

**STORY COUNTY
PLANNING AND DEVELOPMENT
STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201-2087**



"Commitment, Vision, Balance"

**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: April 17 th , 2024	Matthew Neubauer, Chair	2026
	Andrew Friend	2027
CALL TO ORDER: 4:00 pm	*Kelli Excell	2028
	Nathan Hovick (left at 5:33)	2024
PLACE: Public Meeting Room In the Administration Building	Elara Jondle	2024
	*Absent	

Special Note: Members of the public could also participate via Zoom.

STAFF PRESENT: In Person: Leanne Harter, Director; Marcus Amman, Senior Planner; Leslie Day, Recording Secretary. Via Zoom: Andrea Wagner, Senior Planner.

PUBLIC PRESENT: In Person: Teresa Palensky, Jim Palensky, Robyn Thielen, Laura Stebbins, Joe Cacciatore, David Brommel, Penny Hart, Jeff Hart, Hayley Palensky, Taryn Hutson, Brad Perkins, Cale Bultman, Gina Perkins, Kirra Ortiz, Kenneth May, Jack Burkhalter, Austin Vier.

Via Zoom: Andrew Pistorius, Chad Schneider, Sammie Moorman, Cole Perkins, Chase Perkins, JMA, Andrew, Joe.

APPROVAL OF AGENDA:

Voting Aye: All

Voting Nay: None

Not Voting: None

Absent: Excell

Motion passed. MCU.

APPROVAL OF MINUTES:

MOTION: Friend moved to approve the minutes as is.

Motion: Friend

Second: Jondle

Voting Aye: All

Voting Nay: None

Not Voting: None

Absent: Excell

Motion passed. MCU.

PUBLIC COMMENTS: None

NEW BUSINESS

OTHER BUSINESS

PUBLIC HEARINGS

Discussion and Consideration of CUP24-000003, Cultivating Hope Farms—Leanne Harter

Leanne Harter presented the CUP24-000003, Cultivating Hope Farms.

Hovick asked if the annual traffic report had an end date.

Harter responded it did not have an end date but maybe in a couple of years it could be re-evaluated with the county engineer. If no concerns are found, modifications to the CUP can be brought forward.

Hovick asked about the condition to plant additional trees, and the presentation pictures show plenty of trees in the property. He asked if that condition was necessary.

Harter explained that is a requirement of the regulation, and it is only four trees that need to be planted.

Hovick asked if the applicant has any objection to that.

Harter said the applicant was present in the meeting and should be able to answer that question.

Friend asked for clarification on condition five, requiring a sign permit application to be submitted.

Harter confirmed that a sign permit is still required, however, there has been conversations with the applicant and it is coming to a resolution.

Friend asked if applicant is responsible to pay for the dust control measures.

Harter confirmed it is responsibility of the applicant.

Applicant Brad Perkins, 5500 240th St. Ames, IA, gave a presentation about Cultivating Hope Farms. Perkins also responded to earlier board member question about planting trees; he said there are plenty of trees around the parking area but they have no objection planting more and would leave that decision up to the Board of Adjustment members.

Hovick stated he just wanted clarification if planting trees needed to be required given the number of trees in the property.

Harter confirmed it was required regardless of the existing trees.

Applicant confirmed they will plant the trees.

Public Comments:

Teresa Palensky, 5600 240th St. lives directly west to the McCay property where Cultivating Hope Farms is located. Her family has lived in that house since they finished building it, in 2004. Palensky spoke in support of the Cultivating Hope Farms conditional use permit, and talked

about other conditional use permits in the property. She asked the board to approve the CUP being presented that day, with the condition that the animals in the farm are properly confined, because there was an incident in May of 2021 when a bull escaped the farm and came to the Palensky property, creating a potentially dangerous situation.

Ken May, 610 8th Ave. Slater, Iowa, spoke about his community providing EMS services to this area, stated Kelley used to do it but their EMS is defunct and does not have enough members to respond. He also mentioned Ames being closer, not responding for properties outside their city boundaries. He spoke about these concerns, having so many conditional use permits in one property, right amount of handicap parking, and conditions of a different CUP in the property.

