

**PLANNING AND ZONING COMMISSION  
MASON CITY, IOWA  
AGENDA**

**Tuesday, March 11, 2025, 5:00 p.m.**  
**2<sup>nd</sup> Floor Conference Room, City Hall**  
**10 First Street N.W.**

**Note the change in meeting time.**

- Item 1: Call to Order and Roll Call**
- Item 2: Adopt the Agenda**
- Item 3: Approval of Minutes – February 11, 2025, meeting**
- Item 4: Miscellaneous**
  - 4.1 City of Mason City – a request for a recommendation on the permanent placement of public art at 518 N. Federal Ave. (Birdsall’s Ice Cream) – relocation of “Sundays with Jessie” to 518 N. Federal Ave.**
- Item 5: Staff Update**
- Item 6: Adjourn**

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MINUTES

MASON CITY PLANNING & ZONING COMMISSION  
In Person Meeting  
Tuesday, February 11, 2025, 5:00 PM

**Item 1: Call to Order and Roll Call**

Coffey called the meeting to order at 5: PM

Commissioners present: Timothy Coffey, Amanda Ragan, Dan Worden (joined at 5:04 PM), John Fallis, and Colleen Niedermayer

Commissioners absent: Reed Wessman

Staff present: Director of Development Services Steven Van Steenhuyse, Planning and Zoning Manager Tricia Sandahl, Administrative Assistant and Secretary to the Commission Regina Card

Fallis called for roll.

Roll was called:

Coffey	Yes	Wessman	Absent
Fallis	Yes	Ragan	Yes
Worden	Yes		
Niedermayer	Yes		

**Item 2: Approval of Agenda**

As there were no changes, the agenda was adopted as submitted.

**Item 3: Approval of Minutes**

**Minutes of the January 14, 2025, meeting**

As there were no changes, the minutes were adopted as submitted.

**Item 4: Change of Zone**

**4.1 RZ2025-04- Michael Mundt:** a request for a change of zone from Z2 Sub-Urban District to Z3 General Urban District for property generally located at 2708 19th St. SW and the abutting and adjacent right of way.

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Sandahl gave the staff report.

**Request:** Staff respectfully requests that the Planning and Zoning Commission hold a public hearing regarding an application from Michael Mundt to rezone the property generally located at 2708 19<sup>th</sup> St. from Z2 Sub-Urban District to Z3 General Urban Zoning District. After the public hearing, staff respectfully requests that the Commission make a recommendation to the City Council on the application.

**Background:** The subject property is owned by the estate of Terry Pullen, the Iowa Traction Rail Road (rail right of way), and the City of Mason City (street and alley right of way). The applicant, Michael Mundt, has an accepted offer to purchase the Pullen property. The area proposed for rezoning comprises approximately 1.9 acres and is currently zoned Z2 Sub-Urban District. The requested rezoning will extend the existing Z3 district found to the east and south.

**Neighboring development and zoning:** The area to the east, southeast, and south is zoned Z3 General Urban Zoning District and is developed with various types of forms and functions including a convenience store, multiple flats, and a mixed-use block. The area to the west and northwest is zoned Z2 Sub-Urban District and is developed with freestanding houses in edgeward dispositions.

**Analysis:** The purpose of the Z2 Sub-Urban Zoning District is to provide space for a limited range of primarily residential lot sizes, limited neighborhood commercial uses and public park spaces in areas planned as walkable neighborhoods that are served or will soon be served by a full range of public services.(Section 12-10-2). The purpose of the Z3 General Urban Zoning District is to provide a range of residential lot sizes to support a mix of residential building types at medium densities with corner offices, corner stores, parks and playgrounds organized in walkable neighborhoods interconnected by landscaped streets and sidewalks. (Section 12-11-1)

*Comprehensive Plan:* Iowa law requires that any rezoning be in accordance with the jurisdiction's Comprehensive Plan. Staff believes that the rezoning request is in accordance with the City's Comprehensive Plan. The 2024 North Iowa Corridor Joint Comprehensive Plan Future Land Use Map (Figure 3.3) identifies the area as "Low Intensity" and "Industrial, Utilities" Low Intensity includes areas with lower-intensity development on urban services. These areas have more space and separation of uses but still encourage efficient transportation and walkable environments. These areas can include a horizontal mix of primarily residential development and limited non-residential uses at compatible lower densities and scales. The Industrial, Utilities area is reserved for larger businesses and industrial development essential to North Iowa's economic base but are not as complementary to standard urban development. In the case of the subject property, the Industrial, Utilities area is limited to the Iowa Traction Railroad property.

Worden joined the meeting at 5:04 PM.

