



Document 2023 743

Book 2023 Page 743 Type 06 022 Pages 8  
Date 4/13/2023 Time 2:08:28PM  
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BRANDY MACUMBER, COUNTY RECORDER  
MADISON COUNTY IOWA

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Type of Document

REDISTRICTING - AGRICULTURAL TO COMMERCIAL

**PREPARER INFORMATION:**

Zoning Office for Yutzy Building Supplies, LLC

**TAXPAYER INFORMATION:**

Ervin Yutzy  
Yutzy Building Supplies, LLC  
2980 Clark Tower Rd  
Winterset, IA 50273

**RETURN DOCUMENT TO:**

Ervin Yutzy  
Yutzy Building Supplies, LLC  
2980 Clark Tower Rd  
Winterset, IA 50273

**GRANTOR:**

**GRANTEE:**

**LEGAL DESCRIPTION:**

3146 US HWY 169, Lorimor, IA 50149; Parcel "J" part of Parcel "B" located in the SE ¼ of the NW ¼ and the NE ¼ of the SW ¼ of Section 23 T74N R28W of the 5<sup>th</sup> P.M. in Madison County, Iowa.

**Document or instrument of associated documents previously recorded:**  
(if applicable)

**ZO-RESOLUTION 04-11-23A**  
**APPROVING REZONING OF PROPERTY FROM**  
**“AGRICULTURAL” TO “COMMERCIAL”**  
**T74N R28W SECTION 23 MONROE TOWNSHIP**

**Whereas**, Yutzy Building Supplies, LLC requested to rezone a parcel of land from “Agricultural” to “Commercial” to allow for the construction of a 20,000 square foot pole building of which 5,000 sq ft will be utilized for retail sales and offices, and the other 15,000 sq ft will be utilized as wholesale/warehouse storage. The owners wish to operate a lumber yard, livestock feed and farm store.

**Whereas**, the tract of land is described as follows:

**Parcel “J” part of Parcel “B” located in the SE ¼ of the NW ¼ and the NE ¼ of the SW ¼ of Section 23 T74N R28W of the 5<sup>th</sup> P.M. in Madison County, Iowa, shown in Plat of Survey filed October 7, 2022, in Book 2022, Page 2930 of the Recorder’s Office of Madison County, Iowa. Otherwise known as 3146 US Hwy 169, Lorimor, IA.**

**Whereas**, the Madison County Zoning Commission, appointed pursuant to the provisions of the Code of Iowa, held a public hearing on Thursday, March 16, 2023, to which the Commission recommends by a 5 to 1 vote approval of said request;


**Whereas**, The Board of Supervisors of Madison County, has set same down for public hearing and has given notice thereof as prescribed by law; and

**Whereas**, Public Hearing was held April 11, 2023, upon this request to rezone the described tract of land, and opportunity has been given to proponent and objectors to be heard thereon;

**Now, therefore, be it resolved** by the Board of Supervisors, Madison County, Iowa the above-described real estate shall be rezoned from “Agricultural” to “Commercial.”

DATED at Winterset, Iowa, 11<sup>th</sup> this day of April, 2023.

MADISON COUNTY BOARD OF SUPERVISORS

By   
Phillip Clifton, Chairman

Aye

Nay

By   
Diahe Fitch, Supervisor

Aye

Nay

By   
Heather Stancil, Supervisor

Aye

Nay

ATTEST:

  
Shelley D. Kaster, Madison County Auditor

## Application for Ordinance Amendment or District Change

Office Use Only					
Tracking Number	Date Received	Fee Paid	Date of Brd Review	Date Approved/Denied	Section/Township (District Change)
S-22	9/13/22	11/7/22	3/16 + 4/11 ZC BOS	4/11/23 APPROVED	23 - MONROE

For ordinance amendments, the applicant must submit text for recommended change. For district changes, the applicant must submit a survey if the proposed district boundary is not described in terms of an aliquot part(s). Additional information will be required upon request of the Zoning Commission, Board of Supervisors or Board of Health. In addition, please attach any other information that you believe will be helpful in reviewing your application.

