

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

515-382-7245

**MINUTES
STORY COUNTY
BOARD OF ADJUSTMENT**

DATE: April 28, 2014	David Miller, Chair	2015
	Stephen McGill, Vice Chair	2012
CALL TO ORDER: 6:00 p.m.	Victoria Feilmeyer	2014
PLACE: Public Meeting Room, 2 nd Floor	Lynn Scarlett	2013
Administration Building	Vacant	2016
	(*) Absent	

ADJOURNMENT: 8:34 PM

PUBLIC PRESENT: Mike Clain, Duane Black, Dan Habhab, Elizabeth Tokle, Elizabeth Habhab, Dave Habhab, Norine Black, Shelly Habhab, Mari Moses, Wally Pelds

STAFF PRESENT: Leanne Harter, Planning and Development Director; Ryan Newstrom, Planner; Charlie Dissell, Planner; Kristin Cook, Recording Secretary

APPROVAL OF AGENDA (MCU)

APPROVAL OF MINUTES (MCU)

February 5, 2014

PUBLIC COMMENTS: Opened 6:02 p.m. – Closed 6:02 p.m.

None

OLD BUSINESS:

None

NEW BUSINESS:

CUP03-14 BLACK ADAPTIVE REUSE CONDITIONAL USE PERMIT (Grand-Daddy's Roadhouse)

Applicant: Norine Black

Nature of Request: Conditional Use Permit for adaptive reuse.

Staff Member: Ryan Newstrom

Parcel Number: 0928200225

STAFF PRESENTATION:

Mr. Ryan Newstrom reviewed the proposed nature of the Conditional Use Permit request. Mr. Newstrom reviewed the Standards for Approval relative to Conditional Use Permits and the application's adherence to said standards.

Mr. Newstrom cited all submitted Inter-agency comments.

- Dave Swanson; Assessor's Office
 - We will review all improvements for the 2015 assessment.
- Margaret Jaynes; Environmental Health
 - As per applicant, there is no running water for this facility; portable toilets and hand washing stations will be provided.

Mr. Newstrom reviewed notifications in regards to the Board of Adjustment meeting.

Mr. Newstrom presented the Board with four (4) alternatives:

1. The Story County Board of Adjustment approves the conditional use permit request, as put forth in case CUP03-14.
2. The Story County Board of Adjustment approves the conditional use permit request, as put forth in case CUP03-14, with conditions.
3. The Story County Board of Adjustment denies the conditional use permit request, as put forth in case CUP03-14.
4. The Story County Board of Adjustment remands the conditional use permit request, as put forth in case CUP03-14, back to the applicant for additional information and further consideration.

BOARD COMMENTS:

Mr. David Miller asked for clarification regarding fire safety regulations. Mr. Newstrom stated that such regulations are regulated at the State level.

Mr. Miller asked for clarification regarding parking regulations. Mr. Newstrom stated that the County Code has a maximum parking allowance of one parking space for every 300 square feet.

Ms. Victoria Feilmeyer questioned the proposed Conditions of Approval. Mr. Newstrom clarified that said conditions were proposed by staff. Mr. Newstrom also stated that the Planning and Zoning Commission did not recommend additional conditions as they recommended denial of the proposal.

APPLICANT COMMENTS:

Mr. Michael Kuehner

Mr. Kuehner stated that Grand Daddy's Roadhouse would not be supplying liquor to its patrons. Mr. Kuehner also stated that no liquor license would be needed due to this fact. Mr. Kuehner also stated that this location is a five generational farm, which is trying to stay relevant to the location.

Mr. Kuehner also gave an overview of the proposed Grand Daddy's Roadhouse entertainment. Mr. Kuehner went on to address proposed conditions of approval and compliance to such.

Ms. Norine Black

Ms. Black gave an overview of current businesses on the property. Ms. Black also addressed bathroom facilities. Ms. Black stated that at this time they are not offering electric facilities to campers.

