this request, I considered the principal permitted uses in the A-1 Agricultural District zoning of the property including agricultural row crop and/or livestock production, single family dwelling, horse stables, and cemeteries. From review of the 2017 aerial photo on Beacon, over $\frac{3}{4}$ of the property appears to be in row crops and a small portion of the property contains grasses, trees and two existing accessory structures.

When a principal permitted use is established in the A-1 District, an accessory use may also be permitted including accessory buildings, home businesses, noncommercial wind energy conversion systems, solar energy systems, and towers and certain Conditional Uses.

Accessory Structure (building) in the Story County Land Development Regulations Chapter 85.08 (3) means a structure detached from a principal building located on the same lot, parcel, or tract and customarily incidental and subordinate to the principal building or use.

It is my view that a railroad caboose is neither a principal permitted or an accessory use in the A-1 Agricultural District. Consequently, our department cannot issue a zoning permit for you to place the caboose on your property. However, below are a few options for you to consider in responding to my position on this item:



PLEASE RECYCLE



Story County Planning and Development Department
Ph. 515-382-7245 Fax: 515-382-7294

1. Challenge my decision before the Story County Board of Adjustment within 30 days of this decision. Submit the application to our department from the link below and fee (\$175) to initiate the process. Chapter 92.02 Appeals of the Director's Decision indicate that the Board of Adjustment shall hear and decide appeals where it is alleged that there is error of law in any order, requirement, decision or determination made by the Planning and Development Director or his/her designee in the enforcement of the Ordinance.

<http://www.storycountyiowa.gov/DocumentCenter/View/7449/Variances-Waivers-Appeals?bidId=>

2. Request an amendment to the Story County Land Development Regulations to allow the caboose in the A-1 District. Submit the application from the link and the fee (\$325) to initiate the process. The Story County Land Development ordinance amendment process involves County staff review and recommendation, Planning and Zoning Commission review and recommendation, and Board of Supervisors review and action on the ordinance amendment request.

<http://www.storycountyiowa.gov/DocumentCenter/View/7448/Text-Zoning-and-C2C-Plan-Amendments?bidId=>

Thank you for submitting your inquiry requesting the Planning and Development Department's response to your plan to acquire and place the caboose on your property. Please contact me at jmoore@storycountyiowa.gov or at (515) 382-7246 with any questions regarding this response.

Sincerely,

A handwritten signature in black ink that reads "Jerry L. Moore".

Jerry L. Moore
Planning and Development Director



PLEASE RECYCLE

Mr. Moore,

February 11, 2020

I received your response to my request for interpretation of zoning laws regarding my potential acquisition of a railroad caboose.

I do question whether your determination is correct. First of all, does an item being on wheels qualify as real property in need of a permit? Secondly what would an ag exemption allow me? Would the same ruling apply if someone with livestock had an old cattle car placed in a pasture to allow shelter? I do know that Iowa allows seed sales off farms without the need for rezoning to a commercial use.

I do have flexibility with proposed uses for the railroad caboose that I would like to obtain.

Some potential possibilities are as follows including but not limited to:

If I were to build or not build a house on the site considering either an ag exemption or not, the following:

A backyard addition either for looks only or as a storage unit.

As a piece of playground equipment or playhouse for my son.

Record storage for native seed production.

Seed storage for small lots of native seed.

The other day on the telephone you asked me about a museum use and or if I were going to allow public access and about if I was interested in getting any more cars.

I could allow public access by appointment if that would be required of you. It could also be denied, depending on your rules. Same thing for getting more cars.

I need to know ASAP under what if any circumstances, including any listed or not listed above, I would be allowed to obtain and have outdoors a caboose on my private property.

If I am truly, legally prohibited from this, what are my penalties and or remedies other than what you have listed? As I have told you there is not likely to ever be a better opportunity for me to obtain a local railroad caboose in this good of condition and this close to what I call home. In my case a thirty-day potential remedy will not suffice as the mover is scheduled to be in the area during the next two to four weeks as I have been told.

