

Cerro Gordo County Planning & Zoning Staff Report

SPECIAL USE

Case No.: 22-9	Date of Application: February 16, 2022
Use Request: 20.2(II) Agricultural and Neighborhood Commercial Business	Owner: ProAg Solutions, LLC
Current Zoning: A-1 Agricultural	Petitioner: ProAg Solutions, LLC
Address: not assigned	Size of Special Use: 52,000 square foot building
Legal: 10 acre parcel in the NW¼ of the NW¼, Section 17, Clear Lake Township	Size of Parcel: 10 acres
	Hearing Date: March 29, 2022

BACKGROUND INFORMATION:

1) PURPOSE OF SPECIAL USE REQUEST -

ProAg Solutions, LLC (ProAg) proposes to relocate their existing business, currently located about ¼-mile to the south at 16515 Balsam Avenue, to the subject property (See Figure 1). ProAg operates a commercial agricultural seeds and chemicals sales and services business. The business is being required to leave its current location and needs a new site to conduct operations. ProAg has recently taken ownership of the subject parcel.

2) EXISTING LAND USE AND ZONING CLASSIFICATION OF PROPERTY –

The parcel is zoned A-1 Agricultural. The property has been out of agricultural production for about half of a year and is currently vacant. Site prep work has already taken place for the proposed building.

3) LAND USE AND ZONING CLASSIFICATION OF SURROUNDING PROPERTY -

All surrounding property is zoned A-1 Agricultural and mostly in agricultural production. The parcel to the south is used as a horse pasture. There is a residence, owned by JoAnne Winkelman, just over 1000 feet to the northwest from the building in which the proposed business will take place.

There is an existing industrial zoning district, zoned M-1 Light Industrial and ProAg's current location, located about ¼-mile to the south. It is anticipated this will continue to be used as an industrial location after ProAg moves. There is a second light industrial property about ¼-mile to the north as well, which is currently being constructed for commercial scale grain storage for Five Star Cooperative.

GENERAL FINDINGS:

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

The intent of the Zoning Ordinance is to provide for the public health, safety, morals, comfort, and general welfare; conserve property values and encourage the most appropriate use of land; provide for the orderly planned use of land resources; and facilitate adequate and economical provisions for public improvements. The property sits within the joint cooperation area within the urban fringe area north of the city of Ventura, about ½-mile north of the city limits. The north end of Ventura and the immediate zoning north of the city is composed of light industrial uses. With the construction of Five Star Cooperative's new commercial grain storage facility to the north, this stretch of Balsam Avenue is developing into a light industrial corridor. The proposed special use would continue

this pattern of development and would be consistent with the progressing development in the area. The city of Ventura has made comment that the proposed special use does not present a concern to the city.

The intent of the A-1 Agricultural District is to accommodate agricultural uses that are designed to permit the continued use of such land for agricultural purposes. However, agricultural and neighborhood commercial businesses are allowed in A-1 and A-2 districts, subject to a Special Use Permit being approved by the Board of Adjustment. The subject business is specifically for the purpose of serving the local agricultural community.

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

The proposed building will be approximately 52,000 square feet in size, which will be used for warehousing of agricultural products and service operations. This will be roughly similar in character and similar in size as the existing building in which they operate (See Figure 2).

The general vicinity within about ½-mile of the property is a mix of agricultural and light industrial uses related to agricultural services. The corridor has slowly industrialized over the past several decades, so the proposed special use would be consistent with that trend.

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

The proposed business will have similar visual impact to the current building in which ProAg operates (See Figure 2). There is one residence about 1000' to the northwest of the property. There is a significant vegetative visual buffer along the east and south of the house, so this will significantly mitigate the visual impact from the proposed special. Further vegetative buffers along the north side of the building would provide further visual mitigation for the area as a whole.

Balsam Avenue carries approximately 1,270 vehicles on average per day. ProAg is relocating its business about ¼-mile north along the same segment of road, so no new traffic is expected as a result of the facility.

Other impacts such as noise, glare, smoke, and other impacts are similar as ProAg's current facility, as again, there will be no change in use as the current facility.

Perhaps the largest impact is on farmland. The property has not been farmed for over 6 months in anticipation of the move of the facility and currently sits vacant (See Figure 1). No farmland is arguably being taken out of production since it has already been taken out of production, even though it was pre-planned for this future facility. This will be discussed further in the section regarding the county Comprehensive Plan.