**Please Print All Information.**

<b>1. Applicant Information</b>			<b>2. Property Owner Information (For District Change Only &amp; if different than Block 1)</b>		
First Name <b>ERVEN</b>	Last Name <b>YUTZY</b>		First Name	Last Name	
Company Name <b>YUTZY BUILDING SUPPLIES LLC</b>			Company Name <b>SAME</b>		
Address <b>2980 CLARK TOWER RD.</b>			Address		
City <b>WINTERSSET</b>	State <b>IA</b>	Zip <b>50273</b>	City	State	Zip
Phone Number (area code)	Fax or E-mail	Cell Phone <b>515-468-5524</b>	Phone Number (area code)	Fax or E-mail	Cell Phone
<b>3. Type of Request</b>		<b>4. Legal Description (For district change only)</b>			
<input type="checkbox"/> Environmental Health Amendment <input type="checkbox"/> Zoning Amendment <input checked="" type="checkbox"/> Zoning District Change		<b>PROPOSED COMMERCIAL PARCEL LOCATED IN THE SE 1/4 OF THE NW 1/4 + IN THE NE 1/4 OF THE SW 1/4 OF SECTION 23 TOWNSHIP 74 N RANGE 28 W</b>  <b>CURRENT PARCEL #'S : 660142348011000 + 660142362011000</b>			
<b>5. Citation or standard (For ordinance amendments only)</b>					
<b>6. Zoning District (For district change only)</b>					
Current Zoning District <b>AGRICULTURAL</b>			Proposed Zoning District <b>COMMERCIAL</b>		
<b>7. Summary of Fact (Reason for amendment or district change). Provide additional pages if necessary.</b>					
<b>TO OWN + OPERATE A RETAIL LUMBER YARD + FEED STORE @ THIS LOCATION.</b>					

<b>I hereby attest the truth and accuracy of all facts and information presented on this application and as part of this application.</b>	
Applicant Signature: 	Date: <b>9-14-22</b>
Owner Signature (For district change only, unless same as applicant):	Date:

## **Yutzy Building Supplies, LLC Business Plan**

**Business Type: Lumber Yard & Farm Supply**

**Items Sold: Trusses, Lumber, Posts, Insulation, Doors, Windows, Livestock Feed, Fencing Supplies and Gates.**

**Expected Monthly Sales: \$300,000 - \$400,000.**

**Expected Inventory Held At All Times: \$200,000.**

**“Trying to support local people that normally would have to drive to Des Moines to do business” – Ervin Yutzy, Owner of Yutzy Building Supplies.**



[www.iowadot.gov](http://www.iowadot.gov)

Office of Traffic and Safety  
800 Lincoln Way Ames, IA 50010

3/15/2023

Permit Number: 2023-61-0-2  
Primary Highway: US 169 N  
County: Madison (61)  
Expiration Date: 03/16/2024

Yutzy Building Supplies  
2980 Clark Tower Rd.  
Winterset, IA 50273

**Subject: Approval of Access Permit**

Dear Applicant,

This letter is notification that your request to establish an access connection along primary highway US 169 N has been approved.

As the applicant of record, you are responsible for compliance with the terms and conditions set forth in this permit. In particular, the prescribed traffic control measures must be adhered, ANSI 107 Class 2 high visibility apparel must be worn by all personnel within the highway right-of-way and unless otherwise specified, work hours shall be between 30 minutes after sunrise and 30 minutes before sunset. Finally, a copy of the **entire** approved permit shall be available at the job site at all times for examination by Department officials.

Prior to commencing work, a 48 hour notice is required. Please contact the DOT representative below:

Brandon Brimm  
Garage Supervisor  
2313 Iowa 92 E.  
Greenfield, IA 50849  
515-250-8050  
[brandon.brimm@iowadot.us](mailto:brandon.brimm@iowadot.us)

Upon completion of your entrance, final field inspection shall be completed. Please call me to schedule this final inspection at your earliest convenience. If you should have any questions, please do not hesitate to contact me.

Best regards,

Nick Mocha  
Engineering Operations Technician  
712-250-0282  
[nicholas.mocha@iowadot.us](mailto:nicholas.mocha@iowadot.us)

Enclosures



## NEW ACCESS PERMIT

Permit to construct entrance from private property to primary highway

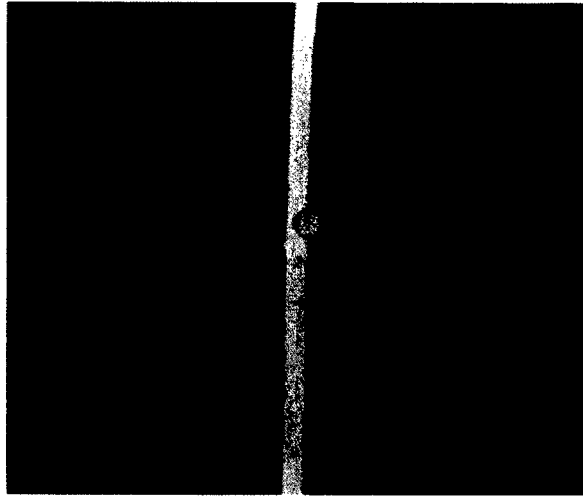
**Permit Number :** 2023-61-0-2

**Date of issue:** March 15, 2023

**Issued To:** Yutzy Building Supplies  
2980 Clark Tower Rd.  
Winterset ,IA 50273  
515-468-5524

**Access Use :** Access to a commercial property

**Access Type :** Type B



**Operational Restrictions :** All Directions

### LOCATION DATA

Highway: US 169 N                      County: Madison  
District: 4                                  Section: 23  
Reference Post: 58                      Township: T74N  
Offset: 0.075                              Range: R28W  
Side of road: East

