



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, June 7, 2018; 4:00 p.m.; Boardroom*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Planning and Zoning Commission is scheduled for **Thursday, June 7, 2018 at 4:00 p.m., in the Boardroom at the Courthouse.** You will be considering a rezoning request and two subdivision requests.

1. Lee Ann Rawson 1520 Jonquil Avenue

This 6.17 acre parcel is located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 33, Pleasant Valley Township, located approximately $\frac{1}{2}$ -mile from the south border of Cerro Gordo County. The homestead is being split off from the tillable acres. A rezoning is being requested from A-1 to A-2 because it will be less than 10 acres.

The lot contains an existing house and eight accessory farm buildings. A few of the structures are located within the required setback of the A-2 District. The house is 24.3 feet from the front lot line (See Figure 1). A 50 foot front yard setback is required in the A-2 District. Two of the farm buildings are 20.5 and 7.1 feet respectively from the south side lot line (See Figures 2 & 3). A 25 foot side yard setback is required in the A-2 District. Additionally, the two most easterly farm buildings along the south part of the acreage shown on the plat of survey have a separation distance of 9'-8" (See Figure 4). The Zoning Ordinance requires a minimum separation distance of 10 feet.

The parcel is adjacent to fields in agricultural production. The fields can be accessed off Jonquil Avenue north of the acreage.

The rezoning request is in general compliance with the comprehensive plan: it is an existing building site, no agricultural land will be taken out of production, and there are no current access issues. I recommend the request be forwarded to the Board of Supervisors for approval with the non-conforming structures noted.

2. Gunderson's Addition Includes 16051 245th Street

This property is located near Northco Acres and Bower's Acres adjacent to city limits on 245th Street. The proposed three lot subdivision of 2.63 acres is located in the NW¹/₄ of the SW¹/₄, Section 22, Mason Township. All lots are zoned R-2 Single Family Residential and meet minimum lot size requirements.

Proposed Lot 1 is the northernmost of the three parcels and has direct access to 245th Street. The 16,625 square foot parcel has an existing house, a permanent well house or shed, and a temporary shed (See Figures 1-3). The existing permanent accessory building is close to the rear lot line (See Figure 4). The lot will combine three separate parcels and adjusts the rear lot line to the south (See Figure 5). The temporary shed is located partially on proposed Lot 1 and proposed Lot 2 (See Figure 5). The temporary shed is also located less than 1 foot from the adjacent lot within the city limits of Mason City (See Figure 6). A 15 foot side yard setback is required in the R-2 District. With the combined lots, there will be two driveway accesses from 245th Street (See Figure 7 & 8).

The proposed 15,985 square foot Lot 2 is immediately south of proposed Lot 1. The lot has an existing garage (See Figure 9). It is not adjacent to any right-of-way; however, there is a 10 foot wide strip of land that has common ownership (with an ingress/egress easement drawn on the plat) within city limits that accesses the lot from S Federal Avenue (Figure 10).

Proposed Lot 3 is east of proposed Lot 2 and currently in agricultural production (See Figure 11). There are no existing structures. The lot does not have direct access to an existing paved street but has access via a platted right-of-way for 36th Street SE as shown on the plat (See Figure 12).

The Auditor's Office has approved the subdivision name, "Gunderson's Addition in the NW¹/₄ SW¹/₄ of Section 22 Township 96N Range 20W, Cerro Gordo County, Iowa." The Public Health Department noted that proposed Lot 1 is served public wastewater facilities and has an existing well. The well has a history of high arsenic levels. Future development would hook up to the existing wastewater facilities and may need new well construction. A permit is required by the Health Department for any new well construction. The County Recorder noted a Title Opinion and a Certificate of County Treasurer are required before being heard by the Board of Supervisors. The County Treasurer noted all property taxes are up-to-date. A Consent to Platting is also required if there is a Mortgage Holder. The County Assessor had no comment. Any comments received from the County Engineer or County Auditor will be shared at the hearing.

