



PLANNING AND ZONING Cerro Gordo County Courthouse

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March 18, 2025

TO: Cerro Gordo County Planning and Zoning Commission

SUBJECT: Next Meeting – **April 3, 2025; 4:00 p.m.; Boardroom**

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Planning and Zoning Commission is scheduled for **April 3, 2025 at 4:00 p.m., in the Boardroom at the Courthouse.** You will be considering two rezoning requests.

1. Levi & Lucinda Sheriff: Land on west side of Lark Avenue and north side of 100th Street, lying south of Bailey Creek, Sheffield, IA

This 9.78-acre parcel is located in the SE¹/₄ of the SE¹/₄ of Section 35, Pleasant Valley Township. The applicant is purchasing the acres from his parents to construct a farm shop and future dwelling. The parents reside immediately to the west at 11492 100th Street. The applicant is actively engaged in the family farm operation. Since the parcel is less than 10 acres in size, a rezoning from the A-1 Agricultural District to the A-2 Agricultural Residence District is being requested.

The property contains a shed and a garage on the westerly portion of the parcel and a smaller farm field on the easterly portion of the parcel that will continue to be farmed. 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 from 110th Street or Lark Avenue. There is an entrance into the 5-acre field from 110th Street that will also be utilized as the drive to their future dwelling.

The rezoning request is in general compliance with the comprehensive plan. No agricultural land will be taken out of production, and there are no access issues. **The Planning & Zoning Department recommends the request be forwarded to the Board of Supervisors for approval.**

2. Mulsby Marine Properties LLC: Vacant lot between 4693 & 4737A-F Southshore Dr, Clear Lake, IA

This request is a proposal to rezone the subject property from the R-2 Single Family Residential District to R-4 Multi-Family Residential District. (See **Figure 1**). The intention is for the development of two, two-residential buildings for a total of four residential units. This is not a permitted use in the R-2 District and would require the change of zone to be done.

This lot is in excess of 36,000 square feet (**See Figures 2 & 3**). The R-4 District requires a *minimum* area of 3,500 square feet per dwelling. This would be met with the proposed four condominium units. This also meets the stated purpose of the R-4 District to maintain 5,000 square feet per dwelling unit.

The applicant states that the proposed rezoning and development is in keeping with the overall development of the area, is in keeping with the County's Comprehensive Plan goals, is harmonious with the area's residential uses and will enhance the existing residential area.

There are two, three-unit condominium buildings (Lake Ridge) on the adjacent parcel to the east of this lot at 4737A-F Southshore Drive (**See Figure 4**). A zone change from the R-2 District to the R-4 District was recommended by the Planning & Zoning Commission on June 3, 2021 and was approved by the Board of Supervisors on July 27, 2021.

The Clear Lake Boats parcels to the east are zoned M-1 Light Industrial. Clear Lake Methodist Camp (Bell Harbor) is located to the north of this property (R-3 Single Family Residential) and the PM Park neighborhood is located to the east of the property (R-3 Single Family Residential). There are single-family homes located to the south and west of the property (R-2 Single Family Residential). Besides the adjacent parcel to the east, the closest R-4 District are the condominiums on the north side of Clear Lake Methodist Camp along the lake. (**See zoning district map in packet**)

A driveway is proposed along the east lot line from Southshore Drive that will serve the north condo building. The garage doors on the north condo building will face east. The south condo building will be served by a private driveway (**See Figure 5**) that runs south along the west lot line of the Clear Lake Boats property at 4749D Southshore Drive and by the private driveway to the south behind the property owned by Carol Hanson at 4749B Southshore Drive. The garage doors on the south condo building will face south. A driveway agreement is in place for access to the south condo building.

The County Engineer has no issue with the location of the proposed driveway. The County requires a 24-foot-wide driveway. An approved driveway permit is required from the County Engineers Office prior to construction and any work within the public ROW will also require authorization from the County Engineers Office. Any increase in traffic will be minimal and not significantly affect vehicular traffic on Southshore Drive.

The property is served by the Clear Lake Sanitary District. The Clear Lake Sanitary District has been provided the opportunity to comment regarding the request. Any comments received will be shared with the Commission at the hearing. Where the property is going to be served by sewer needs to be addressed.

There are no public water services available to the site. CG Public Health stated their main concern from the standpoint of the Environmental Health & Preparedness Division is the potential well construction for the site. They noted two LUST (leaking underground storage tank) sites within roughly 1,000' depending on the exact location of the well on the parcel. (**See LUST site map in packet**). Based on the proposed location of the well, one LUST site is about 950' and the other is about 1,125' from the proposed well. CG Public Health will make a formal request for a DNR review to comply with the policy set forth by their office to review proposed wells within 1,000' of LUST sites. Any new well will need to be drilled meeting the local ordinance. This area has had a history of naturally occurring arsenic contaminating wells. The well must be cased and grouted through the Lime Creek Formation and at least 10' into the Cedar Valley Group to reduce risk of elevated arsenic.

Based on CG Public Health records there is a non-conforming (older) private well at 4693 Southshore Drive located immediately east of the house. Every attempt will need to be made to keep a 100' distance from that well. The proposed new well location is approximately 130-140' from the private well. The new well will also need to be at least 4' from the property line. All other separation distances laid out in Iowa Code Chapter 49 Private Wells and the local county ordinance will apply.

Our office is in receipt of a drainage study (**See packet**) conducted by WHKS submitted by the applicant. The study is based on the proposed improvements, including two, two-unit condominiums, and approximately 7,000 square feet of new paved surfacing.

According to the study, this parcel is one part of two sub-tributary areas to the overall watershed served by a 12" diameter drainage tile coming from the southwest. The two sub-tributary areas are listed as "West" and "East" drainage areas. The Maulsby property site is located within the "East" drainage area. The "East" drainage area has a natural detention pond lying within the project site and adjacent properties. Storm water runoff within the East drainage area collects in this natural detention pond until the 12" drainage tile can drain the area.

