

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



"Commitment,

515-382-7245

**MINUTES
STORY COUNTY
PLANNING AND ZONING COMMISSION**

AN AUDIO RECORDING OF THE FULL MEETING MAY BE FOUND IN THE PLANNING AND DEVELOPMENT DEPARTMENT, OR BY VISITING WWW.STORYCOUNTYIOWA.GOV

DATE: April 5, 2017	Aaron Steele, Chair	2018
	Jerry Cable (Left at 6:27)	2019
CALL TO ORDER: 4:00 p.m.	Linda Murken	2020
PLACE: Public Meeting Room	Marvin Smith	2018
Administration Building	Ruth Hulstrom (Arrived at 4:07)	2017
	P.J. McBride	2021
	*Absent	

ADJOURNMENT: 7:12 p.m.

STAFF PRESENT: Jerry Moore, Director; Emily Zandt, Planner; Amelia Schoeneman, Planner; Stephanie Jones, Recording Secretary

PUBLIC PRESENT: Tom Campe, Rick Grace, Joe Coyle, Jeff Sundholm, Josh Thomason, Jennifer Thomason, Greg VanHyru, Nick Mulone, Lisa McCoy, Dustin Kern, Mike Harvey, Don Schuman

APPROVAL OF AGENDA (MCU)

APPROVAL OF MINUTES (MCU)

March 1, 2017

PUBLIC COMMENTS:

None

PUBLIC HEARING ITEMS:

REZ03-17 THOMASON REZONING

Jerry Moore presented the staff report and gave an overview of the proposed rezoning. Mr. Moore stated that the applicant acquired the subject property at 70197 130th Street and proposes to use the existing building and property for fuel sales, convenience store, restaurant, Jeep vehicle and part sales, camper and RV repair, and sales of beef, chicken and pork. In order to conduct these uses on the property it requires approval of the rezoning from A-2 Agribusiness and A-1 Agricultural District to CLI Commercial Light Industrial District.

Jennifer Thomason stated that she was unaware when she purchased the property that it was not zoned properly. Ms. Thomason stated that it had been operated for over a decade as a restaurant and convenience store and the previous owner was unaware that it was not zoned properly. Josh Thomason stated that there is not another restaurant in the area and they do not plan to compete with the other convenience store in town.

Public Comments

None

Steele stated that this request is for a permanent change to the zoning map and that the commission should consider whether the long list of potential uses in this district are okay for the site. Murken asked what other types of uses could be potentially objectionable. McBride asked about vehicles and bulk storage. Steele stated that potentially there could be bulk storage on this site even though this property owner is not proposing that use at this time. Discussion occurred about other possible uses and Smith stated that there are CLI businesses being operated in the area so other commercial businesses would not be out of character for the area. Hulstrom asked if there is a limit on the number of used vehicles allowed. Mr. Moore stated there is no maximum of vehicles, but they are proposing approximately ten vehicles at a time and they will have to have a dealer's license through the state.

MOTION: The Story County Planning and Zoning Commission recommends approval of the requested Zoning amendment to the Story County Board of Supervisors, as put forth in case REZ 04-17 with the following conditions:

- 1. The applicant shall mark the customer and employee parking and access isle areas as required in Story County Land Development Regulations in Chapter 88.08 to demonstrate meeting requirements. The minimum number of ADA compliant handicapped parking spaces with access aisle and handicapped parking signs shall be provided nearest to the building entrance. These items shall be inspected by Planning and Development staff prior to operating the business.**
- 2. If additional dirt and gravel is planned to be added to the property for parking or other site improvements, a statement that the improvement meets the Iowa Storm water Management Manual and SUDAS for erosion control shall be provided to the Planning and Development Department prior to proceeding with the improvement.**
- 3. If more than 10 customer and employee parking spaces are provided, the applicant shall install trees at a rate of one tree for each five parking spaces at the perimeter of the parking area. The trees shall be installed within 60 days of approval of the rezoning request.**
- 4. Applicant agrees to Environmental Health writing a binding agreement regarding the existing septic system. Applicant can start the business knowing that improvements will be needed (either hook to city sewer or upgrade the existing septic system).**

