



**PLANNING AND ZONING**  
**Cerro Gordo County Courthouse**

220 N Washington Ave  
 Mason City, IA 50401-3254  
 cgcounty.org/planning

(641) 421-3075  
 (641) 421-3110  
 plz@cgcounty.org

**SPECIAL EXCEPTION STAFF REPORT**

**SUMMARY OF REQUEST**

**Case No.:** 23-18

**Hearing Date:** July 25, 2023

**Staff Contact:** Michelle Rush, Zoning Assistant

**Applicant**

Bonham Construction  
 P.O. Box 387  
 Mahomet, IL 61853

**Owner**

Cerro Gordo County  
 220 N Washington Avenue  
 Mason City, IA 50401

**Property Address:** Not assigned

**Brief Legal Description:** W½ of the SW¼, except IA Hwy 122 ROW, Section 12, Lake Township

**Zoning:** A-1 Agricultural (In process for rezoning to C-2 General Commercial)

**Background**

The applicant, on behalf of a potential purchaser of a portion of the subject county property, is requesting approval of special exception for the outdoor display of commercial merchandise as a part of a proposed retail store just off the southeast corner of the intersection of Lark Avenue and Iowa Highway 122 as indicated on the site plan enclosed in your packet (See Figure 1). The outdoor display areas are illustrated in yellow (fenced outdoor display area), green (sidewalk display area), and pink (trailer equipment display) on the site plan. Section 14.2(C) of the Zoning Ordinance requires the approval of special exception as granted by the Board of Adjustment for any outdoor display of merchandise in the C-2 District.

The property is currently zoned A-1 Agricultural. However, the county, on behalf of the potential purchaser, is in the process of rezoning the northern 750' of the property to C-2 General Commercial, which will make the proposed retail store a principal permitted use in the district. The rezoning will also create a contiguous area of C-2 zoning along the south side of the Iowa Highway 122 corridor (See enclosed zoning exhibit).

SPECIAL EXCEPTION REQUEST*		
Structure	Request(s)	Requirement(s)
Outdoor merchandise display	Approval for the commercial outdoor display of merchandise	Approval by county Board of Adjustment for any outdoor display of merchandise in the C-2 District (14.2-C)

## FINDINGS OF FACT

1. Cerro Gordo County is the owner of the subject property.
2. Bonham Construction is applying for special exception on behalf of the potential purchaser of a portion of the county property.
3. The property is currently zoned A-1 Agricultural. The applicant is currently seeking a rezoning of the subject property to C-2 General Commercial to make the request a principal permitted use.
4. The proposed outdoor display will be for commercial merchandise.
5. Section 14.2(C) of the Zoning Ordinance requires the approval of special exception as granted by the Board of Adjustment for any outdoor display of merchandise in the C-2 District.
6. The application was filed on June 28, 2023 with the Planning and Zoning Office.

## ANALYSIS

The Board of Adjustment is provided the power to grant special exception under Section 14.2(C) of the Zoning Ordinance, specifically for the outdoor display of merchandise in the C-2 District. In its review, the Board may attach certain conditions to any special exception granted in order to observe the spirit of the Zoning Ordinance and Comprehensive Plan and mitigate any potential impacts that may directly result from the requested special exception.

### **Discussion of Applicable Zoning Ordinance Requirements**

There are no specific minimum requirements listed in Section 14.2(C) of the Zoning Ordinance except that the outdoor display of merchandise in the C-2 District must be approved by the grant of special exception by the county Board of Adjustment. However, it further specifies that the Board may attach such further limitations or conditions as it finds necessary to any approval. However, there are a few applicable requirements that apply to this request, which are discussed below.

*District setback requirements:* All permitted uses are required to meet minimum yard requirements for the district in which they are located just as a building or structure is required to be. The C-2 District has setbacks requirements of a 30' front yard, 10' side yards, and 30' rear yard (3' for accessory uses or structures). All applicable setback requirements are met as proposed for outdoor display areas.

*Parking requirements:* The outdoor display area illustrated in pink on the site plan enclosed in your packet involves the parking of travel-trailers for sale. Under Section 19.2(D)(1) of the Zoning Ordinance, all parking spaces are required to be at least 5' from any established street right-of-way. The proposed outdoor display areas for travel-trailer sales are substantially placed away from all current street right-of-way and meet this requirement.

