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

IN THE MATTER OF THE APPLICATION OF: : **PERMIT NO. CUP10-19**
Story County Conservation, 56461 180th St, :
Ames IA 50010, for the request of a Conditional :
Use Permit for a 40'X40' addition to the :
Integrated Roadside Vegetation Management :
Building, located at 60550 210th St. Nevada, IA :
50201, in the NW NE of Section: 35 Township: :
84 Range: 23, Milford Township, (Parcel ID :
Number 06-35-200-130) :

On December 18, 2019, the Story County Board of Adjustment approved the Conditional Use Permit CASE NO. CUP10-19 for the request of a Conditional Use Permit for a 40'X40' addition to the Integrated Roadside Vegetation Management Building, located at 60550 210th St. Nevada, IA 50201 as Proposed.

VOTE: Ayes: Neubauer, Brekke, McGill, Youngberg, Schneider
Naves:
Absent:
Vote: (5-0)

Written Findings of Fact

Case Summary: The request is for a conditional use permit for construction of an addition, 40'x40'x14', on the south side of the existing Integrated Roadside Vegetation Management (IRVM) shop building. The addition to the shop will primarily be used for year-round storage of equipment depending on need and weather as well as granular and liquid herbicides. This addition is replacing a 50'X50' pole building that was destroyed in 2017. The Story County IVRM program budgeted money in FY 2020 to construct this addition. The proposed addition will meet all required setbacks. The proposed addition meets all standards of approval and supplemental standards required for the conditional use permit. The Story County Planning and Zoning Commission recommended approval of the conditional use permit on December 4, 2019. The Story County Board of Adjustment approved the conditional use permit on December 18, 2019.

Marcus Amman, 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. Amman presented the staff report at the December 18, 2019, 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.

Applicant Comment: *The proposed addition will match the current shops dimensions, materials, colors and roof pitch. This construction will not interfere with the development of any adjacent property. The shop design is not unsightly or obnoxious to nearby properties.*

Staff Comment: The proposed building addition will match the existing building in size, color, shape, and height. It will not interfere with any development in the area. This addition is not proposed to effect any nearby properties.

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: *This addition is intended to transition equipment storage from the multiple facilities currently in use by IRVM to a central location. The proposed building will not interfere with any activities by other county departments, and neighboring landowners. A grass buffer will still be in place between building and Sherriff's office gun range fence.*

Staff Comment: The proposed building addition meets all setbacks and separation distance requirements. The setback for the A-1 District is 50' in all directions. The location of the addition will be directly south of the

existing building. The addition will be approximately 41 feet north of the Sheriffs gun range with a grass area between the addition and the range. The north side of the existing building is approximately 612 feet south of the road right of way to the north off of 210th Street. The existing building is approximately 337 feet from the west property line and 631 feet from the east property line. The southern parcel line would be approximately 582 feet from the southern property line.

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: *The current gravel roadway in use by Story County entities and neighboring farm property provides suitable and safe travel for multiple types of road vehicles. The two-lane road from 210th Street provides ample traffic flow and control. No additional traffic will be created with the addition of this building.*

Staff Comment: The proposed building addition has adequate access to parking and two way traffic flow from 210th Street to the existing building location and the Sheriffs gun range. The proposed addition should not impact or increase general traffic flow on the parcel as it is mainly for cold storage of equipment that IRVM already owns.

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: *The 4 parking spaces mentioned above will provide all off-street parking required by IRVM staff. There currently is no glare, traffic safety, noise, fumes or other issues on this complex. The addition to the IRVM shop will not create any new issues.*

Staff Comment: During the construction of the proposed building addition the existing parking at the site will be used. There will be no on street parking as a result of this construction. An ADA parking stall by sign will be provided with the addition of an additional slab of concrete at the existing building. These parking stalls are adjacent to the west of the existing building. No detrimental impacts are expected from the proposed addition.

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: *All current building signage is in accordance to NFPA and OSHA regulations. The building addition will not add any new hazards not currently covered by displayed signage. Exterior lighting is located near overhead door pointing to the west. Lights are pointed down to avoid glare to traffic in complex. The addition will include a second light over additions overhead door. It too will be pointed down to avoid glare into traffic.*

Staff Comment: There is no new proposed signage for the addition. The lighting for the addition will consist of an exterior light for the additions overhead door and will conform to the lighting standards in 88.09 and 90.04.

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: *The proposed building site is located on a gravel lot originally planned for expansion in 2008. No environmental impacts are expected to neighboring vegetation, water sources, or other natural resources. The development will not generate excessive noise, vibration, dust, smoke, fumes, odor, and glare or groundwater pollution to the area. There will be no hazards or nuisance conditions including weed infestations with the building of this addition. Two LP tanks are located on the building site, the LP tank north of IRVM shop will be protected by concrete barriers. The LP tank currently serving the Sheriff's Office will be relocated within the gun range fencing and barricaded as described.*

Staff Comment: No excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds, are anticipated. The proposed addition will not be located within the floodplain. All chemicals will be stored inside the building addition in a protected environment.

- B. 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: The building proposed addition will be built in compliance with the required setbacks from the adjacent property lines. The proposed addition will be slightly visible from 210th Street. The proposed addition does not pose risks to the health, safety or general welfare of persons using the facility or around it. The adjacent land to around the parcel is in private ownership.

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

Staff Comment: The proposed building addition will be approximately 14 feet tall and is located roughly near the middle of the parcel. Impact of light or air supply or quality to the adjacent parcels or properties will likely be minimal if at all.