The subdivision is adjacent to the city limits of Mason City. City Council approval is required before the plat is considered by the Supervisors. The city has been provided the opportunity to comment. Any comments received will be shared at the hearing.

There are other corrections I noted for the Plat and Dedication of Plat that also need to be completed before it is considered by the Supervisors. The changes are as follows:

Sheet 1

- Correct a couple minor typos and consistency errors within the legal description
- The title on the Plat and Dedication of Plat should match the subdivision name as approved by the County Auditor's Office "Gunderson's Addition in the NW¹/₄ SW¹/₄ Township 96N Range 20W, Cerro Gordo County, Iowa."

Sheet 2

- Show all existing structures on each lot, any non-conforming setbacks of those existing structures, and the buildable area showing the required setbacks on each lot (50 foot front yard (Lot 1, 24 feet), 15 foot side yard, and 30 foot rear yard).
- Show and label Mason City limits
- Show and label the right-of-way of 245th Street that is a part of the gross area of proposed Lot 1
- Federal Avenue should be labelled as “S Federal Avenue” in the parentheses
- As necessary, show any utility easement as referenced in the Dedication of Plat
- There needs to be signature locations for the County Auditor, County Engineer, and Secretary for the Planning and Zoning Commission.

Dedication of Plat

- In favor of Cerro Gordo County, write in an easement dedicating the right-of-way of 245th Street on the north side of Lot 1 as a public road.
- The ingress/egress access easement as shown on the plat accessing Lot 2 from S Federal Avenue within the city limits of Mason City should also be written into the Dedication of Plat and declared as a perpetual easement. Otherwise, an alternative access easement through Lot 1 or 3 may be necessary for the access of Lot 2, shown both on the plat and written into the dedication, in case the 10 foot wide strip of land ever transfers ownership.

The plat generally conforms to the goals of the Comprehensive Plan. No farmland will be taken out of production and is in an existing residential area. If the above corrections regarding access to Lot 2 are made, no access issues exist. I recommend the request for waiver of the preliminary plat be approved. I also recommend the subdivision be forwarded to the Board of Supervisors subject to the above revisions being made and a revised Plat and Dedication of Plat being received by the Planning and Zoning Office before the hearing occurs.

3. Peter’s Addition Includes 9831 Heather Avenue

The proposed subdivision is located just south of the intersection of Heather Avenue and 190th Street. It includes two lots on a 10 acre area in the NW¼ of the NW¼, Section 20, Mount Vernon Township. The two lots are being split from the surrounding farmland. A rezoning from A-1 Agricultural to A-2 Agricultural is being requested because both lots will be less than 10 acres. The location is not within 2 miles of an incorporated city.

The 3.73 acre proposed Lot 1 has an existing house on the property (See Figure 1). The house is partially located within the required front yard (See Figure 2). A 50 foot front yard setback is required in the A-2 District. The house is 14.4 feet from the south side lot line (See Figure 13). A 25 foot side yard setback is required in the A-2 District. There is an existing driveway access from Heather Avenue (See Figure 3).

Proposed Lot 2 is 6.27 acres in size and contains all the farming structures (See Figures 4-10). The liquid storage tank structures on the northwest portion of the lot closest to Heather Avenue are located within the required setback (See Figures 4 & 11). The large liquid storage tank and utility building on the west portion of the lot are also located within the required front yard setback (See Figure 6 & 12). A 50 foot front yard setback is required in the A-2 District.

On proposed Lot 2, the shed on the northwest portion of the lot and north of the grain bins is in the required north side yard setback (See Figures 5 & 13). Two of the grain bins on the northwest portion of the lot are also within the required north side yard setback (See Figures 4 & 14). The utility building on the north part of the lot is 15.9 feet from the north side lot line (See Figure 15). The southernmost grain bin on the southeast portion of the lot is 13.3 feet from the south side lot line (See Figure 16). A 25 foot side yard setback is required in the A-2 District. The 30 foot rear yard setback requirement is drawn correctly on the plat. Accessory structures can be as close as 3 feet to rear lot lines in agricultural districts, so the grain bins on the southeast portion of the lot are within the requirements of the Zoning Ordinance.

