



PLANNING AND ZONING

Cerro Gordo County Courthouse

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TO: Cerro Gordo County Planning and Zoning Commission

FROM: John Robbins

SUBJECT: Next Meeting – *Thursday, September 3; 4:00 p.m.; Boardroom*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Planning and Zoning Commission is scheduled for **September 3, 2020 at 4:00 p.m., in the Boardroom at the Courthouse.** You will be considering two rezoning requests.

If you have concerns with attending in person due to COVID-19, the option to attend the hearing via teleconference will be made available. Social distancing will be practiced. You may join via teleconference by calling the phone number below and enter the Conference ID when prompted. Please let me know if you have any questions about this.

Conference phone: (641) 421-3113

Conference ID: 3044#

1. JMS Property Management, LLC 4737 Southshore Drive (East 120' of Lot 3
in Government Subdivision Lot 2, Section 22, Clear Lake Township)

This request is a proposal to rezone the subject property from R-2 Single Family Residential to R-4 Multi-Family Residential. The intention is for the development of two, four-unit condominium buildings to replace the existing single-family dwelling (See Figure 1). This is not a permitted use in the R-2 District and would require the change of zone to be done.

The lot is approximately 40,000 square feet in gross area (See Figures 2 & 3). The R-4 District has a minimum area of 3,500 square feet per dwelling required. This would be met with the proposed eight condominium units. This also roughly meets the stated purpose of the R-4 District to maintain 5,000 square feet per dwelling unit.

The applicant states that the proposed rezoning and development will provide a “transition from single-family residential and the commercial property to the east.” Additionally, the applicant states that they believe the proposal will be a harmonious use to the area that creates a buffer for houses to the west of Clear Lake Boats.

Clear Lake Boats' storage facility (M-1 Light Industrial) is located to the east of the property (See Figure 4). The Clear Lake Methodist Camp (Bell Harbor) and PM Park neighborhood are located to the northeast of the property (R-3 Single Family Residential) (See Figures 5 & 6). There are single-family homes located to the south and west of the property (R-2 Single Family Residential) (See Figures 7-9).

The County's Future Land Use Map generally regards this area as residential and does not differentiate between Single Family and Multi-Family Residential land use. The County Comprehensive Plan has several applicable policies and objectives:

- Policy 2.1.4 Grant zoning changes only when it can be demonstrated that rezoning will result in community benefit which will outweigh any potential adverse impact upon surrounding properties. Conformance with the goals, objectives, and policies of the Comprehensive Plan and other adopted County plans or ordinances may be used as a basis for demonstrating community benefit.
- Objective 2.3 Encourage the majority of future development to locate within existing cities, or adjacent to existing cities in urban fringe areas planned for annexation, where adequate public services are planned or can be provided.
- Objective 4.1 Provide a variety of housing opportunities within the County in appropriate locations.
- Policy 4.1.1 Ensure that the *Future Land Use Map* provides adequate development potential for a variety of housing needs of present and future residents. When evaluating need, the County should consider the availability within the incorporated communities.
- Policy 4.1.2 Locate residential development in platted subdivisions with adequate public services.
- Policy 4.1.3 Encourage residential development to locate within existing cities and urban fringe areas where adequate public services are planned or can be provided.
- Policy 4.1.4 Allow for the creation of urban density residential districts within established urban fringe areas that follow the planned development process, and where urban services can be provided.

Objective 2.3 and Policies 4.1.3 and 4.1.4 speak to having available public services. The location is within the Clear Lake Sanitary District. The Sanitary District commented that there is an 8" sewer main available east of the property (See Figure 10). There are no public water services available to the site. CG Public Health commented that the existing well was reconstructed in October 2019. In December 2019, the water tested safe for coliform bacteria, E.coli, and nitrate; however, it tested unsafe for arsenic at 44 parts per billion (four times the safe level for consumption of 10 ppb). Additionally, the proposed development could potentially qualify as a public water supply and could necessitate an upgrade of the well, which would require approval from the Iowa DNR. If the owner decided to drill a new well, the current well would need to be plugged. The drilling of a new well would likely be feasible if that is what the owner chose.

Objectives 2.3 and 4.1 and Policies 4.1.2, 4.1.3, and 4.1.4 encourage the location of future residential development to locate within established, developed areas on the urban fringe and densification of development. The property is within a developed urban fringe area. The proposed development would also increase density in the area.

Objective 4.1 and Policies 2.1.4 and 4.1.1 speak to the consideration of the benefits and appropriateness of granting a rezoning in a particular location. The property is surrounded by single family residential except for Clear Lake Boats, a light industrial property used for commercial storage (See Figures 5-9). The closest R-4 District is the condominiums on the north side of Clear Lake Methodist Camp (Bell Harbor) along the lake. As pointed out by the

applicant, multi-family buildings can be used to buffer the impact of industrial or commercial uses from single family homes.

The property has existed as a single-family neighborhood for a long time. While the applicant points out that there are multi-family condominiums north of the area in Clear Lake Methodist Camp, it is atypical to allow for a new multi-family development to jump into new areas unless planned for or adjacent to existing multi-family residential lots. The county does not have any plans that specify this property for future multi-family residential development. Approval of a new R-4 District or multi-family development would open up adjacent properties to future multi-family residential development.

