



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.: 23-20

Hearing Date: August 29, 2023

Staff Contact: Michelle Rush, Zoning Assistant

Applicant

Marcus Construction/Jason Freidichs
2580 Highway 12 East
Willmar, MN 56288

Owner

Five Star Cooperative
1949 N Linn Avenue
New Hampton, IA 50659

Property Address: Not assigned (Parcel No. 10-12-151-002-00)

Brief Legal Description: Tract in the SW¼ of the NW¼, Section 12, Mount Vernon Township

Zoning: M-1 Light Industrial

Background

Marcus Construction, on behalf of Five Star Cooperative, proposes to construct a peak 81'-tall elevator/tower to be attached to the permitted dry fertilizer warehouse that is currently under construction (See Figure 1). The purpose of the elevator/tower will be to allow for the ability to gravity-fill farm equipment to improve efficiency of member agricultural operations.

SPECIAL EXCEPTION REQUEST*		
Structure	Request(s)	Requirement(s)
Tower	81' peak height	45' max. district height/height as approved by Board of Adjustment (16.6/6.27-A)

FINDINGS OF FACT

1. Five Star Cooperative is the owner of the subject property.
2. Marcus Construction is applying for special exception on behalf of the owner.
3. The property is zoned M-1 Light Industrial.
4. The proposed elevator/tower is at a peak height of 81'.
5. Section 6.27(A) of the Zoning Ordinance requires the approval of special exception as granted by the Board of Adjustment for the construction of elevators or towers above the maximum height of 45' in the M-1 District.
6. The application was filed on August 7, 2023 with the Planning and Zoning Office.

ANALYSIS

The Board of Adjustment is provided the power to grant special exception under Article 6.27 of the Zoning Ordinance for certain structures proposed above the maximum district height requirement. 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 6.27(C) of the Zoning Ordinance except that elevators or towers above the maximum 45' height for buildings or structures in the M-1 District must have a special exception granted by the county Board of Adjustment. However, the Board may attach such further limitations or conditions as it sees necessary in its findings regarding any approval as granted in its powers under Article 24 of the Zoning Ordinance. There are a couple applicable additional requirements that also 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 required for any other building or structure. The M-1 District has setback requirements of a 50' front yard, 10' side yards, and 30' rear yard. All applicable setback requirements are met as proposed for the elevator/tower.

Conditional Zoning Agreement: The property was rezoned to M-1 Light Industrial in June 2023. The County and Five Star Cooperative entered into a Conditional Zoning Agreement as a part of the rezoning approval (copy included in your packets), which sets certain use, setback, vegetative buffering, and traffic requirements above the minimum zoning standards outlined in the Zoning Ordinance.

The only applicable requirement in the agreement that applies to the proposed elevator/tower is the 100' setback minimum established for buildings. The proposed elevator/tower is located at least 170' from all property lines. Otherwise, the other requirements outlined in the agreement are not directly applicable to this request.

Discussion of Potential Impacts to Immediate Area

Structures at this height have a clear visual impact and are visible from a considerable distance. There are a similarly impactful grain elevator and commercial-scale grain bins operated by the Cooperative on the adjacent property to the east. Under Section 19.2(B) of the Zoning Ordinance, visual buffers are required along the perimeter of industrial properties that abut residential or agricultural districts. Such visual buffers are also required as a part of the previously discussed Conditional Zoning Agreement. As a result, this impact has been sufficiently addressed at the time of rezoning, so additional conditions should not be necessary.

Staff Conclusions and Recommendation

The request appears to meet all applicable ordinance requirements, and potential impacts directly applicable to the elevator/tower itself appear to be addressed. Staff recommends approval as requested.

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 Marcus Construction on behalf of Five Star Cooperative, subject to the following conditions:
 1. All construction shall comply with the site plan submitted with the application.
 2. No construction shall begin until a Zoning Permit has been issued by the Planning and Zoning Office.

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 Marcus Construction on behalf of Five Star Cooperative for the following reasons:
[STATE REASONS FOR DENIAL]

EXHIBITS

- Exhibit 1: Figures
- Exhibit 2: Special Exception Application
- Exhibit 3: Site plan and diagrams
- Exhibit 4: Conditional Zoning Agreement
- Exhibit 5: Aerial photo of site

Figure 1

Looking at the location of the dry fertilizer building under construction and the proposed elevator/tower



August 10, 2023, J. Robbins

Figure 2

Looking at the existing grain elevation and commercial-scale grain bins on the adjacent parcel tot the east



August 10, 2023, J. Robbins

SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 8/7/23

Date Set for Hearing 8/29/23

Case Number: 23-20

Applicant Name: Marcus Construction/Jason Freidrichs Phone: 320 979 5232
E-Mail: J.Freidrichs@marcusconstruction.com

Mailing Address: 2580 Highway 12 East, Willmar MN 56288

Property Owner Name: Five Star Coop/Tony Meyers Phone: 641 512 3598
E-Mail: TMyers@FiveStarCoop.com

Property Owner Address: 1949 N Linn Ave, New Hampton, IA 50659

Property Description (Not to be used on legal documents): Parcel # 101215100200 Township MTVER

Property Address: 11745 2nd St, Rockwell IA 50469 Zoning: _____

Brief Legal Description:
SW NW 12-95-21 W RR EXC TRACT #2 COM SE COR L 5 BLK 13 BURCHINAL S 00°08'22" W 130.33' TH S 31°27'13" W 347.33' TH N 00°08'22" E 426.71' TH N 90°00'00" E 180.57' TO POB

Project Description _____ **Decision Date:** _____
Dry Fertilizer distribution of Fertilizer to support Farming efforts.

Special Exception(s) Requested (As cited on results from denied Zoning Permit Application)
Requesting an exemption on Height restriction – Asking for 81' tower to be installed.

