



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, October 4, 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, October 4, 2018 at 4:00 p.m., in the Boardroom at the Courthouse.** You will be considering a rezoning request.

1. Dennis Koenigsberg 11115 110th Street

This 4.60-acre parcel is in the NW¹/₄ of the NW¹/₄, Section 35, Pleasant Valley Township. The property was recently split to less than 10 acres. A rezoning from A-1 to A-2 is being requested by the applicant as a result.

The property contains a house, a detached garage, two grain bins, and about 8 farm structures (See Figure 1). The detached garage and nearest farm building are 5'-4" apart. The Zoning Ordinance requires a minimum separation distance of 10 feet for detached structures (See Figure 2).

The parcel is surrounded by fields in agricultural production. The fields around the acreage can be accessed from 110th Street both to the east and west of the property.

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.

2. Pearson Subdivision Includes 12920 230th Street and 14048 Mallard Avenue

The proposed subdivision is located at the intersection of 230th Street and Mallard Avenue. It includes two lots on a 6.68-acre area in the SE¹/₄ of the SE¹/₄, Section 25, Lake 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. A formal request to waive the preliminary plat requirement was received with the application. The location is within 2 miles of the city limits of Mason City.

The 3.77-acre proposed Lot 1 has an existing house and all the farming structures (See Figures 1-7). There is an existing driveway access from Mallard Avenue (See Figure 8). Additionally, there are several non-conforming structures.

The farm building just northeast of the house is 5.4 feet into the right-of-way of Mallard Avenue (See Figure 9). If this structure was ever removed or destroyed, it would not be permitted to be constructed in the same location. North to south, the large northeast grain, the next two easterly grain bins, and the corn crib immediately south are 16.1 feet, 5 feet, 5.4 feet, and 10.3 feet respectively from the side lot line off of Mallard Avenue (See Figures 10 & 11). A 25-foot side yard setback is required in the A-2 District.

The house and garage have a separation distance of 8'-8" (See Figure 12). The two small easterly grain bin have a separation of 8 feet (See Figure 13). The two small westerly grain bin have a separation of 8 feet (See Figure 14). The Zoning Ordinance requires a minimum separation distance of 10 feet for detached structures.

Proposed Lot 2 is 2.91 acres in size and also contain an existing house (See Figure 15). There is an existing driveway access from 230th Street (See Figure 16). There are no non-conforming structures.

The Auditor's Office has the approved the subdivision name, "Pearson Subdivision, Cerro Gordo County, Iowa." The County Treasurer provided commented that taxes for the second half of Assessment Year 2017 need to be paid. The County Recorder noted a Title Opinion and a Certificate of County Treasurer are required at the time of recording. The County Assessor had no concerns. Any comments received from the County Engineer or the Health Department will be shared at the hearing.

Both lots share the existing well (See Figure 17). Since the applicants have plans to continue use on both lots, a well-share agreement should be drafted prior to being heard before the Board of Supervisors Both lots are served by individual, private wastewater facilities (See Figures 18 & 19)

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

- The signature line for the County Engineer is listed twice. Only one is needed.
- Within the legal description, the township reads "Township 95 North, Range 21 West" but should read "Township 96 North, Range 21 West." The property is located in Lake Township.
- The Zoning District for both proposed lots should be listed (A-2 Agricultural).

Dedication of Plat

- A perpetual easement should be written in for the uninhibited access of emergency services, specifically fire, sheriff, and public safety vehicles and personnel, to carry out their respective duties.

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 immediately to the north of proposed Lot 1 off Mallard Avenue (See Figure 20).

Since the property is within 2 miles of the city limits of Mason City, a copy of the approval by the City Council must be received prior to the hearing before the Board of Supervisors. At the city's Development Review Council on September 11, 2018, the city expressed no concerns with the subdivision request as proposed.

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 for approval, noting the non-conforming structures. The approval should be 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.