

**APPLICATION/APPEAL FORM**

[For Completion by All Applicants]

Date 9-1-2020

TO: ZONING BOARD OF ADJUSTMENT  
CERRO GORDO COUNTY, IOWA

I (WE), North Iowa Cooperative - Chuck Schaefer, General Manager  
(NAME)

North Iowa Cooperative  
105 South 1st - Box 90  
Thornton, Iowa 50479-0090

OF \_\_\_\_\_  
(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 8-28-2020 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 19 of Pleasant Valley Township.

The property affected is zoned Agricultural A-1 according to the Cerro Gordo County Zoning District Maps. Legal description of the property is: \_\_\_\_\_

NE 1/4 of the SW 1/4, Section 19,  
Pleasant Valley Township  
T94N, R21W

I am the  Owner  Contract Purchaser  Other (Explain) \_\_\_\_\_  
General Manager of the property affected.

North Iowa Cooperative  
105 South 1st  
Thornton, Iowa 50479-00090

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

Economic Development on 27.58 acres  
Initially a grain storage and corn drying facility  
Potential for Anhydrous, Shop, Warehouse,  
other service to serve area farmers

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 Chad Schultz

OFFICE USE ONLY

Date Filed 9/2/20 Case Number 21-11  
Date Set for Hearing 9/29/20 Fee Paid \$200

Application/Appeal was  Granted  Denied  Tabled

**VARIANCE CRITERIA SUPPLEMENTAL INFORMATION**

Cerro Gordo County Zoning Board of Adjustment

[For completion by Variance Applicants Only]

This attachment is intended to supplement the Appeal to the Board of Adjustment Application for requests for variances. This attachment shall be submitted as a part of and attached to the Appeal Application and serve to enable the Board to make fair and equitable decisions. Failure to complete this form in its entirety may result in postponing the request until adequate information is submitted.

The Board of Adjustment shall authorize upon appeal, in specific cases, such variance from the terms of the Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done.

The Applicant shall be held responsible to provide adequate evidence that the literal enforcement of the Ordinance will result in unnecessary hardship. "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the provisions of the Ordinance, the plight of the landowner is due to circumstances unique to his property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.

The Board shall ensure that their decision shall not be contrary to the public interest, that the spirit of the Ordinance shall be observed, and substantial justice done.

Applicant(s) North Iowa Cooperative  
105 South 1st  
Thornton, Iowa 50479-0090

Type of Variance Requested height above 50'

1. The land in question cannot yield a reasonable use for the following reasons:

The height of the grain leg is 160'  
The height of the grain dryer is 118'  
The height of the grain bins are 128'

2. What is unique about this property compared to other properties in the vicinity?

This will be a positive boom for the  
community of Thornton and Cerro Gordo County.  
We will be on the outskirts of Thornton  
with access to I-35.

3. Explain how the variance will fit in with the character of the area (i.e., size, height, scale, etc.):

North Iowa Cooperative is well-established in the community of Thornton. This area will allow the farmer-owned cooperative to continue to grow and prosper into the future.

4. The need for the variance cannot be attributed to the present or past property owner for the following reasons:

This has been farmed and the cooperative purchased it because we have no property left to grow on.

5. The Zoning Ordinance requirements have resulted in a need for a variance for the following reasons:

The grain bins and dryer will be much higher than the 50' limit.

6. The variance is in accord with the purposes and intent of the Zoning Ordinance and Comprehensive Plan for the following reasons:

North Iowa Cooperative respectfully requests special consideration because these will serve our area farmers with a modern facility.

