

**DES MOINES COUNTY, IOWA
ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, JULY 29, 2025**

The Des Moines County Zoning Commission met in regular session on July 29, 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 5:31 P.M.

2. Roll Call

All attendees were present in-person.

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

Staff Present: Zach James and Jarred Lassiter, SEIRPC

Public Present : Joshua and Rebecca Horn, applicant, ZMA-25-22
John and Brenda Oliver, current property owners, ZMA-25-22

3. Changes to Tentative Agenda

None

5. Approval of the Minutes for March 11, 2025

Motion #1: To approve the Minutes of the March 11, 2025, meeting.
Motion by: Fry
Seconded by: Keith
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, 11238 Memorial Park Road (Joshua Horn) – ZMA-25-22

Chairman Nagrocki opened the public hearing at approximately 5:32 P.M.

Mr. Lassiter read a staff report on the proposed rezoning, noting that the property in question had a complicated history, having been established with an unusual triangular shape following the 1970s project to relocate and widen US Highway 61. After initially being acquired by the Iowa DOT for the highway project, this property was later transferred back to private ownership, after the old highway had been transferred to the County and renamed Memorial Park Road.

Mr. Keith noted that a concrete batch plant had initially been established on that property after it went back to private hands in the late 1980s, though that plant was later relocated south of Burlington. Lassiter said that the lot was vacant at the time the current owners, John and Brenda Oliver, acquired it in 1999. He said that Land Use Department records revealed that a conflict arose in 2005, after it was determined that the property was being used for commercial purposes. These records show that while construction of a single-family dwelling had previously been permitted, only 2 metal utility buildings had been erected, and these were being used for the owner’s heating and cooling business. A subsequent request for rezoning was not approved, due to substantial opposition from nearby landowners. As a result, a compromise was reached wherein the owners were required to have a dwelling placed on the property, and only use the existing buildings for storage. A mobile home was then placed on the property, and used as a rental dwelling.

Lassiter said that the Olivers listed the property for sale in late 2024, after the mobile home was sold and relocated. Over the past 6 months, he and Mr. James received numerous inquiries from prospective buyers, almost all of whom wanted to use the metal buildings for a commercial purpose, whether or not they would also build a dwelling for themselves on the property. He had informed each of these individuals of the zoning requirements, and said that the property's current "R-1" zoning status likely dissuaded them all from buying the property, due to the lack of assurance that they could use the property as they desired.

He then said that the Olivers gave permission to another prospective buyer, Joshua Horn, to submit a request for rezoning the property on their behalf, with an agreement to purchase it in the event that the rezoning is approved by the County. He said that Mr. Horn runs a business called Precision Coatings and Painting, which specializes in structural painting, and the installation of roof coatings and flooring.

Mr. Horn said that he intends to use the property only for the storage of materials and equipment for his business – all inside the two existing utility buildings. He said that up until now, all of these materials have been stored on his own property on 145th Street, northwest of Beavertdale.

Lassiter said that a rezoning to "C-1" General Commercial was necessary in order to allow the use proposed by Mr. Horn on this property, as nothing resembling this use is allowed in the "R-1" District, either as a standard permitted use, or as a Special Use subject to approval by the Board of Adjustment.

Horn said that he already introduced himself to all of the neighboring property owners, to explain his intended use of the property, and address any concerns they may have. He said that one of these owners had concerns about noise, while another person claimed to have moved away from a different part of the county after a contractor had developed a property across the street without putting up any fencing or landscaping to screen it. Horn said that he does not plan to store any materials outside, and there would be no noise from operating machinery.

Lassiter noted that one of the neighboring property owners had contacted him by phone earlier that day. That person confirmed that Horn had spoken with him previously, and while he had no major concerns with his development as proposed, he was still concerned about the long-term implications of having the property zoned for commercial use.

Lassiter stated that the Commission has the option to recommend a 'conditional rezoning', wherein special conditions are added to a zoning amendment, which place greater restrictions on the minimum standards of the "C-1" General Commercial District. He noted that such conditions could limit the specific types of commercial activity that would be allowed on the property, such as those involving retail sales vs. storage and warehousing.

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

Chairman Nagrocki closed the public hearing at approximately 5:58 P.M.

Mr. Caston said that while he saw no issues with the specific development proposed by the applicant, he was concerned about what would happen in the future, if the property were sold to someone else that wanted to develop a more intensive commercial use. Ms. Carroll-Jones said that the proposal seemed like 'spot zoning', similar to the recent rezoning request further south on Memorial Park Road that the Commission had voted against at the previous meeting in March. Mr. Keith said he felt that the two situations were different – first, because several neighbors of that previous applicant testified to having prior issues with him before the rezoning request, and second, because this current request involves a significantly different location context, with the property having direct frontage on a major highway at its intersection with a paved arterial road. Mr. Fry said it seemed significant that no neighboring property owners showed up at the meeting to protest, unlike the previous meeting where nearly a dozen people were present. He also said that this particular property seems unique within the surrounding area, due to its being bounded by paved roads on 3 sides, while several lines of trees and vegetation already serve as a buffer from the closest nearby homes.

Mr. Nagrocki said that this property is likely not a desirable prospect for building a house, due to having direct frontage along the highway, without a wide stretch of vegetation to shield it from the resulting traffic noise. However, he noted that this property serves as an important 'gateway' to Burlington for highway motorists, and its aesthetics could have an impact on overall perceptions of the community. He acknowledged that his company, Midwest Realty, is in the process

of rehabbing a multi-family property about 1/4 mile south on Memorial Park Road, so the aesthetics are personally significant to him as a result of that investment. Mr. Keith said that this is an important reason for adding special conditions to this particular rezoning, since certain types of commercial development like a gas station or auto repair shop could have a clear negative impact on the surrounding residential areas.