Sincerely,



Andrew J. Swanson



Story County Planning and Development
Administration Building
900 6th Street, Nevada, Iowa 50201

Ph. 515-382-7245
www.storycountyiaowa.gov

February 19, 2020

Andy Swanson
64905 190th Street
Nevada, IA 50201

Subject: Follow-up to your February 11, 2020 letter responding to my February 10, 2020 letter where I responded to your plan to acquire and place a railroad caboose on your property located at 19269 650th Avenue (parcel#07-21-200-405).

Dear Mr. Swanson:

This letter is in response to your February 11, 2020 letter where you raised additional questions regarding my February 10, 2020 letter responding to your plan to acquire and place a railroad caboose on your property located at 19269 650th Avenue (parcel#07-21-200-405).

This issue involves a request to place an item that is not permitted in the A-1 Agricultural District. As I stated in my first written response, a railroad caboose is not a principal or accessory use in the A-1 Agricultural District, and our department cannot issue a zoning permit for it. Principal permitted uses in the A-1 District include agricultural row crop and livestock production, horse stables, and cemeteries. When a principal permitted use is established in the A-1 District, an accessory use may also be permitted including accessory buildings, home businesses, noncommercial wind energy conversion systems, solar energy systems, and towers and certain Conditional Uses.

Also, Chapter 92.11 of the Story County Land Development regulations provides additional guidance on this issue and indicates that no activity regulated by the Ordinance shall be undertaken except in full compliance with the express provisions of the Ordinance. It is unlawful to locate, erect, move, construct, reconstruct, enlarge, change, maintain or use any building, structure or land in violation of any regulation in or any provisions of the Ordinance, or any amendment or supplement thereto adopted by the Board of Supervisors of Story County.

You raised the following questions:

1. Does an item on wheels qualify as real property in need of a permit?
A railroad caboose is not a permitted principal or accessory use in the A-1 Agricultural District. A railroad caboose is a manufactured item intended for use by the railroad industry.



PLEASE RECYCLE



Story County Planning and Development Department
Ph. 515-382-7245 Fax: 515-382-7294

2. Can the railroad caboose fall within the agricultural exemption?
Chapter 85.07 Exemptions of the Story County Land Development Regulations indicates, Except to the extent required to implement Section 335.37 Code of Iowa, no regulations adopted under the Ordinance apply to land, farm houses farm barns, farm outbuildings, or other buildings or structures that are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used. A railroad caboose is not any of the items described above and is not agricultural exempt.
3. I may or may not build a dwelling on the parcel, can the caboose be placed on the parcel for looks, as a storage unit, playhouse, or storage for native seed production.
A railroad caboose is not a permitted principal or accessory use in the A-1 Agricultural District. Consequently, our department cannot issue a zoning permit for the ideas you generated.
4. You lastly inquired about operating a museum out of the railroad caboose.
There are no current regulations in the Story County Land Development Regulations, including the Conditional Use Permit application process that address a procedure in the A-1 District for allowing a submittal to the County to request operating a museum out of a railroad caboose.

The options available to you if you do not agree with my decision or response, as stated before, are identified below:

1. Challenge my decision before the Story County Board of Adjustment within 30 days of this decision (my February 10, 2020 response letter).
2. Request an amendment to the Story County Land Development Regulations. Submit the application from the link, fee and proposed changes to initiate the process. The Story County Land Development amendment process involves County staff review and recommendation, Planning and Zoning Commission review and recommendation, and Board of Supervisors review and action on the request.

