

# STORY COUNTY PLANNING AND ZONING

STORY COUNTY ADMINISTRATION  
900 6<sup>TH</sup> STREET  
NEVADA, IOWA 50201-2087



"Commitment, Vision, Balance"

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## MINUTES STORY COUNTY PLANNING AND ZONING COMMISSION

<b>DATE:</b> October 1, 2012	*Daryle Vegge, Chair	2013
	Nancy Couser	2015
	Steven Gast	2013
	Nick Merfeld	2012
<b>CALL TO ORDER:</b> 5:30 p.m.	*David Struthers	2012
<b>PLACE:</b> Public Meeting Room	David Weigel	2015
Administration Building	*Nancy Miller	2016
	*Absent	

**ADJOURNMENT:** 6:26 p.m.

**PUBLIC PRESENT:** Chuck Winkleblack; Jim Weaver

**STAFF PRESENT:** Leanne Harter, Director; Charlie Dissell, Planner; Kristin Cook, Recording Secretary

**ROLL CALL:** Couser, Gast, Merfeld, Weigel

**ABSENT:** Vegge, Struthers, Miller

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### APPROVAL OF AGENDA (MCU)

Motion: Gast

Second: Weigel

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### APPROVAL OF MINUTES (MCU) - September 10, 2012

Motion: Gast

Second: Weigel

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### PUBLIC COMMENTS: Opened 6:31 p.m. - Closed 6:31 p.m.

None.

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### OLD BUSINESS:

None.

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### NEW BUSINESS:

#### 6.I REZ03-12 OAKS REZONING

Staff Member: Charlie Dissell

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**STAFF PRESENTATION:**

Mr. Charlie Dissell gave an overview of the proposed rezoning and outlined the applicable land use designation, ownership, current zoning and land use information. Mr. Dissell outlined the requirements applicable to rezoning requests and the application's conformance to the standards for approval.

Mr. Dissell reviewed the utility providers. Mr. Dissell also gave a history of the property.

Mr. Dissell reviewed Inter-Agency comments.

Mr. Dissell reviewed possible conditions the Commission may want to consider.

Mr. Dissell reviewed the standards of approval and the dates legal notifications were published.

Mr. Dissell outlined the alternatives for the Commission to consider.

- 1) *The Story County Planning and Zoning Commission recommend conditional approval of the Official Zoning Map Amendment, as put forth in case REZ03-12, to the Story County Board of Supervisors, and directs staff to schedule first consideration on October 30, 2012.*
- 2) *The Story County Planning and Zoning Commission recommend approval of the Official Zoning Map Amendment, as put forth in case REZ03-12, to the Story County Board of Supervisors, and directs staff to schedule first consideration on October 30, 2012.*
- 3) *The Story County Planning and Zoning Commission recommend denial of the Official Zoning Map Amendment, as put forth in case REZ03-12, to the Story County Board of Supervisors, and directs staff to schedule first consideration on October 30, 2012.*
- 4) *The Story County Planning and Zoning Commission tables the Official Zoning Map Amendment, as put forth in case REZ03-12, back to the applicant and/or staff for further review and/or modifications, and directs staff to place this item on the November 5, 2012 Planning and Zoning Commission Agenda under Old Business.*

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**COMMISSION COMMENTS:**

Mr. Steven Gast questioned what future use of the existing club house would be and would such use be allowed in the A-R, Agricultural-Residential District. Mr. Dissell stated that the existing club house would become a residential rental facility. Mr. Dissell also stated that a Change In Use may need to be applied for to keep said structure in compliance.

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**APPLICANT COMMENTS:**

Mr. Chuck Winkleblack gave an overview of the intended use of the current club house structure stating that the structure will be a two bedroom apartment.

Mr. Gast asked whether the applicant had any concerns with staffs suggested conditions. Mr. Winkleblack stated he had no concerns with such conditions.

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**PUBLIC COMMENT:**

Mr. Jim Weaver questioned whether the present covenants were available for public review. Mr. Dissell read the current covenants regarding agricultural animals use on proposed rezoning parcels. Mr. Weaver asked for a definition of limited agricultural use. Mr. Dissell complied with a detailed definition. Mr. Weaver asked Commission members to consider stating specific farm animal types allowed on proposed rezoning property. Mr. Dissell stated the covenants cover such issues related to noxious animal and define agricultural and domestic animals.

