

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

515-382-7245



"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: March 15, 2017	Steve McGill	2017
	Lynn Scarlett	2018
CALL TO ORDER: 4:11 p.m.	*Karen Youngberg	2019
PLACE: Public Meeting Room Administration Building	Randy Brekke	2019
	*Absent	

PUBLIC PRESENT: Susan Duka, Richard Lozier, Shawn Muddkton, John Moore, Alan and Emily Munson, Phil Iasevoli, Mike and Lisa Harmison, Belinda Meis, Jim Miller, Doug McCay, Andrew Allan (along with Mason, Weston, Max Hosier), Kim and Becky Christiansen, Leonard Larsen

STAFF PRESENT: Jerry Moore, Director; Stephanie Jones, Recording Secretary; Deb Schildroth

ROLL CALL: Scarlett, McGill, Brekke

ABSENT: Youngberg

APPROVAL OF AGENDA (MCU)

APPROVAL OF MINUTES (MCU)

January 18, 2017

PUBLIC COMMENTS:

None

HEARINGS:

CUP01-17 YOUTH AND SHELTER SERVICES

STAFF MEMBER: Jerry Moore

Jerry Moore presented the staff report and gave an overview of the request. Youth and Shelter Services is proposing to acquire the approximate 74 acre property located at 5500 240th Street to start a boys youth addiction treatment facility. The applicant proposes to construct a new treatment facility, living quarters for clients and staff, parking lot, recreation and gardening areas all to be located northwest of the existing unoccupied single-family dwelling. The existing dwelling located on the property may be used as an office/welcoming center. Mr. Moore stated that YSS has provided youth additions treatment services to over 4300 youth over the past 35 years and that YSS is under Iowa Department of Public Health regulations and nationally accredited by CARF International. Mr. Moore stated that YSS' plan is to create a campus type environment where clients can participate in a treatment program located in a rural environment centered on a large parcel with opportunities for outdoor recreation and sustainable gardening. The property's close proximity to the City of Ames is also beneficial to transport clients to church, volunteering opportunities and other activities. Mr. Moore stated that public

notification letters were mailed to surrounding property owners within ¼ mile of the site and provided a copy to the Cities of Ames and Gilbert. Mr. Moore stated that we did receive calls and correspondence from adjacent property owners, an attorney representing property owners, and the City of Ames. That information was relayed to the Board and included on agenda center. Mr. Moore stated that at the Planning and Zoning Commission March 1, 2017 meeting they did recommend approval with a 6-0 vote of the Conditional Use Permit application with three conditions.

1. The applicant shall provide dust control on 240th Street adjacent to existing and future dwellings if daily traffic counts to and from the subject property exceed 150 vehicles per day. At any time, the Planning and Development Department may request the applicant to hire an engineer to study the traffic counts on 240th Street to and from the subject property.
2. No proposed lighting shall be installed near a common property line of an adjacent property containing a single family dwelling or in other locations that cause the light to extend (trespass) beyond the common property boundary unless it is agreed to by the adjacent property owner.
3. The boundary of the flood plain located on the subject property shall be labeled as an out lot on the site development plan submitted with future zoning permit applications for the new buildings and a deed restriction prohibiting development in the flood plain shall be prepared and recorded.

APPLICANT COMMENTS:

Andrew Allen spoke and gave an overview of YSS. Mr. Allen brought 3 teens with him who spoke of their experiences in the YSS program and how each felt the new property would be of great benefit to future people in the program to have more space.

PUBLIC COMMENTS:

Richard Lozier (attorney with Bellin McCormick, PC) spoke on behalf of Teresa Palensky. Mr. Lozier presented concerns about land use, inconsistencies in responses by applicant such as ages of youth to be treated and if YSS would accept sex offenders into the program, the text amendment approved by the Board of Supervisor's not being on the County's website, proposed buildings not being described, diminished property values, and inadequate preparation for fire protection.

Mark Harmeson spoke and stated that he is in support of this project. Mr. Harmeson stated that when he bought his property he understood that it would not remain farmland forever. Mr. Harmeson stated that he feels that these same concerns would apply no matter where YSS would locate.

Susan Owen spoke and stated concerns about the possibility of this facility opening the door for an annexation.

John Moore spoke and stated his concerns with violence and theft. Mr. Moore does not feel that the negative impact on the surrounding property owners has been addressed and summarized his beliefs that this program would create in the area.