Criteria Justifying Special Exception under Standards for Review (You may add more details in the Additional Information)
The 81 foot tower is being requested in order to serve the farming community efficiently. The 81' tower will be used to fill holding tanks that will sit at an elevation that allows the fertilizer to gravity fill farm equipment. The farming community has small windows of time to perform their operations. This process improves their fertilizer distribution. With out the tower, the dry fertilizer building would not be feasible.

I am the Owner Contract Purchaser Other (Explain) _____ Contractor _____
_____ 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; that the application and plan are true and contain a correct description of the proposed building, lot, work, and use to which the structure is to be placed if a special exception is granted. The Planning & Zoning staff is also given permission to enter the above property in reviewing this Application.

Applicant Signature Jason Freidrichs Digitally signed by Jason Freidrichs
DN: c=US, E=J.Freidrichs@marcusconstruction.com,
O=Marcus Construction, CN=Jason Freidrichs
Date: 2023.08.09 10:51:00-0500 Date _____

SPECIAL EXCEPTION APPEAL

ADDITIONAL INFORMATION

Please provide any additional details below needed to fully address the standards for review and any potential impacts to the immediate vicinity that may directly result from the special exception requested.

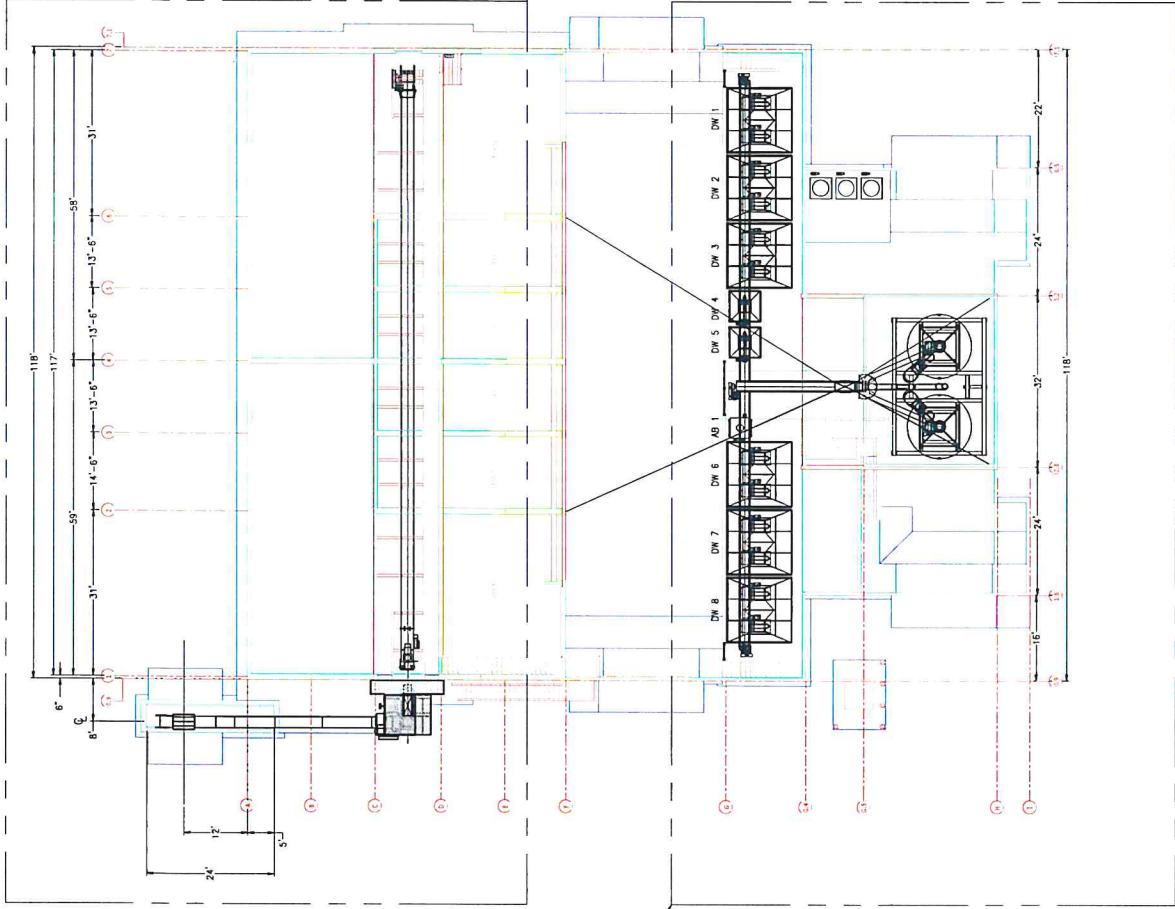
Attached:

- site drawing that locates tower location
- Tower Drawing

8 7 6 5 4 3 2 1

- NOTES:
1. THIS DRAWING SHALL BE INTERPRETED IN ACCORDANCE WITH ASME Y14.100-2013, DIMENSIONS AND TOLERANCES IN DECIMALS INCHES, AND ASME Y14.5-2009.
 2. SITE LOCATION: BURCHINAL, IA.

REV#	DESCRIPTION	DATE	NAME
1	PRELIMINARY DRAWING RELEASED	02/09/2023	ESL
2	INSERTED NEWLY PROVIDED BLDG.	02/23/2023	ESL
3	UPDATED USING E0100(2023-03-03)	03/07/2023	ESL
4	ADDED 02" WVC CALLOUTS FOR BU-01 AND BU-02	06/14/2023	ALD
4	BU-02 WAS 7'7" TALL	06/14/2023	ALD
4	INSERTED 20230615 MARCUS DRAWINGS	06/29/2023	ESL
5	ADJUSTMENTS PER JAMIE AND JIM	06/29/2023	ESL
6	REVISIONS PER TEAMS MEETING	06/29/2023	ESL
7	CHANGED REC VALVE TO CRUIFF/DIST TO 12"	06/29/2023	ESL