Exhibit A – Pre-Existing Conditions shows two 24" existing intakes; one along the west property line of the Maulsby property and one in the center of the Maulsby property. It also shows the location of the existing 12" drainage tile coming from the southwest, running thru the center of the Maulsby property, across the condo property to the east, then runs north under Southshore Drive.

Exhibit B – Post Development Conditions shows both intakes will remain. However, the existing 24" intake in the center of the Maulsby property will be changed to an 18" intake. This will restrict the release rate into the 12" intake tile.

Grading will take place between the two proposed buildings on the Maulsby property. The pond slope between the buildings will be 3.5:1. Digging out on the Maulsby property will make up for the additional storm water runoff volume from the two proposed buildings.

The blue shaded area on Exhibit B shows the approximate 100-yr flood/ponding boundary after the Lake Ridge condos were constructed at an elevation of 1242.4. That is if a storm event occurred today. After the proposed project completion, the 100-yr flood/ponding boundary elevation will be 1241.9, lowering the water level by ½".

The drainage study states that although the post-development conditions of the project will increase runoff rates, the proposed detention pond and restricted release rate of the detention pond outlet will ultimately result in the flow into the 12" drainage tile being slightly less than pre-development conditions. The calculated high-water elevations within the proposed detention pond are less than for pre-development conditions. Thus, there is a net increase of zero runoff from the post-developed project site.

Our office is in receipt of a Drainage and Storm Water Easement Agreement (**See packet**) between the Lake Ridge condos to the east and Maulsby's proposed condos. This agreement allows the Maulsby property (Tract 2) to drain into the storm water detention cell (SWDC) located in the rear (south) portion of the Lake Ridge condos (Tract 1) to the east (**See Figures 6 & 7**). To properly drain the Maulsby condos and the Lake Ridge condos, the storm water detention cell needs to be enlarged, and intakes, underground pipes and other appurtenances need to be installed to provide drainage from the tracts through the SWDC. All expenses to expand the SWDC shall be the

responsibility of Maulsby. The SWDC shall have its deepest point toward the west side of Tract 1.

The applicant anticipates the dwellings will be owner occupied. The dwellings would be submitted to the condominium form of ownership to allow for separate ownership. The applicant is willing to prohibit short-term rentals. The applicant has provided a Conditional Zoning Agreement (See packet) which states:

- A. The property shall be rezoned to R-4 Multi Family Residential District
- B. Only the following principal permitted uses shall be permitted on the property
 - a. All principal uses permitted in the R-1 District
 - b. Two-family dwellings with a minimum lot area of 5,000 square feet per dwelling
- C. The property shall be developed with no more than 4 dwelling units
- D. All construction must be in compliance with the Drainage Study dated January 31, 2025 by WHKS & Co
- E. Any rental agreement for the dwelling units located on the property shall be for a period of no less than 30 days. Nightly and weekly rentals are prohibited.

Additional conditions could be added to the Conditional Zoning Agreement if appropriate to mitigate any other potential impacts/concerns the Board finds.

The Commission is guided by the Comprehensive Plan, which was approved by the Board of Supervisors on April 15, 2024. This parcel is located within the Rural Estate area of the Plan (**See Comp Plan Map in packet**).

The Cerro Gordo Comprehensive Plan (“Plan”) was recommended by the Planning & Zoning Commission and approved by the Board of Supervisors. The Plan developed a future land use map for the county and specifically the development of the South Shore Drive area.

The approval of the Lake Ridge Condominium site zoning change to R-4 multi-family was approved based on the previous comprehensive plan on July 27, 2021. The zoning change for the Lake Ridge site was presented as, “a transition from single family residential and the commercial property to the east (Clear Lake Boats).”

The year long process that resulted in the Plan adopted on April 15, 2025, involved considerable discussion related to the development of the unincorporated area around South Shore Drive. The Future Land Use map has designated the Maulsby lot as Rural Estate. The Plan describes Rural Estate as “Extremely low residential densities that maintain rural character even if using conventional subdivision techniques.”

The Land Use Compatibility Guides summarize the type of land use for Rural Estate as Agriculture and Rural Residential. County actions include preserving community character and quality of life (p. 157 & 161 - Plan).

The Plan is a guide and is not considered set in stone. However, the Commission should not ignore the hours of deliberation and public input sessions held over the last two years in the drafting and development of the approved Plan.

Based on guidance from the Comprehensive Plan, staff believes the biggest consideration in making the Commission’s recommendation revolves around whether this project is appropriate in the Rural Estate area. This type of development would seem to be more fitting to the Low Intensity or Medium Intensity areas. If approved, a precedent will be set for the immediate vicinity, and

future multi-residential development becomes more likely on nearby lots within the Rural Estate designated areas.

The Commission's recommendation should be consistent with its findings during the public hearing. Due to the likely availability for multi-family residential development elsewhere, ongoing concerns for drainage, the Comprehensive Plan's future land use map, and the implication for future development, the path appears to tilt towards making a recommendation to the Board of Supervisors for denial of this request.

Alternatively, if the Commission makes findings that would cause a recommendation of approval, the conditional zoning agreement that has been provided by the applicant would be an appropriate method to mitigate potential impacts and any additions the Planning & Zoning Commission believes should be added based on the Commission's review and public comment.

Zoning staff has an alternative path the Commission could consider. If multi-family (condominiums & town homes) developments that fit more appropriately within the Low Intensity and Medium Intensity land use designations are desired in the Rural Estate, then a review and recommendation could be made by the Commission to amend the future land use map reflecting Low or Medium Intensity development where it is now Rural Estate.