### ENTRANCE DETAIL

Access Width: 35  
Radius(feet): (1) 15 (2) 15  
Pipe size (inches): 24  
Pipe length (feet): 60  
Pipe apron required: No

**Permit void if not constructed by:** March 16, 2024

**Enclosures:** Standard Terms and Conditions, EW-501, Draft Yutzy Entrance Permit 02142023.pdf, FN-169-3(7)-21-61 Page 14.pdf, TC-202, TC-1

### Related Permit History

Request	Relation	Status	Date
10013	Terminate	Approved	06-MAR-2023
10014	Terminate	Preexisting	06-MAR-2023

### SPECIAL REQUIREMENTS / STIPULATIONS

Access Location has been updated to 58 reference post and 0.075 offset

## Standard Terms and Conditions

The applicant(s) agrees to construct the entrance as approved, the following stipulations shall govern.

### A. GENERAL

1. Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural, and as masculine, feminine, or neuter gender according to the context.
2. Stipulations and requirements contained herein are not intended to waive greater requirement of local zoning ordinances.
3. Owner's attention is directed to the fact that private property may not be used so as to obstruct or encumber the public highway right-of-way,
4. A copy of the approved permit shall be available on the job site at all times for examination by Department officials.
5. Upon completion of the constructing of the entrance in compliance with the terms agreed upon in this document and attachment, no changes in the entrance or its location shall be undertaken without the prior written approval of the Department.
6. The owner shall be responsible for all future maintenance costs associated with maintaining the access in a safe state of repair from the outer shoulder of the primary highway to the right-of-way line.
7. In the future, should this entrance generate sufficient traffic to warrant a need for additional traffic control upon the primary road system, costs for these improvements shall be the responsibility of the owner and shall be constructed in accordance with the Department standards. These may include but would not be limited to the constructing of turn lanes and/or signalization.
8. It is understood that all provisions herein relating to the construction, repair, or maintenance of the access shall be binding on all successors or assigns of the owner.
9. If desired, the applicant may record the approved application.

### B. LIABILITY

1. The Owner(s) shall indemnify and save harmless the State of Iowa, its agencies and employees, from any and all causes of action, suits at law or in equity, for losses, damages, claims, or demands, and from any and all liability and expense of whatsoever nature, arising out of or in connection with Owner's use or occupancy of the public highway.
2. If the Owner(s) should fail to comply with any of the conditions and requirements of this agreement, the Department may terminate it, whereupon the Owner(s) shall immediately remove any construction undertaken pursuant to this agreement and restore the access(es) previously existing, and any rights granted the Owner(s) by this agreement shall end.

### C. NOTIFICATION, CONSTRUCTION, AND MAINTENANCE

1. Before beginning any work in the highway right-of-way, it is the responsibility of the Owner(s) to:
  - a. Contact utility companies which may be located in the area of the proposed work. Contact should be made by calling Iowa One Call at 1-800-292-8989, a minimum of 48 hours in advance of starting construction.
  - b. If the work requested in this application should cause a need to relocate or modify an existing utility, any cost associated shall be as negotiated between the applicant and the utility owner.
  - c. Contact the Department's Representative as noted in the approval letter, a minimum of 48 hours in advance of intention to start construction.
2. Unless specifically noted in this application, all work performed within the right-of-way shall be restricted to a time frame of 30 minutes after sunrise to 30 minutes before sunset.
3. The access, including drainage structure, grading, and surfacing, and entrance configuration shall be constructed by the Owner at the Owner's expense, in accordance with the exhibit and attachments hereto, and in conformity with the standard specifications of the Department of Transportation.
4. The construction, future repair, or maintenance of said entrance shall be carried on in such a way as not to interfere with, or interrupt traffic on said highway, and the Owner shall take all reasonable precautions to protect and safeguard the lives and property of any person or persons, on account of such construction, repair, or maintenance operation.
5. No filling will be permitted in the right-of-way primary road other than that necessary to construct the proposed entrance or as specifically stated herein.
6. If required a culvert pipe under the entrance shall be constructed as shown in the corresponding attachment.
7. Applicant will take necessary precautions to prevent the tracking of dirt and mud onto the highway during construction. If such tracking occurs, the applicant will remove the material by general acceptable practices as soon as possible but not later than the end of the working day.

### D. VISIBILITY REQUIREMENTS

All personnel in the highway right-of-way shall wear orange or strong yellow green ANSI 107 Class 2 apparel when exposed to traffic or construction equipment. Orange or strong yellow green ANSI 107 Class E pants or shin reflectors/gaiters are also required to be worn at night. Shin reflectors/gaiters shall have a minimum of two 2 inch (50mm) bands of retroreflective material spaced at least 6 inches (150 mm) apart. Background material shall extend at least 2 inches (50mm) above and below retroreflective bands and continue through the length of shin reflectors/gaiters. Shin reflectors/gaiters shall completely encircle the leg and be worn on lower leg between knee and ankle.