



PLANNING AND ZONING

Cerro Gordo County Courthouse

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July 23, 2021

TO: Cerro Gordo County Planning and Zoning Commission

FROM: John Robbins

SUBJECT: Next Meeting – *Thursday, August 5, 2021; 4:00 p.m.; Boardroom*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Planning and Zoning Commission is scheduled for **August 5, 2021 at 4:00 p.m., in the Boardroom at the Courthouse.** You will be considering a petition to vacate a platted street and two rezoning requests.

If you have concerns with attending in person due to COVID-19, the option to attend the hearing via web conference will be made available. Social distancing will be practiced. You may join the web conference by using the following web address or by calling the phone number and entering the conference ID when prompted. Please let me know if you have any questions or if you are not able to attend in advance of the hearing.

BY COMPUTER

Web Conference: <https://bit.ly/3ezy7fq>

BY PHONE (AUDIO ONLY)

Conference phone: (641) 351-6385

Conference ID: 717 133 393#

1. Troy Smeltzer/Mary Phillips/CeCelia Ibson Lee Street (running from Lambert Drive to Crane Avenue)

This request is a petition to vacate an unimproved section of Lee Street running from Lambert Drive to Crane Avenue (See Figures 1 & 2). This particular section lies between 4980 Lee Street, 4990 Lee Street, and 15317 Lambert Drive (See Figures 3-5). The intent for the request is to allow for the private use of the land for the petitioners and to address the structural encroachments into the right-of-way.

The northeast corner of the house, a portion of the concrete patio, a part of the northerly deck, and the vinyl fence at 15317 Lambert Street encroach into the platted right-of-way of Lee Street (See Figures 6 & 7). The requested vacation would mostly take care of the structural encroachments; however, the section of the vinyl fence will slightly encroach into the right-of-way of Crane Street.

CLTel has provided comment and a map noting fiber lines that run through the proposed area to be vacated. A couple other fiber lines have also been noted on the plat. Other area utilities have been afforded opportunity to provide comment. Any comments received will be shared with the Commission at the hearing. The noted utility lines do not largely affect the status of the land itself but should be noted for the potential property owners.

The County Engineer's Office states the roads department has no concerns with vacating the public access and supports the request. The office was aware of the situation and has never maintained this section of right-of-way.

The standard established under Iowa Code 354.23 to vacate platted public right-of-way is the governing body must establish that there is no public benefit to the right-of-way. The County has never maintained this section of right-of-way and does not foresee any possible public use for it. There are no foreseeable reasons that conveying this land into real property will be a detriment to the public. It seems that formally bringing the structural encroachments out of a platted right-of-way would in fact be beneficial to the public. As a result, staff recommends the petition be forwarded to the Board of Supervisors for approval.

2. Five Star Cooperative north of 17030 (SE¼, Section 7, Clear Lake Township)

Five Star Cooperative is requesting to rezone the 16.79 acres indicated on the plat of survey in your packets from A-1 Agricultural to M-1 Light Industrial. It is located in the SE¼, Section 7, Clear Lake Township, about ½-mile north of Ventura city limits. The site currently has several grain bins and an outdoor storage piling area with grain leg and is otherwise in agricultural production (See Figures 1-3). All of the existing structures are planned to be removed as a part of the facility. The machine shed and small outbuilding south of the grain bins will remain with the surrounding farm fields and operation (See Figures 4 & 5).

The Cooperative states it intends to transfer much of its facilities in Ventura to this site over time, as the facility does not present great opportunity for future expansion—particularly in the dense, landlocked location they currently occupy. The initial project will include one dry grain bin, one wet grain bin, grain leg, corn dryer, and truck scale. The dry grain bin will be 105 feet in diameter and 125 feet tall. The wet bin will be 60 feet in diameter and also 125 feet tall. At their apex, the grain leg and tower will be about 160 feet tall. The site plan shows an on-site area for grain trucks to wait to unload. On the included site plan, the Cooperative has future plans for a large storage building and several dry bins that may be added in the future. According to the Cooperative, there would be about 150 trucks accessing the site in a 24-hour period during peak times in the fall. The site is about ½-mile north of the city limits of Ventura on Balsam Avenue, which is a paved road.