Ms. Black stated that they plan to hire an outside professional security team.

Mr. Miller asked if the facility would be air-conditioned. Ms. Black stated there are fans inside the building, but no air conditioning is proposed.

Ms. Feilmeyer suggested that the proposed use is very different from the already approved CUPs and surrounding land use.

Ms. Black provided her definition of Heritage Farm.

Mr. Steve McGill asked for information regarding the advertising for Grand Daddy's Roadhouse thus far including the promoting of alcohol by the use of alcohol photos. Mr. Kuehner stated that such advertising would not happen again.

Ms. Lynn Scarlett asked for clarification regarding recycling on the property. Ms. Black stated that all materials are recycled when possible. Ms. Scarlett asked if portable toilet waste would be land applied. Ms. Black stated that port-a-potty waste would not be land applied. Ms. Black clarified that she is the property owner, but Habhab's are the owners of Grand Daddy's Roadhouse.

Ms. Feilmeyer stated that Ms. Black had mentioned there was already quite a bit of animal noise and wouldn't this create even more noise. Ms. Black stated that she feels the proposal is in line with the area.

PUBLIC COMMENTS:

Mr. Michael Clair

Mr. Clair stated his support for Grand Daddy's Roadhouse stating that it would help out the Ames economy greatly. Mr. Clair also stated that this location could be used as an educational site.

CLOSING COMMENTS:

Mr. Miller gave an overview of the Board of Adjustment responsibilities. Mr. Miller asked for a detailed account by the applicant in regards to the areas in which the Board regulates.

Mr. Kuehner

Mr. Kuehner addressed parking, hours of operation, raffles, compatibility, signage, and lighting.

Ms. Black

Ms. Black stated that current land usage has not caused any issues in the past.

Ms. Feilmeyer addressed compatibility again as well as capacity. Ms. Black stated that staying overnight is encouraged and proper traffic flow is important.

FINDINGS OF FACT

MOTION: Move to adopt the Findings of Fact in the Staff Report prepared for and presented to the Story County Zoning Board of Adjustment.

VOTE: (McGill/Scarlett) (4-0)

Motion: McGill

Second: Scarlett

Voting Aye: McGill, Miller, Feilmeyer, Scarlett

Voting Nay: None

Not Voting: None

Absent: None

DECISION

MOTION: Move to adopt the Decision regarding the development criteria in the Staff Report, prepared for and presented to the Story County Zoning Board of Adjustment finding that the standards of approval of compatibility, traffic, and environmental protection, and parking loading are not satisfied and directing staff to make notated changes to the Decision and Order.

VOTE: (McGill/Feilmeyer) (4-0)

Motion: McGill
Second: Feilmeyer
Voting Aye: Scarlett, Feilmeyer, McGill, Miller
Voting Nay: None
Not Voting: None
Absent: None

ORDER

MOTION: Move to deny the Conditional Use Permit as proposed by the applicant in Case No. CUP03-14, as discussed by the Zoning Board of Adjustment and in the Staff Report prepared for and presented to the Story County Zoning Board of Adjustment finding that applicable standards of approval have not been satisfied.

VOTE: (Feilmeyer/Scarlett) (4-0)

Motion: Feilmeyer
Second: Scarlett
Voting Aye: McGill, Scarlett, Miller, Feilmeyer
Voting Nay: None
Not Voting: None
Absent: None

WHEREFORE, it is ordered that the application for a Conditional Use Permit (Case Number CUP04-14) Black's Enterprises Inc., 26156 530th Ave, Ames, Iowa 50010, for the property located in the Northeast Quarter of the Northeast Quarter of Section 28, T83N, R24W (Washington Township), 26107 530th Ave (Parcel Identification Number 09-28-200-225) for a Conditional Use Permit for a Adaptive Reuse of an existing building, in the A-1, Agricultural Zoning District is hereby denied as evidenced by the Board's findings that all standards of approval have not been met.

