

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

**Tuesday, April 8, 2025 5:00 p.m.**  
**2<sup>nd</sup> Floor Conference Room, City Hall**  
**10 First Street N.W.**

- Item 1:**        **1.1     Call to Order and Roll Call**  
                  **1.2     Election of Officers**

**Item 2:**        **Adopt the Agenda**

**Item 3:**        **Approval of Minutes- March 11, 2025, meeting**

**Item 4:**        **Change of Zone**

**4.1     RZ2025-05- Legacy Golf Course at the Nineteen LLC- property generally located at the southwest corner of the intersection of 19th St. SW and S. Harding Ave: a request for a Change of Zone from a Z2 Multi-Use District to Z3 General Urban District**

**Item 5:**        **Staff Update**

**Item 6:**        **Adjourn**

*In accordance with Title II of the American with Disabilities Act as it pertains to access to Public Meetings, the Development Services Department of the City of Mason City, upon 48-hour notice, will make reasonable accommodations for persons with special needs.  
Please call (641) 421-3626 if you need assistance.*

# DRAFT

## MINUTES

### MASON CITY PLANNING & ZONING COMMISSION

In Person Meeting

Tuesday, March 11, 2025, 5:00 PM

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

Coffey called the meeting to order at 5:00 PM

Commissioners present: Timothy Coffey, Amanda Ragan, Dan Worden, and Colleen Niedermayer

Commissioners absent: John Fallis and Reed Wessman

Staff present: Planning and Zoning Manager Tricia Sandahl and Administrative Assistant and Secretary to the Commission Regina Card

Coffey called for roll.

Roll was called:

Coffey	Yes	Wessman	Absent
Fallis	Absent	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 February 11, 2025, meeting**

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

**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.

Sandahl gave the staff report.

# DRAFT

**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 2024 and offered a generous sponsorship of the sculpture if the sculpture were relocated adjacent to

# DRAFT

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 are 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.

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 requested 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 placement limits of the sculpture may have on the future development of the Community. Staff do 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 believe that the sculpture is an appropriate scale for the setting. The sculpture is planned to be moved sometime in April 2025.

Ragan moved to recommend approval of the sculpture's placement to City Council. Worden seconded.

Roll was called:

Coffey	Yes	Wessman	Yes
Ragan	Yes		
Worden	Yes		
Niedermayer	Yes		

# DRAFT

**Item 5: Staff Update**

Sandahl informed the Commission that the Mundt Rezoning went to City Council and the level of objections of the owners within 200 ft. of the area being rezoned triggered a super majority. She went on to explain that the City Council had their public hearing and unanimously approved the rezoning on first consideration. However, a couple of the Council Members indicated that they voted yes just to keep the issue alive but that their vote might change in the future. Sandahl informed the Commissioners that Mr. Mundt did purchase the property and now owns it, regardless of what use of the property will be approved by the City. She stated that she thinks Mr. Mundt will have use for the property regardless of whether or not the rezoning passes.

Sandahl reminded the Commission that their approval of a P1 site plan is final and stated that there was an issue with a different Board so, she wanted to touch base about ex parte and different communications specific to P1 site plans and the Commission's involvement. She explained that the Commission's approval of a P1 site plan is a quasi-judicial one which means, if someone were to disagree with the Commission's vote, it would need to go to district court. She gave the example that if someone were to submit a P1 site plan application, it would be inappropriate of them to contact the Commission Members and speak to them in any manner about the matter, as the decisions the Commission makes on a P1 site plan need to be based on what they hear in a Planning & Zoning Commission meeting only. Should the situation ever arise, Sandahl suggested that the Commissioners politely ask any members of the public to direct their comments or state their concerns to City Staff and recuse themselves from any discussions out in public. Sandahl then provided additional clarification as to what a conflict of interest is and gave an example to stress the importance of them removing themselves from a situation like it.

**Item 6: Adjourn**

The meeting adjourned at **5:10 pm**.

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Tim Coffey, Vice Chair

ATTEST:

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Regina Card, Secretary

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

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Date: April 1, 2025

File: RZ2025-05

Applicant: Legacy Golf Course at the Nineteen, LLC by Joe Pritchard

Request: A request to rezone property generally located south of 19<sup>th</sup> St. SW between S. Harding Avenue and Augusta Drive, from Z2 Sub-Urban District to Z3 General Urban Zoning District.

