

**DES MOINES COUNTY, IOWA  
ZONING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY, MARCH 11, 2025**

The Des Moines County Zoning Commission met in regular session on March 11, 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 5:34 P.M.

**2. Roll Call**

All attendees were present in-person.

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

\*Arrived at 5:43 P.M.

Staff Present:                              Zach James and Jarred Lassiter, SEIRPC

Public Present :                              Mike Smith, applicant, ZMA-25-08

Neighboring Owners and Other Interested Parties – ZMA-25-08:  
Pam Parrish, 11056 Memorial Park Rd. (*owner is Brad Inghram*)  
Bryan and Lisa Hill, 10800 Memorial Park Rd.  
Les Jennings, 10859 Memorial Park Rd.  
Mark Miller, 2523 S. Main St.\*\*  
Nathan and Melissa Jones, 3724 Memorial Park Rd.\*\*  
Kerry and Beth Fleming, 3606 Memorial Park Rd\*\*  
Jason Marlow, 10557 Memorial Park Rd  
Larry Matteson, 10828 Memorial Park Rd  
Clark Knickerbocker, 10601 Memorial Park Rd

\*\*Reside inside Burlington City limits

**3. Changes to Tentative Agenda**

None

**5. Approval of the Minutes for January 28, 2025**

**Motion #1:**      To approve the Minutes of the January 28, 2025, meeting.  
**Motion by:**      Fry  
**Seconded by:**      Carroll-Jones  
**Vote:**              Unanimous vote. Motion carried.

**6. New Business**

**A.      Public Hearing: Request for Zoning Map Amendment – “R-1” Single and Two-Family Residential to “C-1” General Commercial, 10673 Memorial Park Road (Don Chipman and Mike Smith) – ZMA-25-08**

Chairman Nagrocki opened the public hearing at approximately 5:36 P.M.

Mr. Lassiter read a staff report on the proposed rezoning, explaining that Mr. Smith had met with him several weeks earlier to request zoning compliance letters from the Iowa DOT, regarding two properties that he planned to use for

auto-related businesses. While one of those properties was well outside the County's "two-mile" zoning jurisdiction around Burlington, the other was within that area, and a compliance letter could not be submitted because the area is zoned "R-1" Single-Family Residential, and an auto sales business would only be allowed in a "C-1" General Commercial or "I-1" Industrial District. He informed Mr. Smith that the only way a commercial business could be allowed on that property is if he and the property owner applied for a zoning amendment.

Lassiter said that Smith was planning to establish a new auto sales business with his longtime friend Don Chipman, on land owned by the Chipman family at 10673 Memorial Park Road. The plan was to offer approximately 10-20 used vehicles for sale at a time, on a gravel pad in front of an existing pole building on the property, which would be converted from a horse barn to a combined office and shop for incidental repairs to newly acquired vehicles. This business would occupy around 1 acre of land, within a much larger 11-acre property owned by the Chipman family, with Mr. Chipman continuing to reside in the home at 10671 Memorial Park Road, while the remaining acreage would continue to be used as pasture ground for several horses (with a new barn erected further north to replace the old one).

Lassiter explained that most of the surrounding area is both zoned and currently used for single-family residential purposes, while a few other uses are present nearby, including an apartment complex, church, cemetery and landscaping business. He said that the County Comprehensive Plan from 2004 has this area shown as 'Residential' on the Future Land Use Map. He noted, however, that there is only one property shown as 'Commercial' or 'Industrial' on that map within the "two-mile" zoning area, and several properties have since been rezoned to 'C-1' or 'I-1'.

He read the 'purpose' statement for the 'C-1' General Commercial District in the County Zoning Ordinance, which says that it is intended for, "areas of commercial uses (business, service or office) to serve the general needs of the residents of Des Moines County, in appropriate locations that are readily accessible from primary highways or paved arterial and collector roads". He also read a separate passage from the Ordinance which says that, "the practice of Spot Zoning shall be discouraged", and a rezoning request, "shall be evaluated to ensure that it would not create both a unique advantage to the owner(s) of a small area of land, and a detriment to neighboring property owners".

He noted that several comments had been submitted in response to the proposed rezoning. First, the County Health Department's environmental health technician stated that a new septic system would be needed to address any sewage disposal needs for the commercial building, as well as 'gray water' runoff from areas where vehicles will be parked. Also, the Burlington City Planner said that the City's Comprehensive Plan shows this area of their two-mile subdivision review area as 'Low Density Residential'. Lassiter acknowledged that the City has no official authority over how the land is used, and this response was merely offered as context for what the City's preferences are.