7. The variance will not impair the public health, safety and general welfare of the residents of the County for the following reasons:

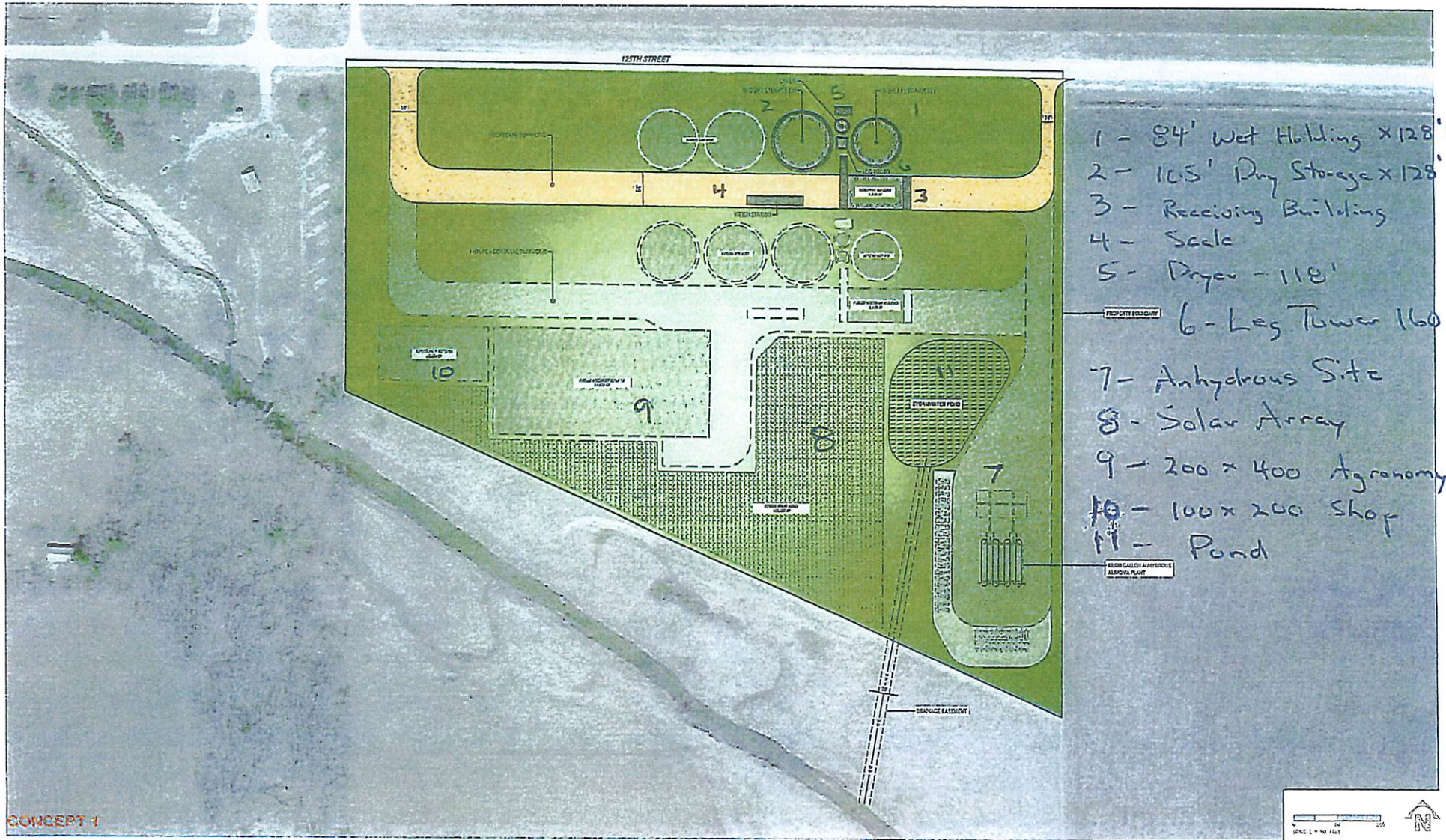
We are building in the northeast area of the field and will stage trucks on the property off of the blacktop. We will work with Cerro Gordo County on a vegetative buffer.

I, Cher Schep certify that

all of the above statements are true to the best of my knowledge and belief.

