

Staff Report

Story County Board of Adjustment

Date of Meeting:
January 15, 2020

Case Number CUP11-19

Story County Animal Control Short Term Livestock Control Building

APPLICANT: Joby Brogden
900 6th St
Nevada, IA 50201

STAFF PROJECT MANAGER: Marcus Amman, Planner

SUMMARY: Story County Animal Control Department is proposing to erect a 25'x30' 750 square foot short term livestock control building to provide a replacement for the current structure that is in disrepair and cannot contain livestock effectively. This will allow Animal Control employees to be certain in their ability to contain livestock that are either strays or owner released.



On January 8th, 2020 the Story County Planning and Zoning Commission Recommended approval of the Conditional Use Permit for the Story County Animal Control Short Term Livestock Control Building as put forth in case CUP11-19.



Property Information

PROPERTY OWNERS

Story County, Iowa
900 6th St
Nevada, IA 50201

GENERAL PROPERTY LOCATION

Section: 01 Township: 83 Range: 23 SW SE

SITE ADDRESS

975 W Lincoln Highway

PARCEL IDENTIFICATION NUMBER(S)

10-01-400-340

CURRENT ZONING

C-LI, Commercial/Light Industrial

CURRENT LAND USE

The current land use at the proposed site of the short term livestock control is the Story County Animal Control. The property is mainly surrounded by residential use to the south and north east. Directly east, Adams Cycle, is a commercial property. To the west and northwest of the property is a residence and large pond.

FUTURE LAND USE MAP DESIGNATION

Commercial/Light Industrial

CITIES WITHIN TWO MILES

Nevada

Floodplain

A portion of the north and east areas of the parcel contain floodplain.

The following items were submitted by the applicant: CUP Application, Site Plan, narrative describing need of the short term livestock control structure, pricing quote, proposed structure specifications, and responses to County Staff review comments.

Background

This proposed short term livestock control structure will be used to provide a secure place for Story County Animal Control to accommodate stray or owner released livestock. This will allow Animal Control employees to have a more secure location for livestock control. The current structure is in disrepair and cannot contain livestock effectively. The proposed building can on average accommodate a single livestock animal at a time.



The property is located on the western side of the City of Nevada, while being in the county. The property on which the proposed structure is to be constructed is 2.32 net acres and currently in use by the Story County Animal Control Department. The existing Animal Control Building is approximately 76 feet north of the road right of way. It is an approximately 10,000 square foot building that Animal Control has been using since 2016. This building is used to house Animal Control offices as well as domesticated animals, not limited to dogs and cats. There is seven customer parking spaces on the eastside of the building including one ADA accessible space. The employee parking is located at on the west side of the parcel near the existing livestock enclosure. This existing structure is located approximately 58 feet to the west of the Animal Control building and the majority of it appears to be in the floodplain.

There is a 4.9 acre pond 226 feet to the northwest of the proposed site. There is a tree line along the east edge of the parcel in addition to the tree line located along the south edge of the road right of way. Access to the property is obtained from W Lincoln Highway approximately equidistance from the eastern (311 feet) and western (319 feet) boundaries of the parcel. The septic system is east of the property access. The parcel is generally lower than all of the adjacent parcels. The parcel also has 60% of its area located in the FEMA floodplain. The floodplain is generally north of the north half of the existing Animal Control building on the parcel. The floodplain encompasses to the south of the parcel on the 73.97 feet east of the access. The proposed short term livestock control structure will not be located in the floodplain. There are overhead power lines 177 feet away on the south side of W Lincoln Highway which are between 15-20 feet higher in elevation than the site.

The nearest dwelling to the proposed building is approximately 186 feet to the west. There is a commercial parcel to the east of Animal Controls parcel. The rest of the surrounding uses are residential. The parcels adjacent to the south are zoned residential. The parcels to the west are in the county and are zoned A-1. The traffic on Lincoln Highway is between 1,560 and 2,240 vehicles a day.

