

**DES MOINES COUNTY, IOWA
ZONING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, July 9, 2018**

The Des Moines County Zoning Commission met in regular session on July 9, 2018, at 5:30 P.M. in the public meeting room of the SEIRPC offices at 211 N Gear Ave, West Burlington, Iowa.

1. Call to Order

Chairman Dick Keith called the meeting to order at approximately 5:30 P.M.

2. Roll Call

Commission members present: Ron Breuer, Dick Keith, John Roth, Larry Werner, Ron Wunderlich

Commission members absent: Jon Hedges, Sally Parrott

Staff Present: Zach James and Jarred Lassiter, SEIRPC

Public Present: Lea Zaiser, developer
Mark Crooks, City of Burlington Fire Marshall
Garvin and Helen Weitzel, neighboring property owners

3. Meeting Minutes

Motion #1: To approve the Minutes of November 30, 2017 meeting.

Motion by: Wunderlich

Seconded by: Werner

Vote: Unanimous vote. Motion carried.

4. Staffing Changes Update

Mr. James introduced himself and Mr. Lassiter, acknowledging that this is the first meeting of the Des Moines County Zoning Commission following the December 2017 passing of Jeff Hanan, Land Use Administrator. He noted that he is now officially serving as Land Use Administrator, but this is now largely a team effort between himself and Mr. Lassiter, who is officially the Assistant Land Use Administrator.

5. New Business

A. Public Hearing: Request for Preliminary Plat approval for The Ridge Subdivision

Ms. Zaiser gave a general overview of the plans by her and her husband, Marc Zaiser, for eventual development of a 69 acre, 21 lot single-family residential subdivision on the north side of Upper Flint Road, between Highway 61 and Irish Ridge Road. She noted that their intent is to develop the full property depicted on the preliminary plat in phases, with the first Final Plat covering lots 1 through 5 (closest to Upper Flint Road), and the remaining lots split into two more phases. Mr. Roth asked about the size of Lot 18, which appeared smaller than most of the others. Ms. Zaiser noted that this lot exceeds the minimum size allowed by code, and that it only appears small because many of the others are much larger out of necessity, due to topographical constraints, including a large ravine that basically splits the subdivision into two parts. Mr. Lassiter then shared copies of a hillshade map of the site, which displays areas of steep terrain using digital orthophotography.

Ms. Weitzel asked whether the lots will each have septic systems, and how they will be served in terms of water. Ms. Zaiser confirmed that all lots will be required to have septic systems, and they will be served by Rathbun Rural Water.

Ms. Weitzel asked whether purchasers will be required to construct each home within a certain timeframe. She and her husband own property adjacent to the proposed subdivision on its east side. She was concerned that a construction project could stall, with trailers and exposed soil left unattended for a year or more. Ms. Zaiser stated that the restrictive covenants for the subdivision (currently being finalized) will address this, requiring that a project be completed within a certain timeframe. Mr. Weitzel clarified that he and his wife are not opposed to this subdivision – rather, they want to be fully informed of the process for how it will be developed.

Mr. James then reviewed the department staff report. He noted that the subdivision lies within the 2-mile review territory of the City of Burlington. As such, a copy of the plat was also sent to the City for their review, and has since been approved by the City Council, on a recommendation from the Planning & Zoning Commission. Through this process, the City had recommended that the preliminary plat be adjusted, so that the street labelled Rolling Ridge is extended further east to provide access to Lots 20 and 21. He noted that this would result in a cul-de-sac length that exceeds the County's minimum requirement of 1,000 feet from the nearest intersection. As such, the Commission would need to waive the requirement for the subdivision to go through as planned.

Mr. James then reviewed comments that were received by staff from County Department heads, utility representatives, and neighboring property owners. He stated that the lone comment from a neighboring property owner came from Jesse Caston, who owns agricultural property that is adjacent to the proposed subdivision on the north. Mr. Caston was concerned about the fact that a proposed road right-of-way is shown on the plat as directly bordering his property.

