

**DES MOINES COUNTY, IOWA
ZONING COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, JUNE 27, 2019**

The Des Moines County Zoning Commission met in regular session on June 27, 2019, 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 5:30 P.M.

2. Roll Call

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

Commission members absent: Ron Breuer, Larry Werner

Staff Present: Zach James and Jarred Lassiter, SEIRPC

Public Present: Tim and Noah Johnson, subdivision applicants (FS-19-33)
Jack Cross, neighboring property owner (FS-19-33)
Henry Bohlen, subdivision applicant (FS-19-24)
Coleen and Dean Lyons, neighboring property owners (FS-19-24)
Jerry and Debbie Jochims, neighboring property owners (FS-19-24)
Janet and Michael Fitzgibbon, neighboring property owners (FS-19-24)
Jeff Stewart, neighboring property owner (FS-19-24)

3. Changes to Tentative Agenda

Mr. Hedges asked about the status of the Home Occupation permit request from Dustan Fenton, which had been tabled from the previous meeting. Mr. James stated that Mr. Fenton had requested a copy of the minutes from the May 29 meeting, which his attorney had requested, in relation to the ongoing driveway access dispute with his neighbors, Dustin and Terri Whiting. Because the Whitings had attended the May 29 meeting, and he had not, the attorney preferred to see these documents before the matter is brought before the Zoning Commission once more. With the May 29 meeting minutes to be approved at the June 27 meeting, staff will subsequently send a copy to Mr. Fenton.

4. Approval of the Minutes for May 29, 2019

Motion #1: To approve the Minutes of May 29, 2019 meeting.

Motion by: Roth

Seconded by: Parrott

Vote: Unanimous vote. Motion carried.

5. New Business

A. Public Hearing: Request for Preliminary & Final Plat approval for Reese & Ridley Subdivision

Mr. Keith opened the public hearing at approximately 5:32 P.M. Mr. James reviewed the staff report, and noted that comments from County Engineer Brian Carter and County Sanitarian Jim Holley had both been incorporated into the latest version of the subdivision plat. Carter had required that Lots 1 & 2 and Lots 3 & 4 each have shared access for driveways off of Boundary Avenue. Holley had met with the subdivider, Tim Johnson, and they worked out an arrangement to add a 20-foot wide easement on the east end of all four lots, for a common sanitary drainage system.

As part of the staff report, Mr. James noted that this subdivision bears strong similarities to another that was approved in 2017, the Summer Street Addition. By coincidence, the subdivider in that case was Tim Johnson's son, Matt Johnson, and it also involved a small number of lots all accessed directly from a County road. The difference was in that case, the road was paved, while Boundary Avenue is gravel. Mr. Johnson stated that this road was originally on the County's 5-year plan for being paved, when he first bought the land. Mr. Wunderlich noted that this was a long time

ago, and County priorities had clearly changed since then.

There were no comments or questions from the general public or individual Commission members. Mr. Keith closed the public hearing at approximately 5:37 P.M.

Motion #2: To recommend Preliminary and Final Plat approval for Reese and Ridley Subdivision, as submitted

Motion by: Hedges

Seconded by: Wunderlich

Vote: Unanimous vote. Motion carried.

B. Public Hearing: Request for Preliminary Plat approval for Eighth Addition to Wildlife Lakes Subdivision

Mr. Keith opened the public hearing at approximately 5:38 P.M. Mr. James reviewed the staff report, and noted that the day before (after the staff report had been prepared), he received a phone call from Melvin Meierotto, owner of a residence at 11002 142nd Avenue, within 500 feet of this proposed subdivision. Mr. Meierotto was concerned about the potential of a road being extended westward from Wildlife Lakes to connect with 142nd Avenue, resulting in increased traffic on the narrow gravel road that serves his property and a handful of others. Mr. James confirmed with County Engineer Brian Carter that 142nd Avenue is not maintained by the County, and is actually a private road. The roads inside Wildlife Lakes are also private, and any road extension westward would require the consent of property owners in between. He noted that the developer, Henry Bohlen, was not proposing any such road extension as part of this Preliminary Plat, which does not include any roads stubs on the west or north sides.

Coleen Lyons, a resident of the Second Addition to Wildlife Lakes (10951 Wildlife Lakes Drive), asked about Fire Department access for the Wildlife Lakes subdivision. Jerry Jochims, a resident of the Third Addition to Wildlife Lakes (10976 Wildlife Lakes Drive) expressed similar concerns, with both of these property owners referencing the recent fire which destroyed the \$300,000 house at 10962 Wildlife Lakes Drive, owned by Eric Faugust and Cindy Wardle. Mr. Jochims noted that the first fire truck was able to deliver equipment as necessary, but there was no room for the next truck to hook up hoses.