Accessory structures are permitted within the C-LI, Commercial/Light Industrial District. The proposed structure is in compatibility with the existing use of the parcel. The proposed short term livestock control structure will be built in compliance with the required setbacks from the right-of-way and adjacent property lines. The proposed structure will be of the post type construction or "pole building". The proposed structure will meet the setbacks from all property lines. The overall proposed structure height will be 14 feet. The proposed structure will be 92 feet from the north property line, 61 feet from the south property line, 15 feet from the west property line, and over 500 feet from the east property line. The proposed structure will likely be seen by immediately adjacent property owners. Part of the proposed structure will be buffered by the existing building. Trees to east and south may also assist with buffering a portion of the proposed structure. They are also proposing to build a new garbage storage area. This will be 8'x8' and will be located outside of the floodplain and near the existing access to the parcel. It will meet the requirements of *Screening of Mechanical Equipment and Refuse Collection Areas* per 88.10 as well as *Fences* 88.07.

The existing livestock control structure located at the site will be removed within 60 days of completion of the proposed building. The current structure is a total of approximately 383 square feet with approximately 156 square feet being enclosed. Of the existing structure 75% of it appears to be located in the floodplain on the parcel. The proposed structure is 750 square feet, all of which is enclosed. There will also be a 175 square foot green space installed to the south of the proposed building meeting the 20% landscaping requirement. There will be perennial ornamental grasses planted in this proposed landscaping space.



The structure will have a floating concrete slab floor. The structure will also have two access doors. One being a service door on the north side of the structure and an overhead door on the south side of the structure, both of which being on the east side of the proposed structure. Between the two doors there is a planned safety light that will meet 88.09 standards. There will also be a sign on the building identifying its purpose meeting the standards of 89.02. If there is an animal in the structure a staff member will visit the structure daily. If there is not an animal in the structure, it will be visited twice a week for routine care and maintenance. In there is an animal at the structure, the animal is generally there less than 2 weeks. Over the last three years the structure would have been used 16 times.

The traffic impact of the proposed structure is expected to be minimal. All traffic during construction will be parked outside of the right of way and once construction of the proposed structure is completed, the only traffic that will visit the site for this structure will be when an animal is brought to the structure or is moved from it. There is no environmental impacts expected during or after construction is completed and no fill dirt is planned. Other visits would be pedestrian by the Animal Control Staff from the main building on the parcel to the livestock control building.

Story County Animal Control Department received a quote for the structure at a cost of between \$42,000 and \$45,000. Story County Board of Supervisors approved the project on 9/24/2019 at a regular Tuesday board meeting.

Story County Animal Control Department is submitting this Conditional Use Permit under the provision of Chapter 90 Table 90-1 of the Story County Code of Ordinances. Under Chapter 90 any structure erected or used by township, County, or city government requires submittal of a CUP application.

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 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: The existing building has been used as the animal shelter for the last ten years with no complaints or issues regarding our animals being housed here. This building will be used for a livestock building to accommodate stray or owner release animals. The building will be a structure that compliments the area and it kept clean and organized.



Staff Comment: Accessory structures are permitted within the C-LI, Commercial/Light Industrial 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. Under Chapter 90 any structure erected or used by township, County, or city government requires submittal of a CUP application. The property on which the proposed structure is to be constructed is 2.32 net acres and currently in use by the Story County Animal Control Department. The proposed structure is in compatibility with the existing use of the parcel. The proposed building will replace an existing structure that is in disrepair and will better secure the livestock. A majority of the surrounding land is residential lots due to proximity to the city limits of the City of Nevada. The *Story County Cornerstone to Capstone (C2C) Plan* designates these adjacent parcels as Urban Expansion areas. The property is located in the County outside of Nevada's corporate limits.

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 building will be used primarily use for livestock which will only be housed here. Main building will be used to be for non-livestock animals. New livestock building will only be used as a housing facility for non-livestock animals only if an emergency arises.

Staff Comment: The proposed structure will meet the setbacks from all property lines. The overall proposed structure height will be 14 feet. The proposed structure will be 92 feet from the north property line, 61 feet from the south property line, 15 feet from the west property line, and over 500 feet from the east property line. The proposed structure will likely be seen by immediately adjacent property owners. Part of the proposed short term livestock control building will be buffered by the existing main building. Trees to east and south may also assist with buffering a portion of the proposed short term livestock control building.

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: Livestock building will occupy an area which is only normally accessed by shelter or county employees. Parking lot for the entire facility is located at the east end of the main building which is the opposite end of where the livestock building will be located. There is access to livestock building for emergency vehicles by way of south side of building.