Primary support for the rezoning can be found in Mason City Policy 3: target neighborhoods and corridors to pursue infill development and connectivity. The policy is found on page 94 of the plan, and reads: "There are many areas for development on vacant lots to help meet

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needs for housing and business growth.” Most of the property is vacant; the structures on the lot are dilapidated.

*Spot Zoning:* Spot zoning is the rezoning of a particular piece of land when the rezoning is at odds with the Comprehensive Plan and existing development; it is generally only done in the interest of a small area or a limited number of property owners. Spot zoning may arise when a property is rezoned to a different zoning classification than the surrounding property. Spot zoning, by itself, is not illegal. Some would contend that all rezoning is spot zoning. However, not all spot zoning will survive a court challenge. The strongest case can be made when the rezoning can be supported by the Comprehensive Plan and is in the best interests of the community. Staff believe that the proximity of the property to other areas of Z3 General Urban District zoning justifies the rezoning; the rezoning would likely survive any spot zoning challenge. The proposed rezoning is supported by the Comprehensive Plan and does not constitute spot zoning.

**Public Comment:** Notice of the application was sent to the owners of all properties within 350 feet of the boundaries of the subject property. Notice of the application and public hearing was published in the Globe-Gazette. A public notice sign was posted on the property. To date, staff has not received any comments either for or against the proposed rezoning.

**Requested Action:** Staff respectfully requested that the Commission hold a public hearing on the requested rezoning. After considering the comments made during the hearing, they asked that the Commission make a recommendation to be forwarded to the City Council.

Niedermayer asked if City Staff is aware of what might go on the site should the change of zone pass. Sandahl explained that ideally, the Commissioners would review and make their recommendations for the change of zone based on the long-term potential uses of the property if it is rezoned to Z3.

Public hearing opened at 5:08 PM.

Michael Mundt- 2045 S. Wilson Ave.- stated that he'd like to redevelop the area and try to improve the property and explained that he lives on the block just down the street and that he'd like it to coordinate with other structures in the area. He went on to say that he doesn't want to construct a big metal building, but rather one with smart siding that would be aesthetically pleasing for the area. He went on to state that he'd like to put a showroom on site and to be able to sell retail fireplaces.

Jack Davis- 1907 S. Wilson Ave.- stated that he commends Mr. Mundt for wanting to improve the area but that he'd like to know the size of the building he plans to construct. Mr. Davis then asked for more detail on what the change of zone process entails. Van Steenhuyse explained that whoever becomes the property owner will be required to comply with whatever zoning standards are required for the adopted zoning district. Sandahl described a “small box” as allowed in the Z3 District and explained the largest building size allowed would be 5,000 square feet in the proposed zoning district. Fallis clarified that a conceptual site plan would require separate and additional approval for a small box form. Van Steenhuyse & Sandahl explained the process and the additional

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approval Mr. Mundt would be required to go through, should he choose to proceed with his idea.

Gerry Buffington- 231 N. Crescent Dr. & 1811 S. Harding Ave.- asked for clarification on why a site plan isn't being looked at, at the present time. Fallis clarified that the site plan will require separate approval and review, and that this application is specifically to address the change of zone request submitted by the Applicant. Sandahl explained that the City does not like to rezone properties based on one person's request and read from the Zoning Ordinance what uses would be allowed on a property in the Z3 General Urban Zoning District to provide more detail to those present. She then explained why City Staff feels it would be appropriate to rezone the property to Z3 General Urban Zoning District and reiterated that extensive review of a site plan prior to approval would be required. Fallis stated that a lot of the uses Sandahl listed are currently allowed under the current, Z2 Sub-Urban District and that rezoning the outlined property to Z3 General Urban Zoning District would not be a major change.

John Coolican – 1931 S. Wilson Ave.- stated concern that one of the permitted uses Sandahl read off from the Zoning Ordinance for the Z3 General Urban Zoning District could be a building as tall as three stories. Mr. Coolican asked how a three-story building would be allowed. Sandahl reiterated that it would be a permitted use in the proposed zoning district and that the City has requirements that would still have to be met, such as setbacks, landscaping, and buffers.

Terry Berk-1358 NE 64<sup>th</sup> St., Pleasant Hill, IA 50009- stated that, if it appeases neighbors, that he and the applicant, Mr. Mundt, would be willing to discuss a site plan with the neighboring property owners, prior to proposing it to City Staff.