SEE PAGE 1.1 FOR RECEIVING EQUIPMENT DETAILS

SEE PAGE 1.2 FOR BLENDING/LOAD OUT EQUIPMENT DETAILS

ALL DIMENSIONS SHOWN ARE APPROXIMATE AND DICTATED BY SITE CONDITIONS UNLESS OTHERWISE INDICATED

THIRD ANGLE PROJECTION

RANCO FERTISERVICE INC.
 FIVE STAR COOP
 BURCHINAL, IA

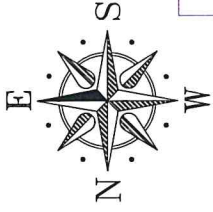
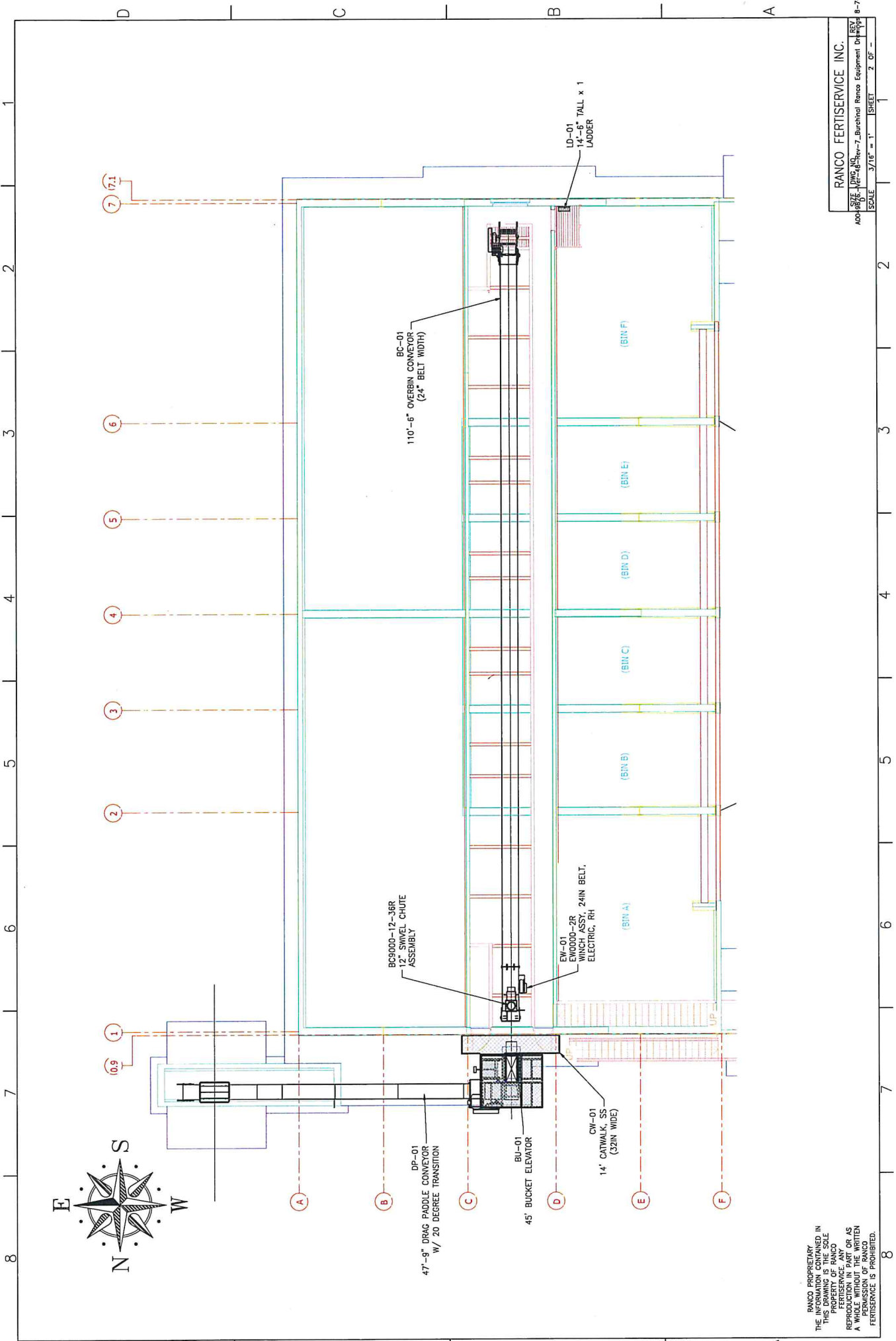
DATE: 06/29/2023
 DRAWN BY: J. LAMARCA
 CHECKED BY: J. LAMARCA
 PROJECT: FIVE STAR COOP
 SHEET: 1 OF 4

REV#	DESCRIPTION	DATE	NAME
1	ISSUED FOR PERMIT	06/29/2023	ESL

PLAN VIEW

APPROXIMATE DIMENSIONS SHOWN

RANCO PROPRIETARY
 THIS DRAWING IS THE SOLE
 PROPERTY OF RANCO
 FERTISERVICE ANY OR AS
 REPRODUCED OR USED IN
 ANY MANNER WITHOUT THE WRITTEN
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 FERTISERVICE IS PROHIBITED.