*Storage of travel-trailers:* Under Article 6.17 of the Zoning Ordinance, travel-trailers, utility trailers, or any other similar vehicle or device are prohibited from being stored in the required front yard of any zoning district. The C-2 District has a required front yard setback of 30'. The outdoor display area for the sale of travel-trailers, illustrated in pink on the site plan enclosed in your packets, is at least 50'-70' from the front lot line and meets this requirement.

### **Discussion of Potential Impacts to Immediate Area**

It is difficult to foresee any negative impacts resulting from the outdoor display areas themselves. However, a potential frontage road may be need to be installed in the future. Previous discussions with the county contemplated a reverse frontage road on the south side of the proposed retail store lot instead of at the front. If a frontage road may need to be installed in the future, as required by the Iowa DOT or any other applicable regulatory entity, the location of the parking and outdoor display for travel-trailers would need to be relocated or adjusted further from the highway. It is recommended a condition be attached to any approval that accounts for such potential relocation with an amended site plan being submitted to the Planning and Zoning Office.

### **Staff Conclusions and Recommendation**

This analysis assumes the request to rezone the requested area to C-2 General Commercial is approved and becomes effective prior to the public hearing. The request otherwise appears to meet all applicable ordinance requirements. If the rezoning is approved, the Board would be hard-pressed to deny the request as a result. The results of the rezoning request will be shared with the Board at the hearing. Staff recommends approval as requested with conditions attached as recommended below, assuming no major issues arise prior to the hearing.

### **BOARD DECISION**

The Board of Adjustment may consider the following alternatives:

#### **Alternatives**

1. Grant the requested special exception subject to any condition as deemed necessary by the Board.
2. Grant relief less or different from the requested special exception.
3. Deny the requested special exception.

The following motions are provided for the Board's consideration:

#### **Provided motion of approval:**

- I move to adopt the staff report as the Board's findings and to approve the special exception as requested by Bonham Construction, subject to the following conditions:
  1. All outdoor display areas for merchandise shall comply with the site plan submitted with the application, or as may be amended due to the need for a frontage road or other necessary changes, so long as all changes are consistent with the proposal as presented to the Board of Adjustment.
  2. An amended site plan shall be submitted to the Planning and Zoning Office in the event a frontage road is necessary to be installed, or due to other necessary changes as may be required, so long as all changes are consistent with the proposal as presented to the Board of Adjustment.

#### **Provided motion of denial:**

- I move to adopt the staff report as the Board's findings and to deny the special exception as requested by Bonham Construction for the following reasons:  
[STATE REASONS FOR DENIAL]

## EXHIBITS

- Exhibit 1: Figures
- Exhibit 2: Special Exception Application
- Exhibit 3: Site plan
- Exhibit 4: Current zoning exhibit
- Exhibit 4: Aerial photo of site

**Figure 1**

Looking at the general area of the proposed retail store from the intersection of Iowa Highway 122 and Lark Avenue



June 8, 2023, J. Robbins

**SPECIAL EXCEPTION APPEAL**

**APPLICATION**

Date Filed 6/28/23

Date Set for Hearing 7/25/23

Case Number: 23-18

Applicant Name: Bonham Construction Phone: 217-202-6204 cell / 217-586-1880 E-Mail: tse@bonham.pro

Mailing Address: PO Box 387, Mahomet, IL 61853

Property Owner Name: Cerro Gordo County Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Property Owner Address: \_\_\_\_\_

Property Description (Not to be used on legal documents): Parcel # 06-12-30C-001 Township Lake

Property Address: not assigned Zoning: A-1(C-2)