There are five rural dwellings within about ½-mile from the site. The closest rural dwelling is about 1/8-mile (650 feet) south of the site (1951 260th Street) (See Figure 6). There are two dwellings about ¼-mile to the west (1678-A 260th Street and 1678-B 260th Street) (See Figure 7). At a similar distance, there is also a dwelling to the north (17546 Balsam Avenue) (See Figure 9). The other house that is about ½-mile to the east from the site is vacant (2504 260th Street) (See Figure 9). The Cooperative has told me that they are willing to agree to a Conditional Zoning Agreement as a part of the rezoning to mitigate potential impacts of the proposed development. A draft copy of the agreement has been included with your packets.

The property lies adjacent to the coordination/cooperation area north of Ventura as designated by the comprehensive plan. The Future Land Use Map in the comprehensive plan does not designate specific areas for future industrial development. Policy 6.1.8 states that industrial development would be allowed if subject to the criteria listed in the other policy statements. Rather than restating the goal, objective, and policies in the Industrial Development element of the comprehensive plan, a copy of pages 75 and 76 are included in the packet.

The overall goal of the Industrial Development element encourages new development to “be limited to uses that demonstrate a reliance on inputs from agricultural operations or provide market outputs for agricultural production.” A grain storage facility generally fits that description. However, the goal also states that, “those industrial uses that could be located either inside or outside of an incorporated community ... should be located within an incorporated municipality or within a coordination/cooperation area.” This type of facility is normally located inside a city or unincorporated community. The site is adjacent to the coordination/cooperation area. The Cooperative states it is in need of expansion within the city of Ventura but that they are landlocked with limited options in a fairly dense location for a type of development that needs less density.

Policy 6.1.1 discourages industrial development that would present a conflict with or pose a danger to dense development. The loading and unloading of grain can be noisy and create dust. In addition, there is a slight risk of explosion with grain storage. These impacts are undesirable in densely developed areas. There are no dwellings in the immediate vicinity of the proposed project area—the closest rural dwellings being 1/8-mile to about 1/2-mile from the proposed project site. The property has been used for outdoor grain storage since about 2006, which has a similar visual impact to the proposed use (See Figure 2). There is also agricultural-service industrial development about 1/2-mile to the south.

Policy 6.1.2 infers that industrial development that is in proximity to necessary infrastructure and to a supplier or customer base is permissible. The proposed location requires limited infrastructure – electricity service and a means of access. This site will provide both. The proposed access is from Balsam Avenue (County Road S-14), which is paved and is located near US Highway 18.

Policy 6.1.3 provides a list of criteria that industrial development must meet in order to be permissible. The current site has been used for outdoor grain storage since 2006, and there is also agricultural-service industrial development about 1/2-mile to the south. Also, the Cooperative’s Ventura site lacks sufficient (Policy 6.1.5). The Cooperative plans to have well and wastewater. CG Public Health noted the requirements for well and septic permits for new systems. The site is located on a paved road (County Road S-14) near US Highway 18. All of the nearby dwellings, except the one to the north at 17546 Balsam Avenue, have at least partial vegetation strips that would help to screen the proposed use (See Figures 6 & 10-12). The installation of vegetative buffering can be made a condition of the Conditional Zoning Agreement. Variances for height may be granted for the structures at the Board of Adjustment’s discretion.

Policy 6.1.4 directs that the criteria used for evaluating proposed special uses be employed when considering requests to rezone property to an industrial classification. The packet on this request includes a supplement applying the criteria to the proposed rezoning.

Policy 6.1.6 encourages that industrial development be required to contribute in any rural improvements needed to support the location of the development. It is possible that turning lanes would be needed, particularly if the Cooperative decides to expand the use in the future. Such

improvements could include a left turn lane into the site for northbound traffic on Balsam Avenue and a right turn lane into the site for southbound traffic. However, the County Engineer's Office's biggest concern is the potential for trucks being backed up on the county road waiting to enter the facility; the office does not want to see issues with trucks having to wait on the shoulder of S-14. Based on the site plan, it appears there will be plenty of space for staging trucks onsite, so this will not likely become an issue. This can be made a condition of the Conditional Zoning Agreement. Any improvements or work in the right-of-way will require a work in the right-of-way permit from the County Engineer's Office.