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

Balsam Avenue carries approximately 1,270 vehicles on average per day. It is paved and in sufficient condition to handle the anticipated truck traffic. No additional traffic is anticipated as a result of the location move.

Law enforcement protection is provided by the Cerro Gordo County Sheriff's Department. Fire protection is provided by the Ventura Fire Department. There should not be a substantial increase in demand for either service.

There are no floodplains on the property. The special use is located in Drainage District 16. The County Auditor has been provided an opportunity to comment on the proposed special use regarding any potential impact to public drainage infrastructure. Review of potential impact may be required as a result of the new building. Any comment received will be shared with the Board.

ProAg is responsible for its own refuse disposal. The use will have no impact on schools.

New well and wastewater facilities will be needed for the new building. A permit through CG Public Health will be required. If the special use meets certain thresholds, the special use may qualify as a public water supply, and if it does, a public water supply permit will be required through the Iowa DNR in place of the local well permit. It will be the applicant's responsibility to receive the necessary permits for such facilities.

5) PUBLIC COST FOR ADDITIONAL PUBLIC FACILITIES AND SERVICES -

There should be no cost to the public as a result of the proposed use.

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

Ultimately, any potential detriments are those impacts that are similar to ProAg's current operations discussed in Section 3 above.

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

The proposed use is generally mixed with the intent of the purpose of the Zoning District. Taking ag-land out of production for a large warehouse is generally not a use compatible in the A-1 zoning district. However, an agricultural and commercial neighborhood business is permitted in the district with a Special Use Permit if it is appropriately located.

8) COMPATIBILITY WITH COUNTY COMPREHENSIVE PLAN -

The objectives and policies of the county's Comprehensive Plan that pertain to this type of use can be summarized as follows:

- Non-farm uses should be limited to areas of poor or marginal soil in order to preserve productive soils.
- Non-farm development should be placed where it will be least disruptive to and will not hinder agricultural operations.
- Non-farm uses should be designed to blend in with the natural character of the land.
- Agricultural areas with a CSR of 70 or above should be preserved.
- Environmentally sensitive areas should be set aside and protected from development to prevent degradation.
- Rural commercial development should be limited to businesses providing services and goods to agricultural operations, otherwise, such uses should be located in municipalities.
- Agricultural service businesses may be located in rural areas if they serve the local agricultural community if compatible with adjacent land uses.
- When permitted, require proposed industrial development to locate in areas where other industries exist, particularly near major transportation routes and existing services exist.
- The Future Land Use Map shows the property within the joint cooperative area on the urban fringe of the city of Ventura.

In general, the proposed use appears to have a mix of support from the Comprehensive Plan, though mostly in support. The property has not been in agricultural production for about six months but was taken out of production for the purpose of the proposed special use. The whole property has soils of 76 CSR or greater, which is considered highly productive. The proposed building/special use will take up about one acre of land, and there will be additional parking, driveways, and storage areas around the facility. The remainder of the land will go back into agricultural production.

The property is located within the Environmental Resource Overlay District, which restrict any soil absorption system for wastewater to one per every 10 acres. This requirement is met and does not degrade any environmentally sensitive areas. The Clear Lake Sanitary District has been afforded the opportunity to comment. Any comments received will be shared with the Board.

The business serves the local agricultural community with the sale of agricultural seeds and chemicals along with agricultural services. The special use requires warehouse space and large facilities that are not appropriate for dense areas, so the Comprehensive Plan supports the location of such businesses in appropriate areas. The property is along paved county road near US Highway 18, which is appropriate for semi-truck traffic that serves the business. Additionally, the property is within the urban fringe area north of Ventura, which can be appropriate for such development if supported if it is within the character of the area or supported by area plans or other factors. While there is no specific area plans, the general area has nearby light industrial uses that serve the agricultural community, including ProAg's current location to the south and Five Star's commercial grain storage facility to the north that is currently being expanded. Generally, this would support this location for further development of similar uses.

It is difficult to blend such large facilities into the natural environment, but the requirement for vegetative buffering will aid in mitigating the visual impact of the special use. This should be made a requirement of the permit.

