



PLANNING AND ZONING

Cerro Gordo County Courthouse

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May 21, 2021

TO: Cerro Gordo County Planning and Zoning Commission

FROM: John Robbins

SUBJECT: Next Meeting – *Thursday, June 3, 2021; 4:00 p.m.; Boardroom*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Planning and Zoning Commission is scheduled for **June 3, 2021 at 4:00 p.m., in the Boardroom at the Courthouse.** You will be considering two rezoning 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 or if you are not able to attend in advance of the hearing.

Conference phone: (641) 421-3113

Conference ID: 3044#

OLD BUSINESS

1. JMS Property Management, LLC 4737 Southshore Drive (East 120' of Lot 3 in Government Subdivision Lot 2, Section 22, Clear Lake Township)

The Commission originally considered this case on September 3, 2020. At the time, the Commission made a recommendation of denial to the Board of Supervisors. During the Board of Supervisor's consideration, the Board tabled the case and remanded it back to the Planning and Zoning Commission for further study, contingent on a drainage study analyzing the impact being conducted and provided at the applicant's expense. JMS Property Management, LLC has purchased the property since the original application.

The Planning and Zoning Office is in receipt of a drainage study conducted by WHKS submitted by the applicant. The study is based on the proposed improvements, including two, four-unit condominiums and surface parking. The study also assumes a re-routing of the existing tile via the south side of the lot and along the east end of the lot (See enclosed routing map). The applicant believes the existing tile to be a 12" diameter. This will be discussed later.

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

The lot is approximately 40,000 square feet in gross area (See Figures 2 & 3). The R-4 District has a minimum area of 3,500 square feet per dwelling required. This would be met with the proposed eight condominium units. This also roughly 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 will provide a “transition from single-family residential and the commercial property to the east.” Additionally, the applicant states that they believe the proposal will be a harmonious use to the area that creates a buffer for houses to the west of Clear Lake Boats.

Clear Lake Boats’ storage facility (M-1 Light Industrial) is located to the east of the property (See Figure 4). The Clear Lake Methodist Camp (Bell Harbor) and PM Park neighborhood are located to the northeast of the property (R-3 Single Family Residential) (See Figures 5 & 6). There are single-family homes located to the south and west of the property (R-2 Single Family Residential (See Figures 7-9)).

The County’s Future Land Use Map generally regards this area as residential and does not differentiate between Single Family and Multi-Family Residential land use. The County Comprehensive Plan has several applicable policies and objectives:

- Policy 2.1.4 Grant zoning changes only when it can be demonstrated that rezoning will result in community benefit which will outweigh any potential adverse impact upon surrounding properties. Conformance with the goals, objectives, and policies of the Comprehensive Plan and other adopted County plans or ordinances may be used as a basis for demonstrating community benefit.
- Objective 2.3 Encourage the majority of future development to locate within existing cities, or adjacent to existing cities in urban fringe areas planned for annexation, where adequate public services are planned or can be provided.
- Objective 4.1 Provide a variety of housing opportunities within the County in appropriate locations.
- Policy 4.1.1 Ensure that the *Future Land Use Map* provides adequate development potential for a variety of housing needs of present and future residents. When evaluating need, the County should consider the availability within the incorporated communities.
- Policy 4.1.2 Locate residential development in platted subdivisions with adequate public services.
- Policy 4.1.3 Encourage residential development to locate within existing cities and urban fringe areas where adequate public services are planned or can be provided.
- Policy 4.1.4 Allow for the creation of urban density residential districts within established urban fringe areas that follow the planned development process, and where urban services can be provided.

Objective 2.3 and Policies 4.1.3 and 4.1.4 speak to having available public services. The comments from CG Public Health and the Clear Lake Sanitary District are unchanged from the previous submission. The location is within the Clear Lake Sanitary District. The Sanitary District commented that there is an 8” sewer main available east of the property (See Figure 10). There are no public water services available to the site. CG Public Health commented that the existing well was reconstructed in October 2019. In December 2019, the water tested safe for

coliform bacteria, E.coli, and nitrate; however, it tested unsafe for arsenic at 44 parts per billion (four times the safe level for consumption of 10 ppb). Additionally, the proposed development could potentially qualify as a public water supply and could necessitate an upgrade of the well, which would require approval from the Iowa DNR. If the owner decided to drill a new well, the current well would need to be plugged. The drilling of a new well would likely be feasible if that is what the owner chose.

