

**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: August 14, 2014	David Miller, Chair	2015
	Stephen McGill, Vice Chair	2017
CALL TO ORDER: 12:00 p.m.	Victoria Feilmeyer	2014
PLACE: Public Meeting Room, 2 nd Floor Administration Building	Lynn Scarlett	2018
	Vacant	2016
	(* Absent	

ADJOURNMENT: 1:38 PM

PUBLIC PRESENT: Gary Anderson, Mike Bieniek

STAFF PRESENT: Charlie Dissell, Planning and Development Director; Kristin Cook, Recording Secretary

APPROVAL OF AGENDA (MCU)

APPROVAL OF MINUTES (MCU)

July 2, 2014

August 6, 2014

PUBLIC COMMENTS: Opened 12:01 p.m. – Closed 12:01 p.m.

None

OTHER ITEMS:

VAR04-14 VETTER EQUIPMENT VARIANCE

Applicant: Vetter Equipment

Nature of Request: Variance request to Section 89.02.3.D(1) to exceed the maximum cumulative area of all external signs of 300 square feet and Section 89.02.3.D(2) to exceed maximum height of 20 feet.

Staff Member: Charlie Dissell

Parcel Number: 1009400400

Motion: Move to remove case VAR04-14 from the table. (MCU)

Motion: McGill

Second: Scarlett

STAFF PRESENTATION:

Mr. Charlie Dissell provided a brief review of case VAR04-14 Vetter Equipment Variance request.

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

1. *Approve Variance Case No. VAR04-14 as proposed and with conditions.*
2. *Approve Variance Case No. VAR04-14 as proposed.*
3. *Deny Variance Case No. VAR04-14 as proposed.*
4. *Delay Variance Case No. VAR04-14 for further information from staff and/or the applicant.*

BOARD COMMENTS:

Mr. Steve McGill asked for signage regulation clarification. Mr. Dissell clarified stating maximum area and

height allowed.

Mr. David Miller asked for clarification regarding content and how it is regulated. Mr. Dissell stated that the regulations do not regulate sign content. Mr. Dissell went on to explain that sign size and height are regulated.

APPLICANT COMMENTS:

Mr. Gary Anderson; Vetter Equipment Store Manager

Mr. Anderson provided Board members with vendor signage requirements. Mr. Anderson went on to explain that Vetter must comply with vendor requirements to stay compliant with their contracts.

Mr. Anderson about why the site is 5-6' below highway grade. Mr. Anderson also stated that Case IH has lowered their signage requirement to 25 ft² to attempt to become compliant.

Mr. Anderson gave an overview of proposed signage.

Mr. Anderson provided Board members with steps taken to lower the total square footage of the proposed sign. Mr. Anderson also provided Board members with possible options that had been researched. Mr. Anderson stated concerns with placing a berm on the property. Mr. Anderson stated that the sign could not have lower panels removed stating that the sign would not look complete.

Mr. Miller stated that the letter from Steele did not state that a sign could not be wall mounted. Mr. Anderson stated that two companies do allow for this, but Case IH does not want to place extra holes in the building for mounting purposes. Mr. Anderson also stated that wall-mounted signage could be a distraction to drivers.

Ms. Victoria Feilmeyer asked for clarification regarding the fact that the applicant thinks the signage is required to be pole mounted. Mr. Anderson stated that additional mounting holes to the building could produce leaking as well as possible distraction to drivers. Mr. Anderson stated that the Steele does not require a pole mounted system.

Ms. Lynn Scarlett asked for clarification regarding highway grade and visibility. Mr. Anderson stated that the site is current 5-6' below highway grade, which would make the signage most visible to the westbound highway lanes.

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/Feilmeyer) (4-0)**

Motion: McGill
Second: Feilmeyer
Voting Aye: McGill, Miller, Scarlett, Feilmeyer
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.**

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

Motion: McGill

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

ORDER

MOTION: Move to approve the request as proposed by the applicant in Case No. VAR04-14, as discussed by the Board of Adjustment in the Staff Report prepared for and presented to the Story County Board of Adjustment finding that all Standards for Approval have been satisfied.

VOTE: (Scarlett/McGill) (1-3)

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

WHEREFORE, it is ordered that the application for a Variance (Case Number VAR04-14) by Vetter Equipment for a variance request to Section 89.02.3.D(1) of the Story County Code of Ordinances to exceed the maximum cumulative area of all external signs of 300 square feet and Section 89.02.3.D(2) of the Story County Code of Ordinances to exceed maximum height of 20 feet for property described as the Southeast Quarter of the Southeast Quarter, excluding highway, of Section 9, Grant Township (Township 83 North, Range 23 West) of the 5th P.M., Story County Iowa (Parcel identification number 10-09-400-400) is hereby denied as evidenced by the Board's findings that all Legal Principles have not been met as required by the Code of Ordinances of Story County, Iowa.

