



PLANNING AND ZONING Cerro Gordo County Courthouse

220 N Washington Ave
Mason City, IA 50401-3254
cgcounty.org/planning

(641) 421-3075
(641) 421-3110
plz@cgcounty.org

February 10, 2023

TO: Cerro Gordo County Planning and Zoning Commission
FROM: John Robbins
SUBJECT: Next Meeting – **Thursday, March 2, 2023; 4:00 p.m.; Boardroom**

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Planning and Zoning Commission is scheduled for **March 2, 2023 at 4:00 p.m., in the Boardroom at the Courthouse.** You will be considering a rezoning request and a subdivision request

The option to attend the hearing via web conference will be made available. You may join the web conference by using the following web address or by calling the phone number and entering the conference ID when prompted. Please let me know if you have any questions or if you are not able to attend in advance of the hearing.

BY COMPUTER

Web Conference: <https://bit.ly/3jrgLqD>

BY PHONE (AUDIO ONLY)

Conference phone: (641) 351-6385

Conference ID: 802 955 79#

1. Tim & Brad Lichty/Joe McGrath 10386 250th Street

This 2.00-acre parcel is located in the SE¹/₄ of the SW¹/₄, Section 15, Lake Township. The applicant proposes to split the farmland from the building site. It is less than 10 acres, so a rezoning from A-1 Agricultural to A-2 Agricultural Residence is being requested.

The property contains a house, a machine shed, a small shed, and two grain bins (See Figures 1-6). No new conformities are being created as a result of the request.

The parcel is surrounded by fields in agricultural production. The fields can be accessed to the east via 250th Street.

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 access issues. **I recommend the request be forwarded to the Board of Supervisors for approval.**

2. Maulsby Marine Properties, LLC Evergreen Cove (Lot 5 & part of Lot 4 of Subdivision of Government Lot 2 in Section 22, Lake Township, currently addressed 4749-C Southshore Drive)

The subject property is located off of Southshore Drive, located south of 4651 Southshore Drive and west of 4749-B Southshore Drive. It can only be accessed via the westerly driveway of the Clear Lake Boats business at 4749-D Southshore Drive (See Figure 1) and along the driveway accessing 4749-B Southshore Drive (See Figure 2), which has an established access easement agreement across both properties to address any questions of legal access from Southshore Drive. The subject parcel is illustrated in an aerial map included in your packet, and a copy of the access agreement is also enclosed in your packet. A three-lot subdivision is proposed on the existing 1.9-acre parcel by Maulsby Marine Properties, LLC (Maulsby).

All lots are zoned R-2 Single Family Residential and meet the minimum lot size of 12,000 square feet for the district and minimum 80' width. Proposed Lot 1, the northernmost parcel, is 26,923 square feet in size (See Figure 3). Proposed Lot 2, the central parcel, is 22,747 square feet in size. Proposed Lot 3, the southernmost parcel, is 33,057 square feet in size. A 30'-wide access easement is proposed across proposed Lots 1 and 2 to establish legal access to all three lots from the aforementioned private driveway as illustrated on the Final Plat (See Figure 6). All three lots currently have no structures and are unimproved.

The developer intends to split the lot for the purpose of constructing a single unit dwelling on each lot, which is a principle permitted use in the R-2 District. A conceptual rendering has been included in your packets for review purposes to illustrate the general purpose of the proposed subdivision currently under consideration. The renderings do not represent a specific proposal of the dwellings that will actually be constructed. If the subdivision is approved, a Zoning Permit will be required at the time a dwelling is proposed to be constructed and must comply with the requirements of the Cerro Gordo County Zoning Ordinance at the time of application.

Review of Final Plat, Dedication of Plat, and Declaration of Covenants

A proposed Final Plat, Dedication of Plat, and Declaration of Covenants for the proposal have been submitted with the Final Plat Application and are included in your packets. Except as otherwise noted, it appears that the Final Plat and Dedication of Plat conforms to the requirements of the Cerro Gordo County Zoning Ordinance and Subdivision Ordinance and includes all required elements of the Final Plat Checklist.

The following revisions to the Final Plat and Dedication of Plat will need to be made and submitted to the Planning and Zoning Office prior to being heard by the Board of Supervisors:

- Signature lines for the "County Auditor" and the "Secretary, Planning and Zoning" should be added for Cerro Gordo County.
- The required building setback lines should be illustrated on each proposed lot as required by the Final Plat Checklist.
- The drainage easement established in the Dedication of Plat, under letter "D," should make direct reference to the grading and drainage plan submitted with the Final Plat Application to ensure that the obligation for Maulsby to improve drainage facilities is well defined as presented with the subdivision application, including the ability for Cerro Gordo County the ability to enforce the conditions presented in the grading and drainage plan.

Utilities and Services

Electrical Service: A utility easement has been established over the properties of 4749-D Southshore Drive (Clear Lake Boats) and 4749-B Southshore Drive to ensure proper electrical service is guaranteed into the future for the proposed subdivision. A copy of the easement agreement is included in your packets. Utility easements are also being established on the Final Plat and Dedication of Plat around the boundaries of each lot, labelled as “UE” on the Final Plat.

