

**Participants wishing to speak on a topic should message the meeting moderator. All participants are asked to mute their individual computers at times when they are not speaking to minimize background noise. Join: <https://us02web.zoom.us/j/85862672492>*

**NOTICE OF A REGULAR MEETING
BONDURANT BOARD OF ADJUSTMENT
JUNE 11, 2024**

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 5:00 PM on June 11, 2024, in the Bondurant City Center, 200 Second Street, Northeast, Bondurant, Polk County, Iowa. Said meeting is open and the public is encouraged to attend.

AGENDA

1. Call to Order
2. Roll Call
3. Perfecting and Approval of the Agenda
4. Approval of Minutes
 - a. May 14, 2024 Minutes
5. **Action Items**
 - a. Public Hearing - Case Number 103 - request for a conditional use for an automotive and farm implement display, sales, service and repair or like business on property located in a General Commercial (C-2) District.
 - b. Resolution BA-240514-05 - Case Number 103 - request for a conditional use for an automotive and farm implement display, sales, service and repair or like business on property located in a General Commercial (C-2) District.
6. Adjournment

City of Bondurant

Board of Adjustment
200 2nd St NE, PO Box 37
Bondurant, IA 50035



Meeting Minutes

DATE: May 14, 2024

1. Call to Order 5:02 p.m.

Board Members and City Staff gave brief introductions.

Place Bondurant City Hall (200 2nd St NE, PO Box 37)

Special Note: Due to concerns of the COVID-19 virus and social distancing recommendations, access to the meeting was also provided through a virtual meeting

2. Roll Call

Members Present: Greg Hanson, Diane VanWyk, Jolita Uthee, Matt Farver, Jon Klein

Members Absent:

City Officials Present: City Planner, Isaac Pezley

3. Perfecting and Approval of the Agenda

Motion by Member VanWyk, seconded by Member Uthee to approve of the May 14, 2024, meeting agenda. Vote on Motion 4-0-0. Motion carried.

4. Approval of Minutes

Motion by Member Uthee, seconded by Member VanWyk to approve of the April 9, 2024 meeting minutes. Vote on Motion 4-0-0. Motion carried.

5. Action Items

- a. PUBLIC HEARING – Case Number 101 – request for a variance to Section 181.07 and 181.08.04. of the Zoning Code to allow for four wall signs and two monument signs.

Public Hearing opened at 5:03 p.m.

Pezley provided the Board a brief overview of the requested variance. The variance is two-fold, the part of the variance is to allow for four wall signs and the second part is to allow for two monument signs. One of the proposed monument sign will be located on site and the other monument sign will be a multi-tenant monument sign at the intersection of Franklin Street and 2nd Street NW.

Erik Nikkel, Casey's, addressed the Board. Nikkel provide additional information and stated he is open to any questions the Board may have. VanWyk asked about the orientation of the proposed multi-tenant sign, Nikkel described its dependent on vehicular movement. VanWyk asked about the lighting of the multi-tenant monument sign, Nikkel stated the lighting will be interior and not projected lighting.

Klein asked how much street frontage the Casey's site has. Erin Ollendike, CDA, stated there is approximately 290-feet of street frontage along 2nd Street NW.

Farver asked what the traffic counts along Franklin Street and 2nd Street NW are. Nikkel stated he does not have those numbers right now, but a traffic study was completed which stated a Casey's site would work in this location. Farver asked if Casey's will have street access to Franklin Street/NE 64th Street. Nikkel stated at this time no, but as the Outlot Y is developed there will likely be street access. Pezley reiterated that and showed the Board the approved Harvest Meadows Commercial Plat 1.

Klein asked what is unique about this site which would require additional signage. Nikkel stated the additional signage is for safely routing traffic to their site and the hardship is not being located on the corner. Klein asked why Casey's is not being located on the corner, Nikkel stated that is what was negotiated between Casey's and the developer.

Klein stated he looked at other gas stations in Bondurant and Altoona and they have one monument sign and he is not sure what makes this property unique requiring additional signage. Nikkel reiterated the need for additional signage to safely route traffic to the Casey's site.