North Iowa Cooperative  
105 South 1st  
Thornton, Iowa 50479-0090

8-20-2020

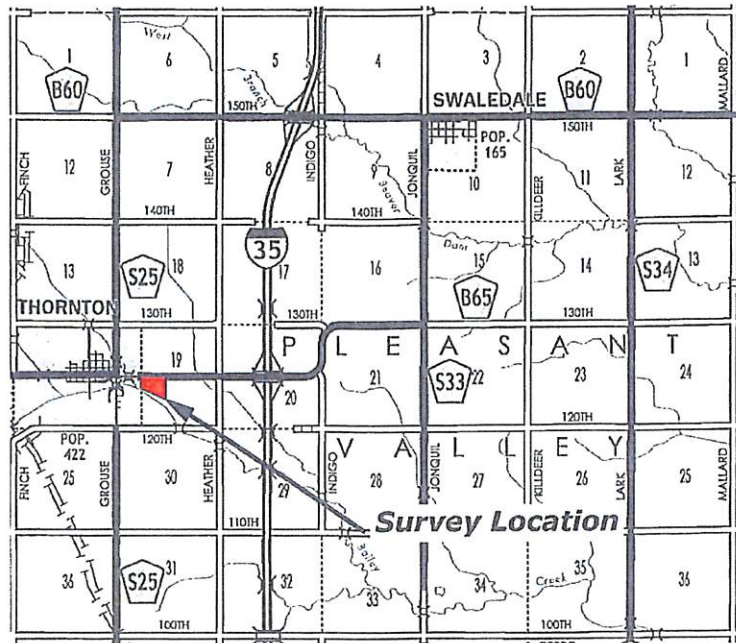


- 1 - 84' Wet Holding x 128' H
- 2 - 105' Dry Storage x 128' H
- 3 - Receiving Building
- 4 - Scale
- 5 - Dryer - 118'
- 6 - Leg Tower 160'
- 7 - Anhydrous Site
- 8 - Solar Array
- 9 - 200 x 400 Agronomy
- 10 - 100 x 200 Shop
- 11 - Pond

CONCEPT 1

<b>Index Legend</b>
Prepared by & Returned to: Mark D. McClenathan, PLS 24510
HRS, LLC - 10 East Main Street, New Hampton IA 50659
County: Cerro Gordo
Section: 19
Township: T94N
Range: R21W
Aliquot Part: NE 1/4 - Fr'l SW 1/4
Proprietor: Dean E. Jurgens
Requested By: Chuck Schafer

Plat of Survey  
**Parcel A in the NE 1/4 - Fr'l SW 1/4 of  
 Section 19 - T94N - R21W, Cerro Gordo County, Iowa.**

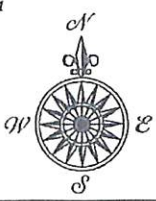


**R21W**

**Map Not to Scale**  
 Map Courtesy of the Iowa Department of Transportation  
<http://www.iowadot.gov/maps/>

**Basis of Bearing:**  
 The Coordinate Basis for this survey and the subsequent Basis of Bearing is the Iowa State Plane Coordinate System North Zone (1401) Horizontal Control NAD 83 (2011), Vertical Control NAVD88 (Geoid 12A) Control was acquired by localizing into the Cerro Gordo County GPS Control System utilizing Points 105, 106, 107, 110, 111, 112, 119, 167, 168 projected from Point 111 Scale factor 1.0000934172 applied.  
 Projection Point:  
 Northing = 3,809,654.73'  
 Easting = 4,967,920.99'

**Notes:**  
 See Sheet 1 for Location Map.  
 See Sheet 2 Section Control.  
 See Sheet 3 for Parcel Details.  
 See Sheet 4 for Legal Description.