Well Service: It is intended to have a single well that services all three proposed lots. A well-share agreement has been drafted to address the needs for well service into the future, which is what is needed as noted in the comments from CG Public Health. The intent is to drill a new well to serve the proposed subdivision.

CG Public Health noted an existing well, according to its records, located near the east lot line shared with the property at 4749-B Southshore Drive (See Figure 7). From the department’s records, it is unclear on which property the subject well is located. A site visit from the department may help to determine the actual property on which it is located. During staff’s site visit for review of the proposed subdivision, the property location was also unclear for the well, as survey stakes were not in place anymore at most proposed lot corners. Well permits are required for any new private wells by the department.

Further, CG Public Health noted that the proposed subdivision is located roughly 980’ from a leaking underground storage tank (LUST). The Iowa DNR must review any new well drilled within 1,000’ of a LUST. Any new well must be a minimum of 100’ from any non-conforming private well and 10’ from any conforming private well. There may be an abandoned well on the property; if there is an abandoned well on the property, it is required to be plugged within the standards of CG Public Health.

Wastewater Service: Wastewater sewer service is provided by the Clear Lake Sanitary District (District). An existing sewer line is located at least a couple hundred feet east of the east lot lines. Maulsby intends to work with the District to have these lines extended to serve the proposed subdivision. The District has been afforded the opportunity to make comment to note any requirements or concerns. Any comments received will be shared with the Commission at the hearing.

Drainage

The subject property sits at a location with known drainage concerns. A private drainage tile originates from the southwest and crosses the northwest corner of the property. The route of the drainage tile is noted in a watershed exhibit along with an independent drainage study enclosed in your packet. There is an existing drainage intake on the adjacent property to the north of the subject property (See Figure 8 & 9). This drainage intake gets stressed during periods of short-term heavy rainfall, resulting in a large area of standing water due to the bottleneck from water volume that can last for several days. Due to these known conditions, staff required Maulsby to conduct a drainage study and develop a grading and drainage plan to be submitted with the Final Plat Application to ensure no further stress is put on the drainage tile from any proposed development.

Maulsby contracted with WHKS, a local engineering firm, to conduct the required drainage study and grading and drainage plan. As aforementioned, the study and plan are enclosed in your packet. The plan proposes a drainage retention area to be located at the rear 55’ of the proposed lots, in which all site runoff will be directed and retained. As proposed, the drainage study indicates an overall reduction of water runoff compared to existing conditions. As summarized in the table of the study, there would be a moderate reduction in runoff (18%)

during a two-year event of 4.04 inches and up to a significant reduction (65%) during a 100-year event as compared to existing conditions, which will result in less water runoff in a given period compared to existing conditions.

A drainage easement is being established on the Final Plat and Dedication of Plat within the rear (west) 55' of the subject property, labelled as "DE" on the Final Plat. The easement established in the Dedication of Plat grants Cerro Gordo County the ability to enforce Maulsby's obligation to improve drainage in the event Maulsby fails to provide such improvements. However, the easement language in the Dedication of Plat should make direct reference to the grading and drainage plan as indicated above in the needed revisions.

Department Comments

The Auditor's Office has approved the subdivision name, "Evergreen Cove, Cerro Gordo County, Iowa." The County Assessor and County Engineer had no concerns. The County Treasurer noted that some taxes are still due on the property, which must be paid before the Treasurer will sign the Treasurer's Certificate. The County Recorder, County Assessor, and County Engineer had no concerns.

Conformance with the Comprehensive Plan

The current zoning classification and the Future Land Use Map consider the vicinity as generally a residential area. The residential development section of policy generally encourages residential development to locate within established residential areas, subdivisions, and/or established urban fringe areas such as this location. Infill development is encouraged, especially where centralized water and wastewater systems can accommodate more residences. Generally, the plan appears to provide support under the residential development section.

The plan also encourages the development of performance standards where appropriate in Policy 2.1.5. Further, Policy 2.1.4 posits any zoning changes should be granted when the community benefit outweighs any potential adverse impacts. Generally, further single family development when housing supply is low would have an overall positive impact by increasing supply. The proposal in and of itself would probably be considered a net positive as a result.

A foreseeable adverse impact could be related to exacerbating a known drainage concern on the existing drainage intake located on the adjacent lot to the north with more intensive development, so addressing such drainage concerns would be a reasonable performance standard. The provided drainage study and grading and drainage plan demonstrate less stress to the intake by diverting existing runoff to a new drainage retention area if followed. With a revision to the Dedication of Plat specifically referencing the grading and drainage plan and granting the county enforceability of the plan for the new development, a well-defined performance standard will be established. The Comprehensive Plan generally appears to support the request.

Summary and Conclusion

The plat is within 2 miles of the city of Clear Lake and Ventura. Both City Councils' approval will be required before the plat is considered by the Board of Supervisors. Both cities have been provided the opportunity for comment. Any comments received will be shared with the Commission at the hearing. There are no access issues. The proposed subdivision is generally in line with the goals and policies of the county Comprehensive Plan. I recommend the request for waiver of the preliminary plat be approved. The approval should be contingent to the above revisions being made and a revised Final Plat and Dedication of Plat being received by the Planning and Zoning Office before the hearing occurs.