Mr. Keith acknowledged that with the four Fire Departments that responded to the fire that night (three through mutual aid), that could cause issues with communication. Due to this, it is possible that it wasn't made clear that a secondary means of access was available on the north side, and so a bottleneck of trucks and equipment built up.

Mr. James stated that the Burlington Fire Marshal, Mark Crooks, had submitted comments as part of the subdivision review process, and been part of a subsequent discussion with County staff, the City of West Burlington, the subdivider Mr. Bohlen, and his surveyor at Klingner & Associates. Through these discussions, he said it was clear that the Fire Department's principal concern is having a continuous access loop during a fire, so that trucks can cycle in and out and access is never blocked. Additionally, the road at the north end of the subdivision needs to handle the weight of a fully load fire truck and be maintained throughout the year, including snow removal. He also mentioned that through these discussions, a plan was formulated to create a hammerhead turnaround branching off the curve of Wood Duck Cove Drive, to make up for the fact that a full circular turnaround had never been paved in the platted cul-de-sac at the end of this road. As a result, the Preliminary Plat was subsequently amended to include this turnaround.

Mr. James referenced the north outlet of 113th Street, which is owned and maintained by the County. Mr. Jochims said that this road is little more than a mud rut, and a poor excuse for a through road. Mr. James noted that the Fire Marshall's comments involved concern about that road, but through that recent group meeting, County Engineer Brian Carter had indicated that his department had no intention to upgrade it to a paved surface, widen it, or extend the gravel westward. He did, however, note that the surface is gradually being improved from an earthen surface to large-rock gravel, to a more balanced and comfortable gravel surface. This is due to the fact that it provides the sole means of access for three lots in the 5th and 6th Additions to Wildlife Lakes, one of which was recently developed upon.

Mr. Jochims then referenced the issue of having three sharp right angle turns in a row, when entering the subdivision off of 113th Street. He stated that fire trucks will have a hard time navigating these turns, as well as passing around a parked fire truck in this area. Ms. Lyons stated that even delivery trucks regularly have a hard time in this area. Mr. Keith stated that fire trucks are configured differently and better equipped to handle these turns than semi-trailers.

Ms. Lyons asked if the Fire Department had even driven through the subdivision to test it out. Mr. James said that they had, and the Fire Marshall was comfortable with the subdivision's roads as they are presently configured. Mr. Jochims expressed doubts and said that he'd never seen or heard about a fire truck coming through the area recently. Mr. James reiterated that Mr. Crooks had confirmed they had driven through the area, but not in a fire truck.

Mr. Jochims noted to Mr. Bohlen that he is definitely in favor of the subdivision in general, as a means of generating tax base – however, he feels that these safety issues need to be addressed in order for it to be handled correctly. Ms. Lyons concurred, and then asked about the possibility of having the previously platted right-of-way for Wildlife Lakes Drive kept open between Elk Run Drive and 113th Street. Mr. James noted that during the subdivision review process, the County Engineer had submitted a comment stating that Lots 28 and 29 must have access from Elk Run and Wildlife Lakes Drive, as the county would not be extending 113th Street any further westward from the current entrance at Elk Run Drive. Mr. Keith further noted that even if the road were extended, Lot 28 would have a road on all four sides (quadruple frontage) which is a practice that is strongly discouraged in the planning profession, and even double frontage (front and back) is prohibited within the City of Burlington. Ms. Lyons suggested that Lot 28 instead be dedicated as a park or area of open space, instead of being developed for a residence – in order to have the road entrance from a single right angle turn (at Wildlife Lakes Drive) instead of three.

Mr. Keith also noted that the proposed Lot 28 would only meet the minimum lot size requirement (0.92 acres) if the vacated Wildlife Lakes right-of-way is included. Mr. Jochims asked if this requirement could be waived. Mr. Keith said that this requirement is a Health Department priority. Mr. Jochims then asked why Bohlen couldn't simply extend Lot 28 southward. Mr. Lassiter noted that this would eliminate road access for Lot 30, which is a flag lot with a 50-foot neck in between Lots 29 and 31. As a result, Lot 30 would become landlocked.

