



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

"Commitment, Vision, Balance"

515-382-7245

**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: July 19, 2017	Steve McGill	2017
	*Lynn Scarlett	2018
CALL TO ORDER: 4:00 p.m.	Karen Youngberg	2019
PLACE: Public Meeting Room	Randy Brekke	2019
Administration Building	*Steve Bruns	2021
	*Absent	

PUBLIC PRESENT: Cindy Gorden, Nova Turner, Noah Paeth, Wanda Kamp, Michael Kamp, Shirley Cloyd, Dean Heintz, Scott Smilley, Chris Lloyd, Lisa Dunahoo, Matt Dunahoo, Ann Lloyd, Richard Wirth, Carol Collings, Ann Collings, Lowell Deaton, David Jensen, Sue Harrison, Bill Lile, Patrick Short, Kelly Sheets, Jodi French, Merwyn Ripley, Dale Ripley, Ray Reynolds, Zereda Groomes

STAFF PRESENT: Jerry Moore, Director; Amelia Schoeneman, Planner; Haley Weber Intern; Stephanie Jones, Recording Secretary

ROLL CALL: McGill, Youngberg, Brekke, Scarlett, Bruns
ABSENT: Scarlett, Bruns

APPROVAL OF AGENDA (MCU)

APPROVAL OF June 21, 2017 MINUTES (MCU)
APPROVAL OF June 21, 2017 CLOSED SESSION MINUTES (MCU)

PUBLIC COMMENTS: None

HEARINGS:

CUP07-17 WANDA KAMP ADAPTIVE REUSE OF SHIPLEY SCHOOLHOUSE

Staff Member: Amelia Schoeneman, Haley Weber

Amelia Schoeneman stated that she and Haley Weber worked on this proposed conditional use permit together, and would both be presenting the staff report. This request is for a conditional use permit to allow for the adaptive reuse of the Shipley School as a multi-family dwelling (rental units). Fourteen units total are proposed to be available to rent. Seven units will be located on the first floor and seven on the second floor. Each floor will have two shared bathrooms, a kitchenette, and the first floor will include a study/meeting area. The applicant will continue to reside on the lower level, which will also consist of a shared kitchen and lounge space for tenants. The applicant has received conditional use permits in the past for this property, including one for the same use as a multi-family dwelling. The Nevada Fire Chief inspected the building and provided a list of fire code items to address prior to occupancy. These items have been included as recommended conditions of the Conditional Use Permit. At their July 5, 2017 meeting, the Planning and Zoning Commission recommended approval of the conditional use permit with conditions. Based on citizen input, the Planning and Zoning commission also added a condition that the conditional use permit require the applicant be a permanent resident and the owner of the property.

APPLICANT COMMENTS:

Ryan Haaland with Davis Brown Law Firm spoke on behalf of the applicant and clarified that the leases would be for 1 year and the density is 14 total dwelling units with only 1 person per room. Mr. Haaland stated that if a married couple or someone with children wanted to rent, they would each have a separate room. Mr. Haaland stated that the applicant is anticipating 8-10 residents at any one time with graduate college students being the target tenants. Mr. Haaland stated that the applicant is willing to comply with all conditions except Ms. Kamp being a permanent resident of the building. Mr. Holland stated that in terms of ownership he would not advise a client to own a rental dwelling in their personal name. Ms. Kamp is to use a limited liability company, of which she would be the sole owner. Mr. Haaland felt traffic would not be an issue and stated that fire safety conditions will be met. Mr. Haaland stated that any issues about crime occurring does not meet the code provision burden and suggested that a reasonable condition for any concerns about crime would be to install security cameras. Youngberg asked about multi-family definition according to the ordinance. Mr. Haaland stated that multi-family is more intended towards the building itself, not each room. Youngberg asked about the requirement of the applicant living on the premises and compared the requested use to dormitories having a monitor.

PUBLIC COMMENTS:

Jodi French stated that she has concerns about lack of internet access and whether or not the Iowa Department of Transportation traffic studies are relevant. Ms. French is concerned that the traffic will increase much more significantly than staff indicated. Ms. French stated that 260th is the most practical way to travel to Ames. Ms. French stated that she did not feel the Milford Schoolhouse is a good example for comparison. Ms. French had concerns about the types of people this requested use could attract to the area.

Charlie Lloyd spoke and stated that as a farmer in this area the extra traffic is a concern. Mr. Lloyd does not feel that graduate students are going to be willing to come to Shipley. Mr. Lloyd is concerned that the adaptive reuse will set a precedent and anyone that wants to do this would be granted the same thing.