<b>LEGEND</b>	
	= Section Corner Found
	= Section Corner Set
	= Set 5/8"Ø Rebar w/BPC PLS 24510
	= Survey Boundary Line
	= Existing Fence
	RPC, YPC, OPC, BPC = Red, Yellow, Orange, Blue Plastic Cap
	SMN-SSW = Survey Mark Nail w/Stainless Steel Washer
	(0.00') = Recorded Dimension

Survey was completed on July 9, 2018. | FB: Cerro Gordo 1, Pgs. 44-45 | MDM | Project Number: 2018-110 | Sheet: 1

**Herold-Reicks Surveying**  
 10 East Main Street      2206 East Bremer Avenue  
 New Hampton IA 50659      Waverly IA 50677  
 641-394-2725      319-483-5187  
[www.hrsurveying.com](http://www.hrsurveying.com)



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

**PRELIMINARY**

Mark D. McClenathan      Date: \_\_\_\_\_  
 License number 24510  
 My license renewal date is December 31, 2019.  
 Sheets covered by this seal: 1-4

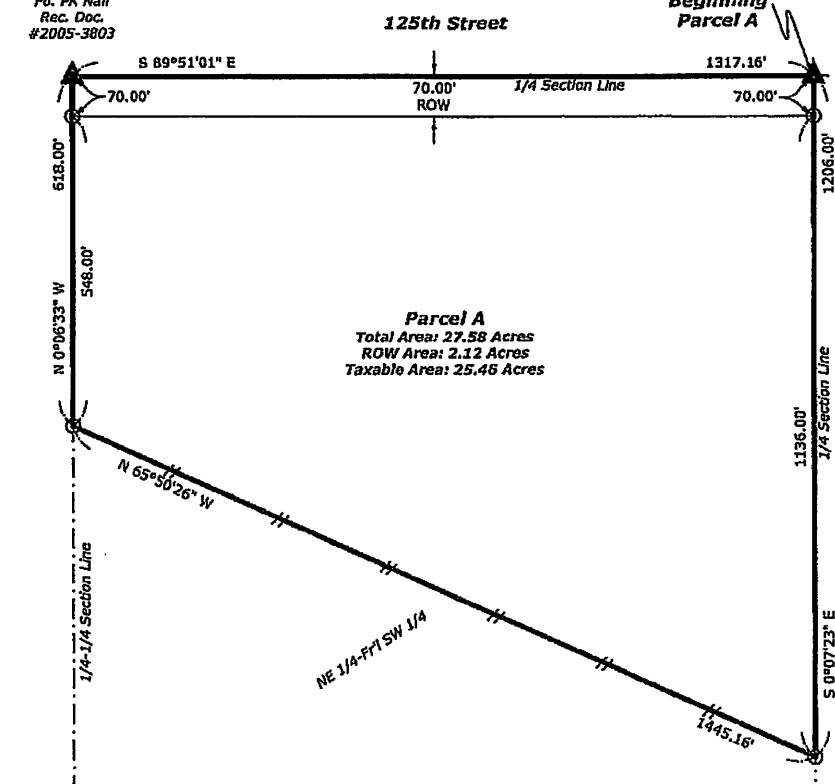
File: S:\\_C3D Projects\County Control Systems\CERRO GORDO\CG-15\CG-15.dwg, 7/26/2018 4:15:05 PM

Plat of Survey  
**Parcel A in the NE 1/4 - Fr'1 SW 1/4 of  
 Section 19 - T94N - R21W, Cerro Gordo County, Iowa.**

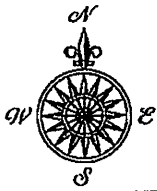
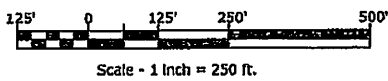
NW Corner  
 NE 1/4-Fr'1 SW 1/4  
 Section 19-94-21  
 Fd. PK Nail  
 Rec. Doc.  
 #2005-3803

Point of  
 Beginning  
 Parcel A

Center of  
 Section 19-94-21  
 Fd. 1/2"Ø Rebar  
 Rec. Doc.  
 #2005-3804



**Parcel A**  
 Total Area: 27.58 Acres  
 ROW Area: 2.12 Acres  
 Taxable Area: 25.46 Acres



LEGEND	
	= Section Corner Found
	= Section Corner Set
	= Set 5/8"Ø Rebar w/BPC PLS 24510
	= Survey Boundary Line
	= Existing Fence
RPC, YPC, OPC, BPC	= Red, Yellow, Orange, Blue Plastic Cap
SMN-SSW	= Survey Mark Nail w/Stainless Steel Washer
(0.00')	= Recorded Dimension