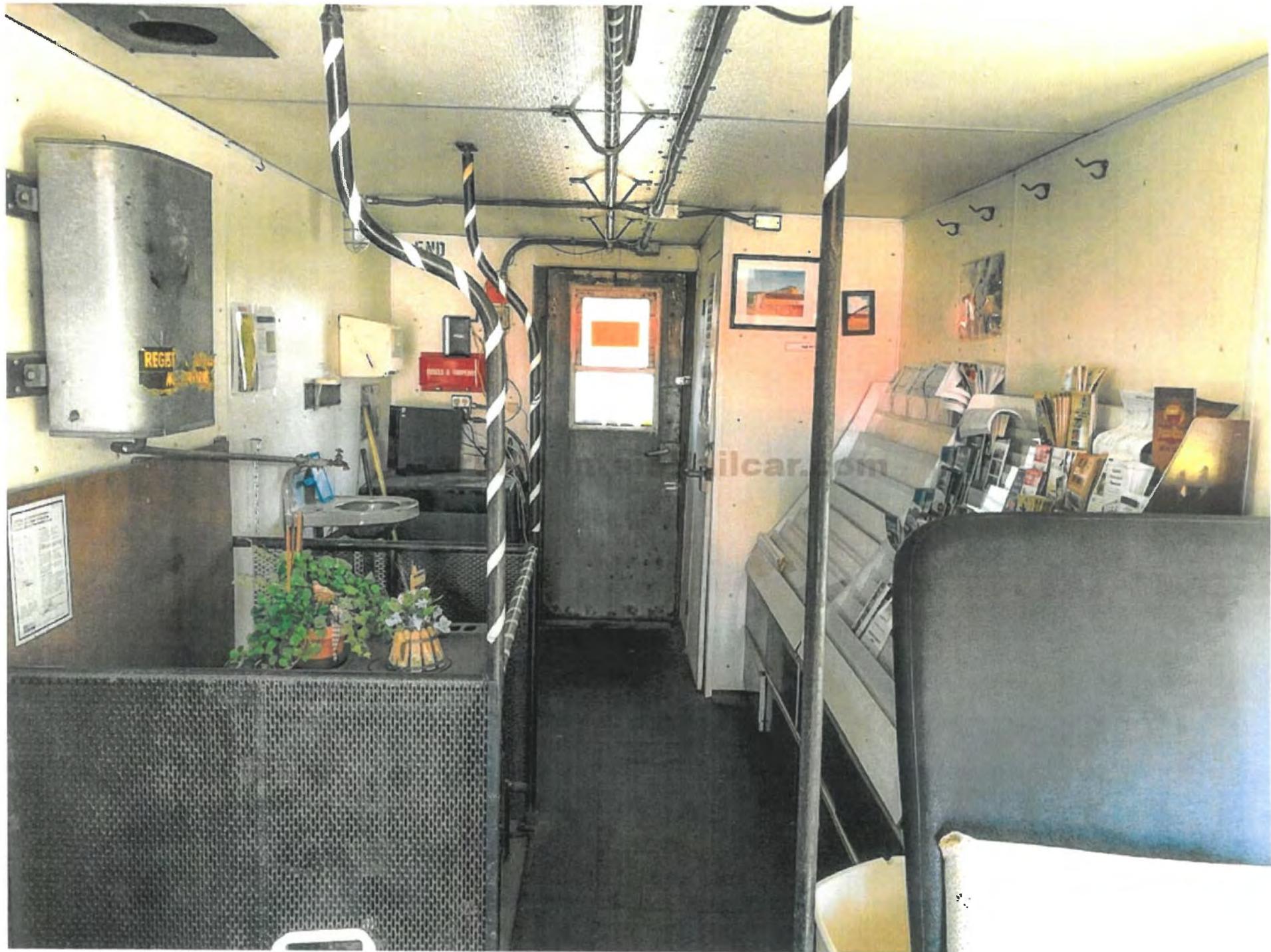
Thank you for submitting your follow up letter inquiring about my responses to your plan to acquire and place the caboose on your property. Please contact me at jmoore@storycountyiowa.gov or at (515) 382-7246 with any questions regarding this response.

