



PLANNING AND ZONING

Cerro Gordo County Courthouse

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TO: Cerro Gordo County Board of Adjustment

FROM: John Robbins

SUBJECT: Next Meeting – *Tuesday, June 25, 2019; 4:00 p.m.; Board Room*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Board of Adjustment is scheduled for **Tuesday, June 25, 2019 at 4:00 p.m. in the Board Room at the Courthouse**. The Board will be considering two variance requests.

OLD BUSINESS

1. Case No. 19-31 CED Mason City Wind, LLC Sections 9 & 16, Portland Township

CED Mason City Wind, LLC provided an updated application and maps with one change—a minor repositioning of turbine T2. The original location was adjusted approximately 150 feet south-southeast because they found this original location was within a microwave path and could potentially block wireless signals. The new position takes the turbine entirely out of the microwave path.

The updated maps and map from the microwave study are included in your packets. Please contact me if you would like a copy of the entire revised application or microwave study. An updated acoustical and shadow flicker analysis was also provided. There were no material changes in the study as a result of the repositioning of T2. All setback and other requirements are still met, which amounts to an allowable adjustment as we would approve administratively after a Special Use Permits have been granted in the past.

You will notice in Figure 1 of the revised site plan shows an alternate service road access from 260th Street for turbine T1. This proposal has been formally withdrawn. I have enclosed the letter sent to me withdrawing that particular revision. No changes to any conditions in the permit are necessary as a result. All conditions are consistent with the conditions adopted by the Board previously.

Please let me know if you have any questions.

NEW BUSINESS

1. Case No. 19-32 Buck's UPI, Inc. 20966 Monroe Avenue (NW ¼, Section 28, Lime Creek Township)

Buck's UPI, Inc. recently purchased the Van Horn Auto Parts salvage yard north of Mason City and is in the process of preparing the site for its operation. An 80'x100' machine building and a 12'x140' truck scale are proposed for the purpose of operating the salvage yard under new ownership (See Figures 1-3).

On the enclosed site plan, there are two alternative layouts for the proposed truck scale. The first is as shown in Figure 3. The second alternative would have the scale running its length parallel with Monroe Street. In both instances, the proposed truck scale will be no closer than 12 feet to the front lot line. A 50-foot front yard setback is required in the M-2 Heavy Industrial District.

Additionally, the Zoning Ordinance also imposes a 200-foot minimum separation distance requirement from residential districts for "all principal buildings and accessory buildings or structures, including loading and unloading facilities..." within the M-2 Heavy Industrial District. The salvage yard is located adjacent to the Winnebago Heights residential neighborhood (See Figure 4).

Van Horn Auto Parts began operation on this site in approximately 1957. Cerro Gordo County adopted its first Zoning Ordinance in 1962. There were two rezonings that occurred in the 1960's and 1970's to change the property to equivalent zoning districts to today's zoning classifications. When the County adopted the current Zoning Ordinance in March of 1990, the current zoning classifications were adopted on the official county zoning map to reflect those previous zoning changes.

The salvage yard is considered a grandfathered use on the parcel on which the machine building and truck scale are proposed, as the salvage yard operation has been a legal use on the parcel prior to the adoption of the current Zoning Ordinance. On the enclosed zoning map, it illustrates the fact that the tax parcel on which the structures are proposed is within two separate zoning districts, M-2 Heavy Industrial and R-1 Single Family Residential. The parcel is outlined in blue. The R-1 District did not get rezoned to the equivalent M-2 District in the 1960's and 1970's, but the salvage yard operation was being conducted at the time. As a result, the R-1 District portion is treated the same as the M-2 District portion. The whole of the parcel is considered grandfathered and a legal use for the salvage yard running with the land and transfer of ownership until such time as the salvage yard ceases operation or the grandfathered status is abandoned as stated in the Zoning Ordinance or state law otherwise.

