

**DES MOINES COUNTY, IOWA  
ZONING COMMISSION  
REGULAR MEETING MINUTES  
MONDAY, OCTOBER 19, 2020**

The Des Moines County Zoning Commission met in regular session on October 19, 2020 at 5:30 P.M. The public health emergency regarding COVID-19 (Coronavirus) made it impractical to hold this meeting entirely in person. One member of the Des Moines County Land Use staff and five of the Zoning Commission members attended in-person in the large basement conference room at the SEIRPC office at 211 N. Gear Ave, West Burlington, while the other staff member, a home occupation applicant, and one other Commission member attended through a conference call.

**1. Call to Order**

Chairman Ryan Nagrocki called the meeting to order at approximately 5:36 P.M.

**2. Roll Call**

Individuals attending remotely are indicated by an asterisk (\*). All others attended the meeting in person.

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

Commission members absent:    (one position presently vacant)

Staff Present:                                 Zach James\* and Jarred Lassiter, SEIRPC

Public Present:                                 Debra Carroll-Jones\*, home occupation applicant (HO-20-33)

**3. Changes to Tentative Agenda**

None

**4. Approval of the Minutes for September 15, 2020**

**Motion #1:**             To approve the Minutes of the September 15, 2020, meeting.  
**Motion by:**             Fry  
**Seconded by:**         Wunderlich  
**Vote:**                     Unanimous vote. Motion carried.

**6. New Business**

**A.         Public Hearing: Request for Home Occupation for DB Cares, Inc. at 5784 Summer Street**

Mr. Nagrocki opened the public hearing at approximately 5:38 P.M. Mr. James reviewed the staff report, and noted that the daycare business had been operating at this location for two years without a permit, after relocating from a separate residence located just outside the County's two-mile zoning jurisdiction. He stated that staff learned about the presence of the business through an inquiry from a neighbor about a fence that Ms. Carroll-Jones was preparing to install. It was learned that the fence had been required by the Iowa Department of Human Services, as a safety measure for the daycare, due to the location along a busy arterial road.

Ms. Carroll-Jones noted that she has had 30 years of experience in operating a daycare, and has consistency worked to minimize the number of children being cared for at any given time. This was consistent with her letter of intent, which stated that she typically cares for no more than 4 children of any age at one time, which falls below the maximum allowed by a Child Development Home, Category B, as registered by the State of Iowa.

Mr. James noted that earlier in the day, he had received a response from a nearby property owner, James Hunerdosse, who complemented Ms. Jones as being a good neighbor, and said that he has no issues with her operating an in-home

daycare. Mr. James said that this was the only comment he had received from nearby property owners or any other members of the general public.

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

Mr. Nagrocki closed the public hearing at approximately 5:43 P.M.

**Motion #3:** To recommend approval of a Home Occupation permit for DB Cares, Inc.  
**Motion by:** Fry  
**Seconded by:** Keith  
**Vote:** Unanimous vote. Motion carried.

## 7. Old Business

### A. Des Moines County Land Use Ordinances update – Discussion of Proposed Changes to Subdivision and Zoning Ordinances

Mr. Lassiter addressed the Commission by highlighting a proposed change to the Zoning Ordinance that was not included in the draft document submitted to the Commission members the month prior. He noted that Land Use staff had contacted the Local Government Field Specialist at Iowa State University, Eric Christianson, with questions about subdivision fencing policy as well as how the county should handle a specific request about opening a church in a residential zone. Mr. Christianson was surprised to hear that Des Moines County required that most all multi-family, commercial and industrial site plans go through a public hearing with the Zoning Commission, and a final vote by the Board of Supervisors. While the Des Moines County Zoning Ordinance has always required this, Mr. Christianson said that it is very rare for counties to review site plans in this way. Instead, they typically approve the permit administratively, after having the site plan reviewed for conformance to all applicable standards by entities such as the County Secondary Roads and Health Departments.

Mr. Keith stated that he would be strongly opposed to such a change, as he felt it gave a paid government administrator too much authority in being able to attach conditions to a development without input from the Zoning Commission and Board of Supervisors. He referenced a recent recommendation by the Burlington Fire Department about requiring sprinklers in a house if located at the end of a cul-de-sac greater than 1,000 feet in length. He said he was concerned that the Administrator might be compelled to require such things if the Fire Department requested it, and he felt that such requirements would be unreasonable and excessive. He said that with oversight by the Zoning Commission and a vote by the elected body (Board of Supervisors), such unreasonable burdens on a developer could be avoided.