NEW BUSINESS:

CUP08-14 BIENIEK (VERIZON WIRELESS) CONDITIONAL USE PERMIT

Applicant: Michael Bieniek

Nature of Request: Conditional Use Permit to construct a wireless telecommunications facility and equipment shelter

Staff Member: Charlie Dissell

Parcel Number: 0529300410

STAFF PRESENTATION:

Mr. Charlie Dissell reviewed the proposed Conditional Use Permit as submitted. Mr. Dissell reviewed the proposed location and current zoning.

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

Mr. Dissell reviewed the Planning and Zoning Commission motion as follows:

Motion: The Story County Planning and Zoning Commission recommend approval of the Conditional Use Permit, as put forth in case CUP08-14, to the Story County Board of Adjustment. (MCU)

Motion: Donaldson

Second: Wendt

Voting Aye: Smith, Miller, Wendt, Couser, Donaldson

Voting Nay: None

Not Voting: None

Absent: Struthers, Steele

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

1. Approve Minor Modification Case No. CUP03-89.2 as proposed.
2. Deny Minor Modification Case No. CUP03-89.2 as proposed.
3. Remand Minor Modification Case No. CUP03-89.2 as proposed back to staff and the applicant for further review.

BOARD COMMENTS:

Mr. Miller asked for clarification regarding decommissioning. Mr. Dissell cited regulations regarding such. Mr. Miller also asked for clarification regarding the proposed site location and the fringe area regulations. Mr. Dissell reviewed City of Ames comments and regulations regarding such. Mr. Dissell explained that the Ames Urban Fringe Plan falls within the Story County Development Plan.

APPLICANT COMMENTS:

Mike Bieniek

Mr. Bieniek gave a short overview of the proposed Conditional Use Permit as well as addressing possible concerns also stating that the tower is intended to be a co-location facility. Mr. Bieniek also explained that cell towers work in conjunction with each other.

Mr. Bieniek stated that the project is ready to begin upon approval. Mr. Bieniek also stated that the installation will be routine and have updated fencing plans from chain-link to wooden.

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, Scarlett, Feilmeyer
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.

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

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

ORDER

MOTION: Move to approve the request as proposed by the applicant in Case No. CUP08-14, as discussed by the Board of Adjustment in the Staff Report prepared for and presented to the Story County Board of Adjustment finding that all Standards for Approval have been satisfied.

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

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

WHEREFORE, it is ordered that the application of Michael Bieniek, AICP, of Lora, Chanthadouangsy & Castellanos, LLC for a Conditional Use Permit for a "Communications Tower and Facility" in the A-1, Agricultural Zoning District, located on Parcel "E" of the Plat of Survey of part of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of Section Twenty-nine (29), Township Eighty-four (84) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa, filed in the office of the Recorder of Story County, Iowa, on June 8, 1998, in Certificate & Field Notes Book 15, pages 179 and 180, Instrument No. 98-07585 is hereby approved as evidenced by the Board's findings that all standards of approval have been satisfied.

COMMENTS
STAFF

Mr. Dissell stated that the Board of Supervisors has sought out new Board of Adjustment members. Mr. Dissell also mentioned that additional applicants could be sought out by Board members.

Mr. Dissell also asked Board members to consider conducting meeting earlier in the day as well as the possibility of spacing Board and Commission monthly meetings so that cases could move forward at a quicker rate.

Mr. Dissell reviewed requirements of legal notices being published in local papers asking the Board to consider discontinuing the outdated practice.

Mr. Dissell stated that he would be asking the Board and Commission for updated regulation recommendations.

BOARD

Mr. Miller stated that he encourages staff to pursue the legal notice requirements.

Possible change to meeting times was discussed.

Mr. Miller asked staff to review and explore boundaries where the Director could possibly approve/deny applications such as Conditional Use Permits and Minor modifications.

Ms. Feilmeyer questioned whether there could be an exception process administratively in addition to the variance process.

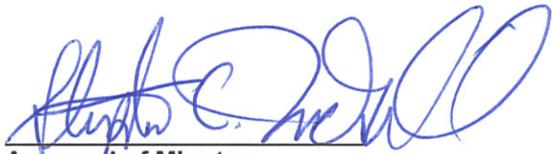
Mr. McGill asked if there are public education materials that could be shared with the public and realtors. Mr. Dissell stated that summarizing the Code could be difficult. Mr. Dissell went on to explain a handout that the Planning and Development department shares with the public called the Guide to Rural Living. Mr. Dissell stated that he would add this information to the next County Newsletter.

Mr. Miller thanked Board members and staff for conducting this special meeting.

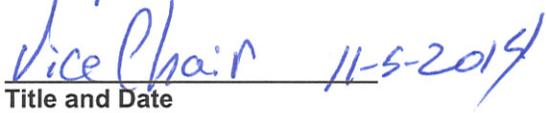
MOTION: Move to direct staff to prepare a letter to the Story County BoS asking that the Story County Sign Ordinance be reviewed.

Motion: Miller
Second: McGill

ADJOURNMENT: 1:38 PM



Approval of Minutes



Title and Date