

Cerro Gordo County Planning & Zoning Staff Report

SPECIAL USE

Case No.: 21-17

Use Request: 20.2(L) Explosive manufacture or storage

Current Zoning: A-1 Agricultural

Address: n/a

Legal: NW¼ of SE¼, Section 24, Lincoln Twp.

Date of Application: September 28, 2020

Owner: Lehigh Portland Cement Co.

Petitioner: Quick Supply Company

Size of Special Use: 9.36 acres (leased area)

Size of Parcel: 36.6 acres

Hearing Date: October 27, 2020

BACKGROUND INFORMATION:

1) PURPOSE OF SPECIAL USE REQUEST -

In 1979, the Board of Adjustment granted Quick Supply Company a Special Use Permit to store explosive materials at their current property southeast of the Lehigh quarry. That property has been “landlocked” between the Lehigh quarry and the former Holcim quarry since that time, which helped to secure required separation distances for its operations. Holcim recently sold all of the land of its former quarry to the south and east. With less certainty about possible new buildings being constructed near their site, the proposed site to be leased from Lehigh will provide security for the continued operation for explosive materials storage. There is no grandfather clause for maintaining the required separation distances from inhabited buildings or transportation corridors.

The current site storage site for magazines to the southeast about ½-mile is isolated from any residential use or inhabited building. The new site is also isolated and bounded on all sides by Lehigh’s quarry operations. There is no blasting occurring near the new site, and Lehigh’s mining plans will take new operations north and west away from the new site. No berms or barricades are currently planned for but will be installed if necessary.

2) EXISTING LAND USE AND ZONING CLASSIFICATION OF PROPERTY -

The proposed magazine site is undeveloped and sits in the middle of Lehigh’s existing quarry. It is currently unused for any mining purpose and sits bare. All of Section 13, including the area proposed for the magazines, is zoned A-1 Agricultural.

3) LAND USE AND ZONING CLASSIFICATION OF SURROUNDING PROPERTY -

Surrounding land is used for material extraction and stockpiling and is zoned A-1 Agricultural.

GENERAL FINDINGS:

1) HARMONY AND ACCORD WITH GENERAL PRINCIPLES AND PROPOSALS OF ZONING ORDINANCE -

The Zoning Ordinance is intended to promote the public health, safety, morals, comfort, and general welfare. It appears that public safety will be maintained by moving the magazines to a more “secure” location to ensure no new inhabited buildings are constructed within an unsafe distance. It makes sense to co-locate the storage of explosives with a quarry to minimize or eliminate the transporting of explosive materials on public rights-of-way. The magazines will be located in excess of ¼-mile from any inhabited residence, further promoting public health and safety. The closest building is Lehigh’s office and other facility about ¼-mile to the southeast.

2) COMPATIBILITY OF USE WITH APPEARANCE AND ESSENTIAL CHARACTER OF AREA -

The use appears to be compatible with the appearance and character of the area. The general character of the area is mining and material extraction. The use of explosives is an integral part of mining and material extraction, making the placement of magazines inside the boundaries of a quarry compatible. The new site is not near where blasting for quarry activities are occurring.

3) IMPACT ON EXISTING AND FUTURE USES, VICINITY, AND COMMUNITY AS A WHOLE -

The proposed magazine site should have little impact on Lehigh's mining operations. This is an area where overburden has been placed. Also, Lehigh does not plan to mine this area in the future; as quarry activities are moving north and west away from the new site. If and when Lehigh abandons this quarry and reclaims the mining area, it is likely that the magazines will be removed since the site could potentially be sold and potentially remove the isolated nature of the new site.

4) ADEQUACY OF PUBLIC SERVICES (i.e., highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools) -

Private roads maintained by Lehigh serve the magazine site. Overall, the roads are in good condition. The nearest public road (320th Street) is roughly ½-mile north of the magazine site.

The Cerro Gordo County Sheriff provides law enforcement protection. Fire protection is provided by the Hanlontown Fire Department. The applicants are responsible for refuse disposal.