NEW BUSINESS:

CUP05-14 BLACK CONDITIONAL USE PERMIT (CHURCH)

Applicant: Norine Black

Nature of Request: Conditional Use Permit for a church

Staff Member: Ryan Newstrom

Parcel Number: 0928200225

STAFF PRESENTATION:

Mr. Ryan Newstrom reviewed the proposed nature of the Conditional Use Permit. Mr. Newstrom reviewed the Standards for Approval relative to Conditional Use Permits and the application's adherence to said standards.

Mr. Newstrom cited all submitted Inter-agency comments.

Mr. Newstrom notated recommended conditions of approval.

Recommended Conditions:

1. Prior to issuance of a Conditional Use Permit a detailed parking plan shall be submitted identifying the size and location of parking spaces as well as the required number of ADA accessible spaces. Staff shall ensure parking plan is in conformance with the Ordinance prior to issuing a Conditional Use Permit.

Mr. Newstrom reviewed notifications in regards to the Board of Adjustment meeting.

Mr. Newstrom presented the Story County Planning and Zoning Commission recommendation:

MOTION: The Story County Planning and Zoning Commission recommend conditional approval of the Conditional Use Permit, as put forth in case CUP05-14, to the Story County Board of Adjustment, and directs staff to place the case on the April 28, 2014 Board of Adjustment agenda. (MCU)

CONDITIONS:

1. *Prior to issuance of a Conditional Use Permit a detailed parking plan shall be submitted identifying the size and location of parking spaces as well as the required number of ADA accessible spaces. Staff shall ensure parking plan is in conformance with the Ordinance prior to issuing a Conditional Use Permit.*
2. *Applicant shall keep weekly records of the approximate number of people and vehicles attending services and shall supply records to staff one year after approval.*
3. *The Permit shall be reviewed by staff and the Board of Adjustment one year after approval. They shall determine at that time whether the number of people and vehicles attending church services warrants any additional conditions of approval, and/or further review in the future.*
4. *Any use of a different structure for church services shall apply for a modification to the original Conditional Use Permit, as well as any changes to what has been presented to staff in the application materials and this report.*

Motion: Steele

Second: Donaldson

Voting Aye: Steele, Couser, Miller, Donaldson

Voting Nay: None

Not Voting: None

Absent: Struthers, Wendt, Smith

Mr. Newstrom presented the Board with four (4) alternatives:

1. The Story County Board of Adjustment approves the conditional use permit request, as put forth in case CUP05-14.
2. The Story County Board of Adjustment approves the conditional use permit request, as put forth in case CUP05-14, with conditions.
3. The Story County Board of Adjustment denies the conditional use permit request, as put forth in case CUP05-14.
4. The Story County Board of Adjustment remands the conditional use permit request, as put forth in case CUP05-14, back to the applicant for additional information and further consideration.

BOARD COMMENTS:

None

APPLICANT COMMENTS:

Mrs. Norine Black

Ms. Black stated that they feel a need to provide a place for people to get away from stress and to have a meal after service. Ms. Black stated that the hope is to have service and a meal every Sunday. Ms. Black also stated that local churches are willing to assist.

Mr. McGill stated concerns regarding traffic. Ms. Black stated that rock would be placed on the property to assist with poor weather conditions.

Ms. Feilmeyer questioned the purpose of the request and how it would change current usage. Ms. Black stated that they were unaware they needed a permit for this type of use and have been conducting services.

Ms. Feilmeyer asked for clarification regarding the proposed use and type of current use. Ms. Black gave an overview of such. Ms. Black also stated that she is asking that the building be allowed for church use.

Proposed church hours of operation were discussed. Ms. Black stated that her proposal is for two hours on Sunday morning as well as weddings and other religious ceremonies.

Ms. Scarlett asked for clarification regarding parking. Mr. Newstrom stated that the two maps provided include all proposed parking.