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**Request:** Staff respectfully requests that the Planning and Zoning Commission hold a public hearing regarding an application from Legacy Golf Course at the Nineteen LLC (Legacy) to rezone the property generally located south of 19<sup>th</sup> St. SW between S. Harding Avenue and Augusta Drive 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.

Staff believes that the rezoning is appropriate for the site and area. In addition, it is supported by the Comprehensive Plan. Finally, the proposed development for the south 1/3 of the area is appropriate for the location. A location map of the proposed rezoning is attached.

**Background:** The subject property is owned by Legacy Golf Course at the Nineteen LLC, Black Dolphin LLC, and the City of Mason City (street right of way). The area proposed for rezoning comprises approximately 17 acres and is currently zoned Z2 Sub-Urban District. The requested rezoning will extend the existing Z3 district found to the east. The applicant is working with a developer who proposes to construct a multiple-flat form near the south side of the area proposed for rezoning. The bulk of the property proposed for rezoning is encumbered by an existing storm sewer easement. The easement contains a large storm sewer that carries storm water from the northwest to Cheslea Creek. The easement angles across the north half of the property and then continues south along the east boundary of the area. There has been interest in redeveloping the property in the past. Staff has worked with multiple developers to achieve a concept that would comply with the Z2 zoning, ensure access to the easement for maintenance of the storm sewer, provide sufficient space for street access, and offer a return for the developer. However, the development of freestanding houses that offer a return to the developer is nearly impossible because of the presence of the storm sewer. The proposed change of zone would allow for a moderate intensification of development that can be placed to avoid the storm sewer in a configuration that will not obstruct access to the easement.

**Neighboring development and zoning:** There is a strip of Z3 zoning straddling 19<sup>th</sup> St. SW beginning at S. Taft Avenue and extending west to the center line of S. Harding Avenue. This area is developed with various types of forms and functions including a convenience store, multiple flats, a mixed-use block, a freestanding house and associated accessory structures, a small box, and a railroad line. The area to the north, northwest, west, southwest, east, and southeast are zoned Z2 Sub-Urban District and is developed with freestanding houses in an edgeyard disposition. The area directly south is zoned Z7-6 Golf Course Development and is improved with the maintenance building for the Legacy Golf Course

at the Nineteen.

**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.” Low Intensity is described as:

- Areas with lower-intensity development on urban services.
- Compared to denser areas, lower intensity areas have more space and separation of uses but still encourage efficient transportation and walkable environments.
- Low-intensity areas can include a horizontal mix of primarily residential with accessory uses and non-residential uses at compatible lower densities and scales.
- Uses might include detached residential units, duplexes/attached units, small lot residential, accessory dwelling units, civic functions, parks, and limited personal services.

The goals of the low-intensity area are to:

- Conserve general neighborhood character.
- Allow establishment of new inclusive neighborhoods with non-residential uses that primarily serve neighborhood residents.
- High level of internal mobility connectivity and links to surrounding development.

The form and compatibility guidelines for the low intensity area include:

- Any new development should remain contiguous to existing development.
- Densities should be higher at transition points with other more intense uses or designations.
- Developments should provide connectivity within and between developments for motorists and pedestrians.
- Traffic and higher intensity uses should be directed away from these areas and along major thoroughfares.

The Comprehensive Plan also establishes a Southwest Growth Area. Mason City Policy 1 is to balance the effects of industrial uses in the Southwest Growth Area. The goals and objectives of this area are:

- Expand business and industrial enterprise opportunities.
- Encourage new infill neighborhood growth around community amenities.
- Accommodate various housing types and arrangements different from others in Mason City.
- Conserve and preserve natural features.
- Connect infill development opportunities.

A subarea concept for the west side of Central Heights, that includes the subject property, can be found on page 90 of the plan. This more detailed plan shows that this area can support medium density development, such as the proposed multiple-flat form. The Board is reminded that concepts do not establish specific requirements or locations for future development. Instead, they offer suggestions for

forms, functions, and general locations for future development. Many development concepts did not consider existing utility infrastructure and other encumbrances such as floodplains.