Mr. James then addressed comments provided by County E911 Director Austin Roelfs. Mr. Roelfs had stated that, based on a newly instituted road naming policy, all addresses within The Ridge will need to use either Upper Flint Road, or a new street called 113th Street, consistent with the countywide numbering system. Ms. Zaiser objected to this requirement, expressing an intent to address the matter further with Mr. Roelfs. Mr. James stated that the Land Use Department has no authority on road-naming procedure, and reiterated the E911 Department's stated purpose for the new policy – a desire to make it more clear where an address is within the county, when an emergency call comes in. Mr. Breuer said that in his opinion, the E911 naming strategy would actually be more confusing for this subdivision, than having all the roads given unique names (i.e. Zen Ridge, as depicted on the plat). He said it would be confusing for visitors accessing the subdivision for the first time. Mr. Roth said the thought it would also be more confusing from an emergency response perspective, since there are separate roads in the subdivision, on which properties would all have an address of 113th Street. He said the same is true for the road paralleling Upper Flint Road (labelled Zen Ridge), with homes along this road instructed to also use Upper Flint Road for their addresses.

Mr. James continued with the staff report, summarizing the requirement from the Burlington Fire Department, that all homes beyond 750 feet of a single access point have sprinklers installed. He noted that Land Use staff is recommending that the Commission follow the Fire Department's recommendation, although this cannot be enforced by the City for properties outside City limits. Next, he addressed the County's fencing policy, noting that at the Final Plat stage, a fence waiver would be required for two adjacent properties classed as 'agriculture'. Finally, he noted that none of the land in the subdivision is within a floodplain – however, a creek passes through the property, and the plat includes two dam structures for controlling storm water drainage, once new impervious surfaces (homes and roadways) are introduced into this area of hilly terrain.

Fire Marshall Crooks was then invited to speak, and address his comments about roadway access and sprinklers more clearly. He noted that in the City of Burlington, the Fire Department has recently adopted a more aggressive policy for ensuring safe and convenient access for emergency vehicles when a fire occurs. Under this policy, their preference is to have at least two roadway access points available, and when only one access point is available, no roads should extend more than 750 feet to the nearest turnaround or cul-de-sac. In situations where a road is proposed to extend more than 750 feet from the lone access point, all homes beyond that distance must have residential sprinklers installed.

Mr. Keith noted that he had submitted an inquiry to Rathbun Rural Water, and received a response stating that their system is presently not set up to support residential sprinklers. Fire Marshall Crooks responded by saying that when residential sprinklers are installed in areas with rural water systems, there is a supply tank with a reservoir set aside to activate 300 gallons of water over a 20-minute period of usage. Mr. Keith stated that he was previously unaware of this, and thanked Fire Marshall Crooks for supplying this helpful information. He also stated to the Commission members that the issue of residential sprinklers has previously not been discussed in depth at a Commission meeting.

As such, this proposal had provided a good opportunity for them to do so, and he was glad that this was the case.

Mr. Roth expressed concerns about the prospect of requiring installation of residential sprinklers in rural Des Moines County. Ms. Zaiser noted that in up until only recently, these types of issues were never addressed, and this seems like an unreasonable requirement to suddenly place on property owners, when so many others had previously never had to contend with it. Fire Marshall Crooks reiterated that this is indeed a recently instituted policy, but one which came into effect after industry standards were carefully studied and assessed. He also noted that standard building materials have changed considerably over time, and those used for home construction today are prone to burn much quicker upon ignition, with the same being true for modern furniture made from petroleum-based products. He referenced a recent fire in the Wildlife Lakes Subdivision, where a 10-year old, \$300,000 home was a total loss from a fire. This fire actually started outside the home, and thus, sprinklers wouldn't have prevented the fire outright. However, the Fire Department had a hard time extending fire hoses to the home from the nearest hydrant, and the fire spread to the house and quickly engulfed it.