Caston referred back to the previous rezoning request at 10673 Memorial Park Road, and asked if any of the people who attended the hearing for that request would have also received the public hearing notice for the current rezoning request. Mr. James said that the County's policy is to mail notices to all landowners within 500 feet of a proposed rezoning, and in this case, the 500-foot buffer for 11238 Memorial Park Road does not overlap with that of the property at 10673 Memorial Park Road, about 1/2 mile to the south. Caston said that he'd already spoken to someone within the 500-foot buffer for the previous rezoning request, and they were not in favor of the current request either.

Carroll-Jones said that she was concerned about the prospect of the lot being subdivided in the future, since buildings currently only occupy the western half of the lot, and the eastern half could potentially be split off to sell to someone else in the future, if the owner didn't see any value in keeping it as open space.

Caston asked the applicant if he had any other plans for the further development of the property, beyond the use of the existing storage buildings. Horn said that he initially plans to repaint the existing buildings, in order to enhance the aesthetics to better reflect on his business. He said that they may erect a small office building at some point in the future, near the spot at the south end of the property previously occupied by the rental dwelling. Finally, he said it's possible that they may erect one or more additional storage buildings on the property in the future, depending on whether the business substantially expands over the coming years and decades.

Fry asked how the inventory of materials would be transported onto and off of the property. Horn said that they use cargo vans to tow a trailer with equipment and materials. Fry said he was concerned about the possibility of large semi trucks regularly stopping on the property to deliver materials. Horn said that such deliveries would occur on a bi-weekly basis, and the trucks would not be parked on-site outside of delivery times.

Caston asked what would happen if a future owner refused to abide by the special conditions that the County imposed on the rezoning. James said that they'd be cited for a zoning violation once the county became aware of the issue. Lassiter said that a permit would be required for the construction of any new buildings, so this could easily get noticed while a building was under construction.

Nagrocki asked if there was a way to ensure that any special conditions are readily available to future purchasers of the property – in particular, whether it would show up in the chain of title. James said that all rezonings must be recorded, as they constitute an amendment to the County Zoning Ordinance. He said that the amendment document itself would include a list of any special conditions that were attached to the approval of the amendment by the Board of Supervisors. Lassiter said that after the previous conditional rezoning approved by the Board in 2022, a note was added to both the Official Zoning Map and the zoning district layer on the County GIS website, which referenced that it had been approved with conditions.

Keith said that he'd like to offer a motion to approve the rezoning, with an added condition that limits the use of the property to service businesses similar to the one operated by the applicant. Lassiter read off several alternative statements that could be used for establishing this condition. The Commission members then discussed the particulars of the proposed condition, and which specific items should and should not be included. In the process, Keith amended his motion that the conditions should accommodate the following factors:

- All storage of materials and equipment must be indoors
- The property could not be used for on-site retail sales
- The types of allowable commercial uses should be limited to specialty building contractors and service businesses, and a non-exhaustive list of specific business types should be provided, in order to give guidance to County staff in the future, if presented with a development proposal from a subsequent property owner

Keith also suggested that a 'self-storage business' be allowed as well, noting that a business of this type was previously developed on a property south of Burlington on Highway 61 after the property was rezoned. Carroll-Jones disagreed, and said that such a business could introduce a significant amount of traffic to the surrounding residential area on a 24-hour basis, and not all such businesses will be as well-operated and maintained as the one Keith had referenced.

After the statement had been refined further, Fry and Nagrocki both concurred that it seemed sufficient to cover all the priority concerns. Caston disagreed, and said he felt that the range of allowable uses was still too broad and open to

interpretation.

- Motion #3:** To recommend approval of the proposed zoning amendment, to rezone the property at 11238 Memorial Park Road from "R-1" Single and Two-Family Residential to "C-1" General Commercial, with the following condition:
- That, apart from any uses that are also listed as Permitted Principal Uses in the "R-1" and "R-2" Districts, the only Permitted Principal Uses allowed on the property shall be as follows:
 - Indoor storage and office space for a specialty building contractor or service business similar to the following, provided that no retail sales activities shall be conducted on site:
 - Air conditioning and heating; Carpentry and masonry; Drywall and insulation; Electrical and lighting installation; Landscaping and lawncare; Painting; Plumbing; Roofing and flooring; Siding, door and window installation; Upholstery

Motion by: Keith

Seconded by: Fry

Vote: 3 Ayes (Fry, Keith, Nagrocki), 2 Nays (Carroll-Jones, Caston). Motion carried.

7. Old Business

None

8. Public Input

None

9. Future Agenda Items

Mr. Nagrocki said that he is currently working with Klingner & Associates on a preliminary plat for a 6-lot subdivision involving land owned by his company, Midwest Realty, just south of the apartments on Memorial Park Road. He said that this plat will likely be ready to review soon, and thus the Commission would need to hold another meeting to address this matter.

10. Adjournment

Motion #4 To adjourn

Motion by: Nagrocki

Seconded by: Fry

Vote: Unanimous vote. Motion carried.

The meeting adjourned at approximately 6:43 P.M.

APPROVED: _____
Ryan Nagrocki, Chairman

ATTEST: _____
Zach James, Land Use Administrator