



PLANNING AND ZONING

Cerro Gordo County Courthouse

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October 23, 2020

TO: Cerro Gordo County Planning and Zoning Commission

FROM: John Robbins

SUBJECT: Next Meeting – *Thursday, November 5, 2020; 4:00 p.m.; Boardroom*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Planning and Zoning Commission is scheduled for **November 5, 2020 at 4:00 p.m., in the Boardroom at the Courthouse.** You will be considering a rezoning request and two subdivision requests.

If you have concerns with attending in person due to COVID-19, the option to attend the hearing via teleconference will be made available. Social distancing will be practiced. You may join via teleconference by calling 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#

REZONING REQUESTS

1. Replat of Riebe's Subdivision Includes 1055 200th Street

This property is located on the southeast corner at the intersection of Apple Avenue and 200th Street, including 1055 200th Street. The proposed subdivision is a re-subdivision of Riebe's Subdivision, located in the NW¹/₄ of the NW¹/₄, Section 18, Union Township. All lots are proposed to be zoned A-1 Agricultural and meet the required minimum lot area.

Proposed Lot 1 sits adjacent to the intersection. This 10.38-acre parcel has an existing house and three accessory structures (See Figures 1-4). There is an existing well on the east side of the accessory building south of the house (See Figure 5). There is a driveway access from 200th Street north of the house (See Figure 6). The owners propose to add the southernmost accessory building to the existing lot (See Figure 4), which triggered the replat of the subdivision. Additionally, the applicants propose a rezoning from the existing the A-2 District to A-1 Agricultural. All buildings will meet the required setbacks of the A-1 District.

Proposed Lot 2 is 28.95 acres in size and has no structures on it (See Figure 7). There is no existing driveway, but the lot provides sufficient legal access to the public road. Any new driveway access will require the appropriate approval from the County Engineer to connect to the public road.

CG Public Health noted that there is limited information on the existing well on proposed Lot 1, but it tested safe for all tests they conducted in February 2020. There is also a permitted septic system on proposed Lot 1. Any new well or wastewater facilities will require a permit from CG Public Health.

The Auditor's Office has approved the subdivision name, "Replat of Riebe's Subdivision, Cerro Gordo County, Iowa." The County Treasurer noted that taxes must be paid before the Treasurer's Certificate would be signed, which is due at the time of recording. The County Assessor, the County Recorder's Office, and the County Engineer had no concerns.

The Final Plat needs to have a list of the proposed zoning district for each lot; otherwise, no other revisions are necessary for the Final Plat or Dedication of Plat. The revised Final Plat will need to be received prior to the hearing before the Board of Supervisors. If desired, the property owners have the option to develop additional agreements or easements as needed for any shared well, wastewater systems, or utilities.

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 contingent on the review Final Plat being received by the Planning and Zoning Office prior to the hearing before the Board of Supervisors.

2. Dana Lathrop, Executor for the Allen M Lathrop Estate 19462 280th Street
(SE¹/₄ of the SW¹/₄, Section 31, Falls Township)

This request involves two requests for rezoning. The first request (Request 1) is the 5.88-acre "Parcel C," located in the SE¹/₄ of the SW¹/₄, Section 31, Fall Township, that includes the existing building site and the adjacent farmland to the west. Since the property will be less than 10 acres, a rezoning of the combined split zoning of R-1 and A-1 to A-2 is being requested by the applicant.

The second request (Request 2) is a small area that was platted as R-1 Single Family Residential that is left over from previous subdivisions and as mapped on the original zoning maps when the current Zoning Ordinance was adopted in 1990. It will be a part of the farmland north of the building sites. This is illustrated in the "Rezoning Exhibit" that is not a part of "Parcel A," "Parcel B," or "Parcel C." Since this would leave a non-conforming R-1 District if left as is, a rezoning of R-1 to A-1 is being requested and will result in a single A-1 District for the resultant parcel.

The property contains a house, a mobile home, a machine shed, and a small storage shed (See Figures 1-3). Both dwellings—the house and mobile—have existed as they are for decades and are considered grandfathered under the Zoning Ordinance. Otherwise, there are no non-conforming structures on the property. There are no structures on the land zoned R-1 under Request 2.