Motion: McBride

Second: Murken

Voting Aye: Murken, Cable, Steele, McBride, Smith, Hulstrom

Voting Nay: None

Not Voting: None

Absent: None

Vote: (6-0)

CUP04-17 ALLIANT ENERGY TOWER

Amelia Schoeneman presented the staff report and gave an overview of the requested conditional use permit, which would allow Alliant Energy to construct a new communication tower east of Nevada. The proposed tower will support two-way radio and real-time communications and would replace an existing tower that is located on a property to the west of the proposed site, which cannot support the necessary communications technology. Alliant Energy will also allow the Corn Belt Power Cooperative to co-locate on the tower. The proposed tower meets all standards of approval and supplemental standards required for the conditional use permit. Staff recommend the Planning and Zoning Commission recommend approval of the conditional use permit with conditions.

Dustin Kern spoke and thanked staff for helping with this project and stated that he brought Rick Grace from Alliant with him to answer any questions about the timing that the tower would be installed. Mr. Grace stated that the new tower will be installed and the old tower removed within 60 days. Hulstrom

asked about the fencing and Mr. Grace stated that the fence would be moved to the new tower and a temporary fence would be put up around the old tower until it was taken down.

Public Comments

None

Murken asked for clarification about co-locations and asked if it was possible for the two towers on the agenda tonight to be located on the same tower. Mr. Moore stated that they are two separate items and Murken stated she understood that, but was curious. Smith stated that they could not use the same tower because the Iowa DOT has a policy for not co-locating. Ms. Schoeneman stated that there is a new state law called the Iowa Self Siting Act that limits what staff can ask regarding co-locations.

MOTION: The Story County Planning and Zoning Commission recommends approval of the Conditional Use Permit for the Alliant Energy Communication tower as put forth in case CUP04-17 to the Story County Board of Adjustment, and directs staff to place the case on the Board of Adjustment agenda with the following condition:

1) That a plat of survey be recorded for the reconfiguration of the existing parcel into the 7.3-net acre parcel prior to the issuance of a zoning permit.

Motion: Hulstrom

Second: Cable

Voting Aye: Smith, Cable, McBride, Steele, Hulstrom, Murken

Voting Nay: None

Not Voting: None

Absent: None

Vote (6-0)

CUP03-17 IOWA STATEWIDE INTEROPERABLE COMMUNICATIONS SYSTEM (ISICS) TOWER

Emily Zandt presented the staff report and reminded the Commission that this request is for a conditional use permit and the variance would be addressed by the Board of Adjustment. Ms. Zandt stated that staff felt it was important for the Commission to be aware of the requested variance. The conditional use permit would allow the construction of a new 395' lattice tower for the Iowa Statewide Interoperable Communication System (ISICS), which will give first responders the ability to communicate with each other on one single band in order to efficiently mobilize during times of emergency or disaster. There is an additional request to decrease the minimum setback requirement from the public right-of-way by 313'. Staff recommends the Planning and Zoning Commission recommend approval of the conditional use permit contingent on the Board of Adjustment approval of a compromise to allow the setback from the north edge of the US Highway 30 frontage road equal to or greater than 100% of the height of the tower. Steele asked Ms. Zandt to give only a summary of the variance request because he felt it might create confusion amongst the Commission talking about both of these items together. Ms. Zandt gave a brief summary of the Variance request that the Board of Adjustment would be considering.

Joe Coyle spoke and stated that there are 84 towers being installed throughout the State of Iowa, which will allow first responders to communicate together rather than coordinate on separate communication systems. Mr. Coyle stated that this is a federally mandated project and that they have been choosing properties owned by the Iowa Department of Transportation and Iowa Department of Natural Resources to locate the towers. Mr. Coyle reported that in some counties, they have received waivers from zoning regulations due to the emergency services that will be enhanced, but Story County would not allow a waiver. Mr. Coyle stated that in the event of a malfunction, this type of tower is designed to fall from the midpoint rather than the entire tower falling. Mr. Coyle stated that they chose this location since it is owned by the Iowa Department of Transportation and in a good location for them to hook up the needed items from the existing tower. The main issue is the setbacks so this location was chosen since adjacent to existing tower allowing cost savings to use the building, underground utilities that are already there and moving the existing Iowa Department of Transportation communication antennas over to the new tower would be easier with the new tower right next to the existing site. Mr. Coyle stated he is appreciative of

