

**DES MOINES COUNTY, IOWA
ZONING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, OCTOBER 23, 2014**

The Des Moines County Zoning Commission met in regular session on October 23, 2014 at 5:30 P.M. in the public meeting room of the SEIRPC offices at 211 N Gear Ave, West Burlington, Iowa.

1. Call to Order

Chairman Dick Keith called the meeting to order at approximately 5:31 P.M.

2. Roll Call

Commission members present: Ron Wunderlich, Jon Hedges, Dick Keith, John Roth

Commission members absent: Larry Werner, Ron Breuer

Staff Present: Jeff Hanan, SEIRPC

Public Present: Dale Oaks, Larry Oetken, Ed White, Kathleen Sloan, Joel Johnson, Ed Blow, Joyce Blow, Craig Upton, Steve Stewart, Alyssa Stewart, Dennis Rivas, Cheryl Norton, Lewis Beik, Bob Brueck

3. Meeting Minutes

Motion #1: To approve the Minutes of March 27, 2014 meeting.

Motion by: Wunderlich

Seconded by: Hedges

Vote: Unanimous vote. Motion carried.

4. New Business

A. Public Hearing: Request for Final Plat Review – Joyful Acres Subdivision

Mr. Hanan read the staff report. Mr. Keith opened the public hearing at approximately 5:33. Joel Johnson stated that the timber in the back of the property would stay with him at this time but at some point could be transferred to an adjoining owner. He stated the subdivision would create possibly one more house and that it should not have major impact on the area. He said he understands the concerns of the County Engineer and he will do what is necessary to meet requirements of the Secondary Roads Department.

After further discussion Mr. Keith closed the public hearing at approximately 5:40 p.m.

Motion #2: To approve the Final Plat for Joyful Acres Subdivision with the condition that the entrance to Lot 4 be located close to the lot line between Lots 3 & 4 as required by the Secondary Roads Department.

Motion by: Wunderlich

Seconded by: Hedges

Vote: Unanimous vote. Motion carried.

5. Old Business

A. Public Hearing: Request for Final Plat Review – Hickory Crest Estates

Mr. Hanan read the staff report. Mr. Keith opened the public hearing at approximately 5:41 p.m.

Mr. Upton said that he has been working on the fence on the Stottmeister (Blow) property and it will be completed before winter. He stated that the engineer's report shows that – with the pond – storm water runoff issues should be limited, even with the new homes.

Dale Oaks stated that the fence has to be constructed prior to approval of the subdivision. Mr. Hanan noted that was the case only if the county-spec fence were being built. He said that once someone signs the waiver the County is no longer involved. Mr. Oaks said that's not what the code says and he interprets it differently. Mr. Keith noted that the parties have agreed to an alternative type of fence and the County was no longer involved in the construction, inspection, etc. of the fence. Mr. Keith suggested talking to the County Attorney to get an opinion. Mr. Roth noted that when he subdivided he put up a bond to build his fence. Mr. Hanan noted that was a county-spec fence and that he was required to inspect and make certain it met county standards prior to approval of his subdivision. Mr. Wunderlich asked if there was a fence there now. Mr. Blow stated there was but it is being torn down and re-done. Mr. Blow asked if the fence would be completed prior to construction of any home(s). Mr. Upton stated the fence would be completed prior to construction of any home(s).

Kathleen Sloan (Hawk Eye) asked the Commission how they could apply and proceed with Final Plat approval when they have not gone through the Preliminary Plat process. She noted that some things were missing from the Preliminary Plat. She said the code states that the Board of Supervisors must act on the Preliminary Plat. Mr. Keith noted that the Board of Supervisors had remanded the matter back to the Commission and they've asked the Commission to consider the Final Plat. Ms. Sloan asked how the Commission could skip the Preliminary Plat procedure. Mr. Keith asked why the Commission couldn't consider approval of a Preliminary and Final Plat simultaneously. Ms. Sloan said it wasn't on the agenda that way and that would be a violation of open meetings laws. Mr. Keith asked Mr. Hanan to consult with the County Attorney regarding the process. Ms. Sloan asked why the Commission wasn't acting on the Protective Covenants provided by Mr. Upton. Mr. Keith explained that the County has nothing to do with covenants – that they are private between the developer and homeowners in the subdivision. Mr. Keith suggested conferring with the County Attorney.

After further discussion the public hearing was closed at approximately 6:13 p.m.

Motion #3: To approve the Final Plat for Hickory Crest Estates as presented.
Motion by: Roth
Seconded by: Wunderlich
Vote: Unanimous vote. Motion carried.

6. Public Input

None

7. Future Agenda Items

None

8. Adjournment

Motion #4 To adjourn
Motion by: Hedges
Seconded by: Roth
Vote: Unanimous vote. Motion carried.

The meeting adjourned at approximately 6:14 P.M.

APPROVED: _____
Richard Keith Chairman

ATTEST: _____
Jeff Hanan, Land Use Administrator