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**BOARD DISCUSSION:**

None

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**MOTION:** The Story County Planning and Zoning Commission recommend conditional approval of

the Official Zoning Map Amendment, as put forth in case REZ03-12, to the Story County Board of Supervisors, and directs staff to schedule first consideration on October 30, 2012. Conditions being as follows:

- *Limit the subdivision of this area to no more than five development lots.*
- *Protect environmental resources, environmentally sensitive areas and adjacent Natural Areas by mitigating and managing storm water run-off, soil erosion, and wastewater discharge from Rural Residential land uses by accommodating and/or providing Best Management Practices within any development.*

Motion: Gast

Second: Weigel

Voting Aye: Weigel, Merfeld, Gast, Couser

Voting Nay: None

Not Voting: None

Absent: Vegge, Struthers, Miller

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## **NEW BUSINESS:**

### **6.II SUB07-12 OAKS SUBDIVISION**

**Staff Member:** Charlie Dissell

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#### **STAFF PRESENTATION:**

Mr. Charlie Dissell gave an overview of the proposed subdivision.

Mr. Dissell reviewed Inter-Agency. Mr. Dissell stated a letter from Xenia has been provided to staff stating that Xenia would be the provider of said proposed subdivision. Mr. Dissell gave an overview of the final plat requirements.

Mr. Dissell reviewed the standards of approval and the dates legal notifications were published.

Mr. Dissell outlined the alternatives for the Commission to consider.

- 1) *The Story County Planning and Zoning Commission recommends approval of the Major Subdivision Preliminary Plat, as put forth in case SUB07-12, to the Story County Board of Supervisors, and directs staff to schedule review by the Board of Supervisors with third consideration of REZ03-12.*
- 2) *The Story County Planning and Zoning Commission recommends conditional approval of the Major Subdivision Preliminary Plat, as put forth in case SUB07-12, to the Story County Board of Supervisors, and directs staff to schedule review by the Board of Supervisors with third consideration of REZ03-12.*
- 3) *The Story County Planning and Zoning Commission recommends denial of the Major Subdivision Preliminary Plat, as put forth in case SUB07-12, to the Story County Board of Supervisors, and directs staff to schedule review by the Board of Supervisors with third consideration of REZ03-12.*
- 4) *The Story County Planning and Zoning Commission tables the Major Subdivision Preliminary Plat, as put forth in case SUB07-12, back to the applicant and/or staff for further review and/or modifications, and directs staff to place this item on the November 5, 2012 Planning and Zoning Commission Agenda under Old Business.*

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#### **COMMISSION COMMENTS:**

Mr. Gast asked for clarification regarding the location of the existing club house. Mr. Dissell complied with clarification via site map. Mr. Gast asked for further clarification regarding smaller structures on said property and the future of such buildings. Mr. Winkleblack stated the smaller buildings will be removed and the remaining structure is the pump house. Mr. Gast asked whether there would be any zoning issues in the A-R, Agricultural-Residential District regarding the parking lot being used for an adjacent property. Mr. Dissell stated he does not see an issue with such. Ms. Harter stated such use would be considered a Legally Non-Conforming Use.

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**APPLICANT COMMENTS:**

Mr. Winkleblack stated that the interested purchasing parties would like to see Residential Zoning be applied to be sure a Commercial Use does not come back to adjacent parcels.

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**PUBLIC COMMENT:**

Mr. Weaver indicated on a site map where an easement may need to be placed for new water and gas along proposed area. Mr. Winkleblack addressed the easement and electrical service issue stating the utility providers will not commit who will provide utility services until the proposed lots are established.

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**BOARD DISCUSSION:**

Mr. Gast questioned whether water lines are typically shown on a final plat. Mr. Dissell stated that utilities are typically shown on a final plat.

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**MOTION: The Story County Planning and Zoning Commission recommends conditional approval of the Major Subdivision Preliminary Plat, as put forth in case SUB07-12, to the Story County Board of Supervisors, and directs staff to schedule review by the Board of Supervisors with third consideration of REZ03-12. Conditions being as follows:**