COMPLIANCE WITH ADDITIONAL ARTICLE 20 REQUIREMENTS:

Staff comments are in bold below. Additional requirements for the special use requested are as follows:

20.2 SPECIAL USES

- II. Agricultural and neighborhood commercial businesses, provided a buffer zone of at least fifty (50) feet is established between the commercial building's associated work area, and the property lines. **The special use will be at least 50' from all property lines.** Such buffer areas will include any combination of earthen berms, trees, shrubs and bushes, and solid fences to develop compatibility with the adjoining property owners. **There is existing vegetation along the south property line. There is no vegetative buffer along the north or east side property lines. At a minimum, providing a vegetative buffer along the north property line should be made a condition of the permit.** No more than one (1) acre of cultivated farm land can be converted to the new commercial use. **The land is not currently in agricultural production and has not been for over six months. However, it was taken out of production in planning for the proposed special use. The building and special use itself is about one acre in size, so anything additional is negligible. Arguably, the spirit of this requirement has been met.** A-1 and A-2 Districts. **The property is zoned A-1 Agricultural.**

ZONING DISTRICT REQUIREMENTS:

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

The property is zoned A-1 Agricultural.

- Minimum parcel size is 10 acres. **The parcel on which the special use is proposed is 10 acres in size.**
- 7.5 Height Regulations. No building hereafter erected or structurally altered shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet. **The building does not exceed 35' in height.**
- 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.**All setback requirements will be met.**

STATUTORY REQUIREMENTS:

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

- DNR – Public Water Supply Permit, if applicable
- CG Public Health – Well Permit, if applicable
- CG Public Health – Septic Permit
- County Engineer – Driveway Permit for second driveway north of the existing one

- County Auditor – Public Drainage District impact review, if applicable
- DOT regulations, if any

STAFF ANALYSIS AND RECOMMENDED ACTION:

ProAg’s proposed operations are intended to be a continuation of the current business occurring approximately ¼-mile to the south. The business is being required by its current landlord to leave the current location within the next several months. The special use will have similar impact as it currently does, so it is not expected to have significantly more impact than it already does. There should be no change in traffic, and Balsam Avenue is paved and already equipped to handle heavy truck traffic. Any potential noise, dust, smoke, glare, or other impacts will be mitigated due to the special use occurring within an enclosed building.

The Comprehensive Plan has mixed support for the proposed special use, but probably leans toward support of the proposal. Several acres of highly productive farmland have been taken out of production in anticipation of moving the business, which is generally discouraged by the plan. However, the business serves the local agricultural community, and the plan permits locating large facilities in appropriate locations. The property sits in the urban fringe north of Clear Lake with nearby light industrial properties. It is on a main thoroughfare that is already designed to handle the current traffic and could potentially have services extended to it in the future. Required vegetation along the north property line would help to mitigate some of the visual impact over time for the nearby residence to the northwest. The Board would be justified to approve the request subject to the below conditions.

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 agricultural-commercial neighborhood business 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 upon notification to the permit holder for the purposes of enforcing the provisions of this Special Use Permit.
6. This Special Use Permit is granted solely to ProAg Solutions, LLC , and any successors and assigns or future owners of the property so long as it is used as an agricultural and commercial neighborhood business. Any change of use of the property shall require a Zoning Permit to verify compliance with the county Zoning Ordinance.
7. Any other necessary permits or licenses required by federal, state, and local agencies including, but not limited to, the Iowa Department of Natural Resources or Iowa Department of Transportation shall be obtained by the applicant and current copies placed on file with the Zoning Administrator.

8. The site plan and operator's statement is hereby adopted as presented and the applicant shall adhere to said site plan. The Zoning Administrator is empowered to review and act on Zoning Permit Applications for the alteration or enlargement of the existing building or additional buildings related to the special use. The Board of Adjustment shall have the right to review any proposed change in or expanded use of the property.
9. A Zoning Permit Application shall be completed and a Zoning Permit issued prior to any new construction on the site related to the special use.
10. The applicant shall install and maintain a buffer along the north side of the special use to screen the use as required by Article 20.2(II) of the Zoning Ordinance. A similar buffer shall be installed and maintained, as applicable, along the south property line of the property. No such buffer shall be required along the front or rear side of the property.
11. One sign, no larger than 32 square feet in size, advertising the business may be placed on the premises without a sign permit. Said sign shall not be illuminated and shall be a minimum of 25' from the right-of-way of Balsam Avenue and otherwise meet the required side and rear yard setbacks of the A-1 District.
12. All matters, except for parking and loading and unloading facilities, associated with the special use shall be conducted within the enclosed building.
13. The applicant shall adhere to the requirements of CG Public Health and the Iowa DNR for well and wastewater facilities.
14. The applicant shall adhere to all requirements and procedures of the Cerro Gordo County Auditor's Office and Iowa Code 468 pertaining to public drainage districts. Any damage to any public drainage facilities caused by the construction or operations of the special use shall be repaired at the expense of the applicant.