Farver expressed concern granting a variance to allow for a multi-tenant monument sign without knowing how Outlot Y will be developed. Currently, NE 64th Street has clear visibility. Farver expressed concern about potentially putting any business that will be located on Outlot Y in a situation where they would also need a variance. Ollendike stated Outlot Y, conceptually, has been shown as two different lots with potentially two separate buildings.

VanWyk asked staff to clarify what a business located on Outlot Y would be allowed to have for signage. Pezley outlined the signage options for a business on Outlot Y.

Klein asked for additional information on Casey's entire variance request, Pezley stated they are requesting to have four wall signs and two monument signs. Nikkel stated what Casey's is requesting is consistent with what Kum & Go was granted. Pezley stated both Casey's, located on Grant Street, and Kum & Go have multiple frontages, which was what made these properties unique. The Board discussed the variance that was granted to Kum & Go.

Pezley stated staff received one phone call from a neighbor that requested additional information. This resident did not state if they were for or against the variance request.

The Board had additional discussion regarding the variance approved for Kum & Go. The Board had conversations about the stipulation placed on the Kum & Go variance. Klein stated he does not believe this variance request has the same hardship that Kum & Go had.

Farver asked staff if the Board has to approve or deny both. Pezley stated if the Board feels comfortable with one of the variance requests, the Board can separate the two variance requests. Nikkel stated if that is the case, Casey's would prefer the monument sign variance request and they would reduce the amount of wall signage.

Public Hearing was closed at 5:43 p.m.

- b. RESOLUTION NO. BA-240514-03a: Motion on a variance request to Section 181.07. of the Zoning Code to allow for an increase in maximum allowable wall signs to four total wall signs for property located at 1130 2nd Street NW.

Farver stated he is alright with approving this variance request. Klein stated his disagrees as he feels the five criteria to approve a variance have not been met. Klein stated he feels anyone who can see the canopy will know its Casey's regardless of if there is signage. The Board had further discussion comparing this variance request to similar variance requests for convenience stores located in other parts of Bondurant.

Motion by Member VanWyk, seconded by Member Uthee, to approve the amended Resolution No. BA-240514-03a.

Roll Call – Ayes: Member Uthee, Member VanWyk, Member Farver, Member Hanson, Nays: Member Klein Absent: None. Vote on Motion 4-1-0. Motion carried.

- c. Resolution No. BA-240515-03b: Motion on a variance request to Section 181.08.04. of the Zoning Code to allow for an increase in maximum allowable monument signs to two monument signs for the applicant Casey's Services Company.

Motion by Member Klein, seconded by Member VanWyk, to deny Resolution No. BA-240514-03b.

Roll Call – Ayes: Member Uthee, Member VanWyk, Member Farver, Member Hanson, Member Klein Nays: None. Absent: None. Vote on Motion 5-0-0. Motion carried.

- d. Public Hearing – Case Number 102 – request for a variance to Section 177.04 of the Zoning Code to allow for the placement/construction of an accessory structure in the side yard on property located at 806 13th Street SE.

Public Hearing opened at 5:55.

Pezley provided an overview of the variance request. Pezley stated staff reviewed an email from a neighbor, a copy of the email is attached to the minutes. Tyler Trecker, the applicant addressed the Board. Trecker detailed the type of accessory structure he is looking to place in his side yard and why he is requesting a variance.

Klein asked if the applicant currently has a shed located in the side yard, Trecker stated yes. Klein stated the applicant acknowledged the land could yield a reasonable return if the variance is denied. Klein stated he does not feel any of the five findings of fact can be met, there is a large open space behind the fence where a shed could be located.

Public Hearing closed at 6:03.

- e. Resolution BA-240514-04 – Case Number 102 – Motion on a variance request to Section 177.04 of the Zoning Code to allow for the placement/construction of an accessory structure in the side yard on property located at 806 13th Street SE.

Farver stated he believes there is enough room in the rear yard to place a shed and not enough has been submitted to justify the variance request.

Motion by Member Klein, seconded by Member VanWyk, to deny Resolution No. BA-240514-04.