The applicant states the proposed structures are necessary for its business. The applicant holds vested rights in the business on the specific parcel to operate a salvage yard. A case to have structures such as the proposed machine building or truck scale built onsite may be a reasonable request to conduct business. However, the Board would have justification to consider the specific location onsite of the proposed structures in its decision or to place reasonable conditions on any approval.

The proposed machine building will have wrecking and disassembly of vehicles taking place inside (See Figure 1). This type of activity is common with salvage yards. Having such activity occur within an enclosed building to mitigate or eliminate any potential noise, smoke, or odor impacts for neighbors is preferable to it occurring outside. I do not have any serious concerns for its location, as it is setback considerably from Monroe Street and buffered by other buildings.

The proposed truck scale may be as close as 12 feet from the right-of-way of Monroe Street (See Figures 2 & 3). Considerable screening exists from a fence along Monroe Street and significant vegetation south and east of the site (See Figures 5 & 6). The existing vegetation is effective for screening the use for the nearest residences to the southeast (See Figure 4). While the fence screening is not completely opaque (See Figure 7), residences to the east will not see any noticeable change.

The applicant is still weighing options for the flow-through of trucks being weighed on the scale (See Figure 2 & 3). Trucks will need to travel southerly to exit the scale. One option is to have a turnaround area south of the scale (See Figures 2 & 8). The other option is to install another driveway off of Monroe St south of the proposed location (See Figure 5). In either instance, some tree removal will likely be necessary for the flow of truck traffic. Requiring maintaining screening to the south and east by fencing or vegetation would be a reasonable condition of approval. Additionally, a condition that all required permits for any new driveway are obtained or having a suitable turnaround area with no new driveway are also reasonable conditions. The location of the scale is likely suitable and will have minimal change in impact for neighbors with such conditions attached.

Overall, the proposed structures will cause change from an impact standpoint compared to the current use. The machine building in particular represents a likely improvement for any potential operational impacts to neighbors. In regard to the proposed truck scale, I prefer the truck turnaround option over any new driveways so that most of the existing vegetation is maintained. A new driveway with a gate that is visually impenetrable when closed would be needed with the second option.

Recommendation

1. Approve a front yard setback variance for the truck scale to be no closer than 12 feet.
2. Approve a separation distance variance for the machine building and truck scale to be located as proposed within 200 feet of a residential district.
3. These variances are approved with the following conditions:
 - a. A visually impenetrable fence, gate, or vegetative screening shall be maintained to a minimum height of 6 feet along the south lot line and southernmost 400 feet of the east lot line of Monroe Street.
 - b. A suitable turnaround shall be provided for vehicles using the truck scale. All required permits or approvals shall be obtained by Buck's UPI, Inc. for any new driveways. Any gates installed shall be closed when not in use.

2. Case No. 19-33 Monson Construction/Richard Prey 5786 Southshore Drive (Lot 30, Block 2, Long Beach)

The applicant proposes to add on to the existing deck by squaring off the corners. A Zoning Permit has already been issued to replace the steps, floorboards, and railings (See Figure 1).

The proposed west corner addition is 6 feet from the west side lot line (See Figure 2). The proposed east corner is 2'-10" from the east lot line (See Figure 3). The east lot line is somewhat closer than the typical 3-foot distance that the Board historically restricts any variances granted to because the house is not precisely parallel to the east lot line, as the lot is not exactly square. A 10-foot side yard setback is required in the R-4 Multi-Family District.

The deck is being partially reconstructed due to a faulty product that was purchased for the original deck. The Zoning Ordinance is not creating a burden in this instance. In the figures, the corners are partially constructed but not permanently affixed in their position (See Figure 4). I gave verbal permission to construct the corners as shown due to the situation. They will be removed if the request is denied by the Board.

There is a mix of multi-family and single-family residences in this part of Long Beach. The original deck had variances granted as constructed in 2006. I do not have any major safety or character concerns with the proposal. The deck is further from the east lot line than appears in the enclosed parcel highlight (See Figure 3). Based on the history of the property and the safety concerns of the previously installed faulty product, I recommend approval as requested.