QUESTIONS & COMMENTS:

*Proposed motion for **approval** of 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 placement of an agricultural-commercial neighborhood business, and further, that the grant of the application be made effective immediately and on the condition that ProAg Solutions, LLC shall perform all operations under the application under the specific direction of the Cerro Gordo County Zoning Administrator, consistent 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
Planning and Zoning Administrator
Final Draft Date: March 17, 2022

Figure 1

Looking at the proposed site for ProAg's business



March 14, 2022, J. Robbins

Figure 2

Looking at the existing facility in which ProAg currently operates about ¼-mile south of the subject property



March 14, 2022, J. Robbins

APPLICATION/APPEAL FORM

[For Completion by All Applicants]

Date 1-13-22

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), ProAg Solutions LLC
(NAME)

OF 16515 Balsam Ave Ventura, IA 50482
(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 17 of Clear Lake Township.

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

District Maps. Legal description of the property is: north half of north west

qtr. section 17
17-96N-22W

I am the Owner Contract Purchaser Other (Explain) will be
owner of the property affected.

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

build Storage warehouse for seed and
Chemical.

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



OFFICE USE ONLY

Date Filed 2/14/22

Case Number 22-9

Date Set for Hearing 3/29/22

Fee Paid \$300

Application/Appeal was Granted

Denied

Tabled

To Whom it May Concern:

Our building will be used to store and distribute agriculture chemical and seed.

Our building will not change character of the neighborhood, traffic conditions, public utility facilities, public safety, public health and general welfare as we are just moving .25 miles north of current location.