*Plat of Survey*

**Parcel A in the NE 1/4 - Fr'l SW 1/4 of  
Section 19 - T94N - R21W, Cerro Gordo County, Iowa.**

**Legal Description:**

**Parcel A** in the Northeast Quarter of the Fractional Southwest Quarter of Section 19, Township 94 North, Range 21 West of the 5th P.M., Cerro Gordo County, Iowa, and more particularly described as follows:

Beginning at the Center of said Section;

Thence **South 00°07'23" East, 1206.00 feet** along the East Line of said Quarter-Quarter Section;

Thence **North 65°50'26" West, 1445.16 feet** to the West Line of said Quarter-Quarter Section;

Thence **North 00°06'33" West, 618.00 feet** along the West Line of said Quarter-Quarter Section to the Northwest Corner thereof;

Thence **South 89°51'01" East, 1317.16 feet** along the North Line of said Quarter-Quarter Section to the Point of Beginning.

Containing **27.58 Acres**, including 2.12 Acres of 125th Street Right-of-Way, subject to any easements recorded or unrecorded.

Note: The Bearings and Distances Indicated in this Legal Description are to the Monuments "Found or Set" as Indicated on the attached "Plat of Survey" and the calls along the courses in this Description are to those Monuments as indicated.



# NORTH IOWA NI COOPERATIVE

NEW GRAIN STORAGE FACILITY  
THORNTON, IOWA

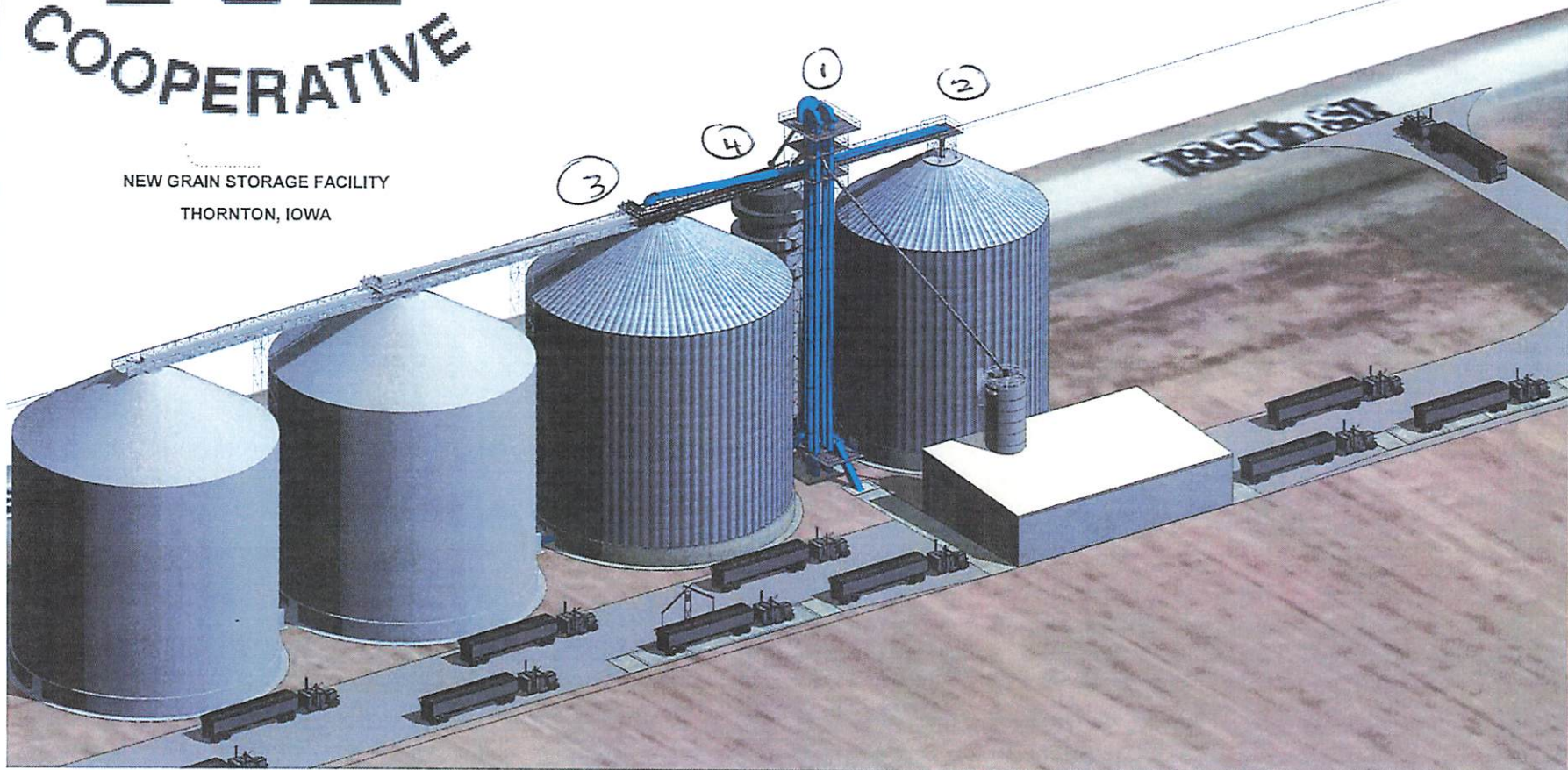