- *Established boundaries of the 1% Special Flood Hazard Area is not shown on the preliminary plat. This may be necessary for the Commission and the Board to review the preliminary plat*
- *There is a section of ROW that is omitted on this plat and needs to be shown on the final plat. It is located in the northeast corner of the property and is approximately 1,350 sq. ft. in size.*
- *A minimum of sixty (60) feet of right-of-way from centerline of existing roads shall be deeded to the County for potential future improvements. This requirement will need to be met along West 190<sup>th</sup> Street. The preliminary plat only dedicates the existing ROW, which varies in size. The final plat shall dedicated, at a minimum, 60' feet from the centerline of West 190<sup>th</sup> Street.*
- *Easements of not less than fifteen (15) feet in width shall be provided on each side of all rear lot lines and/or side lines where necessary for poles, wires, conduits, and storm utilities. Currently there are easements of 10' on the front lot line shown on the preliminary plat. Providing the easements on the front line in this subdivision should not be an issue, however, the final plat will need to reflect a 15' easement instead of a 10' easement.*
- *Whenever any stream or major surface water course is located in an area being subdivided, the subdivider shall provide and dedicate to the County an easement along each side of the stream, which easement shall be for the purpose of widening, improving or protecting the streams, if necessary. The width of such easement shall be adequate to provide for any necessary channel relocation and straightening, but in no case shall such easement be less than thirty (30) feet on both sides of the center of the watercourse. This requirement will be necessary to be shown on the final plat surrounding the stream that is in the northeast corner of the property.*
- *Before action on the Major Subdivision Plat - Final Plat, the applicant shall enter into a Development Agreement providing for the installation of all improvements in the subdivision required by this Ordinance and shall further provide a reasonable timeframe for completion of all improvements as required by the subdivision.*

Motion: Gast  
Second: Merfeld  
Voting Aye: Weigel, Merfeld, Gast, Couser  
Voting Nay: None  
Not Voting: None  
Absent: Vegge, Struthers, Miller

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**NEW BUSINESS:**

**6.III ORD04-12 REVISIONS TO THE STORY COUNTY LAND DEVELOPMENT REGULATIONS**  
**Staff Member:** Leanne Harter

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**STAFF PRESENTATION:**

Ms. Harter gave an overview of the proposed Land Development Regulations changes regarding solar and small wind energy.

Ms. Harter reviewed Inter-Agency comments.

Ms. Harter outlined the alternatives for the Commission to consider.

- 1) *The Story County Planning and Zoning Commission recommends approval of the proposed text amendment, as put forth in case ORD04-12, to the Story County Board of Supervisors, and directs staff to request the matter be considered for First Consideration by the Board of Supervisors on their agenda for Tuesday, November 6, 2012.*
- 2) *The Story County Planning and Zoning Commission recommends denial of the proposed text amendment, as put forth in case ORD04-12, to the Story County Board of Supervisors, and directs staff to request the matter be considered for First Consideration by the Board of Supervisors on their agenda for Tuesday, November 6, 2012.*
- 3) *The Story County Planning and Zoning Commission tables the proposed ordinance amendment, as put forth in case ORD04-12, and direct staff to address specific areas for additional information and place the agenda item as Old Business on the December 2012 Planning and Zoning Commission's Agenda.*

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**COMMISSION COMMENTS:**

Mr. Gast asked for clarification regarding the set back and height requirements of wind energy structures. Ms. Harter stated that said conditions may apply when an existing obstacle may be an issue such as a 100 yr old tree. Mr. Gast asked whether this is the only condition in which height should be altered. Ms. Harter concurred. Mr. Gast also asked for clarification regarding the use of specific language such as the word "of" rather than "from" in the 3<sup>rd</sup> condition. Ms. Harter stated that staff would review the language and make said language more clear if the Commission recommended so.

Mr. Gast questioned whether the language was clear enough regarding solar equipment placement on structures. Ms. Harter clarified stating that said statement only applies to roof mounted systems.

Mr. David Weigel asked whether wind energy equipment would be allowed if installed on a pole type structure attached to a building. Ms. Harter clarified that staff is currently addressing towers rather than building attachments at the present time. Mr. Harter stated that staff will keep researching regarding pole mounted systems.

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**PUBLIC COMMENT:**

NONE

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**BOARD DISCUSSION:**

None

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**MOTION: The Story County Planning and Zoning Commission recommends conditional approval of the proposed text amendment, as put forth in case ORD04-12, to the Story County Board of Supervisors, and directs staff to request the matter be considered for First Consideration by the Board of Supervisors on their agenda for Tuesday, November 6, 2012. Conditions being as follows:**

- *Change the language in condition #3 from "of" to "from" .*

Motion: Gast

Second: Merfeld

Voting Aye: Merfeld, Gast, Couser, Weigel

Voting Nay: None

Not Voting: None

Absent: Vegge, Struthers, Miller

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**OTHER BUSINESS:**

**Long Range Planning**

None

**Follow-up on items recommended to the Board of Supervisors and Board of Adjustment**

Ms. Harter gave an overview of upcoming recommendations.

**COMMISSION COMMENTS:**

None

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**STAFF COMMENTS:**

None

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**ADJOURNMENT: 6:26 p.m.**

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**Approval of Minutes**

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**Title and Date**