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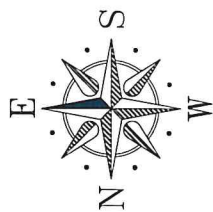
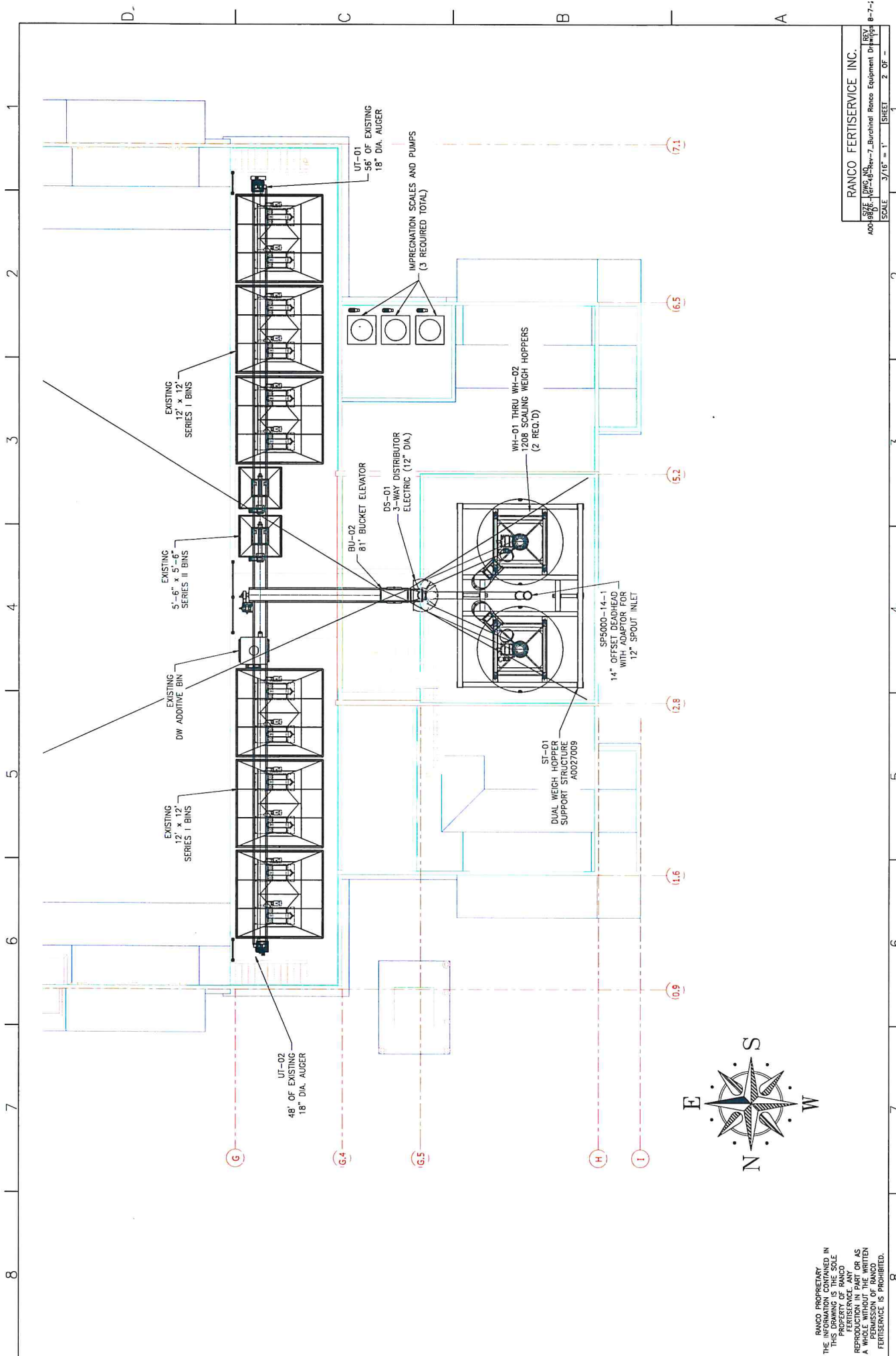
10.9 1 2 3 4 5 6 7 7.1

A B C D E F

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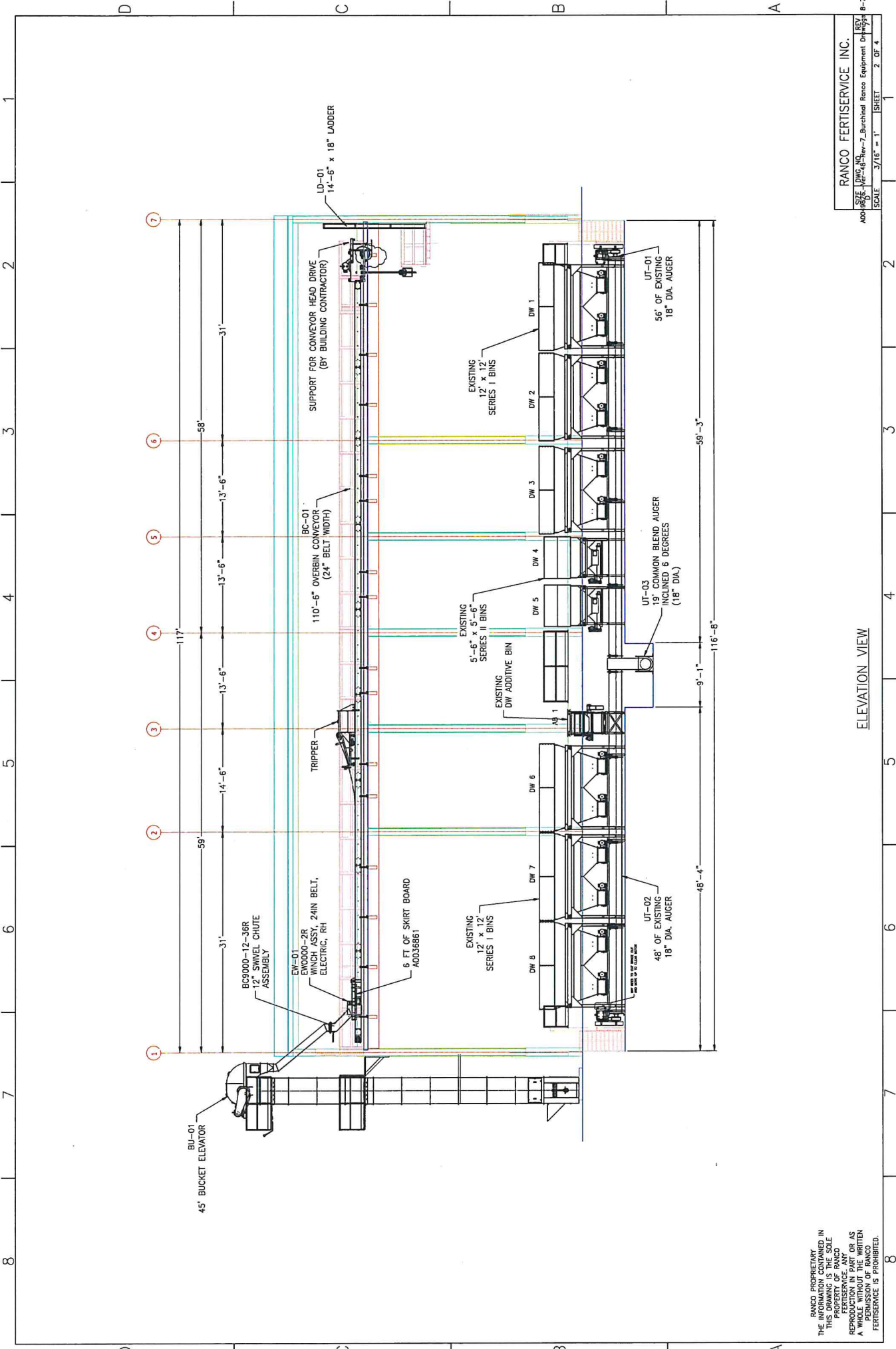
RANCO FERTISERVICE INC.
 ADD: 15715 - 10th Street - 7 Burchinal Ranco Equipment Dr. #100
 SCALE: 3/16" = 1' SHEET: 2 OF 2
 8-7-2

