

the subdivision lots. Chief Heater had requested that a standpipe be installed at that pond in order for emergency responders to have access to a water source in this area. He noted that it could take 12-15 minutes to resupply with water from Danville or New London.

Lassiter stated that the developer has met with staff at Des Moines County Secondary Roads to establish a plan for providing access to each of the lots. As a result, it was confirmed that Lots 1 and 2 would each be allowed a new entrance from Des Moines-Henry Avenue, while Lots 3 and 4 would need to share an existing entrance from 135th Street, situated along the shared property line. Lassiter noted that 135th Street is initially surfaced with gravel heading east from Des Moines-Henry Avenue, but it changes to an earthen surface after about 330 feet after passing the driveway entrance for an existing home on the south side. The County Engineer had stated that the developer will be responsible for supplying enough rock to extend the gravel surface about 70 feet eastward to reach the shared entrance for Lots 3 and 4. However, he also told the developer that the County will not allow the gravel to be extended any further east beyond that entrance, where the road travels through a low area surrounding a stream crossing.

Sandy Dockendorff, the owner of the aforementioned home on the south side of 135th, expressed concerns about the impact of this development on existing drainage patterns. She noted that spring flooding is a recurring issue along 135th Street to the east of her house by the stream crossing, and she is concerned that this could get worse if one or more new driveway entrances were installed without culverts. She said that she and her husband are currently planning to invest in the construction of a new home on their property, which will replace the existing home that is over 130 years old. She emphasized that she is not in opposition to the development of other homes nearby – rather, she simply wants some assurance that the existing drainage issues won't get exacerbated by the planned development.

Mr. Keith said that the County needs to make sure that the culverts for each driveway entrance are sized properly. James said that these would have been engineered to the minimum standards of the Secondary Roads department, since they will be built within the County right-of-way.

Mr. Ita said that he was aware of the ongoing drainage issues and planned to work with Secondary Roads to improve the situation through the extension of the gravel surface and re-grading the ditches to improve drainage by the stream crossing. He acknowledged that it appears that 135th Street has historically been a low priority for maintenance, owing to its primary use being the transport of agricultural equipment. He said that the addition of 2 new residential entrances should ensure that the section closest to the county line will receive more regular monitoring and upkeep in the future.

Keith asked why Secondary Roads wouldn't allow an entrance to Lot 4 from Des Moines-Henry Avenue. Ita said that he had only requested an entrance from that road for Lots 1 and 2, as it was assumed that Lots 3 and 4 would share the same entrance from 135th Street. Keith said it seemed more intuitive that the owner of Lot 4 would want to enter from the west side. Ita noted that the land on the east side of Des Moines-Henry has a steep bank above the ditch, and a substantial amount of fill would be necessary to level off each new entrance. Mr. Fry asked if Lot 4 could still be given access from Des Moines-Henry Avenue if the landowner requested it. Lassiter said that this would be up to the discretion of Secondary Roads, but conceivably, the entrance for Lot 2 could be positioned so that it is shared with Lot 4 as well.

Dockendorff said that the section of 135th Street in front of her house is narrower than average and does not allow vehicles to pass one another in either direction. Lassiter noted that the gravel surface for 135th is only 15 feet wide, but while this is below the minimum requirement of 22 feet in the Subdivision Ordinance, that requirement specifically applies only to 'private roadways', and not public roadways maintained by the County.

Dockendorff noted how vehicles have routinely gotten stuck in the mud past the end of the gravel surface, and there is also a deep hole lined with bricks along the road in that area, which has been there for many years. She also addressed the issue of vehicle GPS systems causing drivers to use 135th as the shortest-distance route between Jimtown Road and Des Moines-Henry Avenue, since the mapping software typically doesn't take into account the surface type of roads (including Class B dirt roads). Ita suggested that the creation of 4 new lots would be unlikely to cause a substantial increase in traffic, especially on the dirt road.

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

Chairman Nagrocki closed the public hearing at approximately 6:06 P.M.

Lassiter presented the list of alternatives for the Commission to respond with, and noted that staff suggests considering two possible conditions to be added, if they choose to recommend approval. The first of these would outline the access options provided by Secondary Roads for each of the 4 lots. The second one would stipulate that Lot 4 could not have its primary entrance located along the adjoining 'Class B' section of 135th Street. Mr. Caston asked why it would be necessary for these to be added as special conditions for this plat. Lassiter said that the requirements of Secondary Roads are routinely included as a condition for 'minor subdivisions', which are not reviewed by the Zoning Commission before final approval by the Board of Supervisors. Mr. James added that the County Engineer had specifically requested that the condition about the Class B road be recorded along with the subdivision plat. That way, it would show up in any future title search, so that future buyers of these lots would not be misled into thinking that access from the Class B section would be possible.

Motion #4: To recommend approval of the Final Plat for Cedar Ridge Estates, with the following conditions:

- Lots 1 and 2 shall each be allowed one new entrance from Des Moines-Henry Avenue, while Lots 3 and 4 shall share an entrance at the shared property line along 135th Street.
- The primary residential driveway entrance for Lot 3 shall not be located along the earthen-surface portion of 135th Street, as Des Moines County Secondary Roads will not permit such an entrance from a Class B Road.

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

B. Public Hearing: Request for Preliminary Plat approval, Memorial Meadows Subdivision (Midwest Realty Group) - MAS-25-33

Motion #5: To open the public hearing
Motion by: Fry
Seconded by: Keith
Vote: Unanimous vote. Motion carried.

Chairman Nagrocki opened the public hearing at approximately 6:12 P.M. He noted that he will be abstaining from any vote concerning this matter, since his company is the applicant.