Additional 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 needs for housing and business growth.” This property is vacant and the presence of a large storm sewer main through the property makes development a challenge.

*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 believes 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.

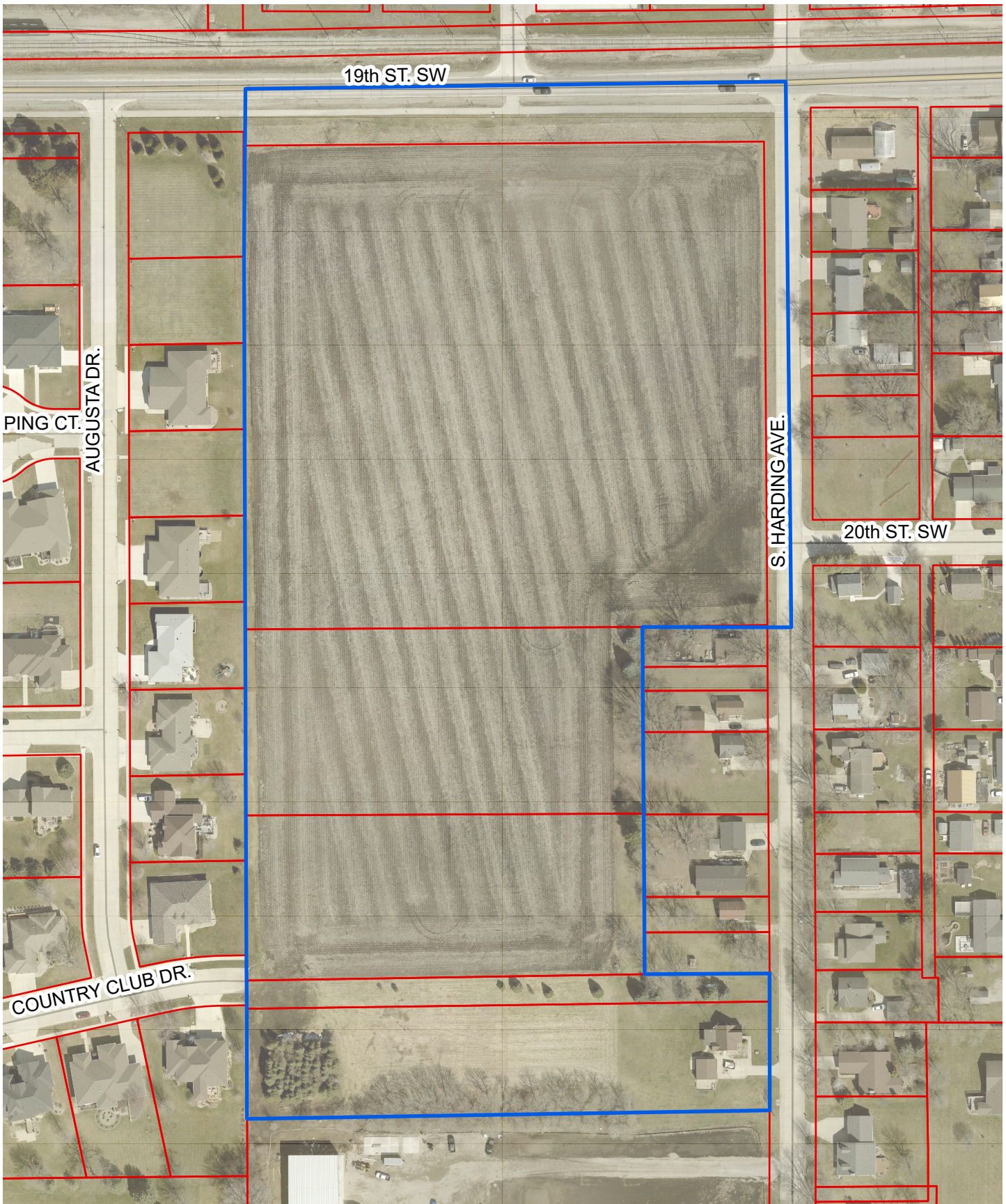
**Public Comment:** Notice of the application was sent to the owners of all properties within 350 feet of the boundaries of the subject property. Notice of the application and public hearing was published in the Globe-Gazette. A public notice sign was posted on the property. To date, staff has not received any comments either for or against the proposed rezoning. However, it is anticipated that a petition opposing the rezoning will be submitted to the City Council prior to their public hearing on this application.