1 2 3 4 5 6 7 8



RANCO FERTISERVICE INC.
 SITE: DWG NO. A0027009-Rev-7_Burchinal Ranco Equipment Drawings
 A00-18376-1
 SCALE: 3/16" = 1' SHEET: 2 OF 2

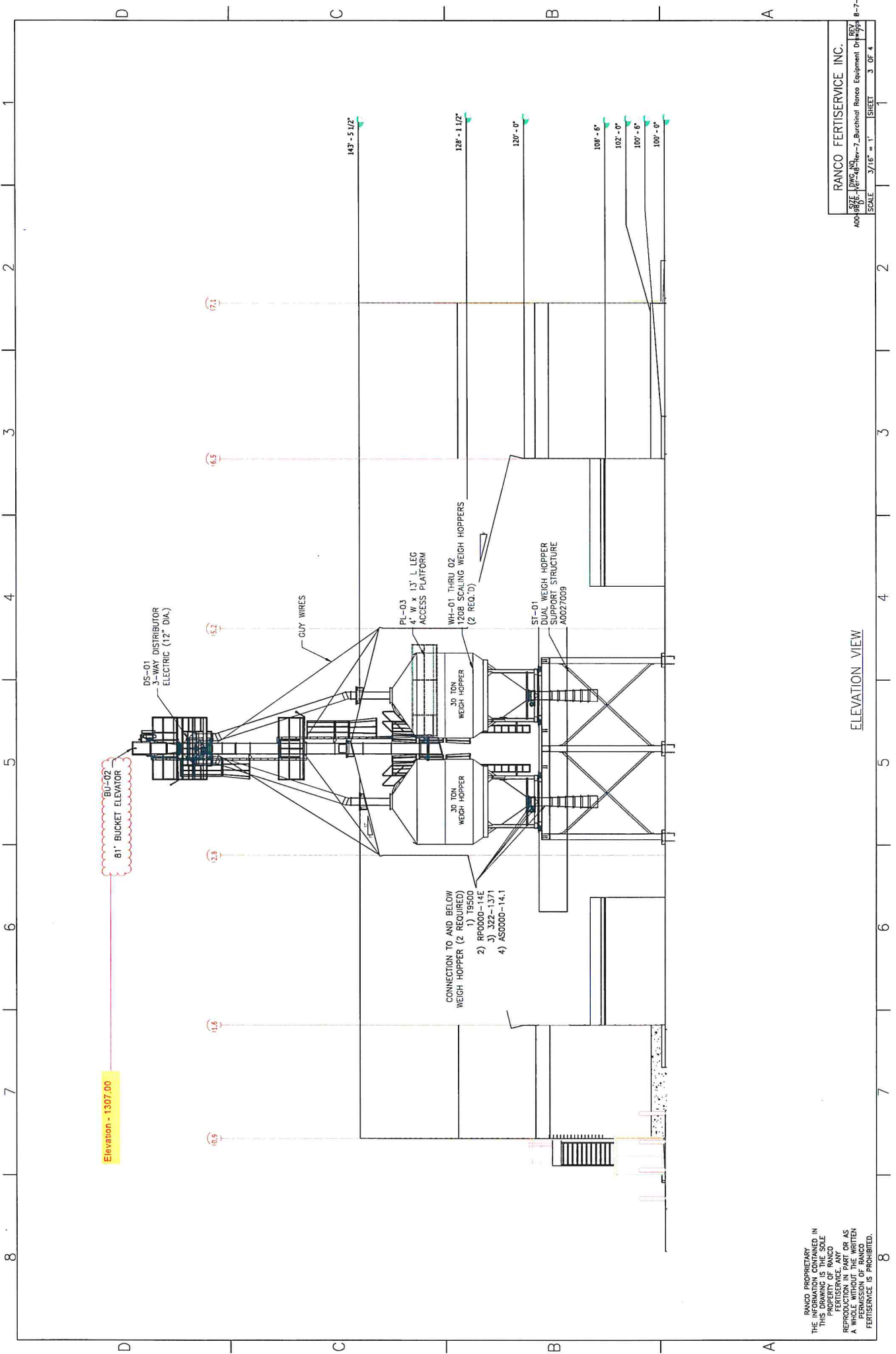
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ELEVATION VIEW

RANCO FERTISERVICE INC.
 1000 1/2" = 1' SHEET 2 OF 4
 1000 3/16" = 1' SHEET 2 OF 4
 1000 1/2" = 1' SHEET 2 OF 4
 1000 3/16" = 1' SHEET 2 OF 4
 1000 1/2" = 1' SHEET 2 OF 4
 1000 3/16" = 1' SHEET 2 OF 4



81' BUCKET ELEVATOR

Elevation - 1307.00

DS-01
3-WAY DISTRIBUTOR
ELECTRIC (12" DIA.)

