

**DES MOINES COUNTY, IOWA
ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, JANUARY 28, 2025**

The Des Moines County Zoning Commission met in regular session on January 28, 2025, 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 Nagrocki called the meeting to order at approximately 5:30 P.M.

2. Roll Call

Those attending remotely via Zoom indicated by a *.

Commission members present: Debra Carroll-Jones Jesse Caston
 Russ Fry Dick Keith
 Ryan Nagrocki*

Staff Present: Zach James and Jarred Lassiter, SEIRPC

Public Present : Adam Fisher, applicant, ZMA-24-28

3. Appointment of Chair and Vice Chair for 2025

Motion #1: To re-appoint Ryan Nagrocki as Chair and Dick Keith as Vice Chair.
Motion by: Keith (for Nagrocki), and Nagrocki (for Keith)
Seconded by: Carroll-Jones
Vote: Unanimous vote. Motion carried.

4. Changes to Tentative Agenda

None

5. Approval of the Minutes for December 18, 2024

Motion #2: To approve the Minutes of the December 18, 2024 meeting.
Motion by: Fry
Seconded by: Carroll-Jones
Vote: Unanimous vote. Motion carried.

6. New Business

None

7. Old Business

A(1). **Public Hearing:** Request for Zoning Map Amendment – “A-1” Agricultural to “I-1” Industrial, 11000 block of Tama Road (AF Holdings LLC) – ZMA-24-28

Motion #3: To open the public hearing.
Motion by: Nagrocki
Seconded by: Fry
Vote: Unanimous vote. Motion carried.

Chairman Nagrocki opened the public hearing at approximately 5:34 P.M.

Mr. Lassiter provided a brief summary of the staff report from the previous meeting, to refresh the Commission

members on the basic details of the proposed rezoning and development. He noted that the proposal involves a property where most of the land has already been developed for its intended use, as the landowner was previously unaware that permits were necessary. He also noted that while most of the property is in unincorporated Des Moines County, a portion of it is within the City of Burlington, and the applicant has requested that the City formally de-annex the property. Mr. James stated that this would result in the property being entirely within the same zoning jurisdiction, without being subject to inconsistent or conflicting regulations from one side of the property to the other.

Mr. Caston said that he had previously recommended tabling this matter from the December 18 meeting, in order to have time to further analyze into the implications of the proposed rezoning before making a final decision. He said that after doing so, his primary concern is the current lack of a perimeter fence around the property, as required by the County Zoning Ordinance.

Lassiter read the specific language in the Ordinance, where it requires that a contractor's storage yard be 'enclosed by a solid wall or fence no less than 8 feet in height'. Mr. Keith asked if the nearby property owned by Orson and Viva Stambaugh is used for salvage operations (as opposed to the simple storage of construction equipment, as is the case with Mr. Fisher's property). Fisher confirmed that it is used for that purpose, and noted that this property was 'grandfathered in' by City zoning, since it had been established decades ago. Keith said that there is fencing around that property, along with vegetation that effectively screens it from neighboring properties. He also noted how there is a fence around the neighboring City Water Treatment Plant, and the Water Works department had recently undertaken efforts to clean up areas where discarded materials had been stored outdoors on that property.

Keith also noted how another junk yard property on Flint Bottom Road had been enclosed by a fence, despite being outside the jurisdiction of the Zoning Ordinance, and therefore not subject to its fencing requirements.

Lassiter reminded the Commission members that they could either approve the rezoning with special conditions attached, or approve it as submitted, and wait to attach such conditions with the Major Site Plan Review (which also requires final approval by the Board of Supervisors). He also noted that since fencing is required by the Zoning Ordinance (and thereby subject to enforcement by the Administrator), the Commission does not need to include a condition that they do so. However, they could potentially add a condition concerning the type or location of fencing, or the impose a specific deadline on when it must be completed, since this is the only part of the development that presently remains unfinished.

Mr. Fry asked whether the fence would need to enclose the entire property, or just the area where materials are stored. Lassiter said it would just need to enclose the storage area, and undeveloped portions of the property could remain outside the fence.