SHEET LIST		
Sheet Number	Sheet Name	Sheet Issue Date
A00	COVER SHEET	7/26/2011
A01	FLOW DIAGRAM	7/26/2011
A02	LIFE PLAN	7/26/2011
A03	PLAN @ BELOW GRADE	7/26/2011
A04	PLAN @ GRADE	7/26/2011
A05	PLAN @ PILL	7/26/2011
A10	PIT SECTIONS	7/26/2011
A11	FALL SECTIONS	7/26/2011
A12	REGULAM SECTIONS	7/26/2011
A13	LOADOUT SECTION	7/26/2011
A20	EAST ELEVATION	7/26/2011
A21	WEST ELEVATION	7/26/2011
A22	NORTH ELEVATION	7/26/2011
A23	SOUTH ELEVATION	7/26/2011
A30	ISO VIEW 1	7/26/2011
A31	ISO VIEW 2	7/26/2011



SITE AERIAL



VICINITY MAP



2011  
NORTH IOWA  
NI  
COOPERATIVE

Member Since 1911



SUPERIOR BUILDING  
SYSTEMS, INC.

1110 S. IOWA, IOWA  
50201-1000  
PH: 562-8872  
FAX: 562-8888  
WWW.SUPERIORBUILDING.COM

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NORTH IOWA  
COOP

THORNTON, IA

NO. 1110 S. IOWA, IOWA 50201-1000

PH: 562-8872 FAX: 562-8888

WWW.SUPERIORBUILDING.COM

B-781.1

A00

**Case No. 21-11**  
**North Iowa Cooperative (NE¼ of the SW¼, Section 19, Pleasant Valley Township)**

**Figure 1**

Looking at the location of the proposed grain facilities



August 7, 2020, J. Robbins

**Figure 2**

Looking westerly toward Thornton and the Cooperative's existing facility



August 7, 2020, J. Robbins

**Figure 3**

Looking easterly toward the proposed grain facility site from Ingebretson County Park