He said that two neighboring property owners had submitted written comments in opposition to the rezoning, one of whom was in attendance at the meeting, while the other had provided their comment to another neighbor to submit on their behalf. In response to one of the items mentioned in the first letter, Lassiter stated that rezoning the property to Commercial does not allow the owner unlimited use of the property in the future. Rather, the owner will still be subject to permitting requirements, but the list of allowable uses will be greater in the "C-1" District than in the "R-1" District.

Mr. Miller said that he disagreed with Lassiter's assessment that the area along Memorial Park Road is 'mostly residential', as he feels that this area is *entirely* residential. He emphasized how this area of the county has been a desirable location for residential development in recent decades, which has attracted people from throughout the Greater Burlington area to build homes in a quiet, semi-rural setting just outside the city. He warned that rezoning this one property to commercial could set a bad precedent for this area, making it easier for additional land to be zoned that way in the future, or for more high-traffic commercial uses to take the place of the small auto dealer.

Ms. Jones said that she is acting as a spokesperson for several of the neighboring property owners, who had previously met to discuss their concerns regarding the proposed rezoning. She said they felt that a commercial use would not be compatible with the surrounding area, and she agreed with Miller's assessment that it would set a bad precedent. She said that she conducted some research on the topic of 'spot zoning', and had obtained a definition from the Iowa State University Extension. She felt that the proposed rezoning of the Chipman property meets this definition, as it would benefit the owner of one small area of property at the likely expense of other property owners nearby.

Jones noted that the Chipman property has been poorly maintained in recent years, especially since the passing of the applicant's mother, Jean Chipman. Such issues have included the run-down appearance of the house and other buildings, accumulation of junk, burning trash, and failure to contain goats that trespass onto neighboring properties.

Jones said she estimates that around \$3 million has been invested in this area of the county in recent years for new

development or renovations. This includes several new homes, including her own and those of Mr. Knickerbocker and Ms. Parrish, along with the planned renovation of the Sundown Apartments. She said she is concerned that having a commercial use nearby will negatively impact property values, and this will have a spillover effect on the City and County's overall tax base. Finally, she noted that the property taxes on the Chipman property are currently in arrears, and this causes her to question whether the business will actually be viable.

Mr. Hill questioned why Mr. Chipman was not present at the meeting himself, in order to support his proposed development and answer questions. Mr. Smith acknowledged that after staff had informed them of several negative comments being submitted, Chipman did not feel comfortable attending if there would be extensive discussion of his personal conduct or maintenance of his property. Smith said that Chipman had gone through a lot of personal life challenges over the years, and that he (Smith) had been the one to initially propose this business idea to him, as he felt it would be a good way to invest in a substantial sum of money that Chipman had recently earned from selling family farmland in Missouri. He said that he (Smith) was previously unaware that there was zoning in this area of the county, and had simply gotten the impression that a rural, ranch-themed auto sales business close to Burlington would be a profitable venture, and one that could allow his friend to use underutilized land on his own property.

Smith said that he is well aware of the current poor aesthetics of the Chipman property, and had cautioned his friend that such a business would only be viable if he took the initiative to clean up the property first, in order to create 'curb appeal' for the business. He said that he would be the primary day-to-day operator of the business, while Chipman could spend most of his time operating his family's existing barbershop in downtown Burlington.

Mr. Hill said that he respected how Smith has taken an active role in helping his friend out, and he felt that the plans for the business were all made with the best of intentions. However, he expressed skepticism as to whether Chipman is actually serious about improving the conditions of his property. Hill said that he observed a truckload of old tires being deposited on site earlier that same day, and another attendee acknowledged witnessing this as well. Smith said he was unaware of the tires, and had not been on the property in recent days.

Smith said he understands the concerns of the neighbors, and that listening to their comments had been enlightening to him, as he hadn't taken some of those things into consideration when initially pursuing the project. He also promised that Chipman is serious about cleaning up the property (such as re-painting the house and removing junk), and will do so regardless of whether the County allows him to operate a business there.

Mr. Fleming emphasized how zoning laws exist for a reason, and because this area has been consistently used for residential purposes for so long, it just isn't appropriate for commercial activities. He also noted how there are numerous properties in the Burlington area that are currently zoned for commercial uses, so there shouldn't be a need to rezone additional land in an area that is otherwise residential in character. Mr. Jones agreed, and noted how his opposition to the proposal is not a reflection on Mr. Chipman as a person – rather it is based solely on the negative impact that a commercial use would have on homeowners and residents. He further stated that he would be opposed to a car dealership on that site even if it were operated by Brad Deery or another large established dealer in the region.