Ms. Carroll Jones noted that her primary concern about the current lack of a fence is the adjoining bike trail. Keith said he was under the assumption that there were no current plans to extend the trail any further north past 113th Street, and asked for confirmation that this was true. Mr. James said that this is true, and acknowledged that the City and County had been struggling for 2 decades to find a way to connect the riverfront section of the Flint River Trail to the portion running between the Starr's Cave Nature Center and Big Hollow Recreation Area. Fisher reminded the Commission members that trail users often park along Tama Road near the trail crossing and head south, without using the 'dead-end' piece between Tama and 113th Street (which is a gravel road).

Motion #4: To close the public hearing.
Motion by: Keith
Seconded by: Caston
Vote: Unanimous vote. Motion carried.

Chairman Nagrocki closed the public hearing at approximately 5:48 P.M.

Motion #4: To recommend approval for rezoning the AF Holdings LLC property on the 11000 block of Tama Road from "A-1" Agricultural to "I-1" Industrial
Motion by: Fry
Seconded by: Keith
Vote: Unanimous vote. Motion carried.

A(2). Request for Major Site Plan Review for construction equipment storage yard on 11000 block of Tama Road (AF Holdings LLC) – ZBP-24-29

Mr. Fry asked if the Site Plan Review would need to be tabled to a future meeting, following the approval of the rezoning by the Board of Supervisors. Mr. Lassiter said that this would be an option, but alternatively, the Commission could vote on the Site Plan now, and either approve it as submitted or with attached conditions, likely concerning the installation of a perimeter fence.

Mr. Keith said that the Commission couldn't approve a Site Plan yet, as the applicant hasn't actually submitted one. Lassiter stated that since the development was essentially already completed (minus the fencing), staff had decided to bundle the Site Plan Review in with the rezoning request, and have an aerial photo and written description of the development substitute for a formal site plan drawing. He said that such a drawing would ordinarily be required, but this case is unique because the property had already been developed prior to obtaining a zoning permit.

Keith said that this shouldn't matter, and that the applicant should still be obligated to submit a formal site plan that includes topography contours and explains drainage patterns, in addition to the location of the fence. Lassiter noted that such features are ordinarily required for a Site Plan, but staff had decided to make an exception in this case, since the development had already been completed. He acknowledged, however, that if the Commission is not comfortable proceeding without it, they are welcome to table the matter to a future meeting and insist that he provide it beforehand.

Mr. Fisher said that surface water essentially drains 50/50 onto either side of the property, considering that it is very flat, with the gravel pad serving as the 'high point', slightly above the natural ground elevation. Lassiter said that the applicant's surveyor had submitted a drawing that shows the measured ground elevation at several dozen points around the property. However, this was solely for the purposes of enforcing the Floodplain Development Ordinance, and this drawing didn't include 2-foot contour lines or any specific notations concerning drainage. Mr. James said that since the re-zoning won't be finalized for at least 2 months anyway, it would make sense to table the Site Plan Review until after that is complete, and this would allow the applicant additional time to secure the necessary information.

Motion #5: To table a vote on Major Site Plan Review for construction equipment storage yard on the 11000 block of Tama Road, until the rezoning request is approved by the Board of Supervisors, and the applicant has submitted a detailed Site Plan drawing for review.

Motion by: Caston

Seconded by: Carroll-Jones

Vote: Unanimous vote. Motion carried.

8. Public Input

None

9. Future Agenda Items

James acknowledged that another meeting would be necessary to address the Major Site Plan for the Fisher property - however, this would likely be several months away, given the time necessary for the City to process the de-annexation request and have the Board of Supervisors act on the rezoning request. Lassiter noted that another re-zoning request may be submitted within the next several months, but it involves a property currently for sale, with multiple prospective buyers.

10. Adjournment

Motion #5: To adjourn

Motion by: Carroll-Jones

Seconded by: Keith

Vote: Unanimous vote. Motion carried.

The meeting adjourned at approximately 6:05 P.M.

APPROVED: 
Ryan Nagrocki, Chairman

ATTEST: 
Zach James, Land Use Administrator