Jeff Stewart (900 Easy Street, Burlington), who is currently building a new house on Lot 22 of the 4th Addition to Wildlife Lakes, suggested an alternate means of access for Lot 30 – through a shared access driveway with Lot 37, branching off of the proposed hammerhead turnaround by the current curve on Wood Duck Cove Drive. A lengthy discussion followed, as this alternative presented several challenges, particularly the fact that Lot 30 would rely on a very long driveway off of the nearest road, and the driveway for Lot 36 would need to branch off before the end of the paved hammerhead, as the Des Moines County Subdivision Ordinance prohibits more than 3 homes from sharing a single driveway, unless the driveway is brought up to roadway standards (width and subbase material). Mr. Lassiter also noted that if this option were pursued, an easement would need to be included on the plat, to ensure that Lot 30 is guaranteed access from Wood Duck Cove Drive.

Michael Fitzgibbon (11054 142nd Avenue), owner of property immediately west of this proposed subdivision, stated that the land in this area is flat as a pancake, and he is concerned that the development of 9 homes and driveways will result in stormwater runoff problems for everyone in the vicinity. Mr. Keith noted that turf grass is better for runoff than tilled farmland, so this should actually be an improvement. Mr. Fitzgibbon stated that while this may be true, the presence of 9 buildings will serve as an obstacle for the natural flow of runoff, sending it off in different directions. Mr. Keith noted that there are ditches along Wood Duck Cove Drive that will intercept this flow. Ms. Lyons said she was not aware of any ditches on the north side of this street, and Mr. Fitzgibbon asked Mr. Bohlen where the water eventually flows to. Mr. Bohlen said that there are two drainage pipes under Wood Duck Cove Drive, which send the water towards the small lake between Wood Duck Cove and Wildlife Lakes Drive.

Ms. Lyons asked what the property involved in this subdivision is currently zoned for. Mr. James stated that this part of the county is not subject to any zoning regulations – only the two-mile area around the City of Burlington. Ms. Lyons asked if it would be possible for someone to build multi-family dwellings on the property. Mr. Bohlen stated that the subdivision's restrictive covenants will prohibit anything other than single-family dwellings.

The discussion shifted back to the topic of road access, and Ms. Lyons stated that she felt the private roads inside Wildlife Lakes are not sturdy enough. Mr. Jochims asked at what point privately built roads become public. Mr. Bohlen said that this hasn't happened in 30 years, and the County requires homeowner's associations to maintain these roads. Mr. Keith noted that the County does not want to add onto its existing mileage of roads to maintain. He further stated that while the subdivider is welcome to submit an updated version of the plat with the Wildlife Lakes Drive right-of-way preserved north of Elk Run Drive, it is extremely unlikely that the County will ever agree to extend the gravel

portion of 113th Street westward. Mr. Jochims reiterated his general support for Mr. Bohlen's subdivision, but stated that public safety for County taxpayers must be taken into account.

After an hour-long discussion on this matter, Mr. Wunderlich suggested that the Zoning Commission table a vote on this subdivision to a future meeting. Ms. Parrott concurred, and said she doesn't feel comfortable voting on it until some of the items addressed had been sufficiently settled to everyone's basic level of satisfaction. Mr. James asked Mr. Bohlen if he would be comfortable working with his surveyor on the possibility of making changes to the plat, in response to concerns of existing Wildlife Lakes residents. Mr. Bohlen said yes, and Mr. James further stated that it would be a good idea if another group meeting or subsequent conversations were held with the Fire Marshall, County Engineer, and other relevant stakeholders. Mr. Keith closed the public hearing at 6:38PM.

Motion #3: To table the Preliminary Plat for Eighth Addition to Wildlife Lakes until a future date
Motion by: Wunderlich
Seconded by: Parrott
Vote: Unanimous vote. Motion carried.

6. Old Business

None

7. Public Input

None

8. Future Agenda Items


Mr. James noted that staff had received an e-mail from Vice Chairman Larry Werner, in which he stated that he is resigning from his position on the Zoning Commission, effective immediately. In this same message, he included a recommendation for a replacement - Luke Sneller, a neighbor of his in the 2-mile area, who serves on the Burlington Fire Department. Staff will follow up with Mr. Sneller to see about his interest.

Mr. James acknowledged that the Eighth Addition to Wildlife Lakes would be addressed again at a future Zoning Commission meeting, along with the home occupation request from Dustan Fenton that had been tabled from the previous meeting on May 29, 2019.

9. Adjournment

Motion #5: To adjourn
Motion by: Parrott
Seconded by: Hedges
Vote: Unanimous vote. Motion carried.

The meeting adjourned at approximately 6:45 P.M.

APPROVED: 
Dick Keith, Chairman

ATTEST: 
Zach James, Land Use Administrator