Jack Davis- 1907 S. Wilson Ave.- asked if there would be another meeting prior to a building being constructed. Van Steenhuyse clarified that, should Mr. Mundt choose to proceed with his project idea, a site plan would require review by the Development Review Committee, then another Planning & Zoning Commission meeting would be necessary and that at that time, City Staff and the Planning & Zoning Commission would likely discuss and make recommendations on conditions of approval. Sandahl explained how many more City Council meetings this particular application will require following the Planning & Zoning Commission's recommendation(s) this evening. She went on to explain that, if the owner(s) of more than 20% of the land within 200 ft. of the property being rezoned object to the rezoning in writing, it would take 5 of the 6 City Council Members to approve the rezoning application. Mr. Davis asked for additional clarification. Van Steenhuyse reiterated the City Council's approval process and then reiterated the additional review and approval processes that will be required for site plan approval.

Gerry Buffington- 231 N. Crescent Dr. & 1811 S. Harding Ave.- asked if the lot lines would stay where they are. Van Steenhuyse stated that Mr. Mundt would have the capability of combining all of the lots he is purchasing, if he wanted. Sandahl clarified that the reason Mr. Mundt needed to petition for the rezoning is because the one thing that he can't build in the Z2 Sub-Urban District is a "small box" and Z2 Sub-Urban District is what Mr. Mundt would need for the fireplace business.

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Public hearing closed at 5:40 PM.

Coffey moved to recommend approval to the City Council for the Change of Zone.  
Worden seconded.

Roll was called:

Coffey	Yes	Ragan	Yes
Fallis	Yes		
Worden	Yes		
Niedermayer	Yes		

**Item 5: Staff Update**

None.

**Item 6: Adjourn**

The meeting adjourned at **5:42 pm**.

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John Fallis, Chair

ATTEST:

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Regina Card, Secretary

**Mason City Planning & Zoning Commission  
Staff Report**

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**DATE:** March 5, 2025

**File No.:** 25-M-04

**APPLICANT:** City of Mason City

**REQUEST:** Request for recommendation for the permanent placement of city-owned art on private property.

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**Request:** The City proposes to relocate the sculpture “Sundays with Jessie” from the S. Delaware Ave. right of way next to the Brick and Tile Building to Birdsall’s Ice Cream at 518 N. Federal Ave. Photos of the sculpture can be found below. A site plan showing the proposed location is attached. The Commission’s recommendation will be forwarded to the City Council for final action at their April 1, 2025, meeting.

**Background:** Title 2-2-4 of the Municipal Code outlines the powers and duties of the Planning and Zoning Commission as they relate to planning. Title 2-2-4.C of the Code tasks the Commission with the duty to make recommendations on improvements. It states:

*No statuary, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixture, public structure or appurtenance shall be located or erected or a site for such structure obtained until and unless the design and proposed location of such structure be submitted to the Planning and Zoning Commission for its recommendation. No permits for such structures shall be issued without the Commission having made the above recommendation. However, such requirements for recommendations shall not act as a stay upon action where the Commission, after thirty (30) days' written notice requesting such recommendations, has failed to file the same.*

“Sundays with Jessie” is a part of the City’s permanent sculpture collection and is part of the River City Sculptures on Parade sculpture walk. “Sundays with Jessie” was the People’s Choice winner from the 2021-2022 display and was subsequently purchased by the City. It was initially placed in the city-owned parking lot south of 124 N. Delaware Ave. To accommodate the construction of The Delaware apartments, the sculpture was relocated in 2024 to the S. Delaware Ave. right of way next to the Brick and Tile Building.



Gary and Anne Schmit approached the City in December 20204 and offered a generous sponsorship of the sculpture if the sculpture were relocated adjacent to Birdsall's Ice Cream, 518 N. Federal Avenue. Mr. Schmit is the owner of Birdsall's LC, the corporation that owns Birdsall's Ice Cream. The City accepted the sponsorship. Staff is now finalizing a location for the sculpture and completing the other necessary steps to facilitate the move.

The initial plan was to place the sculpture on the sidewalk near the base of the Birdsall's pole sign. This location was partly on private property and partly on the right of way of US Highway 65/Federal Avenue. Staff consulted with the Iowa DOT regarding the preferred placement. They pushed back and asked that the sculpture not be placed in their right of way. An alternate location Birdsall's property was identified. The City Attorney is currently working on an easement and agreement for the permanent placement of the sculpture. The exact location of the sculpture has not been finalized, but the area where it will be placed has been identified. An annotated aerial image showing the acceptable area for the sculpture is attached.