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

**Attachments:**

- Location Map and Area Zoning Map
- Form and Function Table
- Change of Zone Checklist





19th ST. SW

PING CT.

AUGUSTA DR.

S. HARDING AVE.

20th ST. SW

COUNTRY CLUB DR.



Property proposed for rezoning from Z2 Sub-Urban District to Z3 General Urban District.



# 12-8-3 Zoning Form and Function Table

## Table 2: Zoning Form and Function Table

	AGRICULTURE	SUB-URBAN	GENERAL URBAN	MULTI-USE	CENTRAL BUSINESS	INDUSTRIAL	SPECIFIC USE
	Z1	Z2	Z3	Z4	Z5	Z6	Z7*
<b>A. Residential/mixed use</b>							
Accessory dwelling	P	P	P				
Duplex/two flat		P	P	P			
Farm dwelling	P	P		P		P	
Family home	P	P	P	P			
Freestanding house	P	P	P				
Group dwelling			P1	P	P1		
Live/work building			P	P	P	C*	
Mansion apartment			P	P	P1		
Mixed use block building				P	P		
Multiple flats			P1	P	P		
Sideyard/zero lot line house		P	P	P			
SRO			C		P1		
Town house		P	P	P	P		
<b>B. Lodging</b>							
Bed & breakfast	P	P	P	P	P		
Dormitory				P1	P1		
Hotel				P	P		
Inn	C		C	P	P		
Residence lodging	P	P	P	P			
<b>C. Office/Misc.</b>							
Corner office		P1	P	P	P		
Personal hobby building				P		P	
Office building				P	P	P	
<b>D. Commercial/retail service</b>							
Adult use				C		P	
Box, large				P			
Box, medium				P	P1		
Box, small			P1	P		P	
Corner store	P	P1	P	P	P	P	
Multiple principal bldg. development				P1		P1	
Open air market				P	P		
Restaurant	P1	C	C	P	P	P	
Roadside stand	P						
Self storage				C		P	
Shopping strip				P1			
Shopping mall				P1	P2		
Taverns or similar				P	P		
<b>E. Civic</b>							
Auditorium				P1	P1		
Convention center				P2	P2		
Golf course	P	P1				P	
Indoor recreation				P	P	P	
Library		P2	P2	P2	P2		
Movie theater				P	P		
Museum	C	C	P1	P1	P		
Outdoor recreation	C	C	C	P1		P1	
Public parks and related facilities	P	P	P	P	P	P	
Religious assembly, large		C		P1		C	
Religious assembly, medium		C	C	P	P1	C	
Religious assembly, small	C	P1	P	P	P		

### NOTES TO TABLE 2:

\*Z7 Specific Use District: See section 12-15-6, Table 1A of this title for permitted and conditional forms and functions in the Z7 Specific Use districts

P = Permitted; P\* = Open Industry functions are permitted only in the Z6-O District.

P1 = Permitted subject to Planning and Zoning Commission site plan approval, with notification to neighbors.

P\*\* and P1\*\* = in the Z4 South Federal Gateway Overlay District, allowed only as a Conditional Use. See section 12-12-7 B

P2 = Permitted subject to Planning and Zoning and City Council site plan approval with notification to neighbors.

C = Conditional subject to Zoning Board of Adjustment approval.

C\* = Z6-R districts only

C\*\* = Conditional use only in the Z4 South Federal Gateway Overlay District; see section 12-12-7 B. Not permitted in the remainder of the Z4 District.