Brief Legal Description: W 1/2 of SW 1/4 - 12-96-21

Project Description Decision Date: \_\_\_\_\_

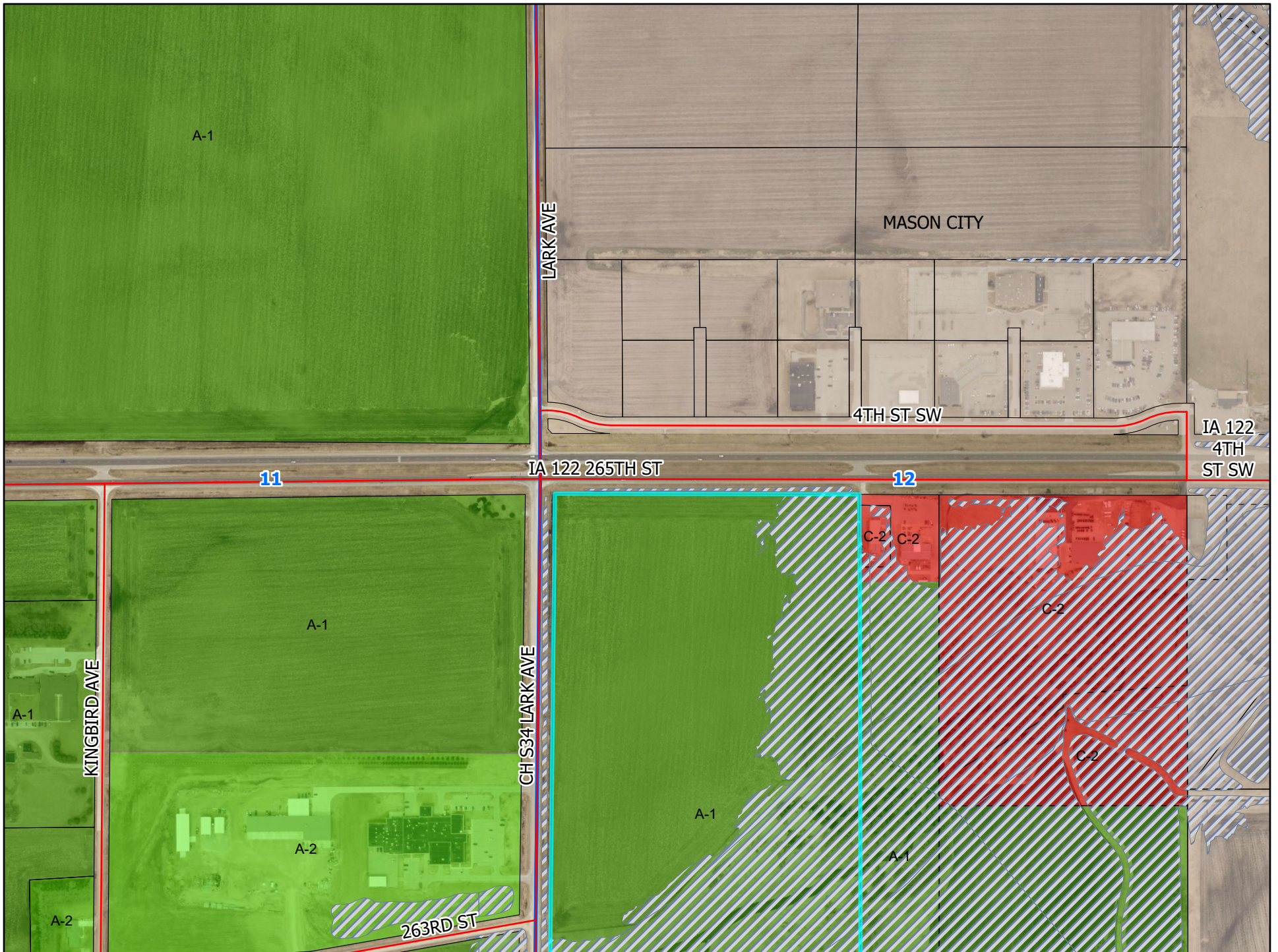
**Special Exception(s) Requested (As cited on results from denied Zoning Permit Application)** Outdoor Displays:  
1) Trailer Equipment ~ 3000 sq ft  
2) Sidewalk Display ~ 3757 sq ft  
3) Fenced Outdoor Display ~ 20,000 sq ft. } see site plan attached  
**Criteria Justifying Special Exception under Standards for Review (You may add more details in the Additional Information)**

I am the  Owner  Contract Purchaser  Other (Explain)  
\_\_\_\_\_ of the property affected.

