

**DES MOINES COUNTY, IOWA
ZONING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, MARCH 23, 2023**

The Des Moines County Zoning Commission met in regular session on March 23, 2023 at 5:30 P.M. in the basement conference room at the SEIRPC office at 211 N. Gear Ave, West Burlington, Iowa.

1. Call to Order

Chairman Ryan Nagrocki called the meeting to order at approximately 5:31 P.M.

2. Roll Call

Those attending remotely via Zoom indicated by a *.

Commission members present:	Ron Breuer	Russ Fry
	Jesse Caston*	Dick Keith
	Ryan Nagrocki*	

Staff Present: Zach James and Jarred Lassiter, SEIRPC

Public Present : Kyle Reid, subdivision applicant, MAS-23-04
Michael Olson, surveyor, MAS-23-04*

3. Changes to Tentative Agenda

None

4. Approval of the Minutes for July 12, 2022

Motion #1: To approve the Minutes of the July 12, 2022 meeting.
Motion by: Breuer
Seconded by: Fry
Vote: Unanimous vote. Motion carried.

5. New Business

A. Public Hearing: Request for Final Plat approval, Twin Oaks Country Estates (MAS-23-04)

Vice Chairman Nagrocki opened the public hearing at approximately 5:33 P.M.

Mr. James read the staff report for this subdivision, noting that the Preliminary Plat was approved by the Board of Supervisors in June 2021, and the current proposal involves the Final Plat of that same subdivision. Twin Oaks Country Estates involves 7 lots – 4 of which are intended for immediate residential development, while 2 others along Beaverdale Road will likely remain in the current ownership for the foreseeable future, and the final lot at the rear of the property will be transferred to an adjoining owner, as it is remote and landlocked.

Mr. Keith noted how, even though Lots 3 and 4 met the minimum lot size requirement of the Subdivision Ordinance (0.92 acres), much of these two lots are not ‘buildable’, due to the steep terrain leading to a ravine at the rear. He stated that there needs to be sufficient flat ground for a septic system on each lot. Mr. Reid said he was confident it will be possible to make this work, and noted that he regularly works with a professional septic installer that has worked under similar situations.

Mr. James noted that through an initial oversight, a set of draft Restrictive Covenants had not been provided during the Preliminary Plat review nearly two years earlier, as required by the Subdivision Ordinance. He said that the subdivider’s attorney, Brian Helling, had submitted a copy of the draft covenants earlier that week, and staff had provided copies to the Commission members for their review. He said there appeared to be a sufficient explanation of future maintenance responsibilities for the private roadway, but noted that there was one potential issue regarding Lot 7 at the rear of the

property. He said that the legal description to which the covenants apply include the entirety of the subdivision, despite the fact that Lot 7 will be transferred to an adjoining owner and not have any access to the private roadway. Mr. Reid said that he could work with his attorney to ensure that the covenants do not place any responsibilities on the owner of Lot 7.

Mr. James explained that he and Mr. Lassiter visited Mr. Reid on the property earlier that same day, and had inspected the recently installed private roadway that would serve 5 of the 7 lots. He provided the Commission members with a series of ground-level and aerial drone photographs from this inspection, which confirmed that the finished roadway met the minimum width and surfacing requirements of the Subdivision Ordinance. He also noted, however, that the roadside ditches hadn't been fully dug and landscaped yet, owing to an excessive amount of rainfall in recent weeks.

Mr. Keith asked whether surface water flows from Beaverdale Road toward the middle of the private roadway. Mr. Reid noted that this is the natural drainage path due to the topography, but that once the ditch work is completed, the water will have an outlet into the culvert and adjacent ravine, instead of just ponding alongside the road as it currently does.

Mr. Fry asked whether the Commission could recommend approval of the subdivision to the Board of Supervisors, but with the condition that the ditches must be completed and inspected by staff first. Mr. James said that this is possible, and staff had already considered this as a desirable course of action under the circumstances. Mr. Reid acknowledged that he spoke with Mr. James earlier that day, and was pleased to learn that the Supervisors meet on a weekly basis, and this could be placed on the next week's meeting agenda once the drainage work is complete. He also noted that this further delay in approval would not negatively impact his efforts at selling the lots, as no one will want to commit to purchase until this infrastructure is completed anyway.

Motion #2: To close the public hearing.
Motion by: Keith
Seconded by: Fry
Vote: Unanimous vote. Motion carried.

Chairman Nagrocki closed the public hearing at approximately 5:46 P.M.

Motion #3: To recommend approval of the Final Plat for Twin Oaks Country Estates, with the following conditions:

- That County Land Use staff shall confirm that ditch work is completed to the County's standards prior to a vote by the Board of Supervisors.

Motion by: Fry
Seconded by: Keith
Vote: Unanimous vote. Motion carried.

6. Old Business

Mr. Fry asked about the status of the Young House Family Services project, which relates to the rezoning request that the Commission had reviewed in May of 2022. Mr. Lassiter said that the Board of Supervisors had subsequently approved the rezoning with conditions, as recommended by the Commission. He noted that the process of reopening the buildings had taken longer than Young House had expected, owing to the various state-level regulations pertaining to that type of youth treatment facility. He also stated that they had recently applied for a zoning permit to relocate the existing business sign from their former West Burlington facility.

7. Public Input

None

8. Future Agenda Items

Mr. Lassiter noted that there were two subdivisions that may come before the Board relatively soon – one that is very similar to Twin Oaks Country Estates, but in a different part of the county, while the other involves the splitting up of a property that presently contains a mobile home park, business, and single-family home, along with some undeveloped

land for an additional house. He said that the latter subdivision would qualify as a 'Standard Subdivision', as opposed to 'Major' or 'Minor', and could skip the Preliminary Plat and go straight to Final Plat.

9. **Adjournment**

Motion #5: To adjourn
Motion by: Breuer
Seconded by: Fry
Vote: Unanimous vote. Motion carried.

The meeting adjourned at approximately 5:55 P.M.

APPROVED: 
Ryan Nagrocki, Chairman

ATTEST: 
Zach James, Land Use Administrator