GUY WIRES

PL-03
4' W x 13' L LEG
ACCESS PLATFORM

CONNECTION TO AND BELOW
WEIGH HOPPER (2 REQUIRED)
1) 79500
2) RP0000-14E
3) 322-1371
4) AS0000-14.1

30 TON
WEIGH HOPPER

30 TON
WEIGH HOPPER

WH-01 THRU 02
1208 SCALING WEIGH HOPPERS
(2 REQ'D)

ST-01
DUAL WEIGH HOPPER
SUPPORT STRUCTURE
A0027009

143' - 5 1/2"

128' - 1 1/2"

120' - 0"

108' - 6"

102' - 0"

100' - 6"

100' - 0"

17.1

6.5

15.2

12.8

11.6

0.9

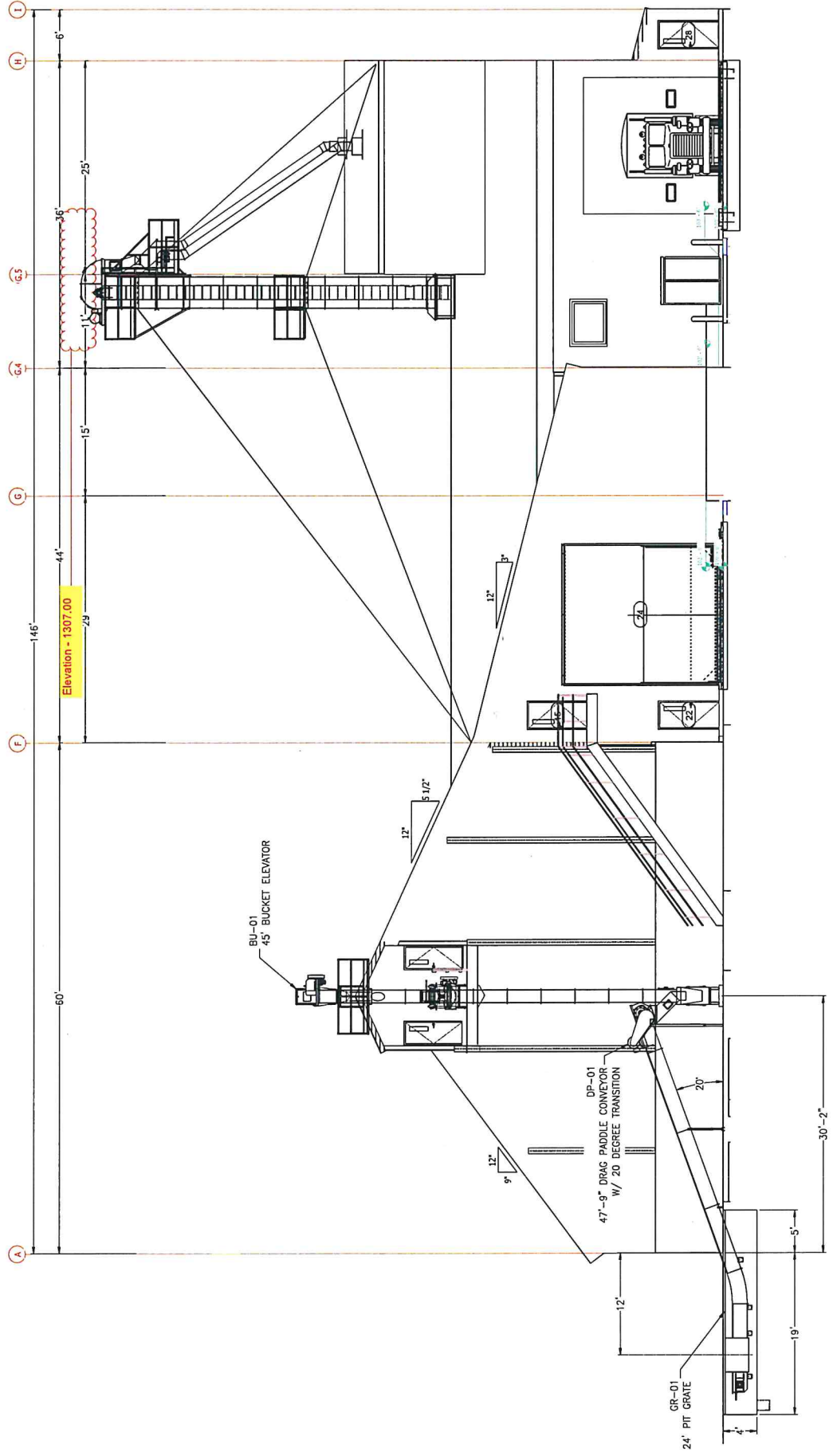
RANCO PROPRIETARY
DRAWING. NO PART OF THIS
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OR TRANSMITTED IN ANY FORM OR
BY ANY MEANS, ELECTRONIC OR
MECHANICAL, INCLUDING PHOTOCOPYING,
RECORDING, OR BY ANY INFORMATION
SYSTEMS, WITHOUT THE WRITTEN
PERMISSION OF RANCO
FERTISERVICE INC.

RANCO FERTISERVICE INC.

SIZE DWG NO 102-48 Rev-7_Burchinal Remo Equipment Design
A0027009
SCALE 3/16" = 1" SHEET 3 OF 4
REV 6-7-1

ELEVATION VIEW

1 2 3 4 5 6 7 8



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END VIEW

RANCO FERTISERVICE INC.