	AGRICULTURE	SUB-URBAN	GENERAL URBAN	MULTI-USE	CENTRAL BUSINESS	INDUSTRIAL	SPECIFIC USE
	Z1	Z2	Z3	Z4	Z5	Z6	Z7*
<b>F. Civic support</b>							
Cemetery	P	P					
Clinic			P1	P	P		
Crematorium	P			P	C	P	
Fairgrounds	P						
Funeral home		C	P1	P	P		
Hospital				P1	P1		
Parking structure				P2	P2		
Public safety facility	P2	P2	P2	P2	P2	P2	
Public works garage	P2			P2		P2	
<b>G. Education</b>							
9-12/High school		C	C	P1	P1		
College	C			P1	P1		
Daycare	P	P	P	P	P	P	
K-8		P1	P1	P	P		
Preschool		P1	P	P	P		
Trade school			P1	P	P	P	
<b>H. Automotive</b>							
Gas/convenience	C		P1	P	P1	P	
Vehicle repair	C		C	P	P1	P	
Vehicle Sales/ rental	C			P		P	
<b>I. Agriculture</b>							
Community garden	P	P	P	P	P	P	
Grain storage	P					P	
Greenhouse	P	C		P		P	
Kennel	P			P1		P	
Livestock	P					P	
Farm	P	P		P		P	
Small farm		C					
Stable	P						
<b>J. Industrial</b>							
Agribusiness	P1					P	
Artisan/craftsman shop				P	P	P	
Contractor shops	P1			P		P	
Cross docking facility				C**		P	
Industry, open						P*	
Industry, restricted						P	
Office-showroom				P		P	
Warehousing						P	
Waste transfer						C	
Wastewater treatment	P2					P2	
Water treatment	P2					P2	
<b>K. Accessory uses</b>							
Active solar equipment	P	P	P	P	P	P	
Agritourism	C						
Drive-through			P1	P	P1	P	
Home occupations	P	P	P	P	P		
Outdoor storage	P			P1**		P	
Outdoor customer dining area	P1	P1	P1	P	P	P	
Accessory parking structure				P1	P1		
Seasonal sales/display	P			P**	P	P	
Small wind equipment	P	P	P	P	P	P	
Dispersed wind equipment	C	C	C	C	C	C	
Accessory surface parking (off site)			C	P	C	P	

## **CHANGE OF ZONING CHECKLIST**

This list is intended to provide guidance when a request for a change of zone is made. This list is not all-inclusive, nor will it be pertinent for all requests. It is intended to be used as a guide and not a scorecard. Each request for a change of zone requires a careful analysis, as each parcel is unique.

### **BROADER COMPREHENSIVE PLANNING EFFORTS**

1. Does the requested rezoning conform to the City's comprehensive plan and future land use map?
2. Does the requested rezoning conform to any sub-area plans?

### **LAND USE NEEDS AND BALANCE**

3. Does the requested rezoning encourage a land use balance within the City and its perimeter area that promotes the efficient provision of services, generates revenues which cover the costs of those services, and provides a mix of employment and housing opportunities consistent with the neighborhood area concept?
4. Does the requested rezoning provide adequate residential land uses to achieve diversity in location and type throughout the City?
5. Does the requested rezoning provide for commercial and industrial area to service neighborhood, regional and business needs?
6. Is there a public need for additional land to be rezoned to the class requested?
7. If there is a need for additional land to be rezoned as requested, should the rezoning be done in the areas requested or would the public interest be better served if the rezoning were done in other areas of the city?
8. Is there an alternative site for the suggested use that would eliminate the necessity for rezoning?

### **LEGAL ISSUES**

9. Would granting the rezoning request raise any legal questions such as spot zoning, violations of precedents, or the rule of "unreasonableness"?

### **PRACTICAL QUESTIONS OF DEVELOPMENT OF SITE**

10. Does the requested rezoning lessen congestion in the street; secure safety from fire, flood, panic and other dangers; promote health and general welfare; provide adequate light and air; prevent overcrowding of land; avoid undue concentration of population; facilitate the adequate provision of transportation, water, sewer services, schools, parks and other

public requirements; preserve the character of area or neighborhood; conserve the value of buildings; or encourage the most appropriate use of land throughout Mason City?

11. Would granting the rezoning request create or worsen traffic problems?
12. Would the permitted uses in the proposed district be compatible with surrounding land uses?
13. Would granting the rezoning request adversely affect property values of adjacent landowners to an unreasonable degree?
14. Would granting the rezoning request impose undue hardship on adjacent owners, such as noise, light and glare, odor, vibration or other nuisances?
15. Would granting the rezoning request result in problems due to topography, drainage, soil or other natural systems and features?
16. Does the size and shape of the parcel allow for development that meets the bulk regulations and parking requirements in the proposed zone?
17. Are the necessary utilities in place to support the permitted uses in the proposed district?