Harter responded handicap parking is a condition and the CUP mentioned by May is not active on the property.

May asked if the City of Slater can be notified if there are additional permits requested.

Harter explained who is notified and thanked May for the information about Kelley EMS.

Perkins showed members of the Board pictures of the miniature bull Mrs. Palensky mentioned. Stated it is true the miniature bull did get out once, they called the sheriff and retrieved it, without anyone getting hurt. He explained the fence on the site plan. Since that happened, they built a better enclosure.

Friend asked Perkins what he meant by enclosure.

Perkins responded corrals, explained in detail and added that they were built for safety of the kids as well. The enclosure is more permanent now than when the miniature bull got out.

Palensky stated her support of the CUP, and said the enclosure condition suggested is not a deal breaker. But she explained as a retired veterinarian that a bull is a bull, even if it is a miniature is not a small animal. She also talked about the fence.

Neubauer closed public comments and ask board members if they had thoughts on the conditions.

Hovick asked to put a timeline on the logs of traffic, and if the engineer wants to revisit the condition that it will come back to the Board of Adjustment.

Neubauer asked if that prevents from doing a modification later.

Harter confirmed Neubauer statement. She asked clarification on Hovick statement.

Hovick stated if in three years the engineer finds no issues, that condition is dropped.

Friend asked that the first condition about dust control would be worded as required instead of recommended.

Hovick asked if they needed to specify when the two times of the year are.

Amman explained other CUP done recently had a similar condition, the engineer is part of the process, the Engineer office prepares the road and then do the dust control, and those two times usually happen in May and late Fall.

Friend asked if condition number five should be removed.

Neubauer said it didn't sound like it was going to be an issue and asked if it was a problem to differ from what the Planning and Zoning Commission recommended.

Harter said there was no problem, they could keep condition number five or remove it.

Motion: Friend moved to approve the Findings of Fact for CUP24-000003 with the following modifications:

1. Dust control measures are required to be purchased by the applicant as a condition of approval, to be placed two times a year in front of the existing houses along 240th Street.
2. The applicant to provide logs documenting for the complete traffic trips generated by this proposed conditional use permit as well as that associated with the approved conditional use permit on site. These will be forwarded to the County Engineer for review and determination whether additional improvements are necessitated based on traffic counts. After three years if no issues are identified by the County Engineer, this condition could be dropped.
3. Applicant shall submit a parking plan that demonstrates adequate stall depth and aisle widths, as well as clearly marked van accessible parking space, meeting the requirements of the Americans with Disabilities Act to clearly delineate the layout and design of the parking.
4. Applicant shall plant at least four trees to be placed to provide additional screening of the proposed parking area in accordance with the regulations.

Second: Hovick

Voting Aye: Hovick, Friend, Neubauer, Jondle.

Voting Nay: None

Not Voting: None

Absent: Excell

Motion passed. MCU.

Motion: Hovick moved that the Story County Board of Adjustment approves the Conditional Use Permit for the Proposed Human Services use for Cultivating Hope Farms as put forth in case CUP24-000003, with conditions as listed in the Findings of Fact.

Second: Friend

Voting Aye: Hovick, Friend, Neubauer, Jondle.

Voting Nay: None

Not Voting: None

Absent: Excell

Motion passed. MCU.

Discussion and Consideration of CUP24-000008, Indian Creek Golf Course Renovation and Reconstruction—Leanne Harter

Leanne Harter presented the CUP24-000008, Indian Creek Golf Course Renovation and Reconstruction.

Neubauer asked clarification on the archeological requirements and the language that was changed.

Leanne clarified that the Board of Adjustment could agree or disagree with the recommendation made by the Planning and Zoning Commission, however, the ordinance will be applied as it is, until either a text amendment is approved by the Board of Supervisors to remove or amend that language of the Code of Ordinances or a waiver is granted upon a recommendation of the Planning and Zoning Commission to the Board of Supervisors to waive that requirement.

Neubauer asked if the applicant would have to go back to the Planning and Zoning Commission.

Harter clarified yes, in both cases they would have to go back.