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 will be when an animal is brought to the structure or is moved from it. Other visits would be pedestrian by Animal Control Staff from the main building on the parcel to the livestock control building. Considering the past average use, the proposed building will add 5 to 6 trips a year to drop off or move an animal from the building.



- 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 building is located in an area away from main road and is in a lower setting area which will not impact traffic in any way. Area of the building is not near the public parking area but is accessible if needed by area south of the main shelter building. The Animal Control livestock trailer will be parked where the existing livestock enclosure is when it is removed.

Staff Comment: During the construction of the proposed livestock control structure, 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 no proposed new parking for this building. Parking use for this will consist of unload and loading livestock, no ongoing parking will take place. Current parking for the main animal control building customers, consists of 7 parking spaces on the east side of the animal control building. Employees park on the west side of the building.

- 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: There will be adequate lighting on the exterior of the building to help with safety concerns however it will not impact the traffic on the road south of property. Sign will be posted on building to identify what it is located on the eastern side of the building.

Staff Comment: There is one proposed light on the proposed structure. This will be a single light with full cutoff not to impede on Lincoln Highway or any other adjacent properties. All lighting will meet 88.09 standards. There will be a sign on the building identifying its use and will meet requirements of 89.02. There is a posted ADA sign for the customer parking on the property.

- 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: There is no concern for any environmental issues. The building's purpose is to house livestock animals that have strayed or owner's releases and will be kept clean and organized. We will properly dispose of any animal matter that is left in the building. The manure would be cleaned out at least once per day, and disposed of. If needed, it will be however many times per day it needs to keep the structure odor and fly free. There will be adequate ventilation however odor and noise will not be compromised.

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



anticipated. They will dispose of any animal matter as is needed. There will be adequate ventilation however odor and noise will not be compromised. They propose to install the 175 square foot green space to address the 20% landscape area to assist with soil erosion.

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.**

Staff Comment:

The proposed structure will meet the setbacks from all property lines. The overall proposed structure height will be 14 feet. The proposed structure will be 92 feet from the north property line, 61 feet from the south property line, 15 feet from the west property line, and over 500 feet from the east property line. The proposed structure will likely be seen by immediately adjacent property owners. Part of the proposed structure will be buffered by the existing main building. Trees to east and south may also assist with buffering a portion of the proposed structure.

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

Staff Comment:

The proposed structure will be 25'x30'x14' 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.**

Staff Comment:

Following the construction of the proposed structure, there will be very little traffic to and from the structure. Traffic will be for moving a livestock animal to or from the structure. The proposed structure 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 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 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 short term livestock control building will be located on Commercial/Light Industrial land and will occupy a relatively small area of the parcel. The remainder of the parcel will continue to be used for other Animal Control purposes.

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 **Story County Animal Control short term livestock control building CUP11-19**. If necessary, conditions of approval may be formulated based off these comments.

Conceptual Review – November 14, 2019

Comments from the Environmental Health

No comment

Comments from the Auditors Office

No comment

Comments from the Interagency Review Team

1. This Conditional Use Permit is required due to table 90-1 that states “Any public building or structure or facility erected and used by any department of the township, County, or city government, including (but not limited to) public aircraft landing fields and facilities, and sanitary landfills.” **C.U.P. has been submitted**
2. Meet Standards for Approval identified in Chapter 90.04 (1. A-F and 2. A-E) Conditional Uses. Also, provide written narrative about the purpose of the project. **See attachment “Livestock Bldg paperwork”**
3. Meeting table 86-7 bulk requirements identified in Chapter 86.10
 - Show the proposed building meets the 20 feet from the rear setback.
 - If there is any planned lighting of the structure, the lighting must meet the requirements of 88.09.
 - From review of concept drawings the structure appears to meet setback requirements.



See submitted sight plan, all setbacks should be met. Lighting will be minimal and would consist of one light placed above the overhead door. Light will be of L.E.D. in type with specific cut off to not impede the adjacent Lincoln Highway or any adjacent property.