Finally, Policy 6.1.7 encourages the protection of known mineral and aggregate extraction areas. There are no known areas in proximity to this site.

Two driveways are proposed for ingress and egress from Balsam Avenue (County Road S-14), so no access issues would be created from the facility. The farm field around the site will continue to be accessible to the south of the site.

There are several issues with this request that must be addressed. The first is the scale of the bins compared to surrounding development. The existing grain leg for the temporary outdoor grain storage facility is about 100' tall (See Figure 2). This has been located at the site for about 15 years. The two 125-foot tall bins (1 wet, 1 dry) and 160' grain legs will arguably be less visually impactful due to less width and character of the agricultural structures in the vicinity. The visual impact will grow as more grain bins are added. There are few locations in the county with structures of this height. For this reason, the applicant making a commitment to adhere to the buffering requirements of the Zoning Ordinance and as a condition of the Conditional Zoning Agreement is necessary. Alternatively, the Board of Adjustment could include vegetative buffering as a condition for any future height variances granted for the structures. A vegetative buffer, particularly along non-street property lines, would help give the site a human scale. It would also assist in absorbing noise and containing dust generated on the site.

Aside from the size of the proposed development, the addition of up to 150 trucks each day turning into and coming out of the site during peak times could significantly impede the flow of traffic along S-14. S-14 currently carries 1270 vehicles per day on average. The Cooperative intends to stage trucks onsite off of the public roadway, which addresses the concerns of the County Engineer's Office of trucks getting backed up on S-14 and can be made a condition of the Conditional Zoning Agreement. The County Engineer stated that the office reserves the right to require the installation of turning lanes at the Cooperative's cost, if necessary, for safety. Turning truck traffic signs will likely be posted near the property.

The site sits immediately adjacent to the Northern Natural Gas pipeline. The Pipeline and Hazardous Materials Safety Administration has been contacted to note any information or federal requirements that the Cooperative may be subject to for construction near a gas pipeline. Any comments and information received will be shared with the Commission and the Cooperative if received.

The site sits within a public drainage district, Drainage District 40. The district trustees commented that they would not like to see any drainage tile incorporated into the retention pond. Based on the county GIS system, the proposed retention pond location has no tile close enough to be impacted. Additionally, since the proposed retention pond location is currently in agricultural production, there will likely be federal permitting requirements. The local Natural Resources Conservation Service office has been provided the opportunity to comment. Any comments received will be shared with the Commission.

The site appears to be an appropriate industrial development with similar development occurring already onsite and agricultural-service oriented industrial development about ½-mile to the south. Well and septic facilities will be installed but will have to meet all requirements of CG Public Health. The site is located on a paved road appropriate for the type of traffic serving the facility. And potential concerns can be alleviated via a Conditional Zoning Agreement. Staff recommends that the Commission forward the request to the Board of Supervisors for approval contingent to signing a Conditional Zoning Agreement with the County prior to the hearing.

3. Dale and Lana Schaefer 8730 Partridge Avenue (NE¼, Section 28, Bath Township)

This 2.57-acre parcel is located in the NE¼ of Section 28, Bath Township. The applicant proposes to split the farmland from the building site. Since it is less than 10 acres, a rezoning from A-1 Agriculture to A-2 Agriculture is being requested.

The property contains a house, a machine shed, and five grain bins (See Figures 1-3). The house is 47.3' from the front lot line. A 50' front yard setback is required in the A-2 District (See Figure 4).

The parcel is surrounded by fields in agricultural production. There is an existing access to the farm field via 180th Street north of the acreage.

The rezoning request is in general compliance with the comprehensive plan: it is an existing building site, no agricultural land will be taken out of production, and there are no access issues. I recommend the request be forwarded to the Board of Supervisors for approval with the non-conforming structure noted.