Jondle asked if the archeological study was for trees and wetlands.

Hovick clarified County Conservation would do the wetlands and trees study.

Amman clarified there are phases to that study and phase one is just to determine the possibility of something being there.

Neubauer asked if the concern from the Planning and Zoning commission that this study was too onerous.

Harter explained that the applicant would speak to that but the argument is that given the unknown of what could be encountered, there are concerns that the results of the study may require redesign and how much has already been invested. Harter read from the AIA (Association of Iowa Archeologists) guidelines for archeological surveys. She explained that the search is for potential human remains and burial sites.

Friend asked nothing has been found but because it is near a stream that is what is triggering investigation.

Harter responded that is correct. Because it is within 650 feet of a stream, the standard is applied, that standard dictates a study and the recommendation of the OSA (Office of State Archeologist) and the Planning and Development department goes with that recommendation.

Friend asked if the modification the Planning and Zoning Commission made was to do the test only where dirt will be moved.

Harter responded that was correct and clarified limited to where the potential of earth work impacts would be happening. However, being an existing site where fill has been placed where potential remains are already does not negate the need to look at those areas as well.

Friend asked if those fills had been put before there were laws in place.

Harter confirmed that was done many years ago, not recently.

Harter read comments Wagner made in the Zoom chat: "I think I left a typo in PZC's recommendation for Condition #1. It should say "No subsurface testing for archaeological surveys would occur where not cutting grade, nor would surveys be completed on acres where previously disturbed."

Applicant Austin Vier, 62708 Michelle Drive, Nevada. Gave a presentation about the Conditions they would like to have modified: Parking location, Archeological study. Vier asked the Board of Adjustment to approve the CUP permit with the conditions as recommended by the Planning and Zoning Commission.

Jondle asked if applicant was doing two lots for parking.

Vier confirmed they would do one by the maintenance building and one by the club house.

Neubauer asked if applicant was asking to approve what cannot be approved.

Vier agreed he was asking to approve the CUP and conditions as amended by the Planning and Zoning Commission.

Friend asked if the original text requires an archeological study of the entire property.

Amman confirmed that the recommendation is that a study should be completed to make sure that if there are any archeological resources, regardless of filling or cutting, that those are being identified so no one is playing golf on a grave.

Neubauer asked to clarify if the testing holes would be every 45 feet over all the parcels.

Amman answered holes needed to be what OSA recommended.

Vier answered he thought it was only the project area. The parcels total about 170 acres and the project area is about 80 or 90 acres. Vier added the other option is to Roundup the 90 acres or till it, which reduces the number of holes that have to be dug, but he would not want to do that. Vier said he will reach out to the OSA to see if the testing can be modified to be more reasonable.

Friend asked why would they have to Roundup.

Vier explained the studies, and said they want to see the soils or dig holes.

Harter clarified based on the guidelines of the AIA that the areas that have not been plowed in the past should not be plowed for the survey.

Vier said he thought the Roundup would still apply but he's not sure since he is not an expert.

Friend asked how deep are the holes.

Vier responded he believes they are 52 centimeters deep every 45 feet in a grid pattern.

Friend asked how they are dug.

Amman said he did not know for sure.

Neubauer asked if the Board of Adjustment has the authority to determine if only part of the site is dug.

Jondle added if the Board of Adjustment could even comment on the study, since it is a requirement.

Harter confirmed it is a requirement, it is presented as a recommendation, condition of approval, to ensure it is addressed; otherwise staff cannot determine if the standard for environmental protection is met.

Jondle clarified that the study just needed to be done, and the details are not what is being discussed.

Vier stated per the regulations he would have to submit a letter from the OSA that states no further studies are required or get a waiver from the Board of Supervisors, or a Text Amendment.

Amman clarified the OSA has already stated that a study is needed. He added no matter if cutting or filling, the OSA is trying to identify if there are burial sites on the property and protecting them.

Vier stated he understands the Planning and Zoning Commission and the Board of Adjustment can not change this regulation, so he asked for help with the parking condition.

Friend asked for clarification on the parking condition.