Lowell Deaton stated that 260th has 50-60 cars a day go by which generates a lot of dust.

Kelly Sheets stated that he is opposed to this project. He does not feel that there is any way to enforce only graduate students. He is concerned that the low rent will bring undesirable people to the area.

Chris Lloyd stated that her main concern is that the owner may not be living there. She is also concerned about how the applicant will verify whether the tenants are really students. Ms. Lloyd also asked about male/female separated living quarters and the low rent. She noted internet issues may cause issues for students.

David Jensen stated that he feels there seems to be many items left unanswered. Mr. Jensen had questions about housing code enforcement and wondered who would be responsible for enforcement of the condition of no more than 14 tenants. Mr. Jensen is concerned about whether the CUP would continue even after Ms. Kamp is no longer living. Mr. Jensen stated that the fire department might not be equipped to handle a multi-level fire in a rural setting. Mr. Jensen has concerns about affordable housing and states that most people in favor of this do not live in the area. Mr. Jensen expressed concerns about when notices are being sent out and expressed that in certain situations the radius should be expanded for notifications.

Randy Collings stated that he felt the impact area was not defined well for notifications. Mr. Collings stated that as a graduate student he would not want to live there because they do not have the amenities and it is too far from campus.

Nevada Fire Chief, Ray Reynolds stated the fire department is familiar with rural areas and fires involving multi story apartment fires. Mr. Reynolds stated that this building is fire resistant with cement between the floors and that he feels the building is in good condition capable of holding 14 residents. Mr. Reynolds clarified that fire alarms in the building will be inspected yearly and the fire escape every 3 years, which is based on the current fire code. Mr. Reynolds stated that the department is in the process of signing a mutual aid agreement with the City of Colo, which will bring greater resources to the Nevada Fire Department. Mr. Reynolds stated that there is an inspection program available to inspect the common areas and provide fire safety training to residents. Youngberg asked if there is a concern for asbestos and if there were a fire if that would create an issue with possible asbestos. Mr. Reynolds stated that he is not an asbestos specialist, but he did not see health hazards, but an asbestos specialist would have to make that decision.

Nan Ripley stated that she lives 1/2 mile away and did not receive notification. Ms. Ripley stated that she is concerned about a dorm attendant not being available to assist the tenants. Ms. Ripley stated that the applicant does not live there during the winter months and that she is concerned about the extra traffic, which would create a burden for neighbors.

Shirley Cloyd stated that she has seen the schoolhouse develop into what it is today. Ms. Cloyd feels that everyone should be proud of what the schoolhouse looks like and the amount of time and money that has gone into this building. Ms. Cloyd stated that she had previous landlord experience and does not feel Ms. Kamp will have any difficulty determining what tenants will be allowed to live there.

Scott Smalley stated that he has talked with graduate students about this proposed project and the amenities are what the students will be interested in.

Mike Kamp stated that he has personally done a lot of work to this schoolhouse and wanted to note that his family does not want undesirable people living there.

Sue Harrison stated that she likes how the schoolhouse looks, but does not feel graduate students are going to be interested in living there. She is also concerned about the extra traffic.

Mr. Haaland stated that he does understand the concerns and reminded that majority rule is not what the code provides. Mr. Haaland stated that traffic concerns are relative, but according to code, this traffic would not unduly congest by adding 14 cars. Mr. Haaland stated that the board should not be dictating who will live there and what amenities would be offered. Mr. Haaland stated that even if the Kamp's are only there half of the year they are still considered to be living there and that there is no one more invested in the property than the Kamps. Mr. Haaland stated that there is no market in the area to buy this property as a multi-family dwelling and so concerns about transferring the property to another owner were not relevant. Mr. Haaland stated that the \$300.00 rent is not set in stone and that Ms. Kamp has no incentive to rent to just anyone. Mr. Haaland stated that there should be caution taken when stating certain types of people should not be living there and that crime is not a legitimate concern. McGill asked what the Kamp's experience is with leasing. Mr. Haaland stated that he has talked with the Kamp's about having a management entity and Bill Lile (Wanda Kamp's husband) stated that he has owned and managed 15 properties in Des Moines for almost 20 years. Mr. Lile feels that the application process is important and that there be rules to keep tenants in line.

Ms. Ripley asked if this is the first time this building has ever been apartments.

Ms. Finch stated that she is still concerned about the traffic on the gravel road.

Charlie Lloyd stated that he is still concerned about crime and that the people are here today due to being concerned. Mr. Lloyd stated that in the future this could create an issue after Ms. Kamp is no longer living.