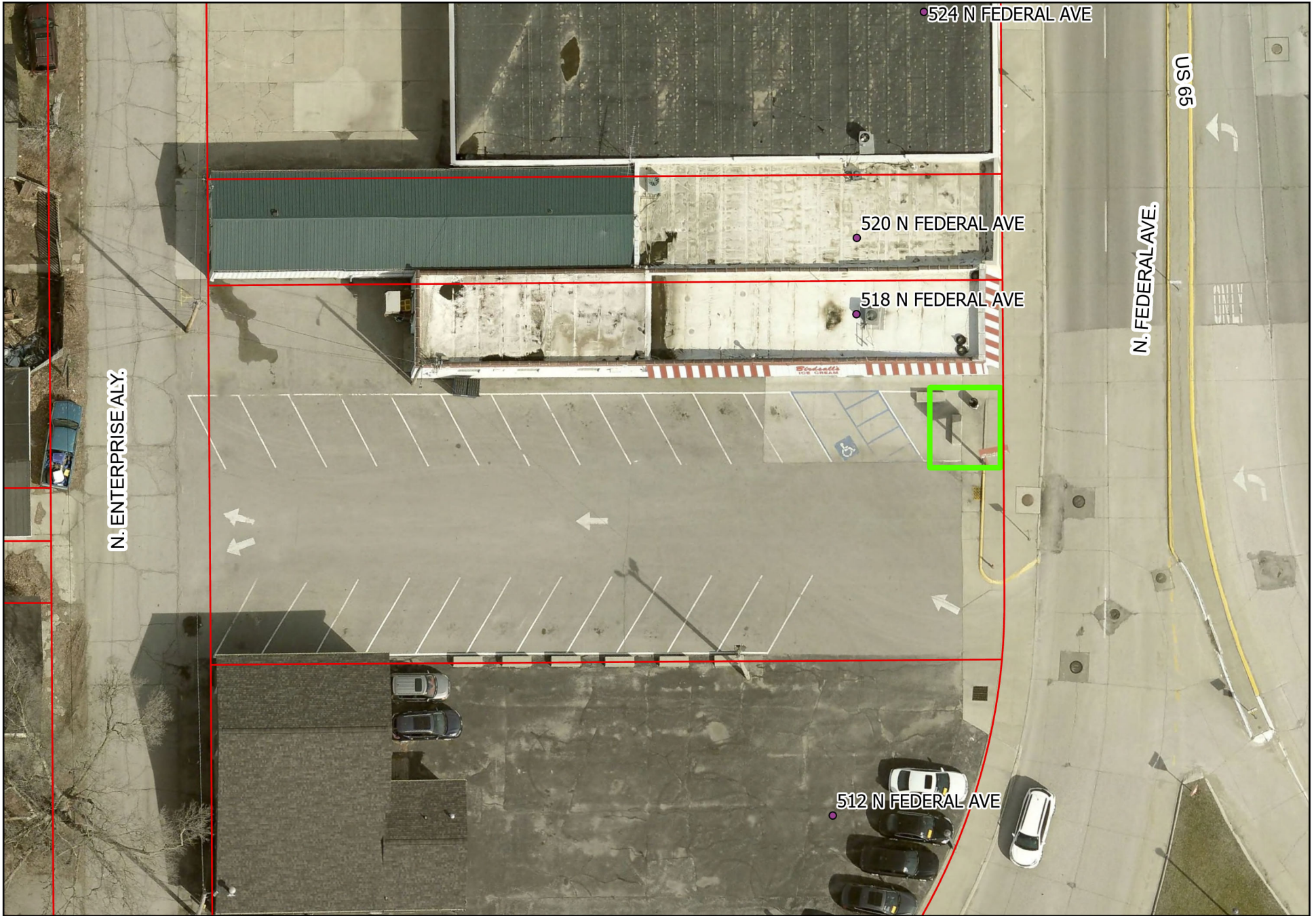
The sculpture is mounted on a limestone base. The base will be relocated with the sculpture. The relocation of the sculpture will be done by staff from Henkel Construction. The public will continue to have access to the sculpture and it will continue to be a part of the River City Sculptures on Parade sculpture walk. This is an extension of the sculpture walk into the north side of the downtown.



**Staff and Utility Comments:** Development Services Department staff consulted with the relevant City departments and public utility providers. There were no requested conditions or objections to the permanent placement of the sculpture.

**Requested Action:** Staff respectfully requests that the Commission review the request and make a recommendation to the City Council. The Commission should consider the impact the placement of the sculpture will have on the extension of public services and utilities; other potential uses of the property on which the sculpture will be placed; and the potential limits placement of the sculpture may have on the future development of the Community. Staff does not believe that permanent placement of the sculpture would have a detrimental impact to the use of the Birdsall's property or limit future development in the community. Further, staff believes that the sculpture is an appropriate scale for the setting.

Staff recommends that Commission recommend to the City Council that "Sundays with Jessie" be permanently placed as proposed.



"Sunday's with Jessie" to be placed here.