Harter explained the maximum number of parking spaces are based on the square footage or the number of holes and use, that is how the number of parking spaces that need to go next to the Clubhouse and next to the maintenance shed were determined. The applicant is requesting that most parking spaces are located by the Clubhouse.

Vier explained the number of parking spaces.

Friend asked about the parking graphic Vier showed during his presentation.

Harter clarified that graphic shows what the applicant is requesting.

Vier explained that based on the regulation a large number of parking spaces should be located by the maintenance shed because of the size of that building and he is asking that most of those are moved by the Clubhouse, because he is expecting to need more than the 27-maximum allowed spaced by the Clubhouse.

Neubauer clarified the applicant was not asking for more parking spaces but just that the location of some of those are moved close to the Clubhouse.

Friend added according to the staff report 45 parking spaces would go next to the Clubhouse and 39 parking spaces by the maintenance building.

Jondle asked if staff had objection with the Board of Adjustment moving those parking spaces.

Harter stated the concern is that the maximum amount of parking spaces is not exceeded, that it meets the setback requirements, meet the landscaping and screening requirements.

Neubauer explained that by using the square footage of the maintenance building more parking spaces can be added.

Amman affirmed that is the interpretation of the ordinance that there is a maximum per use.

Friend stated something needed to be done because the recommendation from the Planning and Zoning Commission was that the applicant could put the parking wherever he wants. Friend asked if that was permitted on the regulation.

Harter said the Board of Adjustment members may want to clarify that language.

Neubauer asked where the carts are located.

Vier explained the Club will own all the carts so every morning staff will bring them from the maintenance building area to the clubhouse area.

Neubauer asked if there were golfer-owned carts there.

Vier responded there is now, but there will not be.

Friend asked what other regulations would come into effect if some of the parking spaces are moved closer to the clubhouse.

Harter responded the landscaping standards would come into effect and that the applicant submitted his desired parking plan for review originally.

Vier clarified what he showed on his presentation is what they are proposing. He added he thinks that is a total allowed of eighty-four stalls.

Friend confirmed that is correct.

Vier added that their proposal is 63 plus 9, so, 72 in total. Because with the setbacks, adequate screening and landscaping around it and 2 ADA stalls that is what they could fit.

Jondle clarified only 45 are allowed by regulation by the clubhouse.

Amman responded that is correct.

Friend asked to clarify if the plan the applicant has for the 63 stalls by the clubhouse include additional landscaping, more trees runoff for impervious surfaces.

Vier confirmed that was correct.

Jondle asked to look at the conditions.

Harter read Condition 10 about parking as recommended by Planning and Development staff.

Vier stated the total holes that were taken into account were the ones on the golf course but not the ones in the enclosed practice facility and some patrons may only come to use the practice facility.

Neubauer asked if that was a structure or an outdoor driving range.

Vier stated it was an outdoor driving range.

Friend asked to see the overall plan.

Friend asked if there was property boundary to the west of the Clubhouse parking lot or if that was a road.

Amman clarified the plan was inverted, so North was pointing down, and there is a road East of the referred parking area.

Harter switched to the aerial picture.

Amman explained location of parking and practice area.

Friend asked where was the nearest dwelling to the Clubhouse parking area.

Amman pointed at them on the aerial picture.

Neubauer asked clarification on setbacks

Harter explained the setbacks are 50 ft. from the right of way.

Neubauer asked if the current plan submitted met setback requirements.

Amman stated he was not sure.

Neubauer clarified if they allow moving the parking spaces they would have to meet setbacks.

Vier asked if the plan with less parking stalls only required 5 feet setback.

Harter said it was still 50 feet, regardless of the number of parking spaces.

Vier stated they did not design it with 50 feet setback on his proposal. He explained his architect interpreted the regulation as 5 feet setback.

Wagner clarified the 50 feet setback applies to structures for conditional uses and not paved or gravel parking areas.

Board of Adjustment members deliberated.

Jondle asked if it is meeting the total amount of parking spaces was correct why should they be concerned where those spaces are located.

Amman explained it needs to meet how the regulation is written.