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

Staff Comment: Following the construction of the proposed building addition, there is no projected increase in traffic to the area. The addition is replacing a 50'X50' pole building that was destroyed in 2017. This will not generate any new trips. The existing and proposed addition to the IRVM building is elevated above the flood zone. The proposed addition will not be located within the floodplain.

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

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 negative 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.**

Staff Comment: The proposed building addition is to be placed at an existing site. This building addition assists IRVM with storing their equipment and resources for their duties related to restoring native prairie areas in Story County where possible. The proposed building addition is also consistent with Goal 3 of the Natural Resource and Recreational chapter of the C2C plan, to restore the natural diversity, dynamics, distribution, habitats, and behaviors of Story County's native plant and animal populations.

Conceptual Review

A Conceptual Review meeting for the proposed Conditional Use Permit request was held on Thursday, October 7, 2019. After conceptual review, the complete application was submitted November 20, 2019 and routed to the members of the Interagency Review Team. Comments were included in the staff report.

The following were relevant comments documented by the Interagency Review Team:

Comments from County Departments at Conceptual Review Meeting:

Environmental Health:

1. Do not drive on laterals.

Assessor's Office:

1. The Assessor's Office will review the improvements after the new addition is complete.

Planning and Development Department Comments and applicant responses after CUP Submittal:

1. What is the shed on the south side of the existing building used for? Will it be relocated or taken down when the addition is constructed? **The small shed is currently used for used oil storage, it will be no longer needed with this addition and will be taken down.**
2. The garbage container is currently located where the addition would be placed. Where will that be relocated to? There are requirements for screening refuse collection areas. 88.10 states that a 75 percent opaque fence or hedge must screen refuse containers. **The garbage container will be relocated next to IRVM chemical storage building and fenced in accordance to 88.10.**
3. Please identify new refuse location on site plan. **See Shop Addition Site Plan map**
4. How often is garbage collected at the site? **Garbage is collected as needed, approximately 8 times annually.**
5. Please identify new ADA compliant parking spot on site plan. **See Shop Addition Site Plan map**
6. With the ADA parking spot what is the total number of parking spots on site? **4 total sites will be available for parking**
7. Are there any future building plans for the parcel? **No**

8. A zoning application will be required, no fee will be charged.
9. Please identify the greenspace to the east of the proposed and existing building on the site plan. If identified it may be credited towards the 20% greenspace required for impervious surfaces. **See Shop Addition Site Plan map**
10. In our discussion the small building to the west of the existing building holds different chemicals that IRVM uses. Will all of these chemicals be placed in the new addition in the herbicide storage cage? And if so will that building be demolished or will it be used for another purpose? **The herbicides will be stored in the new addition inside herbicide cage. The small building will be converted to excess parts storage only.**
11. What are the general hours of operation for the proposed building addition, existing building, and the gun range? **The general hours of operation for all Story County facilities located at 60550 210th St. are 7:30 a.m. to 4 p.m. Monday-Friday.**
12. How many trips are expected to be added to the site after completion of the addition? **The building addition will be utilized to perform duties and store equipment that are currently being done or are located at 60550 210th St. No additional traffic is anticipated.**
13. Erosion control measures will be required during construction. **Erosion control measures will be instituted throughout construction and after to control sediment runoff on building site. Public notices were mailed to adjacent property owners within ¼ mile of the proposed site on November 21, 2019.**

Other Communication from County Staff

Public notices were mailed to adjacent property owners within ¼ mile of the proposed site on November 21, 2019 regarding the Conditional Use Permit application.

Comments from the General Public

Planning and Development Department did not receive any comments from the general public.

Public Hearing Comments at the Planning and Zoning Commission Meeting – December 4, 2019

There were no comments from the General Public. Amman presented the staff report addressing the request for the CUP to construct the proposed 40'x40' addition to the existing IRVM building.

Joe Kooiker was present and gave a brief background about the property and proposed use of building addition. There was no one from the general public in attendance.

Planning and Zoning Commission Comments and staff response

There was no comments from the Planning and Zoning Commission.

Public Hearing comments from the Board of Adjustment Meeting – December 18, 2019

In summary, Amman presented the staff report and stated that this request is for a 40'X40' addition to the Integrated Roadside Vegetation Management Building. Amman stated that the

building will be replacing a 50'x50' building that was destroyed in 2017. This will allow for IRVM to store all of their equipment inside, as well as a more secure location for their liquid and granular herbicides. Amman stated that on December 4, 2019 the Story County Planning and Zoning Commission recommended approval of the Conditional Use Permit.

Brekke asked what happened to the other building that was on the site. Amman, explained that there was a straight wind storm in 2017 that tore the building down. This has led to IRVM having to store some equipment outside in the elements.

There were no comments from the general public.

Points to Consider for the Conditional Use Permit Request

1. Applicant addressed the need for the addition.
2. Addition is not expected to affect any properties.
3. Addition will match the current existing building and is replacing a larger building that was destroyed.

The Board of Adjustment approved (vote 5-0) the Conditional Use permit CUP10-19 as put forth, as recommended by the Planning and Zoning Commission (vote 4-0) for a 40'X40' addition to the Integrated Roadside Vegetation Management Building based on the information provided in the staff report, site review, material provided by the applicant in the submittal, responses to questions/comments, and meeting discussion, as put forth in case CUP10-19

Board of Adjustment Action on Written Findings of Fact

Date: January 15, 2020

VOTE: Ayes Nays

McGill

Brekke

Neubauer

Winfrey

Schneider

Vote:

Chair: _____