The magazines are similar to truck trailers in design. They are constructed of steel and lined with hardwood, making a bulletproof structure. There will not be any sewer or water facilities to the magazines. The new site is not located within a drainage district. There should be no impact on schools.

5) PUBLIC COST FOR ADDITIONAL PUBLIC FACILITIES AND SERVICES -

The proposed explosive magazines should not result in any public cost for additional facilities and services. Over the past 37 years the existing magazines have been in place, there has been no public cost.

6) POTENTIAL DETRIMENTS TO PERSONS, PROPERTY, OR GENERAL WELFARE (i.e., excessive traffic, noise, smoke, fumes, glare, or odors) -

Relocation of the explosive magazines should not result in increased traffic, noise, smoke, fumes, glare, or odors. The biggest concern is, of course, the volatility of the materials being stored. The ordinance requires that explosives must be stored at distances from roads and inhabited buildings relative to the amount of explosive material being stored. The standard used for calculating these distances is the Table of Distances for Storage of Explosive Materials approved by the Institute for Makers of Explosives. The standards are intended to limit the risk to persons, property, and the general welfare.

7) COMPATIBILITY AND CONSISTENCY WITH THE INTENT AND PURPOSE OF THE ZONING DISTRICT -

The A-1 Agricultural District is intended to permit the continued use of land for agricultural purposes. An explosives magazine is not directly related to agricultural purposes or production. However, the storage of explosives is permitted in the A-1 district by Special Use Permit. Cerro Gordo County has always allowed mining and mineral extraction in agricultural districts. It makes sense that support services such as explosives storage would also be allowed in A-1 districts.

8) COMPATIBILITY WITH COUNTY COMPREHENSIVE PLAN -

Policy 6.1.7 of the 2004 Comprehensive Plan states, "Protect known mineral and aggregate extraction areas, whether developed or undeveloped, for encroachment by incompatible development and reserve such areas for

extraction purposes.” Explosive storage is supplementary to mining activities, so locating such a use in an unused portion of an existing quarry would be compatible with the neighboring uses.

Further, Policy 2.1.5 encourages the use of performance standards when appropriate. Requiring a Special Use Permit and applying appropriate conditions for intensive uses such as explosive storage would be applicable.

The proposed location of the magazines is isolated enough that the use should pose little risk to persons or property outside the confines of Lehigh’s property. As a result, the proposed site is consistent with the Comprehensive Plan.

COMPLIANCE WITH ADDITIONAL ARTICLE 20 REQUIREMENTS:

Additional requirements for the special use requested are as follows:

20.2 SPECIAL USES

- L. Explosive manufacture or storage provided that no special permit for the storage of explosives may be issued unless the proposed location of the magazine or magazines for the storage of explosives complies with the current American Table of Distances for Storage of Explosives as revised and approved by the Institute of Makers of Explosives and that all current rules and regulations are followed. A-1, A-2 and M-2 Districts only.

The property is zoned A-1 Agricultural. The above provision requires compliance with the current American Table of Distances for Storage of Explosives. This information has been provided to this office. Quick Supply stores no more than 100,000 pounds of explosives at any given time.

According to the Table of Distances, the proposed magazines must meet the following minimum distances for the potential number of explosives to be stored:

Distance in feet from an Inhabited Building –	
Barricaded -	1,815
Unbarricaded -	2,000
Distance in feet from a Public Highway –	
Barricaded -	545
Unbarricaded -	1,090
Distance in feet from Passenger Railways & Highways with traffic volumes > 3000 vehicles per day -	
Barricaded -	1,392
Unbarricaded -	2,000
Distance in feet between Magazines –	
Barricaded -	180
Unbarricaded -	370

The first three requirements do not appear to be a problem. There do not appear to be any residences within at least a ¼ mile (3960’) radius of the proposed magazine location. Rough measurements using the County’s GIS system measures the closest residence (13318 320th Street) at over 4,500 feet to the northeast. The nearest public road (320th Street) is ½-mile (2,640’) north of the new site. There is a railroad adjacent to the new site, but it is for freight only.