Neubauer clarified if it is because the number of spots per structure needed to be next to that structure. So, the applicant is getting a lot of spots because of the size of the maintenance building, but then they are requesting to allocate them in a different location.

Jondle stated she thinks the location of the parking spaces is a Planning and Development issue.

Harter read the parking and loading standards and explained the Board of Adjustment members enforce this ordinance through the application of the conditional use permit. Planning and Development staff is of the opinion that each of the building allowed parking must be in proximity to that building. The applicant is asking the Board of Adjustment to have a different interpretation.

Wagner added that when the applicant applies for the zoning permit for the clubhouse and parking construction it will be a commercial zoning permit, and there is a spot on that permit application, that the applicant will need to check, that states that the site plan has already been approved and the Board of Adjustment is the body that approves that site plan.

Amman added which in turns makes it easier for the applicant.

Jondle said she was just confused by the process. She added that as far as the archeological study she sympathizes with the time and money it will take, but it is out of the hands of Board of Adjustment members, and that is the development Story County tries to save and protect, so she is not in support of not doing something.

Friend asked Jondle to clarify if she was in support of Planning and Development staff original language.

Jondle confirmed that was correct she supports the Planning and Development staff recommendation on the archeological condition and not the Planning and Zoning Commission recommendation.

Friend asked applicant to clarify how many spaces he is requesting by the Clubhouse.

Vier responded 63 parking spaces, which is all they could fit, and 9 by the maintenance building.

Jondle asked if it should be worded as majority instead of using a specific amount.

Neubauer stated he did not want to set a precedent, because someone could later build a large building in one side of the property to then have all the parking spaces associated with that on a different side of the property. He said he does not think that is the intent of this applicant, but asked how should it be done so that does not happen.

Amman asked if Neubauer wanted to find a way to tailor their decision so it only applies to this case.

Neubauer responded that was correct.

Jondle asked if they could consider the practice facility for extra parking spaces.

Board of Adjustment members deliberated on language and meeting procedures.

Friend asked clarification if applicant is calling the practice area a practice range.

Vier stated it is a practice range or practice facility.

Friend asked if the number of holes included in the parking calculations did not include the practice range.

Harter responded that was correct.

Amman added that currently there is no language for that, so if the BOA members wanted, they could use that as a unique situation.

Friend asked for clarification on the wording of the regulations for the parking lot.

Harter read from the parking lot regulation.

Public Comments: None

Motion: Friend moved to approve the Findings of Fact for CUP24-00000 with the following modifications:

1. No earthwork or construction for the CUP may occur until all archaeological surveys have been completed and the Office of the State Archaeologist has reviewed said surveys and accompanying reports and deemed them adequate per 88.05.
10. The applicant can locate the majority of the parking spaces near the clubhouse, keeping the total amount under the maximum of 84 for the clubhouse and maintenance building requirements, according to the fact that they have a driving range that is not included in the parking lot calculations, and adhering to the normal parking lot landscaping requirements, minimum landscaping standards and setback requirements.

Second: Jondle

Voting Aye: Friend, Neubauer, Jondle

Voting Nay: None

Not Voting: None

Absent: Excell, Hovick

Motion passed. MCU.

Motion: Jondle moved that the Story County Board of Adjustment approves the Conditional Use Permit for the Indian Creek Golf Course Renovation and Reconstruction as put forth in case CUP24-000008, with conditions as noted in the Findings of Fact.

Second: Friend

Voting Aye: Friend, Neubauer, Jondle

Voting Nay: None

Not Voting: None

Absent: Excell, Hovick

Motion passed. MCU.

ADDITIONAL ITEMS

None

BOARD COMMENTS

None

STAFF COMMENTS

Harter stated there will be a May meeting.

MOTION: Jondle moved to adjourn the meeting.

Motion: Jondle

Second: Friend

Voting Aye: All

Voting Nay: None

Not Voting: None

Absent: Excell, Hovick

Motion passed. MCU.

ADJOURNMENT: 6:07 PM

A handwritten signature in black ink, appearing to be "Mike", written over a horizontal line.

Approval of Minutes

A handwritten date "5/18/2024" in black ink, written over a horizontal line.

Title and Date