Sincerely,



Jeff Brakke

ProAg Solutions LLC

President

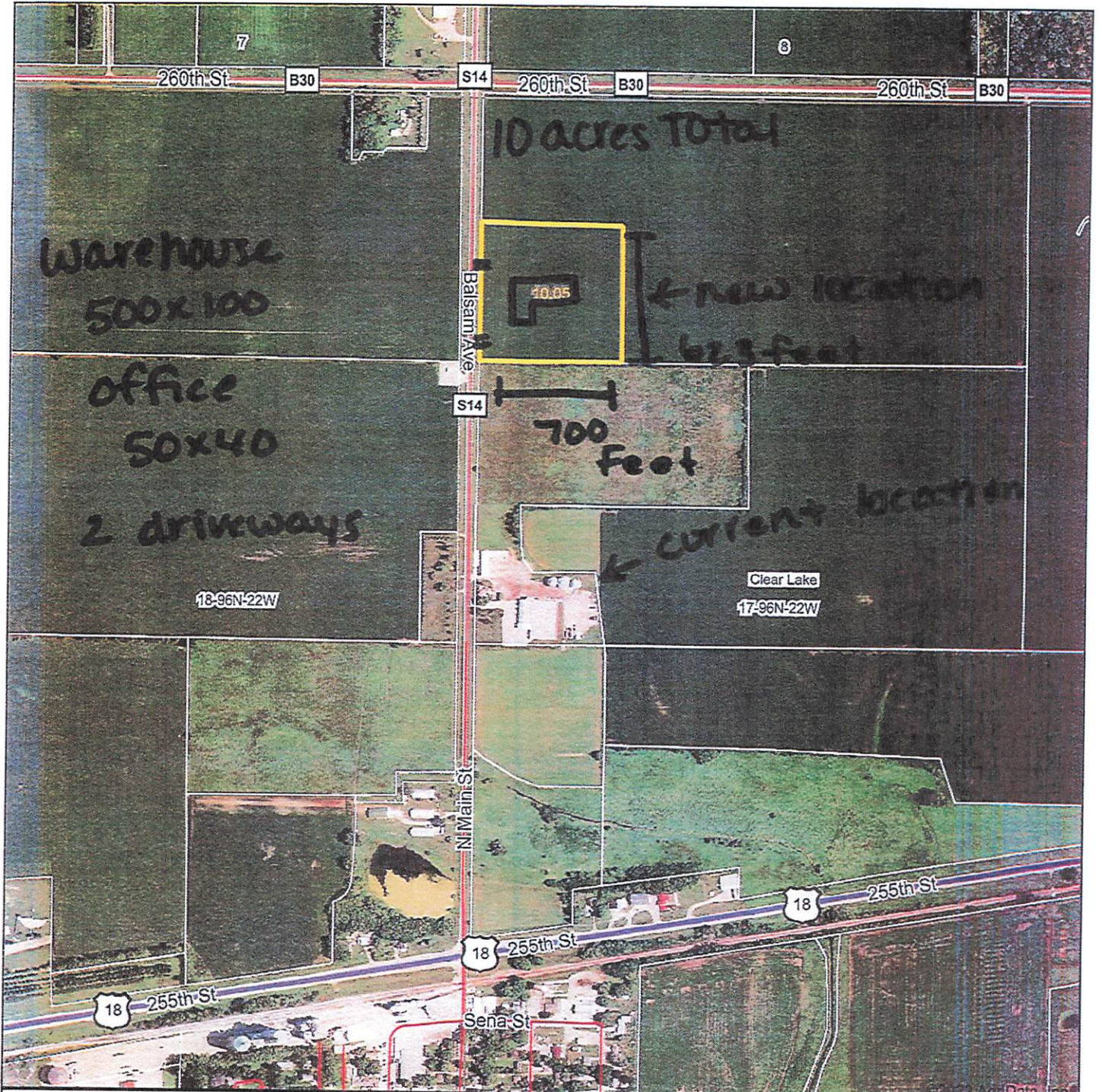
16515 Balsam Ave

Ventura, IA 50482

"Bringing Profitable Solutions To Your Fields"