The magazine buildings should be able to be placed so that they comply with A-1 district setbacks and meet the distance between magazine requirements presented above.

ZONING DISTRICT REQUIREMENTS:

Requirements of the zoning district for which the proposed special use is to be located are as follows:

No minimum lot area is required for this special use. However, it is my opinion that the A-1 district setbacks must be adhered to, even on leased land. Height and setback requirements are as follows:

7.5 HEIGHT REGULATIONS

No building hereafter erected or structurally altered shall exceed two and one-half (2½) stories or thirty-five (35) feet.

7.6 YARD REQUIREMENTS

Each lot shall have front, side and rear yards not less than the depths or widths following:

- A. Front yard depth, fifty (50) feet.
- B. Each side yard width, twenty-five (25) feet.
- C. Rear yard depth, thirty (30) feet.

The new site more than sufficient to place magazine structures within the buildable area This should be large enough to comply with the Table of Distances requirements for distance between magazines, especially if they are placed perpendicular to the road.

STATUTORY REQUIREMENTS:

Additional requirements under Iowa Code pertain to the Special Use applied for:

The following federal and state laws apply to the applicant:

- Quick Supply must notify the Bureau of Alcohol, Tobacco, and Firearms of the change of location of the magazine.
- The company is also under the inspection and permit of the State Fire Marshal's Office. As part of this, the local fire department must be notified of the magazine location and they must meet National Fire Protection Association (NFPA) standard No. 492. Standard No. 492 specifies the separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.
- The storage of explosives in a mine, such as Lehigh's, is regulated by the Mine Safety and Health Administration (MSHA).

Quick Supply provided a copy of its permit from the State Fire Marshall's Office and its Federal Explosives License from the ATF at the time of application.

STAFF ANALYSIS AND RECOMMENDED ACTION:

For several reasons, this proposed location is substantially appropriate. First of all, the new location cannot be seen from public highways and will therefore not be a target for vandalism. It can only be accessed from a private road. Second, the new location is more than ¾-miles from any inhabited dwellings. Third, the new location is in the center of Lehigh's operation, buffering the site from the general public. The proposed location poses little risk to persons beyond Lehigh's property. It makes sense to co-locate the storage of explosives with a quarry to minimize or eliminate the transporting of explosive materials on public rights-of-way. The use of explosives is an integral part of mining and material extraction, making the placement of magazines inside the boundaries of a quarry compatible.

It appears that Quick Supply can meet the required setbacks of the A-1 district and also meet the distance between magazine requirements contained in the American Table of Distances for Storage of Explosives. Approval is recommended, subject to conditions as stated below.

RECOMMENDED CONDITIONS TO BE MET IF POSITIVE VOTE BY BOARD OF ADJUSTMENT:

Note: In granting a special use permit, the Board of Adjustment may attach conditions which it finds are necessary to carry out the purpose of the Zoning Ordinance, in conformance with what is provided in Article 20 of the Zoning Ordinance, and where reasonable and necessary may increase the required lot or yard, control the location and number of vehicular access points to the property, limit the number of signs, limit coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property, and require screening and landscaping to reduce noise and glare and maintain the property in character in keeping with the surrounding area.

Special uses shall ordinarily comply with the standards of the district concerned for principal uses which are permitted therein, except as modified by the Board of Adjustment in granting a special use permit.

The following conditions are recommended:

1. This Special Use Permit may be reviewed at any time in the future upon the request of the applicants or a majority of the Board of Adjustment members.
2. The provisions and/or regulations as stated shall be minimum requirements and wherever the requirements of any other lawfully adopted rules, regulations, or ordinances are at a variance, the most restrictive shall govern.
3. It is contemplated that from time to time during the operation of the storage of explosives that conditions may arise which are not covered by the terms of this permit and which cannot be anticipated. In the event such conditions do arise, the Board of Adjustment of Cerro Gordo County, Iowa, may impose additional regulations to meet any new conditions. In addition, if said facility should, at any time, be operated in any manner which violates the rules and regulations of any federal or state regulatory agency, then the Board of Adjustment may impose such other conditions so as to ensure compliance with such rules and regulations.
4. This permit will be subject to revocation for operator's failure to comply with the provisions as herein set forth or such other provisions as may, from time to time, be imposed by the Board of Adjustment of Cerro Gordo County, Iowa, under the terms of this permit.
5. County representatives shall have the right to enter the premises at any time to make or have made inspection and/or conduct tests as may be necessary after notifying the applicant.
6. The operator shall apply for and obtain a Zoning Permit prior to the construction or placement of any magazine building or structure. Placement of magazine buildings or structures shall comply with applicable zoning district regulations and the current American Table of Distances for Storage of Explosives as revised and approved by the Institute of Makers of Explosives.
7. The Board of Adjustment shall have the right to review any proposed expansion of the use.
8. Permits from any other governmental entity for the operation of this special use shall be filed in the office of the Zoning Administrator.
9. All explosives stored under this permit shall be locked and secured to prevent tampering from the general public.
10. This Special Use Permit shall be applicable to the Quick Supply Company, and any successors and assigns. This permit may be transferred, provided that notice of such transfer is given to the Zoning Administrator. Said notice shall include name of company, local contact person, contact person's phone number, corporate contact person, and corporate contact person's phone number and mailing address.

QUESTIONS & COMMENTS:

Proposed motion on application: To adopt the staff report as the Board's findings and to grant the application, subject to the conditions recommended by staff and as modified by the Board of Adjustment, for the operation of an explosive storage magazine, and further, that the grant of the application be made effective immediately and on the condition that the Quick Supply Company shall perform all operations under the application under the specific direction of the Cerro Gordo County Zoning Administrator, not inconsistent with the proposed conditions and recommendations approved by the Board of Adjustment, until such time as a formal resolution is drafted and adopted by the Board of Adjustment, not to exceed 60 days.

Proposed motion for denial of application: To adopt the staff report as the Board's findings and to deny the application for the reasons stated in the staff report as well as for the following reasons: **[STATE ADDITIONAL REASONS FOR DENIAL, IF ANY]**. Said reasons for denial shall be stated in the official transcript and minutes of the Board of Adjustment, and shall be made in writing to the applicant in letter form by the Board's secretary.

Prepared by:
John Robbins
Final draft date: **October 15, 2020**

APPLICATION/APEAL FORM

[For Completion by All Applicants]

Date 09-25-2020

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), Quick Supply Co.
(NAME)

OF 6620 N W Toni Dr Des Moines IA 50313
(MAILING ADDRESS)

respectfully request that a determination be made by the Board of Adjustment on this Application/Appeal based on the letter written by the Zoning Administrator dated _____ for the reason that it was a matter which, in his/her opinion, should come before the Board of Adjustment.

This Application/Appeal is: (Please Check One)

- A Variance to a Zoning District requirement where there are unusual conditions or circumstances which cause a hardship when the provisions of Zoning are strictly applied.
- A Special Use listed in Article 20.2 of the Zoning Ordinance upon which the Board is required to act under the Ordinance.
- An Appeal where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of the Zoning Ordinance.

The property affected is located in Section 13 of Lime Creek Township.

The property affected is zoned Commercial according to the Cerro Gordo County Zoning

District Maps. Legal description of the property is: Section 13-T97N-R21W

North 1/4 Cor.

See Easement Drawing

I am the Owner Contract Purchaser Other (Explain) Manager

for Quick Supply, Quick Supply is Leasing of the property affected.
Property from Lehigh Cement

Describe what you are proposing to do on the property affected.

Store Explosives, the explosives are used in
mine and quarry work in the area.

I (We) grant permission to the Planning & Zoning staff and Board of Adjustment members to enter onto the above described property for purposes of review.

I (We) further state that if this request is granted, I (We) will proceed with the actual construction in accordance with the purposes herein stated and any conditions and/or requirements the Board of Adjustment may stipulate.