Sincerely,

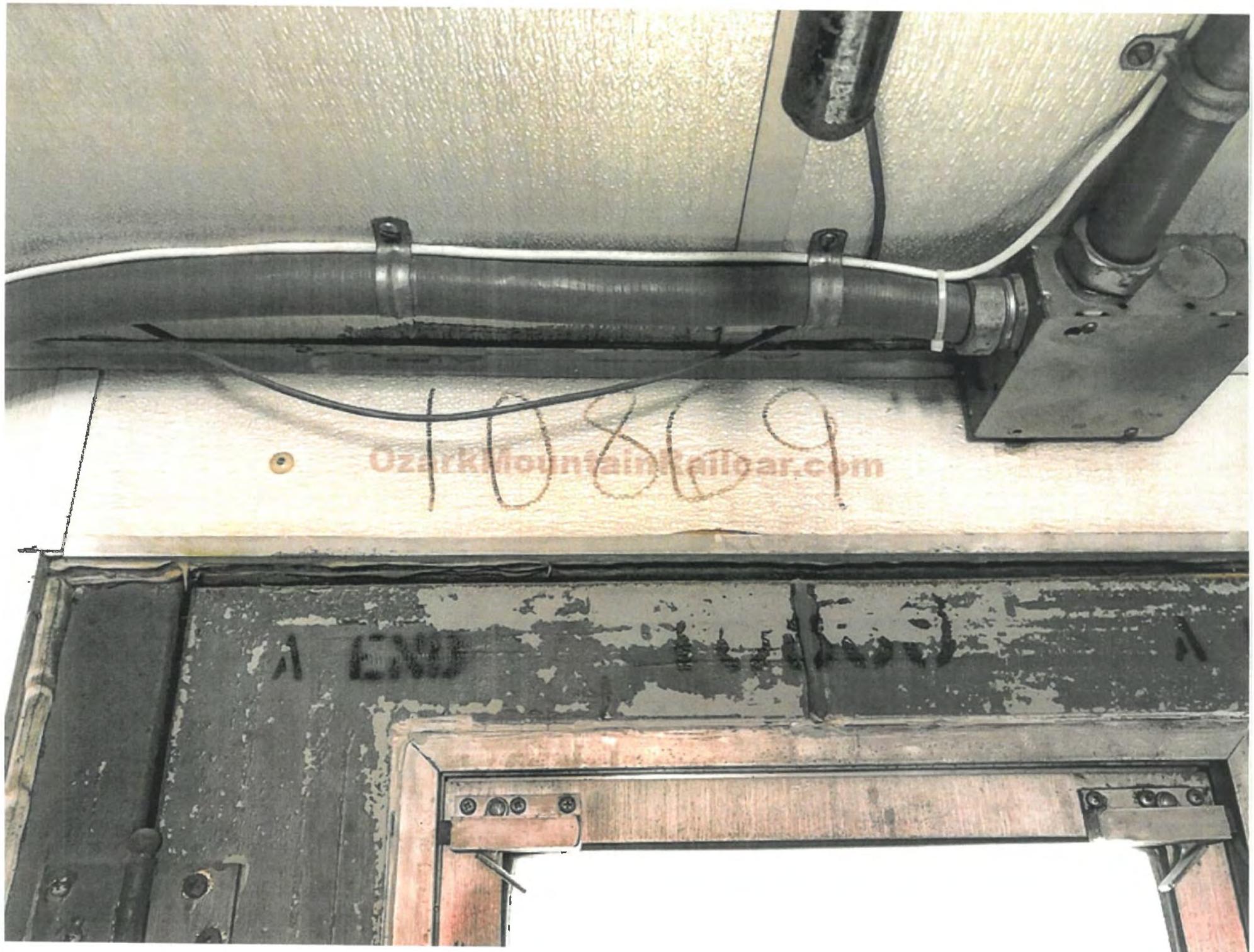
Jerry L. Moore, Planning and Development Director