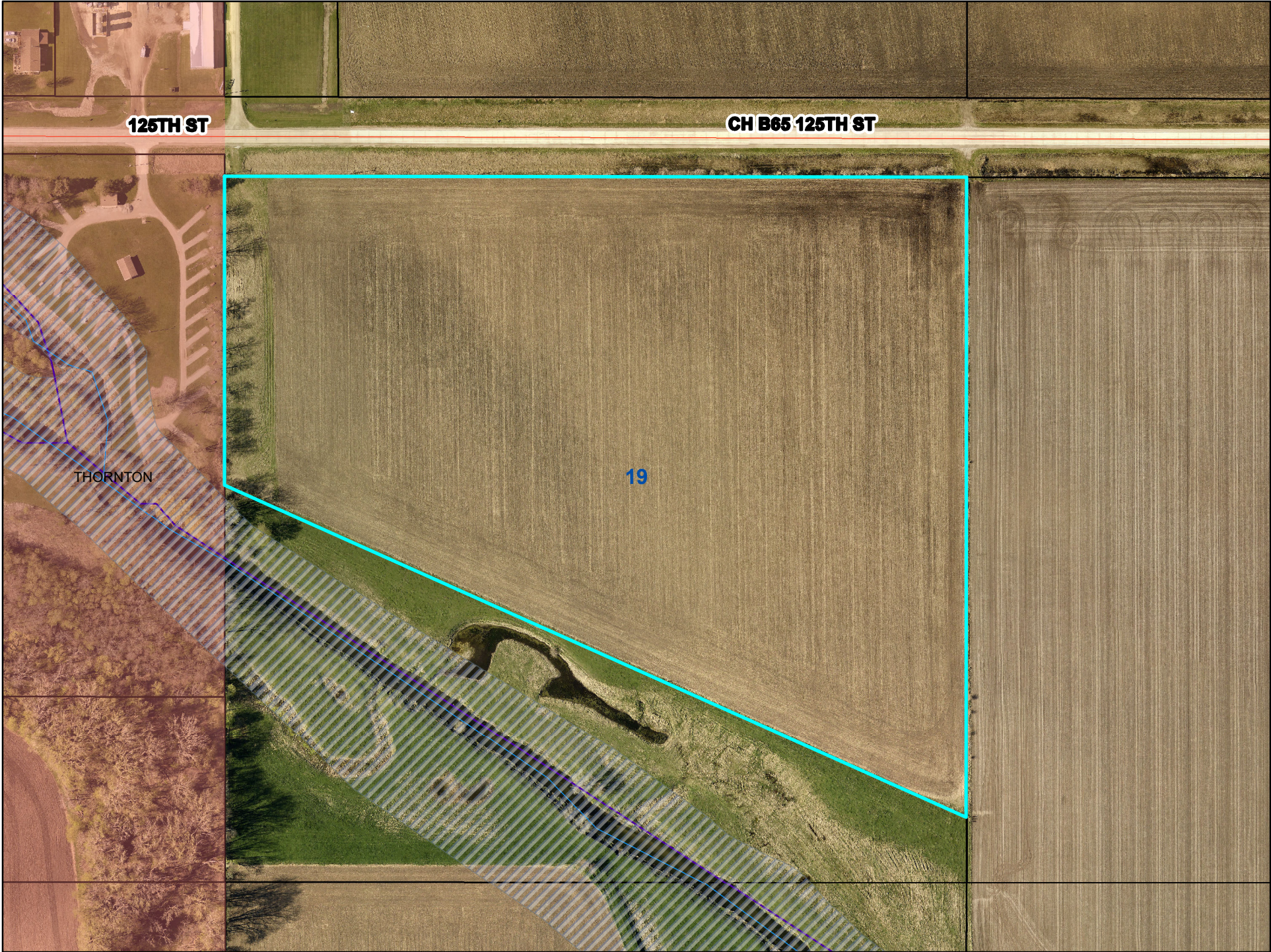
August 7, 2020, J. Robbins

**125TH ST**

**CH B65 125TH ST**

THORNTON

19



Prepared by: John Robbins, Planning and Zoning Administrator, 220 N. Washington Avenue, Mason City, IA 50401  
(641) 421-3021

Return to: John Robbins, 220 N. Washington Avenue, Mason City, IA 50401

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### CONDITIONAL ZONING AGREEMENT

WHEREAS, North Iowa Cooperative Elevator (hereafter “the Cooperative”) are the sole record titleholders of certain real estate as described below, within the boundaries of Cerro Gordo County, Iowa:

“Parcel A” totaling 27.58 acres located in the Northeast Quarter of the Fractional Southwest Quarter of Section 19, Township 94 North, Range 21 West of the 5<sup>th</sup> P.M. Cerro Gordo County, Iowa, as depicted in the Plat of Survey dated July 19, 2018 and recorded on July 30, 2018 as Document No. 2018-4347.