PUBLIC COMMENTS:

None

ORDER

MOTION: **Move to table the Conditional Use Permit as proposed by the applicant in Case No. CUP05-14 until the June 2014 Board of Adjustment meeting.**

VOTE: **(McGill/Scarlett) (4-0)**

Motion: McGill
Second: Scarlett
Voting Aye: McGill, Scarlett, Miller, Feilmeyer
Voting Nay: None
Not Voting: None
Absent: None

NEW BUSINESS:

VAR03-14 CASEY'S VARIANCE

Applicant: Casey's Marketing Company

Nature of Request: Variance to Section 86.10(5) to allow for a proposed commercial retail store to have a 20' 8" front yard setback (50' required) and a 5' rear yard setback (20' required).

Staff Member: Charlie Dissell

Parcel Number: 0510200238

STAFF PRESENTATION:

Mr. Dissell gave an overview of the proposed variance request and provided site shots of the property.

Mr. Dissell reviewed the applicable legal principles for the Board to consider in reviewing the proposed variance.

Mr. Dissell presented the Board with four (4) alternatives:

1. Approve Variance Case No. VAR03-14 as proposed and with conditions.
2. Approve Variance Case No. VAR03-14 as proposed.
3. Deny Variance Case No. VAR03-14 as proposed.
4. Delay Variance Case No. VAR03-14 for further information from staff and/or the applicant.

BOARD COMMENTS:

Mr. Miller asked for clarification regarding the rear setback. Mr. Dissell clarified stating the existing variance setbacks as well as the proposed setback.

APPLICANT COMMENTS:

Mr. Wally Pelds

Mr. Pelds gave a history of the company including the fact that Casey's is complying with all DOT requirements. Mr. Pelds also notated the reasons for requesting the variance based on the fact that Casey's wants all patron parking facing the store.

Ms. Feilmeyer asked for clarification regarding the possibility of alternative layouts. Mr. Pelds stated that the prototypical layout of Casey's stores were considered and cannot be kept within current boundaries of the property.

Possible property line adjustments were discussed.

PUBLIC COMMENTS:

Ms. Mari Moses

Ms. Moses indicated that she is a surrounding property owner and stated concerns regarding the proposal. Ms. Moses stated that an expansion of this size would create safety concerns, security with increased traffic in the area, light pollution, environmental concerns, and compatibility issues.

Mr. Pelds stated that the new prototype store has LED lighting that is directed downwards to limit light pollution. Mr. Pelds also stated that Casey's conducted a traffic study with the DOT, which concluded the need for a turning lane to the south and a new site entrance. Mr. Pelds stated that the study also concluded that Highway 69 has seen a decrease in traffic.

Ms. Feilmeyer asked if it would be possible to build a building on the property that would meet the setback requirements. Mr. Pelds stated that it is not possible no matter which direction the building would be constructed on the property. Ms. Feilmeyer asked whether a smaller store could be built to fit within the setbacks. Mr. Pelds stated that even the new smaller prototype Casey's store would not fit. Mr. Pelds stated that Casey's is proposing an expansion in type of business, which requires a larger store footprint.

FINDINGS OF FACT

MOTION: **Move to adopt the Findings of Fact in the Staff Report prepared for and presented to the Story County Zoning Board of Adjustment.**

VOTE: **(Feilmeyer/McGill) (4-0)**

Motion: Feilmeyer

Second: McGill

Voting Aye: McGill, Miller, Scarlett, Feilmeyer

Voting Nay: None
Not Voting: None
Absent: None

DECISION

MOTION: Delay Variance Case No. VAR03-14 for further information from staff and/or the applicant to the June 2014 Board of Adjustment meeting.

VOTE: (McGill/Scarlett) (4-0)

Motion: McGill
Second: Scarlett
Voting Aye: Feilmeyer, McGill, Miller, Scarlett
Voting Nay: None
Not Voting: None
Absent: None

OTHER BUSINESS:

None

STAFF COMMENTS:

None

BOARD COMMENTS:

None

ADJOURNMENT: 8:34 PM

Approval of Minutes

Title and Date