Mr. Keith noted that as long as a home is fully insured, the impact of losses like this can have a minimal effect on the owner. Conversely, the cost of installing sprinklers can be a prohibitive factor for home construction in the first place. Mr. Roth asked Fire Marshall Crooks if he personally knew of many examples of residential sprinklers being installed in recent years. Fire Marshall Crooks addressed a recent development proposal for condominiums on the north side of Burlington. He also addressed a recent renovation project at Stone Gardens Apartments in Burlington, where sprinklers were installed in the units, and one of these helped prevent a kitchen fire soon after. Mr. Breuer noted that installation of sprinklers is a different matter for single-family homes than it is in commercial or multi-family projects, where this can be more cost effective at a larger scale. Fire Marshall Crooks noted that sprinkler installation in single family homes is not as extensive as in other types of buildings. This is because sprinklers are only installed in high-occupancy parts of the home like bedrooms and living rooms, as opposed to garages and attics.

Mr. Keith and Ms. Zaiser both addressed the issue of enforcement when it comes to sprinkler installation. They each mentioned an example in another community where it was required that sprinklers be installed, yet they never actually were, and there was never any follow-up or repercussions from the municipality in question. Mr. Keith stated that in the case of Des Moines County, which does not have a Building Code, it could be very difficult to ensure that a homeowner is following through on the requirements for sprinkler installation.

Mr. Keith then addressed the cul-de-sac length issue by noting that he can think of numerous examples throughout the county where dead-end roads exceed 1,000 feet. He advised that the Commission consider revising the Zoning Ordinance to replace this with a more realistic figure for Des Moines County.

After further discussion, Mr. Keith closed the public hearing at approximately 6:20 P.M.

- Motion #2: To approve the Preliminary Plat for The Ridge with the following conditions:
- (1) When a Final Plat is submitted, the street labelled as Rolling Ridge (and its corresponding cul-de-sac) be extended eastward to serve Lots 20 and 21
 - (2) A variance from the County Zoning Ordinance be granted by the Zoning Commission, allowing the length of the Rolling Ridge cul-de-sac to exceed the maximum length of 1,000 feet from the nearest street intersection.

Motion by: Wunderlich
Seconded by: Breuer
Vote: Unanimous vote. Motion carried.

5. Old Business

Mr. Keith noted that several items had come up in this meeting that are not currently addressed (or adequately addressed) in the County's Zoning Ordinance. As such, it is advisable that measures be taken soon to have the Ordinance updated. Mr. James noted that, based on the sheer number of issues that he and Mr. Lassiter had catalogued over the past 6 months, the Ordinance is more in need of a total overhaul, as opposed to a series of

individual, small amendments. Mr. Breuer asked if this would be feasible, based on the scope of services agreed to in SEIRPC's contract with Des Moines County. Mr. James stated that he could discuss this with the County Supervisors, and suggest that a Code revision be included in the next year's budget.

6. Public Input

None

7. Future Agenda Items

Mr. Breuer recommended a future agenda item to further discuss the issue of residential sprinklers, and update the Zoning Ordinance to address this. He also mentioned the issue of fencing and historic property lines. He referred to a personal case where his property was surveyed, and the stakes were not placed on the historically agreed-upon property line. As a result, he was compelled to have a fence installed along the line where the stakes were placed, even though an older fence was already in place along the historic property line. He recommended that this also be addressed as a future agenda item, for purpose of amending the Zoning Ordinance. He suggested that the Ordinance say something to the effect of, 'the property line must be properly located before a fence waiver is issued'.

8. Adjournment

Motion #3 To adjourn
Motion by: Werner
Seconded by: Roth
Vote: Unanimous vote. Motion carried.

The meeting adjourned at approximately 6:31 P.M.

APPROVED: _____
Dick Keith, Chairman

ATTEST: _____
Zach James, Land Use Administrator