On proposed Lot 2, many of the farming structures are closer than the minimum separation distance of 10 feet for detached structures required by the Zoning Ordinance. The grain bins and other farm structures that are a part of the grain elevator and leg system are considered attached, so they would meet the minimum separation distance requirement (See Figure 4). The same is true of the four grain bins in the southeast portion of the lot (See Figure 10). The four large liquid storage tanks on the northwest portion of the lot (See Figure 4) are generally less than one foot apart (See Figure 11). These same storage tanks are separated 3'-10" from the closest grain bin (See Figure 17). The shed and the closest grain bin on the northwest portion of the lot are 3'-5" apart (See Figure 18). The westernmost utility building and the liquid storage tank on the west side of the building (including the retaining wall surrounding) are 3' apart (See Figures 6 & 19). The westernmost utility building and the two liquid storage tanks to the east of the building are 6'-7" apart (See Figures 6 & 20). The same two storage tanks and the vertical storage tank structure to the east are approximately 6 feet apart (See Figures 6 & 21). The same vertical storage structure and the liquid storage tank to the east of that are 5'-1" apart (See Figures 6 & 22). The two buildings in the center of the lot are 3 feet apart (See Figures 9 & 23). The three raised grain bins with funneled bottoms on the southeast portion of the lot are separated from each other by less than 1 foot (See Figures 10, 24, & 25).

On proposed Lot 2, there is also an existing driveway access from Heather Avenue (See Figure 6).

The Auditor's Office has approved the subdivision name, "Peter's Addition in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20 Township 96N Range 21W, Cerro Gordo County, Iowa." This is the incorrect legal description reflected in the subdivision name. The subdivision is located in "Township 95N Range 21." The applicant should request a new subdivision name to reflect the correct legal description before the subdivision is considered by the Board of Supervisors.

The Public Health Department has no record of onsite well and wastewater facilities (See Figure 8), which likely means the well and wastewater facilities are more than 30 years old. A time-of-transfer inspection will be required when/if the property is transferred. If any new wells or wastewater facilities are desired to be installed, a permit is required by the Health Department. If the applicant intends to share well or wastewater facilities between lots, an agreement should be agreed upon between the two lots for such a purpose before the subdivision is considered by the Board of Supervisors.

The County Recorder noted a Title Opinion and a Certificate of County Treasurer are required before being heard by the Board of Supervisors. The County Treasurer noted all property taxes are up-to-date. A Consent to Platting is also required if there is a Mortgage Holder. The County Assessor had no comment. Any comments received from the County Engineer or County Auditor will be shared at the hearing.

There are several corrections that need to be made before the Plat and Dedication of Plat are considered by the Board of Supervisors. The changes are as follows:

Plat

- There needs to be signature locations for the County Auditor, County Engineer, and Secretary for the Planning and Zoning Commission.
- “Peter’s Addition,” as approved by the Cerro Gordo County Auditor, is missing an apostrophe on all sheets and should be added. The title on the Plat and Dedication of Plat should match the subdivision name as approved by the County Auditor’s Office once reapproved by the County Auditor to reflect the correct legal description.
- All front yard building setbacks should be measured to the right-of-way line of Heather Avenue.
- The two grain bins in the southeast part and the center grain bin on the northwest part of Lot 2 need a setback measurement labelled.
- The Plat does not show all buildings and non-conforming structures as required on the Change of Zone Application checklist. The Plat should be updated to show all of these structures, including storage tanks in a fixed location.

Dedication of Plat

- The location reference in the title and first paragraph should read “Township 95, Range 21.”

The plat generally conforms to the goals of the Comprehensive Plan. No land will be taken out of agricultural production, and there are no access issues. The surrounding farmland can be accessed to the south of the acreage off Heather Avenue. I recommend the request for waiver of the preliminary plat be approved. I also recommend the subdivision and change of zone request be forwarded to the Board of Supervisors subject to the above revisions being made and a revised Plat and Dedication of Plat being received by the Planning and Zoning Office before the hearing occurs.