Cerro Gordo County does not have significant development pressure for multi-family residential development and has other areas where it exists and could occur. The cities of Clear Lake and Ventura also have options for multi-family residential development. The likely inhabitants of the proposed development are transient residents, so it is not likely a need for the area.

Additionally, there is a private drainage tile located just behind the existing cabin, as roughly indicated on the enclosed map represented by the red line. This tile has a tendency to bottleneck and cause drainage issues about 500 feet west of the subject property. The proposed northly building would be located on top of the existing tile. The potential for impacting existing drainage issues should be considered.

The County Engineer has been provided the opportunity to comment regarding the request. Any comments received will be shared with the Commission at the hearing.

Due to the lack of need, the single-family nature of the immediate vicinity, the potential for opening up other multi-family development on adjacent properties, and the potential for impacting existing drainage issues to the west of the property, staff recommends that the Commission forward the request to the Board of Supervisors for denial.

2. North Iowa Cooperative NE¹/₄ of the SW¹/₄, Section 19, Pleasant Valley Township

The North Iowa Cooperative is requesting to rezone the 27.58 acres indicated on the plat of survey in your packets from A-1 Agricultural to M-2 Heavy Industrial. It is located in the NE¹/₄ of the SW¹/₄, Section 19, Pleasant Valley Township (See Figure 1). The land is located east of Thornton, adjacent to the city limits on 125th Street (County Road B65) (See Figure 2).

The Cooperative states it needs to expand its facilities and that the location in the city of Thornton is landlocked. The Cooperative proposes to develop a three-bin grain storage facility (2 dry and 1 wet) at the aforementioned site initially. The two dry grain bins would be 105 feet in diameter and 128 feet tall. The wet bin would be 84 feet in diameter and also 128 feet tall. At their apex, the grain legs and tower would be 160 feet tall. The site plan shows an on-site area for grain trucks waiting to unload. On the included site plan, the Cooperative has additional plans for future development over the next 10-20 years, including an anhydrous ammonia storage site and solar farm (Both uses require a Special Use Permit granted by the Board of Adjustment, where additional conditions would be placed on these specific uses. According to the Cooperative, there would be 100-150 trucks accessing the site in a 24-hour period during peak times in the fall. The site would be developed in phases with Items 1-6 labelled on the site plan scheduled for the first phase.

The site is adjacent to the eastern city limits of Thornton. There are no dwellings close to the site. The closest rural dwelling is 1/4 -mile to the east (3590 Heather Avenue). Otherwise, the closest dwellings are within Thornton city limits, about 1/2-mile to the west. The property is adjacent to Ingebretson County Park, while the project site is almost 1/4-mile to the west (See Figure 2 & 3). North Iowa 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, particularly due to the proximity to a county park and campgrounds. A draft copy of the agreement has been included with your packets.

The property lies within a coordination/cooperation area surrounding Thornton as designated by the comprehensive plan. Comments from the city have been requested. These will be shared with the commission at the hearing if anything is received.

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 within a coordination/cooperation area. The Cooperative states it is in need of expansion within the city of Thornton but that they are landlocked.

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 dwelling being 1/2-mile to the east (3590 Heather Avenue) and the closest dwelling within Thornton about 1/4-mile to the west of the proposed project site. The property is generally adjacent to an industrial development to the northwest, so this is generally an appropriate location as a result. Ingebretson County Park is just under 1/4-mile to the west of the proposed project site, but does not conflict with this policy

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 B-65, which is paved and is located near the interchange of Interstate 35.

Policy 6.1.3 provides a list of criteria that industrial development must meet in order to be permissible. There are adjacent industrial properties to the northwest of the site. Also, Thornton lacks sufficient space or an established industrial park with access to a paved road except for North Iowa Cooperative’s property (Policy 6.1.5). North Iowa Cooperative also has informed me that they plan to extend water and wastewater services from Thornton to cover those needs. CG Public Health has no concerns as a result. The site is located on a paved road (County Road B-65) near the interchange of Interstate 35. The installation of vegetative buffering can be made

a condition of the Conditional Zoning Agreement, particularly along the west property line. 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 westbound traffic on B-65 and a right turn lane into the site for eastbound 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 B-65. In my discussions with North Iowa Cooperative, I have been told that they will have plenty of space for staging trucks onsite, so this should not 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 B-65, so no access issues would be created from the facility. The farm fields east of the site are accessible along the shared field access from B-65 and also accessible from Heather Avenue.

There are several issues with this request that must be addressed. The first is the scale of the bins compared to surrounding development. The two 128-foot tall bins will dwarf the development around it. However, there are few locations in the county where this would not be the case. 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 the west and north lot lines, would help give the site a human scale. It would also assist in absorbing noise and containing dust generated on the site. The county Conservation Board has reviewed the request and has no stated concern if proper vegetative buffering is installed. They would also like to be consulted regarding species and design of the buffer itself. This has been included as a part of the Conditional Zoning Agreement as well.

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 could significantly impede the flow of traffic along B-65. B-65 currently carries 790 vehicles per day on average. The applicant states that most of the traffic for the facility is existing in that trucks will be diverted to the new facility from the facility within Thornton. 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 B-65 and can be made a condition of the Conditional Zoning Agreement. The County Engineer's Office also commented that there are no sight distance issues at the site. Turning truck traffic signs will likely be posted near the property.

The site appears to be an appropriate industrial development with existing industrial properties being adjacent to the northwest. Appropriate water and wastewater services will be extended from the west from Thornton. 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.