Roll Call – Ayes: Member Uthee, Member VanWyk, Member Farver, Member Hanson, Member Klein Nays: None. Absent: None. Vote on Motion 5-0-0. Motion carried.

- f. Public Hearing – Case Number 103 – request for a conditional use for an automotive and farm implement display, sales, service and repair or like business on property located in a General Commercial (C-2) District.

Public Hearing opened at 6:08.

Pezley gave an overview of the conditional use request for the Board. Pezley stated the display of heavy equipment for sale is allowed on MidCountry's current property as it is zoned industrial. The property in question is zoned C-2 general commercial and allows the rental of this type of equipment through a conditional use permit. Unlike with convenience stores, the Zoning Code does not provide guidance on what conditional use approval should be reviewed on. In general, the Board should be reviewing to ensure the proposed use will be consistent with the surrounding area.

Andrew Trau, 3502 Linden Drive, addressed the Commission. He stated the property currently has a fence, however, due to how low the property lies he can see directly into the storage area of the property. Trau stated he has concerns about potential noise created on site. Trau stated there are multiple scissor lifts located on site. Trau stated if they are simply renting out equipment he does not have an issue but has concerns about potential noise created on site.

Farver asked if they would allow to work on equipment at this site and if they are allowed to have outdoor storage at this location. Pezley stated they would be allowed to have outdoor storage at this site if their use is approved. Pezley stated there is another portion of the Zoning Code that addresses outdoor storage and the required screening of outdoor storage area. If the use is approved, they would still be required to meet those code requirements.

Pezley stated a member attending virtually asked about landscaping requirements, Pezley stated there is an approved landscaping plan that was a part of the submitted and approved site plan. The Board had additional conversation regarding landscaping requirements.

Sara Hinson, 3312 Locust Street SW, addressed the Board. Hinson stated they have already experienced quite a bit of noise due to the construction of the building and have experience bright lights coming from Git'n'Go. Hinson stated they are not in favor of the conditional use request.

Klein stated he is still confused about what exactly the Board is reviewing for. Pezley stated the Board is reviewing the proposed use MidCountry is proposing. That use is the rental of equipment that they currently have stored at their larger site located on Ziegler Drive. VanWyk asked if there will be maintenance of equipment at this site. Pezley stated potentially, maintenance is part of the use type MidCountry is requesting.

Pezley stated Nicole, who is attending virtually, posted the following: I live at 3218 Locust Street SW expressed concerns about noise at this location.

Klein stated the Board does not have a clear picture of what the applicant wants to do and would be in favor of tabling the issue. VanWyk stated she has concerns regarding potential noise as well.

Hanson asked staff to reach out to the applicant and indicate to them the Board would like a representative to attend the meeting and provide more information on what they are proposing.

Public Hearing closed at 6:27.

- g. Resolution BA-240514-05 – Case Number 103 – Motion on request for a conditional use for an automotive and farm implement display, sales, service and repair or like business on property located in a General Commercial (C-2) District.

Motion by Member Hanson, seconded by Member VanWyk, to table Resolution No. BA-240514-05.

Roll Call – Ayes: Member Uthee, Member VanWyk, Member Farver, Member Hanson, Member Klein Nays: None. Absent: None. Vote on Motion 5-0-0. Motion carried.

8. Adjournment

Motion by Member VanWyk, seconded by Member Uthee to adjourn the May 14, 2024, meeting. Vote on Motion 5-0-0. Motion carried.

Meeting adjourned at 6:28.