WHEREAS, the Cooperative intends to develop a new commercial scale grain facility and other future projects to serve the local agricultural community; and,

WHEREAS, the property is currently zoned A-1 Agricultural, and the Cooperative is requesting to change the zoning district to M-2 Heavy Industrial to bring to an appropriate district 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 125<sup>th</sup> Street (County Road B-65), which are directly caused by rezoning of the real estate described above from A-1 Agricultural to M-2 Heavy Industrial.
2. The real estate described above, upon being rezoned to M-2, shall be used in a manner consistent with the application and site plan provided by the Cooperative.
3. The Cooperative, successors and assigns, and any future owner of the real estate described above shall apply for and have issued a Zoning Permit prior to any change of use or construction of any structure. The following shall apply:
  - A. Any proposed change of use or structure shall be consistent with the site plan submitted by the Cooperative with the Change of Zone Application. A Zoning Permit Application shall be filed with the Planning and Zoning Office. Any use inconsistent with said site plan shall require approval from the Cerro Gordo County Board of Adjustment. Upon application, the Zoning Administrator shall make a determination whether Board of Adjustment approval is required.

- B. For any use permitted in the M-2 Heavy Industrial District as regulated by the Cerro Gordo County Zoning Ordinance, the Cooperative, successors and assigns, and any future owner of the real estate described above shall receive approval and/or a Special Use Permit granted, as applicable, by the Cerro Gordo County Board of Adjustment.
4. The Cooperative shall install a vegetative buffer park, consistent with Subsection 19.4(B)(2) of the Cerro Gordo County Zoning Ordinance along applicable property lines and also along the right-of-way of 125<sup>th</sup> Street (County Road B-65), to which 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 the west property line and adjacent to any development as it occurs along the east property line and the right-of-way of 125<sup>th</sup> Street (County Road B-65). It shall not be less than sixty (60) feet in width 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. Prior to installation, the Cooperative shall consult with the Cerro Gordo County Conservation Board and have approved by said Board the design and species composition of said vegetative buffer park along the west property line.
  5. 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 or otherwise stopped for a significant period of time within the public right-of-way of 125<sup>th</sup> Street (County Road B-65). 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 125<sup>th</sup> Street (County Road B-65) 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.
  6. This agreement shall be effective contemporaneous with the effective date of the rezoning of the real estate described above to M-2 Heavy Industrial.
  7. 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-2 Heavy 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 (2009).

It was moved by Supervisor \_\_\_\_\_ and seconded by Supervisor \_\_\_\_\_ to adopt the foregoing agreement. Vote thereon was as follows:

Ayes:

Nays:

Absent/Not voting:

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by the Cerro Gordo County Board of Supervisors.

NORTH IOWA COOPERATIVE ELEVATOR

\_\_\_\_\_  
Charles Schafer, General Manager

STATE OF IOWA                    }  
  } ss:  
CERRO GORDO COUNTY         }

On the \_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned Notary Public in and for the State of Iowa, personally appeared \_\_\_\_\_, 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.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

CERRO GORDO COUNTY, IOWA:

\_\_\_\_\_  
Tim Latham, Chair  
Board of Supervisors

Attest:

\_\_\_\_\_  
Adam V. Wedmore, Auditor  
Cerro Gordo County, Iowa

STATE OF IOWA                    }  
  } ss:  
CERRO GORDO COUNTY         }

On the \_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned Notary Public in and for the State of Iowa, personally appeared Tim Latham and Adam V. Wedmore, 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 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 \_\_\_\_ day of \_\_\_\_\_, 2020, and that Tim Latham and Adam V. Wedmore 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