Objectives 2.3 and 4.1 and Policies 4.1.2, 4.1.3, and 4.1.4 encourage the location of future residential development to locate within established, developed areas within an incorporated city or on the urban fringe and densification of development. The property is within a developed urban fringe area. The proposed development would also increase density in the area.

Objective 4.1 and Policies 2.1.4 and 4.1.1 speak to the consideration of the benefits and appropriateness of granting a rezoning in a particular location. The property is surrounded by single family residential except for Clear Lake Boats, a light industrial property used for commercial storage (See Figures 5-9). The closest R-4 District is the condominiums on the north side of Clear Lake Methodist Camp (Bell Harbor) along the lake. As pointed out by the applicant, multi-family buildings can be used to buffer the impact of industrial or commercial uses to single family homes.

The property has existed as a single-family neighborhood since it first developed. While the applicant points out that there are multi-family condominiums north of the area in Clear Lake Methodist Camp, it is atypical to allow for a new multi-family development to jump into new areas unless planned for or adjacent to existing multi-family residential lots. The county does not have any plans that specify this property for future multi-family residential development or for within the south shore area. Approval of a new R-4 District or multi-family development would open up adjacent properties to potential, future multi-family residential development.

To further assess the availability and demand for multi-family housing within the Clear Lake area, the city of Clear Lake and the North Iowa Corridor were provided the opportunity to comment. The North Iowa Corridor states that there is a significant shortage in affordable, multi-family housing for the area's workforce. Contrasting this perspective, the city of Clear Lake has seen significant demand for single family homes, although "there always seems to be a demand" for multi-family development. The Corridor believes there is plenty of available land for development in the Clear Lake area, while the City stated there are limited available lots. A visual scan of aerial photography shows many vacant or farmed lots within city limits that could be sites for future multi-family development. Cerro Gordo County itself has not had significant development pressure for multi-family residential development in recent years and has other areas where it exists and could occur. Typical condominium residents in the south shore area are temporary residents that visit in the summer months of the year.

During the prior hearings, the primary site-specific concern was drainage. There is an existing private drainage tile located just south of the existing cabin, as roughly indicated on the enclosed map represented by the red line (See Figure 11). This tile has a tendency to bottleneck and have significant pooling during heavy rains at an intake stub about 500 feet west of the subject property. The potential for impacting existing drainage issues with more intensive development and more impervious surfaces should be considered as part of the recommendation.

The provided drainage study concludes there would be an approximate increase of 2.3 percent of runoff from the proposed improvements, which was considered "insignificant" by the drainage engineer. The applicant proposes to reroute the existing tile along the south rear property line

and turn north along the east side property line to reconnect to the tile line as illustrated in yellow on the provided map (See Figures 12 & 13).

The study indicates that the drainage will not be significantly exacerbated by the proposed development. However, the ability of the drainage tile and area to handle potential future development should be a central consideration for the Commission's recommendation. There are a few undeveloped lots nearby that are available to build on. Staff remains concerned about potential future, more intensive development occurring around a drainage tile and area that is already stressed to handle existing drainage concerns.

One concern expressed by the public in the previous public hearings was the potential increase in traffic. The County Engineer has provided further comment. As long as the driveway access is 40' wide with a lane for both ingress and egress, the increase in traffic would not significantly affect vehicular traffic on Southshore Drive. The driveway is proposed to be near the west side property line (See Figure 14). Figures 15 and 16 show the visual perspective along Southshore Drive from the proposed driveway location.

Based on guidance from the Comprehensive Plan, staff believes the biggest considerations in making the Commission's recommendation revolves around whether the area is appropriate for future multi-family residential development and drainage. If approved, a precedent will be set for the immediate vicinity, and future multi-residential development becomes more likely on nearby lots.

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, concerns for drainage to an already stressed tile and area, and the implication for future development, staff leans toward 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, a conditional zoning agreement would be an appropriate method to mitigate potential impacts. A draft agreement is included with your packets that focuses on conditions regarding drainage and use of the property.

NEW BUSINESS

2. Nathan and Jessica McKinnon 10586 Balsam Avenue (SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 18, Union Township)

This 4.28-acre parcel is located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ in Section 18, Union Township. The applicants propose to split the farmland from the building site. Since it is less than 10 acres, a rezoning from A-1 Agriculture to A-2 Agriculture is being requested.

The property contains a house, a detached garage, five accessory buildings, and two grain bins (See Figures 1-5). There are no non-conforming structures on the property.

The parcel is surrounded by fields in agricultural production. Existing access to the farmland via Balsam Avenue will not be affected as a result of the request.

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.