**BUSINESS OF THE BOARD OF ADJUSTMENT
BONDURANT, IOWA
AGENDA STATEMENT**

Item No. 5.a.
For Meeting of 6/11/2024
Public Hearing

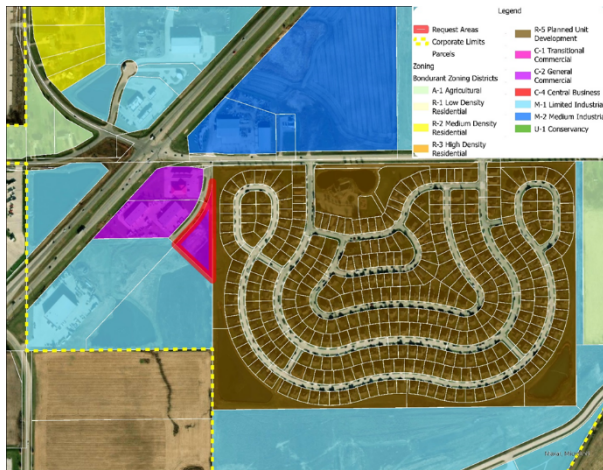
TITLE: Public Hearing - Case Number 103 - request for a conditional use for an automotive and farm implement display, sales, service and repair or like business on property located in a General Commercial (C-2) District.

CONTACT PERSON:

BRIEF HISTORY & ANALYSIS: The City of Bondurant is in receipt of a conditional use permit request to allow for an automotive and farm implement display, sales, service and repair or like business at 3410 Henry Street SW, Lot 3 Clement Estates Plat 2. The site is currently developed and has a commercial building on-site, no business has occupied this space to date. The area highlighted below shows the proposed location.



The figure below shows the property outlined in red with the current City zoning map. .



The site is currently zoned General Commercial (C-2). A site plan for this site was approved by the Planning and Zoning Commission at their August 11, 2022, meeting and approved by City Council at their August 15, 2022, meeting. The property has been unoccupied to date. The applicant, Mid-Country Property Management LLP, is proposing to use the building for office space with incidental storage of equipment on site. Some of this storage may be temporarily placed outside. Any outdoor storage must be properly screened. The applicant’s proposal is considered a like business to automotive and farm implement display, sales, service and repair as defined by Section 178.08.3.D. of the Zoning Code. A public hearing notice was mailed to all properties within 200 feet of the subject property, and any correspondence from neighbors will be relayed at the Board of Adjustment meeting.

FUNDING SOURCE:

STAFF RECOMMENDATION:

APPROVED FOR SUBMITTAL:

ATTACHMENTS: None



**BUSINESS OF THE BOARD OF ADJUSTMENT
BONDURANT, IOWA
AGENDA STATEMENT**

Item No. 5.b.
For Meeting of 6/11/2024
Resolution

TITLE: Resolution BA-240514-05 - Case Number 103 - request for a conditional use for an automotive and farm implement display, sales, service and repair or like business on property located in a General Commercial (C-2) District.

CONTACT PERSON:

BRIEF HISTORY & ANALYSIS: Please see item 5.a.

FUNDING SOURCE:

STAFF RECOMMENDATION:

APPROVED FOR SUBMITTAL:

ATTACHMENTS:

1. BOARD OF ADJUSTMENT PERMIT - Midstates - Case 103

**BOARD OF ADJUSTMENT PERMIT
CONDITIONL USE PERMIT**

Date: June 11, 2024 Case Number: 103

Name: Mid Country Property Management LLP

Address: 3410 Henry Street SW

Legal Description: LOT 3 CLEMENT ESTATES PLAT 2.

IS HEREBY GRANTED A CONDTIONAL USE PERMIT to allow for the conditional use of automotive and farm implement display, sales, service and repair or like business on property located at 3410 Henry Street SW and located in a General Commercial (C-2) District.

All construction activities covered by this Conditional Use Permit shall be done in strict accordance with the written application. All construction activities covered by this Conditional Use Permit must adhere to regulations detailed in the approved site plan for 3410 Henry Street SW including but not limited to:

1. Any outdoor storage shall be limited to the existing paced area located in the rear yard.
2. Any outdoor storage area shall be screened from view of the public right-of-way and residential properties by a Type C screen.
3. Any outdoor storage may not exceed 6 feet in height.

Greg Hanson, Chairperson

ATTEST: I, Isaac Pezley, City Planner, hereby certify that at a meeting of the Board of Adjustment held on June 11, 2024, among other proceedings the above was approved.

IN WITNESS WHEREOF, I have hereunto set my hand the day and year above written.

Isaac J. Pezley, City Planner