ADD: 8375 Highway 7, Burchinal Plano Equipment Dr
 PLANO, TX 75075
 SCALE: 3/16" = 1' SHEET 4 OF 4

AnnMarie Legler, Cerro Gordo County Recorder



aud

Prepared by: John Robbins, Planning and Zoning Administrator, 220 N. Washington Avenue, Mason City, IA 50401
Return to: Michelle Rush, Executive Assistant, 220 N. Washington Avenue, Mason City, IA 50401

CONDITIONAL ZONING AGREEMENT

WHEREAS, Five Star Cooperative (hereafter "the Cooperative") are the sole record titleholders of certain real estate as described below, within the boundaries of Cerro Gordo County, Iowa:

Lots Two (2), Three (3), and Six (6); Part of Lots One (1), Four (4), and Five (5), Block Twelve (12); Vacated Alley in Block Twelve (12); and that part of Vacated Cliggitt Street in the Town of Burchinal, Cerro Gordo County, Iowa, described as follows: commencing at the Northwest Corner of said Lot Two (2), Block Twelve (12); Thence East 27 feet to the Point of Beginning; thence South 00°08'22" West, 189.00 feet; thence south 90°00'00" East, 458.43 feet along the south line of the Vacated Cliggitt Street; thence North 00°08'22" East, 33 feet; thence South 90°00'00" West, 271.21 feet along the North line of vacated Cliggitt Street; thence North 00°08'22" East, 156 feet; thence South 90°00'00" West, 187.22 feet to the Point of Beginning;

AND

That part of the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼), lying West of the Railroad Right Of Way, in Section Twelve (12), Township Ninety-Five (95) North, Range Twenty-One (21) West of the 5th P.M., Cerro Gordo County, Iowa, except Tract 2 as described and depicted on Survey Plat dated November 19, 1992 and recorded on December 14, 1992 as Document No. 9210341 in the Cerro Gordo County Recorder's Office.

WHEREAS, the Cooperative intends to expand its facilities to include liquid fertilizer storage and distribution buildings and a dry fertilizer building. The facilities will also include seed and crop protection products warehousing, storage, and distribution and will also have the liquid and dry fertilizer storage distribution activity onsite.

WHEREAS, the property is currently zoned A-1 Agricultural, and the Cooperative is requesting to change the zoning district to M-1 Light Industrial for the desired uses; and,

WHEREAS, certain conditions and safeguards would mitigate the impact of the proposed projects; and,

WHEREAS, as part of the rezoning request, the Cooperative has agreed to conditions restricting the use in regard to the entirety of the real estate described above.

NOW, THEREFORE, in consideration of the mutual agreement set forth herein, the Cooperative and the Board of Supervisors of Cerro Gordo County agree as follows:

1. This agreement is entered into in accordance with and pursuant to Section 335.7, Code of Iowa and is reasonable to satisfy the public needs of public health, safety, and welfare, and to limit possible conflicts between nearby properties in the general vicinity and along Lark Avenue (County Road S-34), which are directly caused by rezoning of the real estate described above from A-1 Agricultural to M-1 Light Industrial.
2. The real estate described above, upon being rezoned to M-1, shall be used in a manner consistent with the application and site plans provided by the Cooperative.
3. The real estate described above shall only be used for the following principle and accessory permitted uses:
 - A. All principle permitted uses in the A-1 Agricultural District or A-2 Agricultural District
 - B. Commercial grain storage
 - C. Commercial fertilizer, seed, and crop protection product warehousing, storage, and distribution
 - D. Any use that is similar or incidental to Five Star Cooperative's business as determined by Zoning Administrator
4. All buildings and structures associated with the aforementioned uses shall be a minimum of 100' from the north and west property lines or otherwise adjacent to existing residential uses. All buildings and structures shall otherwise meet the minimum setback requirements of the M-1 District.
5. The Cooperative shall install a vegetative buffer park, consistent with Subsection 19.4(B)(2) of the Cerro Gordo County Zoning Ordinance along the north and west property lines or any property lines adjacent to property used for residential purposes and along the southeast property line along the county-owned trail where no such buffer currently exists within one year from the date this agreement becomes effective. Said vegetative buffer park shall be continuous running the length of said property lines. It shall not be less than sixty (60) feet in width along the northerly and southeast property lines, and not less than 30' in width along the west property lines adjacent to Lark Avenue (County Road S-34), and a minimum of fifteen (15) feet in height at maturity, and consist of evergreen or coniferous type trees, shrubs, and plantings. The Cooperative shall be responsible for the maintenance of said vegetative buffer park.
6. At no time shall any semi-truck, trailer, or vehicle to be staged, loaded, unloaded, parked, or processed at the Cooperative's facility be parked for a period greater than thirty (30) minutes within the public right-of-way of Lark Avenue (County Road S-34). All staging, loading, unloading, parking, or processing of semi-trucks, trailers, or vehicles shall occur on the above-described real estate. The Cooperative shall participate toward the costs for any needed improvements within the right-of-way of Lark Avenue (County Road S-34) that are caused by the operation of the Cooperative's facilities on the above-described real estate, including but not limited to the installation and construction of turning lanes, road repairs, warning signs, driveways, and drainage facilities, in the amounts deemed necessary by the County Engineer.
7. This agreement shall be effective contemporaneous with the effective date of the rezoning of the real estate described above to M-1 Light Industrial.
8. This agreement shall be recorded in the office of the Recorder of Cerro Gordo County, Iowa, and shall be binding upon the parties hereto and upon all of their successors in interest and upon all subsequent owners, record titleholders, or other holders of interest in said real estate, as long as said real estate continues to be zoned M-1 Light Industrial under the Cerro Gordo County Zoning Ordinance, or under any substantially similar successor ordinance, or until such restrictions are specifically removed through the actions of the Cerro Gordo County Board of Supervisors, with the consent of the then record titleholders and after notice and hearing as required by section 335.7 of the Code of Iowa (2023).
9. Nothing in this agreement shall be construed as binding the Cerro Gordo County Board of Supervisors to any future zoning classification or other regulatory or governmental action.