Mr. Lassiter noted that one of Mr. Christianson's primary concerns was that a public hearing and vote by the elected body gives the impression of a 'conditional use' or 'special use', something that would only be appropriate in exceptional circumstances, and could be denied outright if there was considerable opposition from neighbors. Therefore, he felt that those types of used should either be re-classified as 'special uses' (subject to the approval of the Board of Adjustment, rather than Zoning Commission), or be approved administratively, as 'permitted principal uses' are supposed to be allowed 'by right' within a given zoning district.

Mr. James added that even the City of Burlington does not have their Planning & Zoning Commission review site plans. Mr. Keith responded by stating that the City presents those matters to the Public Works Department for review, and he feels that the County should have a similar level of oversight from professionals with the expertise to evaluate those kinds of developments. Mr. Lassiter responded by saying that the input from Secondary Roads, Health Department and utility providers would be the equivalent of the City's Public Works Department, rather than the Zoning Commission. He further noted that since the Zoning Commission would be receiving the same expert feedback from those entities as the Administrator would, it would be a much more efficient process to 'cut out the middleman' and not make the Commission spend time on something where they would inevitably draw the same conclusion as the Administrator.

Mr. Keith stated that since large-scale building projects have typically been very rare in the two-mile zoning area, it seems reasonable to have the Zoning Commission review them, without it being a burden on their time commitments. Mr. Lassiter said that it is likely that the property will need to be rezoned before the development occurs, which already requires a public hearing before the Commission. Accordingly, requiring Site Plan Review would necessitate two subsequent public hearings on the same development, even in instances where general plans for the development are already in place before the rezoning. Mr. Keith disagreed, stating that most developers won't spend the time and money preparing a site plan without first getting the assurance that their rezoning request would be approved. He also suggested that the Commission should be actively planning ahead for areas of commercial and industrial development, by zoning areas of farmland in advance, so that individual developers don't have to spend time on a rezoning before they can proceed with project plans. Mr. Lassiter stated that such extensive planning efforts should be rooted in the preparation of the County's Comprehensive Plan, which involves extensive public input. He noted that most of the rezonings currently proposed by staff are those meant to address existing development patterns, as opposed to preparing for future development.

Mr. Fry offered a suggestion that if the Fire Department or another County Department recommended conditions for a development that the owner did not agree with, they could bring that development to the Commission for further review. Mr. Lassiter stated that this would likely be too arbitrary, since there should be clear criteria for which uses do and do not require Zoning Commission review, rather than having it solely be a case-by-case decision. He also noted that there is already a mechanism for an aggrieved property owner to protest the imposed conditions by filing an appeal with the Board of Adjustment.

Mr. Keith also offered criticism of several other items proposed by staff in the ordinance update, such as giving Cities the ability to impose stricter requirements than the County on subdivisions within their two-mile review area, as well as the continued existence of the "E-1 Environmental Conservation District" and requirements for erosion and sediment control plans for projects that disturb less than 1 acre of ground. Regarding the E-1 District in particular, Mr. Keith said that private properties should not be subject to this type of zoning classification, and the Floodplain Overlay should be sufficient at preventing incompatible development in the flood-prone areas. Mr. Wunderlich agreed with this assessment, stating that he wouldn't like it if his own property were zoned for Environmental Conservation.

Mr. James noted that the meeting had been going for nearly two hours, and he recommended that the Commission adjourn for the evening. He stated that staff would do some more research on the topics that were discussed, in order to ensure that the final recommended changes are appropriate for Des Moines County.

**8. Public Input**

None

**9. Future Agenda Items**

Mr. James suggested that another meeting be scheduled approximately one month later, to continue the ordinance update review process. He also suggested that the next meeting should be formally structured to go through items one-by-one in the order they appear in the ordinance, to avoid a similar lengthy discussion of only one or two topics. Mr. Nagrocki suggested that staff avoid scheduling anything close to Thanksgiving. Mr. Lassiter agreed and noted that the week of the holiday would be excluded from consideration.

**10. Adjournment**

**Motion #4:** To adjourn  
**Motion by:** Wunderlich  
**Seconded by:** Fry  
**Vote:** Unanimous vote. Motion carried.

The meeting adjourned at approximately 7:25 P.M.

**APPROVED:**   
Ryan Nagrocki, Chairman

**ATTEST:**   
Zach James, Land Use Administrator