



## PLANNING AND ZONING

### Cerro Gordo County Courthouse

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October 16, 2018

TO: Cerro Gordo County Planning and Zoning Commission

FROM: John Robbins

SUBJECT: Next Meeting – *Thursday, November 1, 2018; 4:00 p.m.; Board of Supervisor's Office*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Planning and Zoning Commission is scheduled for **Thursday, November 1, 2018 at 4:00 p.m., in the Board of Supervisor's Office at the Courthouse.** You will be considering two rezoning requests and a controlled access request.

1. Bob and Jennifer Kopriva part of Lots 5 & 6, Subdivision of Government Lot 1, Section 22, Clear Lake Township, located between 4748-A/B 240<sup>th</sup> Street & 4864 240<sup>th</sup> Street

This is a request to change the zoning classifications on portions of Lot 5 and Lot 6 in the Subdivision of Government Lot 1 in Section 22, Clear Lake Township (See Figures 1 & 2). There was a rezoning of the property to its current classifications in November 2005. This request can best be understood as a property that is accessed from 240<sup>th</sup> Street.

Enclosed with your packet is a map showing the current zoning of the property and surrounding properties. Additionally, the enclosed plat shows the proposed areas (currently zoned R-2 Single Family Residential) to be rezoned to M-1 Light Industrial. The proposed change of zone effectively would make the whole of Lots 5 and 6 be one zoning classification (See Figure 3-5).

Other than the storage of boat hoists, the Koprivas were issued a Zoning Permit for the construction of a building for commercial boat storage in the northeast portion of Lot 6 on September 14, 2018 (See Figure 6). Construction is expected to begin this fall if the weather cooperates. Otherwise, there are no structures on either lot. The Clear Lake Sanitary District has an easement running along the west property line of Lot 5 (See Figure 5).

The property lies in an area designated for future residential development by the Comprehensive Plan. It is also served by the Clear Lake Sanitary District. There are public sanitary lines that could serve the use from the east along the north side of 240<sup>th</sup> Street and from the north running along the west property line of Lot 5.

As shown on the enclosed map of current zoning, the property abuts residential zoning to the east and west and agricultural zoning to the south. The Zoning Ordinance requires the establishment

of buffer yards between industrial and residential or agricultural zoning districts when development occurs. The onus for providing the buffer yard is on whoever develops the adjacent property, except for an agricultural use. Heavy buffers already exist along the west property line of Lot 5 and east property line of Lot 6 (See Figures 1-5 & 7).

The Koprivas recently installed new plantings for a vegetative buffer along the west property line where a buffer yard does not already exist near the northwest corner of Lot 5 (See Figure 8). The residence at 4864 240<sup>th</sup> Street was split off of Lot 6 (See Figure 9). While a fence exists north of the house, no vegetative buffer exists along the west side of the house or along the south property line running along the right-of-way of 240<sup>th</sup> Street (See Figure 10). If further development occurs in the future, a buffer yard will be required in those portions of the property.

The Comprehensive Plan has several policy statements pertaining to industrial development to ensure that such uses are compatible with its surroundings. Policy 6.1.1 discourages industrial development that would present a conflict with or pose a danger to dense development. The storage of boat hoists does not present a hazard to dense development. However, such storage tends to require large areas of land and may be considered unsightly near residential uses. The requirement by the ordinance to establish buffer yards should mitigate such issues.

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. There is an existing access from 240<sup>th</sup> Street, which is gravel-surfaced. The site is already used for boat hoist storage and will provide a consistent zoning and use in the vicinity.

Policy 6.1.3 provides a list of criteria that industrial development must meet in order to be permissible. The use is not infrastructure-intensive, and it is difficult to foresee any large increase on infrastructure demand. No increase in demand for transportation or well and sanitary sewer demand are necessary in the near future. Thick vegetative buffers exist or are being developed along the west property line of Lot 5 and east property line of Lot 6 (See Figures 1-5 & 7). Requirements of the Zoning Ordinance will help to further buffer the use if the property further develops, though this could be made a requirement of approval if you find it necessary at this time.

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. The only improvement that would likely be necessary is further buffering along 240<sup>th</sup> Street and the property at 4864 240<sup>th</sup> Street. This can be accomplished as a condition of the rezoning or through the requirements of the Zoning Ordinance at the time of future development of the property.

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.

This request is generally consistent with the adjacent zoning classifications and with the Comprehensive Plan. I recommend that it be forwarded to the Board of Supervisors for approval.

2. Thomas and Harmonica Haan 15325 Bayside Court

The Haans propose to install a second, 18'-wide driveway just south of the existing driveway (See Figures 1 & 2). The Haans were issued a Zoning Permit on June 4, 2018 for an attached garage as shown on the enclosed site plan (See Figure 3). The second driveway will be used to access the new garage (See Figure 2). Due to existing telephone equipment, widening the existing driveway is not practical (See Figure 4).

Located within a cul-de-sac, Bayside Court receives minimal traffic, usually from only residents and visitors. I have no safety concerns for this proposal. The proposed driveway is a safe distance from the intersection of Lee Street, and the new garage will be set back significantly from the road (See Figure 3 & 5-6). The County Engineer has been provided the opportunity to provide comment. Any comments received will be shared with you at the hearing.

The County Road Access Policy requires a minimum separation distance of 400 feet between driveways on the same property for residential properties. The separation distance between the existing driveway and the proposed driveway access (measuring along property lines) is only 7'-10" feet. Approval will require a variance from the rules. I would recommend the driveway and variance request be forwarded to the Board of Supervisors for approval, subject to County Engineer standards.

3. Cory Behr, as referee 1427 Thrush Avenue

The subject 5.09-acre parcel, located in the NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub>, Section 32, Dougherty Township, was separated from the surrounding cropland by court-ordered public auction. Since the property is less than 10 acres, a rezoning from A-1 to A-2 is being requested by the applicant.

The property contains a house, wellhouse, barn, an old mobile home, and several grain bins and farm buildings (See Figure 1). The southwest farm building encroaches 9.7 feet into the right-of-way of Thrush Avenue (See Figure 2). A 50-foot front yard setback is required in the A-2 District. If the building was ever removed, it would not be permitted to be constructed in the same location.

The house is 40.8 feet from the front lot line (See Figure 3), and the machine shed immediately south is 17.9 feet (See Figure 4). A 50-foot front yard setback is required in the A-2 District. The old mobile home is 9.4 feet from the south side lot line (See Figure 5). A 25-foot side yard setback is required in the A-2 District.

The mobile home and barn have a separation distance of 6'-11" (See Figure 6). The barn and the chicken coop behind the barn have a separation of 3'-9" (See Figure 7). The central machine shed and the adjacent bin have a separation distance of 4'-3" (See Figure 8). The two westerly of the north grain bins have a separation distance of 5'-9" (See Figure 9). The Zoning Ordinance requires a minimum separation distance of 10 feet for detached structures.

As noted, there is an old mobile home located on the acreage (See Figure 10). The Zoning Ordinance prohibits two dwellings to be located in the A-2 District. However, the mobile home is clearly not habitable, and probably would not qualify as a dwelling to lack of facilities and the dilapidated condition of the structure.

The parcel is surrounded by fields in agricultural production. The fields to the south and east of the acreage can be accessed south of the acreage from Thrush Avenue and one mile east of the acreage from Ulmus Avenue. The fields to the north of the acreage will have separate

ownership. There are plans to install a new farm access north of the acreage. An access permit from the County Engineer's Office is required for the new driveway. This will solve any access concerns.

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