Kim Christensen stated that he believes the YSS project would create stability by keeping the area private and explained that he felt this way because if it were to be annexed there would be apartments or more houses built. Mr. Christensen stated that the key to fire safety is prevention.

Leonard Larsen spoke and had questions about tax rolls as a nonprofit. Andrew Allen stated that likely it would be tax exempt because they do not pay property taxes. Mr. Larson asked the Board to take into consideration the concerns of those who have spoken.

Phil Iasevoli spoke and stated that he has concern about the sewer. He stated that in the past when the city was going to run sewer through this area for development that there were issues about where the sewer would be run. Mr. Iasevoli stated that he also had concerns about building plans and wondered if all of the issues and questions brought up by concerned neighbors will be addressed. Mr. Iasevoli stated that he also is concerned about fire and law enforcement protection

McGill asked Mr. Allen about the project being preliminary and if there is an idea about the sewer situation. Mr. Allen stated that this has been discussed with the DNR and they will have a septic system. McGill also asked about fire protection. Mr. Allen stated that he had spoken with someone, but the message had not been communicated with the chief, but that he does have a message out to the chief now. Mr. Allen stated that the facility would meet licensing requirements with sprinklers for fire protection. McGill asked Mr. Moore if all the necessary public notifications had been completed per regulation. Mr. Moore stated that all property owners located within ¼ mile of the property had been notified prior to the Story County Planning and Zoning Commission meeting and the Story County Board of Adjustment's meeting.

Brekke asked if it would be possible to alert neighbors by text messaging. Mr. Allen stated that there is very strict and specific rules to follow in order to be accredited. If there was imminent risk, there is a duty to warn policy that would be followed.

The Board began deliberations at 6:03 p.m. Brekke asked what the setbacks would be for the proposed buildings. Mr. Moore stated that a use like this in the A-1 District would typically have a 50' minimum front, side and rear setback, but where YSS is proposing the buildings they would be centrally located on the parcel. Mr. Moore summarized that the Planning and Zoning Commission recommended approval of this request at the March 1, 2017 meeting with a 6-0 vote with three conditions pertaining to lighting, dust control and not building within the floodplain. Scarlett asked if Staff would be reviewing plans of what the proposed buildings would look like. Mr. Moore stated that detailed plans would be submitted to the Planning and Development Department and would then be routed to all county departments for review and input and then the zoning permits and site development plan would go to the Board of Supervisors for action.

MOTION: The Story County Board of Adjustment recommends approval of the Conditional Use Permit as put forth in case CUP01-17, with the three conditions identified in the staff report.

- 1. The applicant shall provide dust control on 240th Street adjacent to existing and future dwellings if daily traffic counts to and from the subject property contribute to exceeding 150 vehicles per day on 240th Street. At any time, the Planning and Development Department may request the applicant to hire an engineer to study the traffic counts on 240th Street to and from the subject property.**
- 2. No proposed lighting shall be installed near a common property line of an adjacent property containing a single-family dwelling or in other locations that cause the light to extend (trespass) beyond the common property boundary unless it is agreed to by the adjacent property owner.**
- 3. The boundary of the flood plain located on the subject property shall be labeled as an out lot on the site development plan submitted with future zoning permit applications for the new buildings and a deed restriction prohibiting development in the flood plain shall be prepared and recorded.**

Motion: Scarlett

Second: Brekke

Ayes: McGill, Scarlett, Brekke

Nays: None

Not Voting: None

Absent: Youngberg

Vote: (3-0)

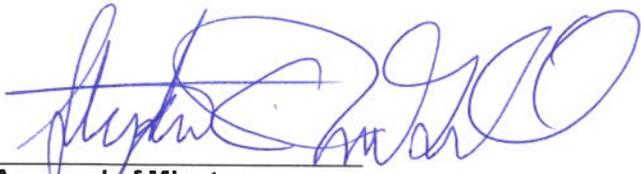
OTHER BUSINESS:

None

BOARD/STAFF COMMENTS:

Mr. Moore stated that there is upcoming Planning and Zoning training through Iowa State University Extension. McGill asked for an update about the process of finding another BOA member. Mr. Moore stated that there are applications being reviewed and the goal is to appoint a new member soon.

ADJOURNMENT: 6:14 PM

A large, stylized handwritten signature in blue ink, appearing to read "Stephen R. [unclear]".

Approval of Minutes

Chairman 4-19-2017

Title and Date