4. Removal of existing shed and fencing should be completed within 60 days of the structure being completed. This will be a condition applied to the zoning permit. **Existing shed and fencing will be removed within 60 days of completion of new structure**
5. What is the size of the existing shed that will remain on the property at the southwest corner of the animal control building? What is this shed used for? **Existing shed is an 8' X 8' movable shed and is used to store additional over stock items. It currently is used to store pet carriers and a small walk behind snow blower.**
6. The new trash enclosure appears to meet 88.07 *Fences and Walls* and 88.10 *Screening of Mechanical Equipment and Refuse Collection Areas*. **Yes new trash enclosure will meet 88.07 and 88.10**
7. The drawing identifies the proposed structure as 600 square feet. The dimensions identify it as 750 square feet. What will the size of the building be? **Structure is 750 square feet 15' X 30', site plan has been updated to reflect the correct size.**
8. What is the proposed height of the structure? **Proposed overall height of structure will be 14'**
9. Will the structure be constructed on footings or slab? **The proposed building will be of the post type construction (commonly referred to as "pole Building") the posts will be the footings. The building will have a floating concrete slab floor.**
10. There is an existing drainage pipe on the property please identify on the site plan. Also will this pipe be affected if the proposed building is built? **Storm Drainage intake will not be impacted by new proposed structure. Intake is now shown on site plan (roughly located 50' from south property line and 34' from west property line).**
11. Is there any fill dirt proposed? If so how much and where? **Project will require no additional fill dirt.**
12. What vegetation will be planted in the greenspace? **Perennial ornamental grass is planned for the designated green space replacement.**
13. Please identify employee parking areas. **Employee parking is shown on the site plan it is generally the west gravel lot.**
14. How many trips are expected to the new building daily/weekly/monthly? **If building is housing large animals it will be visited by staff daily. If no animals are present it will be twice weekly. On average large animals are at the shelter less than 2-weeks.**
15. Over the last 3 years how many times have you had to retrieve an animal that would use this structure? **There has been 16 times over the last three years the proposed building would have been used.**
16. If the conditional use permit is approved a zoning permit is needed for structure and the trash collection site fence. This can be included on one permit application. **We will plan to have the building and trash collection site fence on the same zoning permit.**
17. When was the project authorized by BOS? **Story County Board of Supervisors approved the project on 9/24/19 at a regular Tuesday board meeting.**

Public notices were mailed to adjacent property owners within ¼ mile of the proposed site on December 27, 2019.

Comments from the General Public:

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

Sue McCaskey Animal Control Director and Joby Brogden Facilities Management Director were both in attendance for the Planning and Zoning Commission meeting to answer questions.



Comments from the Planning and Zoning Commission at their January 8th, 2020 meeting:

McBride commented that it was interesting that there was a need for Animal Control to be able to contain livestock. She stated that she thinks the project will meet that need well.

McCaskey stated they have had everything from alligators to very large horses.

Moss asked how many animals the building can contain. McCaskey stated that it could hold up to 3 animals. If more animals have to be housed then Animal Control Department would have to look for another solution.

Smith asked if the old short term livestock control building will be removed. McCaskey stated yes.

Moss asked if the proposed structure will be able to contain the animals that were discussed. McCaskey stated yes, this is primarily for livestock as they can contain diseases and must be separated from the other animals that Animal Control Department may have.

Points to Consider for the Conditional Use Permit Request

1. Applicant addressed the need for the short term livestock control building.
2. The existing building is in disrepair and cannot contain livestock effectively.
3. The short term livestock control building should not be out of character based on use and zoning of the property.
4. Traffic to the property to drop off animals temporarily may be 5 to 6 times a year.
5. Additional landscaped area will be added meeting the County's requirement to address erosion control.

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 as put forth in case CUP11-19.

Recommendation by Planning and Zoning Commission

At the January 8th, 2020 meeting, the Planning and Zoning Commission recommended approval of the Conditional Use Permit for the Story County Animal Control Short Term Livestock Control Building as put forth in case CUP11-19 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 Story County Animal Control Short Term Livestock Control Building as put forth in case CUP11-19, as submitted.**



- 2) The Story County Board of Adjustment recommends approval of the Conditional Use Permit for the Story County Animal Control Short Term Livestock Control Building as put forth in case CUP11-19, with conditions.
- 3) The Story County Board of Adjustment recommends denial of the Conditional Use Permit for the Story County Animal Control Short Term Livestock Control Building as put forth in case CUP11-19.
- 4) The Story County Board of Adjustment remands the Conditional Use Permit for the Story County Animal Control Short Term Livestock Control Building as put forth in case CUP11-19, 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.