It was moved by Supervisor Meacham Ginapp and seconded by Supervisor Watts to adopt the foregoing agreement. Vote thereon was as follows:

Ayes: Meacham Ginapp, Watts, Callanan

Nays: None

Absent/Not voting: None

Passed and approved this 19th day of June, 2023 by the Cerro Gordo County Board of Supervisors.

FIVE STAR COOPERATIVE

Tony Myers
Tony Myers, Chief Operations Officer

STATE OF IOWA }
 } ss:
CERRO GORDO COUNTY }

On the 6 day of June, 2023, before me, the undersigned Notary Public in and for the State of Iowa, personally appeared Tony Myers, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

Laura Schwickerath
Notary Public in and for the State of Iowa

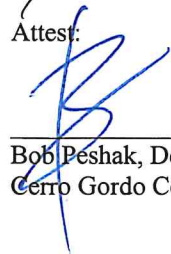


CERRO GORDO COUNTY, IOWA:



Casey M. Callanan, Chairman
Board of Supervisors

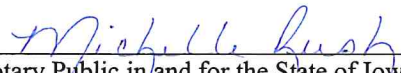
Attest:

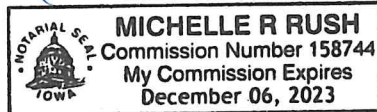


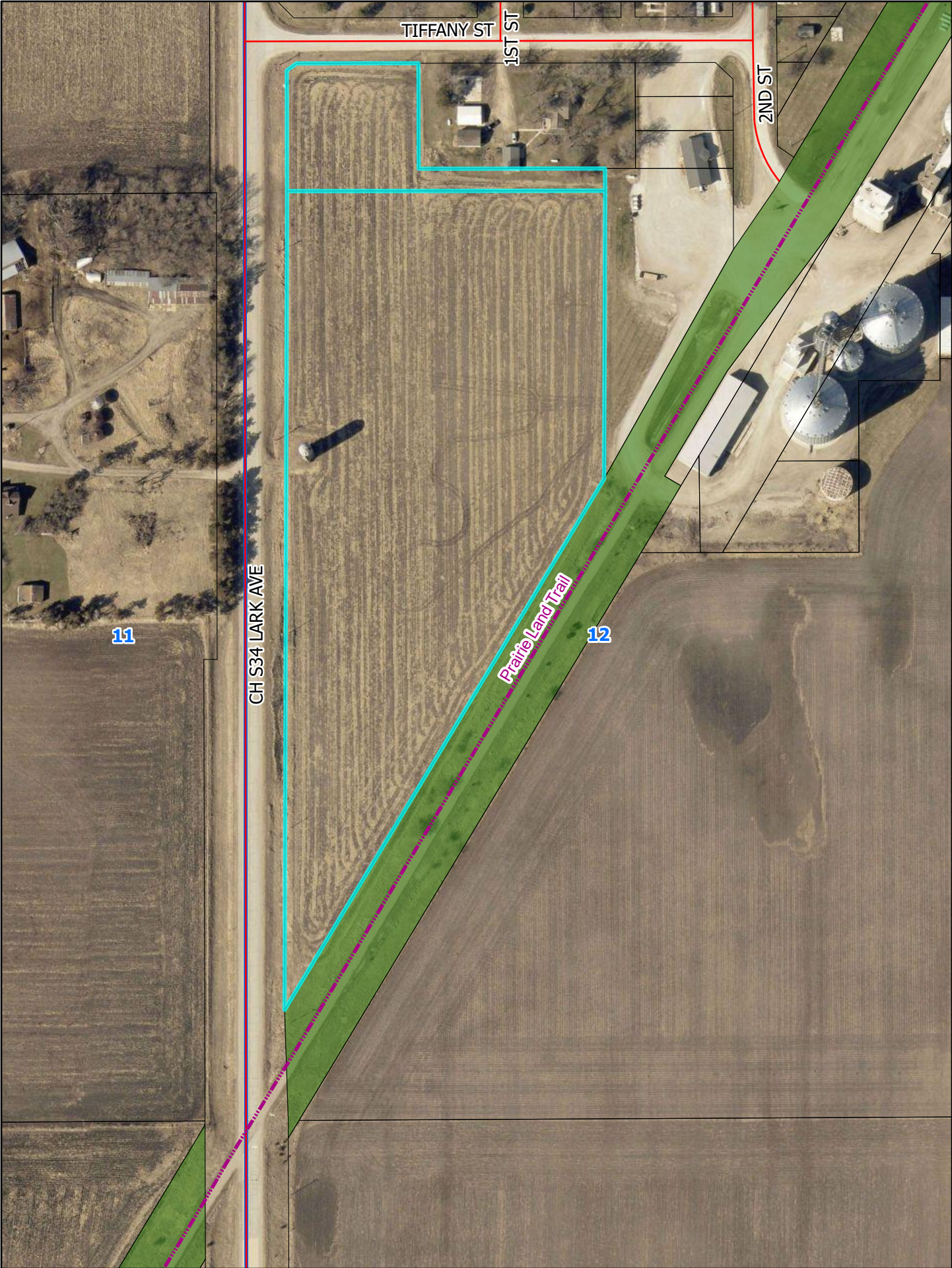
Bob Peshak, Deputy Auditor
Cerro Gordo County, Iowa

STATE OF IOWA }
 } ss:
CERRO GORDO COUNTY }

On the 19th day of June, 2023, before me, the undersigned Notary Public in and for the State of Iowa, personally appeared Casey M. Callanan and Bob Peshak, to me known to be the identical persons named in and who are the Chairperson on the Board of Supervisors of Cerro Gordo County and the Deputy Auditor of Cerro Gordo County, respectively; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its Board of Supervisors, as contained in the Motion by the Board of Supervisors on the 19th day of June, 2023, and that Casey M. Callanan and Bob Peshak acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.


Notary Public in and for the State of Iowa





TIFFANY ST

1ST ST

2ND ST

CH S34 LARK AVE

11

Prairie Land Trail

12