the 100% setback compromise. Mr. Coyle stated that consideration has been given to lowering the height of the tower, but this tower cannot be reduced in size to help meet the setback requirement for engineering reasons. Mr. Coyle stated that he would like the commission to consider the zero fall zone letter that was provided in the unlikely event of a failure. Mr. Coyle spoke about safety requirements that would be met due to the possibility of tornadic activity and ice accumulation.

Steele asked the applicant why they would invest in a location that does not meet the zoning code standards. Mr. Coyle stated that the new towers have been placed next to existing towers all over the state and that the zero fall zone letter has been accepted by zoning boards to approve towers in many cases. Hulstrom asked what has caused other towers to fall. Mr. Coyle stated that in his experience it is generally wind that causes towers to fall and that towers typically collapse and not topple over.

Sergeant Tom Lampe with Department of Public Safety spoke about the urgent need for this system and said that a delay is not good news to this project. He stated that if the project could be kept moving at a reasonable pace it would be appreciated. Sergeant Lampe stated that this tower would provide coverage to Story County, City of Ames Police and the Iowa State University Police. Sergeant Lampe stated that the campus police have no coverage inside buildings with the system they are currently using.

Public Comments

Donald Schuman spoke and stated that he used to work for the Iowa Department of Transportation in this location for 32 years. Mr. Schuman stated that where the current tower and proposed tower is located the ground is very wet. Mr. Schuman is also concerned about the possibility of ice and snow accumulating on the tower and falling off and hitting people or vehicles.

Much discussion occurred amongst the commission about zoning regulations, set back requirements, current traffic in the area and that in the future there is a potential for more traffic in the area.

MOTION: Recommend approval of CUP03-17 to Board of Adjustment without any variance to the standard set back requirements, requiring the applicant to meet the County's setback requirements.

**Motion: Smith
Failed Lack of Second**

MOTION: The Story County Planning and Zoning Commission remands the Conditional Use Permit for the Iowa Statewide Interoperable Communication System (ISICS) Tower as put forth in case CUP03-17, back to the applicant for further review and/or modifications.

**Motion: Murken
Second: McBride
Voting Aye: Murken, McBride, Hulstrom, Smith
Voting Nay: Steele
Not Voting: None
Absent: Cable
Vote: (4-1)**

2017 STORY COUNTY PLANNING AND DEVELOPMENT WORK PROGRAM

Amelia Schoeneman gave an overview of the Fernald survey results and stated that we have received 33% feedback. Ms. Schoeneman stated possible solutions through means of grants or loan programs. Ms. Schoeneman suggested a community meeting would be needed to discuss solutions with citizens. Discussion took place between the Commission and staff and decided that holding a town meeting would be a good gesture.

Amelia Schoeneman gave an update about the Construction/Demolition Landfill Siting Evaluation. The DNR has determined that they cannot approve the sites. The DNR is going to send

requirements. Ms. Schoeneman stated that when governor declared disasters are in place that certain requirements could be waived at that time so pre-approval is not available.

COMMENTS

STAFF: Jerry Moore stated that interviews are taking place for the commission opening. Discussion took place about Amelia Schoeneman being our new Planner and that she is working part time now, but will be fulltime once she graduates in May. Mr. Moore talked about the upcoming planning and zoning workshop available through the ISU Extension

COMMISSION: Smith had a comment about the number of businesses in the county that are possibly operating outside of current zoning or without a CUP. Discussion occurred about the difference between the zoning and the assessed tax class. Murken asked how the Thomason case came to the planning department's attention. Mr. Moore stated that it was because the applicant applied for a liquor license from the County. Discussion took place about educating local realtors about zoning vs. assessment tax classifications.

ADJOURNMENT: 7:12 PM



Approval of Minutes



Title and Date