



## 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, April 2, 2020; 4:00 p.m.; Boardroom*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Planning and Zoning Commission is scheduled for **Thursday, April 2, 2020 at 4:00 p.m., in the Boardroom at the Courthouse.** You will be considering one rezoning request and one subdivision request.

In seeking to adhere to Governor Reynold's State of Public Health Disaster Emergency Proclamation related to COVID-19 Community Spread Mitigation, the hearing will be conducted via telephone conference call. You will call the phone number below and enter the Conference ID when prompted. Please let me know if you have any questions about this.

**Conference phone:** (641) 421-3113  
**Conference ID:** 3044#

1. Kent Pals/K&T Farms      3378 100<sup>th</sup> Street (SE<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub>, Section 33, Grimes Township)

Located in the SE<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub>, Section 33, Grimes Township, the subject area includes "Parcel A" (5.24 acres) and "Parcel B" (0.4 acres) (See Figure 1), totaling 5.64 acres. Since the total area is less than 10 acres, a rezoning from A-1 to A-2 is being requested by the applicant for the subject area. A minimum area of 2 acres is required in the A-2 District.

The intended result will end up with the overall building site and farmland being on two separate parcels. To avoid a subdivision trigger under state law, there will need to be some subsequent parcel combinations with new parcels that will get created after certain transfers and tax classification matters are taken care of following the potential change of zone. This can happen independent of the rezoning but must happen subsequent to this particular process to avoid the subdivision trigger.

The property contains a house, two hog confinement buildings, a large machine shed, and a small storage shed (See Figures 2-5). None of the structures are non-conforming.

The parcel is surrounded by fields in agricultural production. The field around the acreage is accessible to the west or east of the building via 100<sup>th</sup> Street (See Figures 6 & 7).

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.

2. Cerro Gordo County Re-subdivision of Replat of Lot 1 P&J First Subdivision (Including 15198 Evergreen Avenue, 15212 Evergreen Avenue, and 15232 Evergreen Avenue)

This property is located on the southwest corner of the intersection of South Shore Drive and Evergreen Avenue, including, including 15198 Evergreen Avenue, 15212 Evergreen Avenue, and 15232 Evergreen Avenue. The proposed five lot subdivision of 1.35 acres is located in the SW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub>, Section 23, Clear Lake Township. All lots are zoned R-3 Single Family Residential and meet minimum lot size and width requirements.

Proposed Lot 1 is the northernmost of the five proposed parcels, bordering South Shore Drive. This 20,908.8 square foot (0.48 acres) parcel has an existing house (See Figure 1). There is an existing well less than 30' west of the house (See Figure 2). There is a driveway access from Evergreen Avenue approximately 36' south of South Shore Drive (See Figure 3). The house will meet all required R-3 setbacks.

Proposed Lot 2 is 8,712 square feet (0.2 acres) in size and has no structures on it (See Figure 4). There is no existing driveway, but the lot provides sufficient legal access to the public road (See Figure 5). Any new access driveway will require the appropriate approval from the County Engineer to connect to the public road.

The proposed 18,730.8 square foot (0.43 acres) Lot 3 has an existing dwelling (See Figure 6). There is an existing driveway access from Evergreen Avenue (See Figure 7). The dwelling has an existing front yard setback of 13.3'. A 30' front yard setback is required in the R-3 District. The dwelling was converted from an old barn. It is considered legally non-conforming and is not being exacerbated by the proposed re-subdivision of the property. This should be noted.

The proposed 5,227.8 square foot (0.12 acres) Lot 4 is a vacant lot (See Figure 8). There is no existing driveway, but the lot provides sufficient legal access to the public road (Figure 9). Any new access driveway will require the appropriate approval from the County Engineer to connect to the public road.

The proposed 5,227.8 square foot (0.12 acres) Lot 5 has an existing dwelling (See Figure 10). There is an existing driveway access from Evergreen Avenue (See Figure 11). The dwelling has an existing front yard setback of 24', and the existing rear yard setback is 18.2' (See Figures 6 & 7). 30' front and rear yard setbacks are required in the R-3 District. The setbacks are considered legally non-conforming and are not changed or exacerbated as a part of the proposed subdivision. This should be noted. If either dwelling on proposed Lot 3 or proposed Lot 5 were destroyed beyond 50 percent of the fair market value, the replacement structure could not be built in the same position in which they are now.

A utility easement and well share agreement has already been drafted for the benefit of all five lots and should suffice for future development and service to the lots. This addresses the comments provided by CG Public Health, which are included in your packet. It was also noted that the subdivision is serviced by the Clear Lake Sanitary District for wastewater disposal and that any new wells will require permits from the department. Additionally, the sanitary district has been afforded the opportunity to provide comment. Any comments received will be shared at the hearing.

The Auditor's Office has approved the subdivision name, "Heydt's First Subdivision, Cerro Gordo County, Iowa." The County Assessor and County Engineer had no concerns. The County Treasurer signed the Treasurer's Certificate, indicating that all property taxes are current. The County Recorder noted that the years were missing on the dates for both notary acknowledgements on the Dedication of Plat. The County Recorder also noted that the Title Opinion is required at the time of recording (The Title Opinion does not affect the matter in the context of approving the subdivision by the Board of Supervisors.).

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

- Within the past few years, a deck has been added onto the rear side of the dwelling on proposed Lot 1; an addition has been added onto the rear side of the dwelling on proposed Lot 3; and a deck has been added onto the south side of the dwelling on proposed Lot 5. All of these structures need to be illustrated on the final plat as they are on site with the applicable existing setbacks noted.
- The building setback line requirements need to be illustrated on the final plat for each lot.
- As noted by the County Recorder, the notary acknowledgments need to be properly dated and redone on the Dedication of Plat prior to recording.

The plat is within 2 miles of the cities of Clear Lake and Ventura. Both City Councils' approval will be required before the plat is considered by the Supervisors. There are no access issues. I recommend the request for waiver of the preliminary plat be approved. I also recommend that this plat be forwarded to the Board of Supervisors for approval with the non-conforming front and rear yard setbacks of Lot 5 and front yard setback of Lot 3 noted. The approval should be contingent to the above revisions being made and a revised Final Plat being received by the Planning and Zoning Office before the hearing occurs.