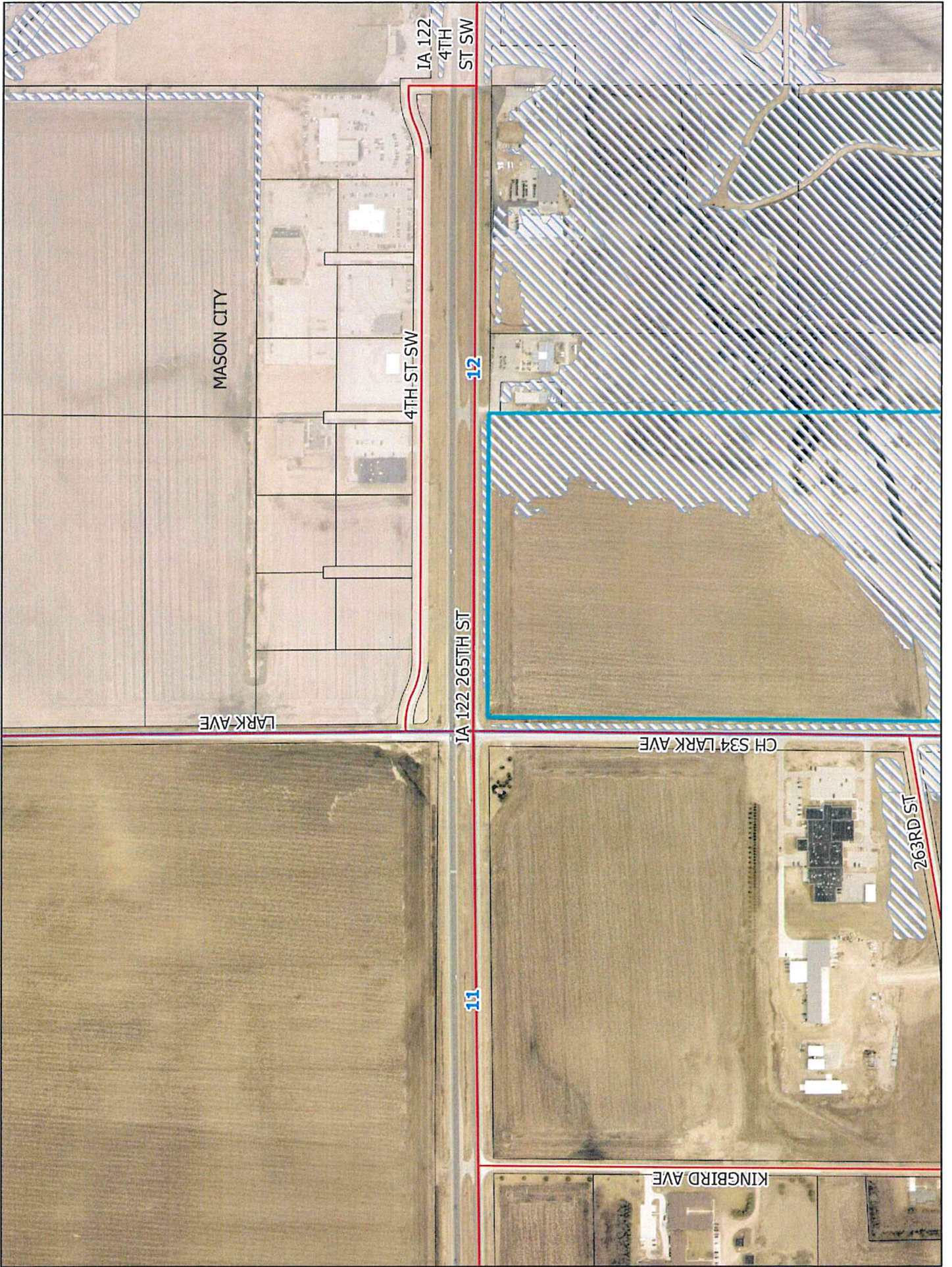
*I, the applicant, being duly sworn, depose and say that I am the owner, or that I am authorized and empowered to make affidavit for the owner, who makes the accompanying application; and that the information provided is true and correct and actual construction will proceed in accordance with the purposes herein stated and any conditions and/or requirements the Board of Adjustment may stipulate. The Planning & Zoning staff and Board of Adjustment members are also given permission to enter the above property in reviewing this Application.*

Applicant Signature  Date 6/5/23









IA 122  
4TH  
ST SW

MASON CITY

4TH ST-SW

12

LARK-AVE

IA 122 265TH ST

11

CH S34 LARK AVE

263RD ST

KINGBIRD AVE