16515 Balsam Avenue • Ventura, Iowa 50482
641-829-3000 • www.proagsolutions.net

Aerial Map



Map Center: 43° 8' 5.93, -93° 28' 34.84

0ft 733ft 1465ft

PROAG
solutions, LLC

17-96N-22W
Cerro Gordo County
Iowa



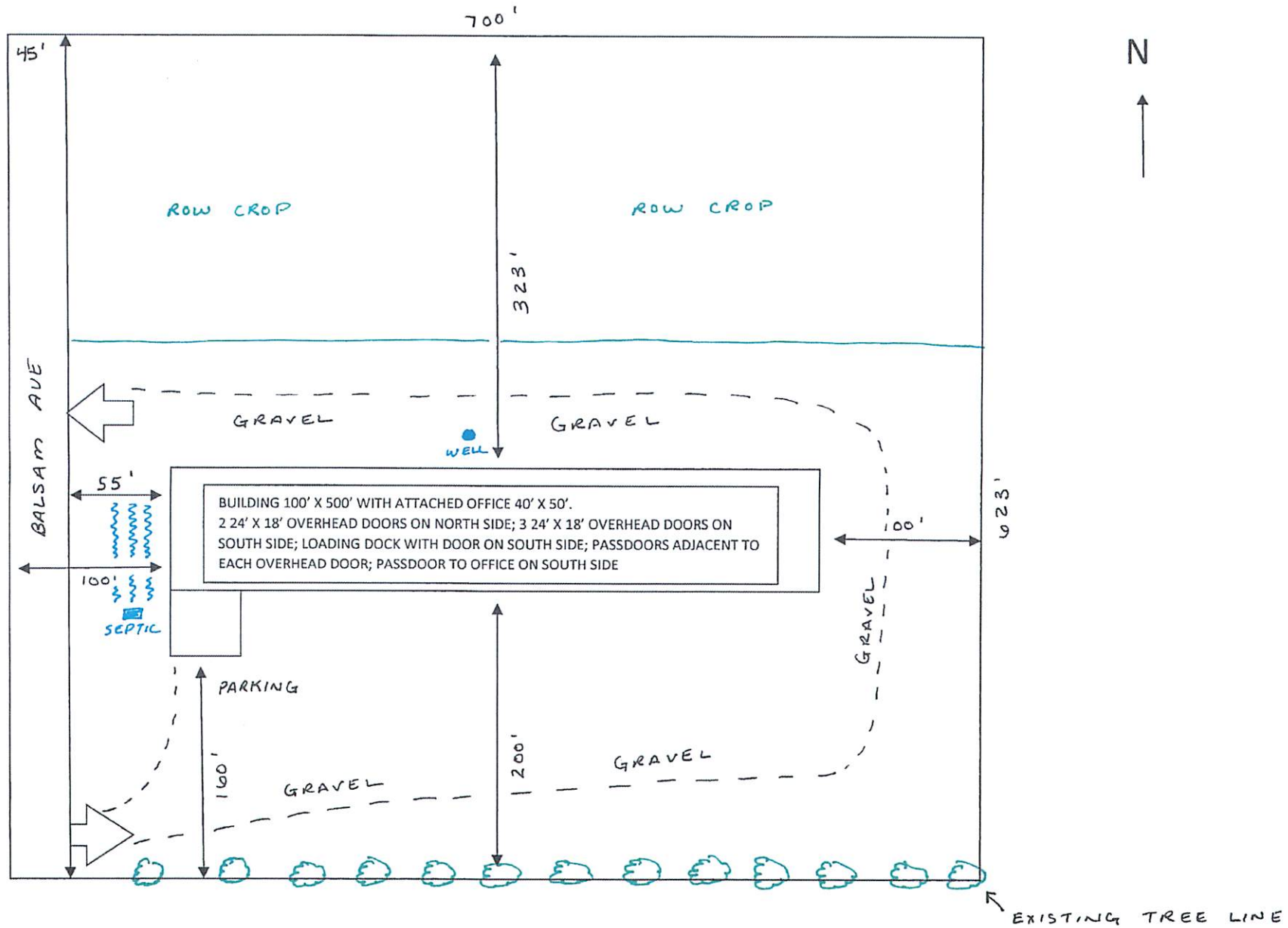
1/13/2022

Maps Provided By



© AgriData, Inc 2021 www.AgrDataInc.com

Field borders provided by Farm Service Agency as of 5/21/2008



260TH ST

CH B30 260TH ST

CH S14 BALSAM AVE





PUBLIC HEALTH

healthier together

DATE: March 10, 2022

TO: John Robbins, Cerro Gordo County Planning and Zoning

FROM: Daniel Ries, Senior Environmental Health Specialist

SUBJECT: Special Use Permit for ProAg Solutions LLC (Sec 17, Clear Lake Township)

This memorandum is to provide comments related to the proposed **Special Use Permit for ProAg Solutions LLC to be** located in Section 17 of Clear Lake Township on Balsam Avenue about ¼ mile north of their current location. The main concerns from the perspective of the Cerro Gordo County Department of Public Health Environmental Health Division are the proper disposal of wastewater, safe drinking water, and solid waste disposal.

Water Supply

There is not an existing well on the property; so, a new well will have to be drilled. The owner or their agent shall fill out a **Questionnaire to Determine Public Water Supply Status** form to determine if it will be a public water supply. It is unlikely that the property will meet the threshold of a public water supply, but if it does, the owners would be obligated to get a public water supply permit to drill a new well. The construction permit would be obtained through the Iowa Department of Natural Resources. "*Public water supply*" means a system for the provision to the public of piped water for human consumption, if such a system has at least 15 service connections or regularly serves an average of at least **25 individuals daily at least 60 days out of the year**. The 25 individuals refer to both employees and visitors/customer/truck drivers.

If it is determined to be a private well; the well permit would be issued by our office.

Waste-Water Disposal System

Development of an office or other structures with restrooms, hand washing sinks, locker room, etc. will necessitate a septic system. Our department will work with the owner to assure the installation of the septic system is done in accordance with CERRO GORDO COUNTY ORDINANCE #27B PRIVATE SEWAGE DISPOSAL SYSTEMS. A permit is required prior to installation.

Solid Waste Disposal

The venue must have adequate dumpsters or trash receptacles to accommodate the trash produced on site. The receptacles should be vermin-proof and weather-proof and be dumped at frequent intervals to prevent the attraction of vermin and to eliminate overflow and subsequent blowing of trash onto the property or neighboring properties.

Cc: Jodi Willemsen, Cerro Gordo County Department of Public Health