Signature of Applicant adm [Signature]

OFFICE USE ONLY

Date Filed 9/28/20

Case Number 21-17

Date Set for Hearing 10/27/20

Fee Paid \$300

Application/Appeal was Granted

Denied

Tabled

Quick Supply is a family owned business that has been operating at our current location since 1979. We operate under licenses from the ATF and State Fire Marshal regarding the storage of explosives. Historically our location was land locked by Holcim and Lehigh cement companies which helped secure the distances needed to store explosives. This changed when Holcim sold their land around us. There is no grandfather clause that would prevent someone from building an inhabitable structure within the minimum distance required. We would like to reestablish our safety net of being land locked by moving our storage to the purposed site.

There are no foreseeable changes from our current location to the purposed location regarding,

1. The special use and how such building or use will affect the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the public safety, public health, and general welfare.
2. Provisions of Section 24.4(A)(2)(a-g) in the Zoning Ordinance.
3. The performance standards in the applicable subsection of Article 20.2

Thanks,

Adam Kingery



14278 300th Court

Mason City, IA 50401

Office (Main) 641-424-0151

Office (Direct) 641-450-7150

Cell 641-425-4137

EASEMENT DRAWING

PART OF SEC. 13-T97N-R21W
MASON CITY, CERRO GORDO, COUNTY, IOWA.

PREPARED BY: ANDREW J. SMITH, WHKS & CO., 1412 6th ST. SW, MASON CITY, IA 50401 (641) 423-8271

N 1/4 Cor.
Sec. 13-T97N-R21W
Found Concrete
Monument with Brass
Cap

NE Cor.
Sec. 13-T97N-R21W
Found 1/2" rebar

S 89°44'16" E 2639.41'
320th St. & N. line NE 1/4



AREA TABLE	
QUARTER	AREA, ACRES
SW	9.53
NW	2.33
NE	0.19
SE	6.32
TOTAL	9.37

LINE TABLE

LINE	DIMENSION
A	N 49°03'27" W 1700.00'
B	S 40°56'33" W 240.00'
C	S 49°03'27" E 1700.00'
D	N 40°56'33" E 240.00'

LEGEND

- ▲ FOUND SECTION CORNER AS NOTED
- △ SET SECTION CORNER AS NOTED
- FOUND MONUMENT AS NOTED
- SET 1/2" REBAR 24" LONG YPC #14233
- () RECORD MEASUREMENT
- P.O.B. POINT OF BEGINNING
- YPC YELLOW PLASTIC CAP
- EASEMENT AREA

DATE SURVEYED 09-11-2018
SCALE: AS SHOWN
PROJECT NO.: 8712
DRAWN BY: AJS
CHECKED BY: AJS
SHEET 2 of 2



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Andrew J. Smith, P.E. & P.L.S. Date
License number 14233 Sheets covered by this seal: 1-2
My license renewal date is December 31, 2019



Cerro Gordo County Sheriff's Office
17262 Lark Avenue
Mason City, IA 50401



KEVIN PALS, SHERIFF

SHERIFF
CERRO GORDO COUNTY

Office: (641) 421-3000
Fax: (641) 422-3716 24-Hr Fax: (641) 421-3135
Jail Fax: (641) 421-3128 www.co.cerro-gordo.ia.us

December 15, 2016

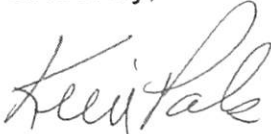
Chuck Holmes
Quick Supply Company
14278 300th Ct
Mason City, IA 50401

To whom it may concern:

Quick Supply Company has been in business for the last 37 years in Cerro Gordo County. Quick Supply has a great safety record, reputation, and a very good neighbor where blasting.

If you have any concerns on their record please do not hesitate to contact me.

Sincerely,


Sheriff Kevin Pals

10 Acres within red perimeter **Leased Area from Lehigh**

Lehigh Cement

Quick Supply Co.

Holcim Quarry

Mason City Quarry

300th S

Mallard Ave

Google Earth

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1 mi