Wanda Kamp spoke and stated that she has lived in the schoolhouse for 17 years. She has been there up until the past 5 years during the winter months. She said that many of the people here tonight do not know about all of the work that has went into the schoolhouse. Ms. Kamp stated that she wants to rent the rooms to people and needs this for an income source.

Shirley Cloyd stated that Ms. Kamp's daughter lives right across the street from the schoolhouse.

Cindy Gorden stated that her parents started remodeling the school in 1999, and that she is the one who checks on the building when they are away. Ms. Gordon stated that she lives right across the street and her family has no intention to bring undesirable tenants to the area.

Youngberg stated that she does not feel that there should be concern about the type of people that would be living there. Youngberg stated she was concerned about the conditions that are worded with recommend instead of require, specifically for the septic system being pumped and fire improvements installed. Mr. Haaland added that it is in the Kamps best interest to have the septic system pumped frequently for effective operation. Youngberg asked if this were to become affordable housing if there could be other issues. Ms. Schoeneman stated that if Ms. Kamp was to receive federal dollars to subsidize the units, the federal government would enforce any additional requirements such as accessibility requirements. Youngberg asked

about the housing code's enforcement. Ms. Schoeneman stated that Planning and Development enforces the Zoning Ordinances and conditions of the CUP code and that if there are changes in use there is a process for amending conditional use permits. Mr. Haaland stated that low-income housing generates a different set of rules and regulations. Mr. Haaland stated that the county would not enforce any federal low-income housing standards. Mr. Haaland reminded the board that if there were changes in the future the conditional use permit would be modified at that time. Mr. Lile stated that they have no intention to be provide low-income housing due to paperwork.

McGill stated that he questions the compatibility of putting a dormitory in a small rural setting. McGill also stated he has issues with discriminating about only renting to college students. Youngberg asked the applicant if there was a reason why the building was not turned into a 4-unit apartments. Ms. Kamp stated she did not do that because of additional costs that would have been involved. McGill asked if this item is rejected tonight if it could be modified and brought back. Ms. Schoeneman stated that the item could be remanded and modified. Mr. Moore state that if it were denied, a new application could be submitted. Ms. Schoeneman went through the alternatives for the Board of Adjustment action. Youngberg is concerned about the definition of multifamily dwelling and feels that the word required should be used instead of recommend in the conditions. Ms. Schoeneman clarified that the definition multifamily seemed to be the most fitting for this use but shared that the description in the code of the adaptive reuse Conditional Use Permit did not specify particular definition was needed. McGill stated that he felt the CUP should be rejected, but that it could be changed and brought back in the future.

- 1) **MOTION: The Story County Story County Board of Adjustment denies the Conditional Use Permit for the Adaptive Reuse of the Shipley School as a multi-family dwelling (rental units) as put forth in case CUP07-17, as submitted.**

Motion: Youngberg
Second:

Youngberg rescinded her motion.

- 2) **MOTION: The Story County Story County Board of Adjustment remands the Conditional Use Permit for the Adaptive Reuse of the Shipley School as a multi-family dwelling (rental units) as put forth in case CUP07-17, back to the applicant for further review and/or modifications, and directs staff to place this item on the August 16, 2017, Story County Board of Adjustment agenda.**

Motion: Youngberg
Second: Brekke
Ayes: Youngberg, McGill, Brekke
Nays: None
Not Voting: None
Absent: Scarlett, Bruns

Additional discussion took place and Youngberg stated that she has concerns about the number of tenants. Mr. Haaland stated that the applicant is willing to reconsider density. Mr. Moore stated that the original conditional use permit approved 16 units. Youngberg stated that the traffic is not a concern but that compatibility is a concern. Brekke stated that he is also concerned about the wording issues that Youngberg pointed out. McGill stated that his concern

about compatibility is that the proposed use is more appropriate for an urban setting instead of a rural setting. Brekke stated that the board does not have control over many of the concerns heard tonight.

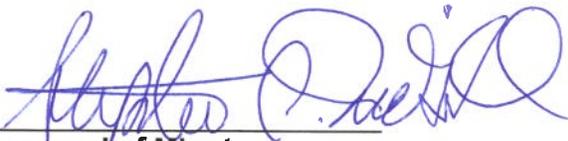
OTHER BUSINESS: None

BOARD/STAFF COMMENTS:

Staff: Jerry Moore stated that the YSS appeal scheduled for August 10 has been deferred to August 14. Mr. Moore shared information from the quarterly report to show the items going on throughout the department.

Board: None

ADJOURNMENT: 6:46PM



Approval of Minutes

Chairman 8/6/2017
Title and Date