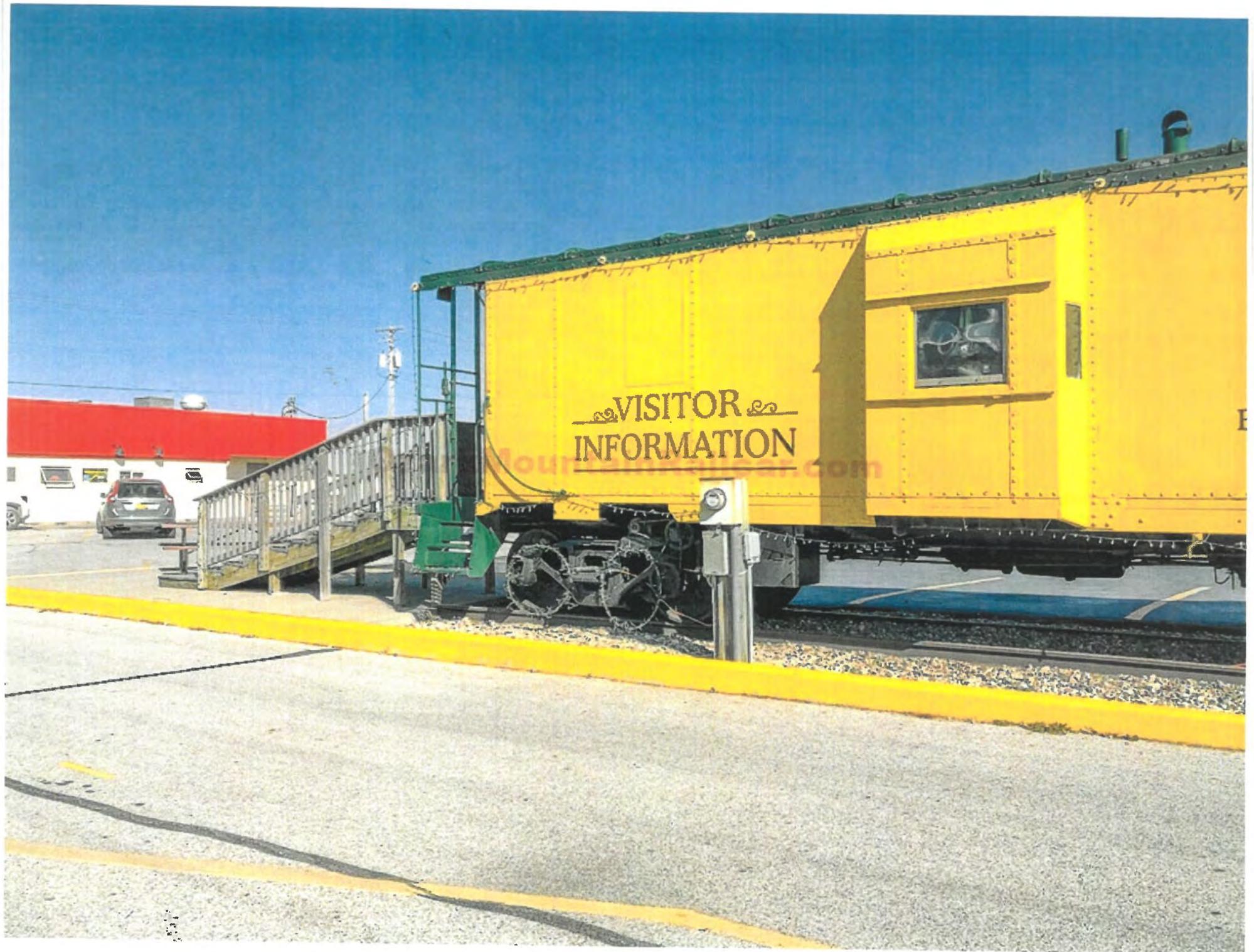
PLEASE RECYCLE













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INFORMATION

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