Mr. Lassiter read a staff report with background information on the proposed subdivision. He stated that the Memorial Meadows Subdivision involves the creation of 6 lots intended for single-family residential development, which would be split off from an existing 14-acre property situated between Memorial Park Road and 115th Avenue. This property was previously used for a Par 3 golf course, while a series of 14 four-plex apartment buildings were built there in the 1980s and 90s, mostly at the north end of the property. The developer plans to retain that section of the property, where those apartment buildings are in the process of being renovated.

Lassiter said that five of the new lots would be accessed from a new private road extending westward from Memorial Park Road, while Lot 1 would be accessed from 115th Avenue on the west side. All of the lots would meet the minimum size and width requirements of the County Subdivision Ordinance, and the proposed roadway would meet the minimum requirements for surface type and width, cul-de-sac surface diameter, and right-of-way width. He noted that one of the existing apartment buildings is situated on Lot 4, but the developer plans to either convert it to a single-family home or demolish it and replace it with a new house on the same site.

Lassiter said that the developer had not yet submitted a draft copy of the restrictive covenants for the subdivision, which is required for Preliminary Plats in the Subdivision Ordinance, if the developer intends to establish such covenants. He said that the primary purpose of this is to address future maintenance responsibilities for private roadway infrastructure. Mr. Fry asked if it would be necessary for such covenants to be submitted before the Final Plat is reviewed. Lassiter confirmed that this would be necessary under the circumstances.

Andrew Poole, the owner of a neighboring undeveloped property on 115th Avenue, said that he was concerned about the impact of this development on existing drainage patterns. He said that he and his wife plan to eventually build a home on their property, and they are concerned because all the surface runoff from the developer's property currently drains onto the west side of their property, and it tends to pool there on the south side. He said he figured that this would only get worse once homes, streets, and driveways are built there.

Lassiter noted that there is a ravine along the east edge of Poole's property, which drains southward across Plank Road to Honey Creek. Nagrocki said that there is a pond in between Lots 5 and 6, which he assumed was receiving a substantial share of the runoff on that side of the property. Mr. Keith suggested that the drainage will likely improve once homes are developed, as there has been minimal upkeep of the property since the golf course was abandoned several decades ago. He said that while homes and driveways will deflect stormwater, well-maintained residential lawns on large lots will do a good job of regularly absorbing runoff.

Poole also suggested that there may be runoff coming from the septic system from the apartments to the north. Nagrocki said that two septic tanks are serving the apartments, which drain into leach fields on the property his company will retain, just north of Lot 1. He said that after purchasing the property, he worked with a local septic contractor to clear overgrown vegetation around the outlets for these systems. Keith said he was surprised that a leach field would have an outlet, as that is more typical of sand filter systems.

Poole asked if it was likely that this property would be annexed into the City of West Burlington. Mr. James said that any future annexation in this area would be by Burlington, rather than West Burlington, since Memorial Park Road is east of the extraterritorial planning boundary between those two cities, as established by a 28E agreement. James said that he didn't think such annexation would be likely anytime soon, and Mr. Caston agreed.

Lassiter noted that another neighboring landowner in attendance, Luke Sneller, had previously contacted him to ask if a standalone storage building would be allowed on Lot 1, which would be across from his residence. In the process, he had informed Mr. Sneller that such buildings would not be allowed in the R-1 Residential District, unless they were on the same property as an occupied home. Sneller said that he had since discussed the matter in further detail with Nagrocki, and he was satisfied with his response.

Motion #6: To close the public hearing.
Motion by: Caston
Seconded by: Keith
Vote: Unanimous vote. Motion carried.

Chairman Nagrocki closed the public hearing at approximately 6:39 P.M.

Lassiter presented the list of alternatives for the Commission to respond with, and noted that staff suggests considering two possible conditions to be added, if they choose to recommend approval. One of these would require that the subdivider submit a draft copy of the restrictive covenants for the subdivision before Final Plat approval. Mr. Caston asked if the County actually requires a subdivision to have restrictive covenants. James said that the subdivider is required by ordinance to submit a copy of any restrictive covenants. But this only applies if there actually will be covenants, and the primary intent for the Commission to see these is to confirm whether they address the future maintenance of private roadways. Caston suggested that the recommended condition be modified so that the developer is required to submit a 'roadway maintenance agreement', rather than just 'restrictive covenants' in general. The other Commission members expressed support for this change.

For the other suggested condition, the developer would be required to install a hammerhead turnaround or turn-off for emergency vehicles along 115th Avenue at the entrance to Lot 1. This would correct for the insufficiently narrow width of that road, along with its lack of a cul-de-sac turnaround at the end. Caston said that it didn't seem fair to place this burden on the owner of a single lot to correct for the deficiencies of an existing public roadway that already serves multiple other lots. Lassiter said that this makes sense, and noted that when staff had initially suggested this condition, it had been wrongly assumed that 115th Avenue was a private road.

Motion #7: To recommend approval of the Preliminary Plat for Memorial Meadows Subdivision, with the following condition:

- The subdivider shall provide a draft copy of the roadway maintenance agreement for this subdivision before the approval of the Final Plat. This shall specify the future maintenance responsibilities for the private roadway infrastructure.

Motion by: Caston
Seconded by: Fry
Vote: 3 Ayes (Caston, Fry, Keith), 1 Abstention (Nagrocki). Motion carried.

7. **Old Business**

None

8. **Public Input**

None

9. **Future Agenda Items**

Mr. Caston stated that he intends to resign from the Commission once his current term expires at the start of January 2026. He noted that the frequency of Commission meetings has increased in recent years, and it can often be a challenge to find a meeting time that fits with his busy work schedule, which involves a lot of traveling.

10. **Adjournment**

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

The meeting adjourned at approximately 6:47 P.M.

APPROVED: _____
Ryan Nagrocki, Chairman

ATTEST: _____
Zach James, Land Use Administrator