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

Chairman Nagrocki closed the public hearing at approximately 6:17 P.M.

Mr. Lassiter referred back to the staff report and noted that there are 4 options that the Commission can take in addressing this proposal – approve the request, deny it, approve it with conditions, or table it in order to request further information. He also reminded members that through a 'conditional rezoning', they could restrict the types of commercial uses that would be allowed on that particular property, even if those prohibited uses would ordinarily be allowable in a 'C-1' District.

Nagrocki acknowledged that he will be abstaining from a vote on this proposed re-zoning, as his company, Midwest Realty Group, owns 14 acres of land immediately north of the Chipman property, which contains the Sundown Apartments. However, speaking as a property owner, he noted that he is not in favor of the proposed rezoning, as it could negatively impact their investment in renovating those apartment buildings. He also expressed concern about the property not being in Don Chipman's name, as it is still listed under that of his late mother, Jean Chipman. He said it didn't seem appropriate for a zoning request to come from someone who technically doesn't own the property. Mr.

Smith said that Mr. Chipman is in the process of having the deed updated to reflect his ownership, but due to a conflict over attorney fees, this has not yet been completed. Mr. James noted that under the provisions of the County Zoning Ordinance, a rezoning request can technically come from anyone, though it would obviously be subject to scrutiny from the Commission if it weren't clear whether the true owner actually consented to it.

Mr. Fry said that the Zoning Ordinance is very clear with the statement that spot zoning should be 'discouraged', and he felt that this proposal is fully consistent with the definition of 'spot zoning'. Ms. Carroll-Jones said that when initially reviewing this proposal, she wasn't especially concerned about the impact on adjoining owners, especially if there would only be a small number of cars present at any time. However, the many detailed comments from neighbors helped her better comprehend the potential negative ramifications of allowing a business at this location.

Mr. Caston said he agreed with Mr. Fleming that there are plenty of other locations to put a used car lot that would be more appropriate than in the middle of a residential neighborhood. He also agreed with the neighbors' concerns that such a business could be detrimental to the future enjoyment of their own properties.

**Motion #3:** To recommend denial for rezoning the property at 10671-10673 Memorial Park Road from "R-1" Single and Two-Family Residential to "C-1" General Commercial.

**Motion by:** Caston

**Seconded by:** Keith

**Vote:** Unanimous vote. Motion carried.

## 7. Old Business

Mr. James noted that the official action had not yet been taken by the Board of Supervisors on the zoning map amendment request from the previous meeting on January 28. He reminded the members that the AF Holdings LLC property on Tama Road is currently split between the City of Burlington and unincorporated county, and staff was waiting on a planned de-annexation of the property by the City, before taking the Commission's recommendation of approval to the Board (for rezoning the property from 'A-1' Agricultural to 'I-1' Industrial. After City planning staff had met with elected officials about the proposed de-annexation, the officials had expressed concerns about severing more territory from the City. As a result, the re-zoning request for the unincorporated land is on hold until the City makes a final decision on the de-annexation.

## 8. Public Input

None

## 9. Future Agenda Items

James noted that there may be another rezoning request in the near future, concerning the property at 11238 Memorial Park Road. Lassiter said that staff have received numerous inquiries about this property, after the owner recently put it up for sale, and many of the interested buyers intended to use it for commercial purposes. Lassiter said that the property has a complicated zoning history, wherein light commercial development had occurred in the early 2000s, after the owner had abandoned plans for constructing a home on the property. As a result, the property now has two sizable pole buildings well-suited for commercial use, in addition to having partial frontage on Highway 61.

## 10. Adjournment

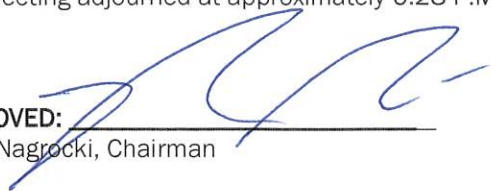
**Motion #4** To adjourn

**Motion by:** Nagrocki

**Seconded by:** Fry

**Vote:** Unanimous vote. Motion carried.

The meeting adjourned at approximately 6:28 P.M.

**APPROVED:**   
Ryan Nagrocki, Chairman

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