There are fields in agricultural production north and east of "Parcel C" and residential properties to the west. The fields are accessible from 280th Street east of the property.

The Future Land Use Map shows this area as future residential. “Parcel C” is not likely to be developed in the near future, so the included farmland with Request 1 is not likely to be taken out of production anytime soon. However, the way “Parcel C” is being divided enables future residential development to occur adjacent 280th Street as identified on the Future Land Use Map. Request 2 creates consistent zoning and avoids a non-conforming lot for the farmland to the north of “Parcel C.”

Both rezoning requests are in general compliance with the comprehensive plan: The area is planned for future residential development; little, if any, farmland will be taken out of production in the foreseeable future; and there are no access issues. I recommend the request be forwarded to the Board of Supervisors for approval.

3. Kozy Acres Includes 1414 270th Street

The proposed subdivision, including 1414 270th Street, is a three-lot subdivision located in the SW¹/₄, Section 6, Clear Lake Township. Proposed Lot 1 is in the A-1 District. Proposed Lots 2 and 3 are in the A-2 District. All of the proposed lots meet minimum lot area requirements.

Proposed Lot 1 is 27.74 acres in size and has no structures on it, being primarily pasture or wetland (See Figure 1). There are no services located on the proposed lot. There is no existing driveway access from 270th Street.

Proposed Lot 2 is 6.51 acres in size and has a house and several accessory buildings (See Figures 2-6). There is an existing well on the rear side of the house (See Figure 7). There are several waterlines running throughout the property (See Figures 6 & 8). There is an existing horseshoe driveway (See Figure 9).

Proposed Lot 3 is 5.88 acres in size and has an existing building (See Figure 10). It appears there is an existing waterline that originates from proposed Lot 2 (See Figure 11). No existing well appears to be on of proposed Lot 3. There is no existing access driveway. Any new driveway access will require the appropriate approval from the County Engineer to connect to the public road.

CG Public Health noted that, except for the location, there is no information on the existing well on proposed Lot 2. There are permitted septic systems on proposed Lots 2 and 3. Any new well or wastewater facilities will require a permit from CG Public Health. It was also noted that the permitted septic system on proposed Lot 2 is close to the border of proposed Lot 1; if any of the drainage field crosses the proposed lot line, an easement agreement should be drafted and executed prior to the public hearing with the Board of Supervisors. Additionally, during my site inspection, I noted that there is a water line that appears to be fed from the existing well on proposed Lot 2 (See Figure 11); if there is in fact a water line crossing the proposed lot lines, a well-share agreement will need to be drafted and executed for the shared well prior to the public hearing with the Board of Supervisors.

The Auditor’s Office has approved the subdivision name, “Kozy Acres, Cerro Gordo County, Iowa.” The County Treasurer noted that taxes for March 2021 must be paid before the Treasurer’s Certificate would be signed, which is due at the time of recording. The County Recorder’s Office noted that the property is held in title by Laddie R Kozisek Jr. and Suzanne K Kozisek. The County Assessor had no comments.

The County Engineer noted that for proposed Lot 3 there is no guarantee that a driveway permit will be approved for a new driveway due to the nearby hill potentially obstructing site lines. A

driveway permit is required for all new driveways. It is strongly recommended, though not required, that an access easement across proposed Lot 2 using the existing east driveway be developed for legal access into the proposed Lot 3. If the applicant chooses this option, it should be written into the Dedication of Plat and illustrated on a revised Final Plat prior to the hearing before the Board of Supervisors.

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:

- The required building setback line measurements needs to be labelled on the Final Plat.
- The Dedication of Plat needs to be executed with a notarized signature on the Owner's Certificate.
- If the owner would like to develop an access easement for proposed Lot 3 across proposed Lot 2, this should be written into the Dedication of Plat and illustrated on the Final Plat. This is strongly recommended.
- If in fact any existing water lines cross the proposed property line, a well-share agreement should be drafted and executed for proposed Lots 2 and 3. This would also apply to any shared utility lines or service.

The plat is within 2 miles of the city of Ventura. The City Council's approval will be required before the plat is considered by the Supervisors. 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 contingent on a revised Final Plat and revised and executed Dedication of Plat, along with any needed easements or agreements, are received by the Planning and Zoning Office before the hearing occurs.