

**Due to the COVID-19 concerns and social distancing recommendations, a virtual meeting is being offered. 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/88648772935>*

**NOTICE OF A REGULAR MEETING
BONDURANT PLANNING AND ZONING COMMISSION
JULY 8, 2021**

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 6:00 PM on July 8, 2021, 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. June 24, 2021
5. Guests requesting to address the Planning and Zoning Commission
6. Action Items
 - a. Public hearing regarding a rezoning from Conservancy (U-1) to General Commercial (C-2) on portions of land at 1201 Grant Street South and 1455 Grant Street South
 - b. RESOLUTION NO. PZ-210708-14 - Considering recommended approval of the Conservancy (U-1) to General Commercial (C-2) rezoning request.
7. Discussion Items
8. Reports / Comments and appropriate action thereon:
 - a. Commission Members
 - b. Commission Chair
 - c. City Administrator
 - d. Directors
 - e. City Council Liaison
9. Adjournment

Bondurant Planning and Zoning Commission
Minutes
June 24, 2021

1. Call to Order
2. Roll Call
3. Perfecting and Approval of the Agenda

Motion by Commission Member Brostrom, seconded by Commission Member Clayton, to approve the June 24, 2021 agenda. Vote on Motion 5-0. Motion carried.
4. Approval of Minutes
 - a. May 27th, 2021 Meeting Minutes

Motion by Commission Member Brostrom, seconded by Commission Member Hoyer, to approve the May 27, 2021 meeting minutes. Vote on Motion 5-0. Motion carried.
5. Guests requesting to address the Planning and Zoning Commission

Discussion item - Lisa Cameron, 1009 14th Street SE, introduced herself. She is interested in joining the Planning & Zoning Commission. Cameron has been a resident of Bondurant since 2001. She is employed at Kimberley Development Corporation. She works with the custom home build requests. Lisa noted she could bring a new perspective to the Commission. She feels it is important to keep the main corridors into Bondurant looking good.

Cuellar asked if there will be any conflict of interest concerns? Murray explained this is something Lisa should be aware of. If there is ever a conflict of interest, or a perceived conflict of interest, Lisa will need to remove herself from vote.
6. Action Items
 - a. RESOLUTION NO. PZ-210624-12 - Considering recommended approval of the Commerce Crossings Phase 2 site plan.

Chris Bauer, Shive-Hattery, presented the Commerce Crossings Phase 2 site plan.

Hoyer asked if there will be a tree line between the south side of Wolf Creek and this new development area? Oliver noted the City will be doing a tree planting project this year. Murray also noted that the Zoning Code will require a buffer between the Wolf Creek residential zoning and

the future industrial development north of Commerce Parkway SW.

Brostrom asked for clarification on the cul-de-sac's right-of-way, as it appears there will be parking lot paving out in the right-of-way. Bauer clarified that the cul-de-sac will be temporary only until the connection of Commerce Parkway SW gets established linking up with Altoona's Ziegler Drive.

Murray noted the updated site plan was received June 23rd. This updated plan addresses staff's previous landscaping comments. Murray noted the enclosed P&Z recommendation resolution includes notes regarding the stream buffer ordinance area and also a note that Bob Veenstra must still review the site plan.

Motion by Commission Member Keeran, seconded by Commission Member Clayton, to Approve P&Z Resolution 21-0624-12 subject to conditions listed in resolution. Roll Call: Ayes: Commission Member Clayton, Commission Member Cuellar, Commission Member Keeran, Commission Member Hoyer, Commission Member Brostrom. Nays: None. Absent: Commission Member Mains. Motion carried 5-0.

- b. RESOLUTION NO. PZ-210624-13 - Considering recommended approval of the Dvorak Preliminary Plat.

Murray summarized the staff report. This Dvorak Preliminary Plat document replaces the boundary line adjustment document previously reviewed by the Commission back in October 2020. This is for a split in unincorporated Polk County. This preliminary plat document now includes a 50-acre Outlot X area, which is undevelopable per Polk County.

Brostrom asked for clarification on if the 50'-wide street portion will be by easement since it's in the County or if it will be by fee title?

Larry Hyler, Bishop Engineering, noted they were showing easement, as this is what was requested by the City. Murray explained this is what she had noted in her feedback. Hyler noted he will update the preliminary plat to instead call this out as roadway right-of-way and not an easement.

Motion by Commission Member Clayton, seconded by Commission Member Brostrom, to Approve P&Z Resolution 21-0624-13 . Roll Call: Ayes: Commission Member Clayton, Commission Member Cuellar, Commission Member Keeran, Commission Member Hoyer, Commission Member Brostrom. Nays: None. Absent: Commission Member Mains. Motion carried 5-0.

7. Discussion Items -

- a. Potential text amendment - parking space requirements of retail sales establishments.

Murray explained the City has received a draft site plan for a Dollar General site off of Highway 65 at Hawthorne Crossing Drive SE and Courtyard Drive SE. Dollar General anticipated submitting a variance request to reduce the total number of parking spaces required for this location, however, they were able to meet our current parking space requirements of 1 space per each 200 SF of gross floor area. Even though Dollar General was able to meet the City's current standards, staff did do some research to see how Bondurant compares to other communities for regulating parking space requirements for retail uses. It appears that cities commonly either require 1 per 200 SF or 1 per 250 SF for similar retail uses. It was agreed on by the Commission that staff should leave the current parking space requirements for retail as is for now at 1 per 200 SF, but if this number require becomes a continuing issue in the future, then staff can begin further research to consider potentially reducing from 1 per 250 SF.

- b. Agenda Statement

Murray noted that the City has received a draft updated site plan for the Casey's site at 1455 Grant Street S. Back in 2018 the Planning & Zoning Commission reviewed a previous site plan for this location where a reconstructed building was going to be near their south property line and the gas pumps were going to be between the new building and Brick Street SE. This updated draft plan shows the building being constructed along the north property line and facing south with the gas canopy south of the building. A variance to reduce the minimum front yard setback requirements will be required with this updated concept. Casey's is wanting this new site layout in order to better account for the City's Highway 65 underpass trail connection that will route south along their property. Murray also explained the City will be holding a rezoning public hearing to consider rezoning a portion of this Casey's site away from Conservancy (U-1) to General Commercial (C-2), as this is consistent with the City's Future Land Use Map. Casey's has no immediate plans to move forward with reconstruction but may revisit this topic in the future.

- c. Potential New Member
Moved to 5 on agenda.

8. Reports / Comments and appropriate action thereon:

- a. Commission Members

Clayton - noted that he has heard recent concerns from nearby farmers that developers are not fixing broken tiles when development occurs. Oliver encouraged the owners to contact the City if there are current

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concerns.

Keeran - none.

Brostrom - none.

Hoyer - none.

b. Commission Chair

None

c. City Administrator

None

d. Planning & Community Development Director

Noted she is going to begin the process of trying to coordinate the first Comprehensive Plan Advisory Committee meeting. The Commission reviewed the draft list of committee members. Murray noted she anticipates having three members from the Commission on this committee.

e. City Council Liaison

9. Adjournment

Motion by Commission Member Hoyer, seconded by Commission Member Keeran, to adjourn meeting at 6:45 p.m. Vote on Motion 5-0. Motion carried.



**BUSINESS OF THE PLANNING AND ZONING COMMISSION
BONDURANT, IOWA
AGENDA STATEMENT**

Item No. 6.a.
For Meeting of 7/8/2021
Public Hearing

TITLE: Public hearing regarding a rezoning from Conservancy (U-1) to General Commercial (C-2) on portions of land at 1201 Grant Street South and 1455 Grant Street South

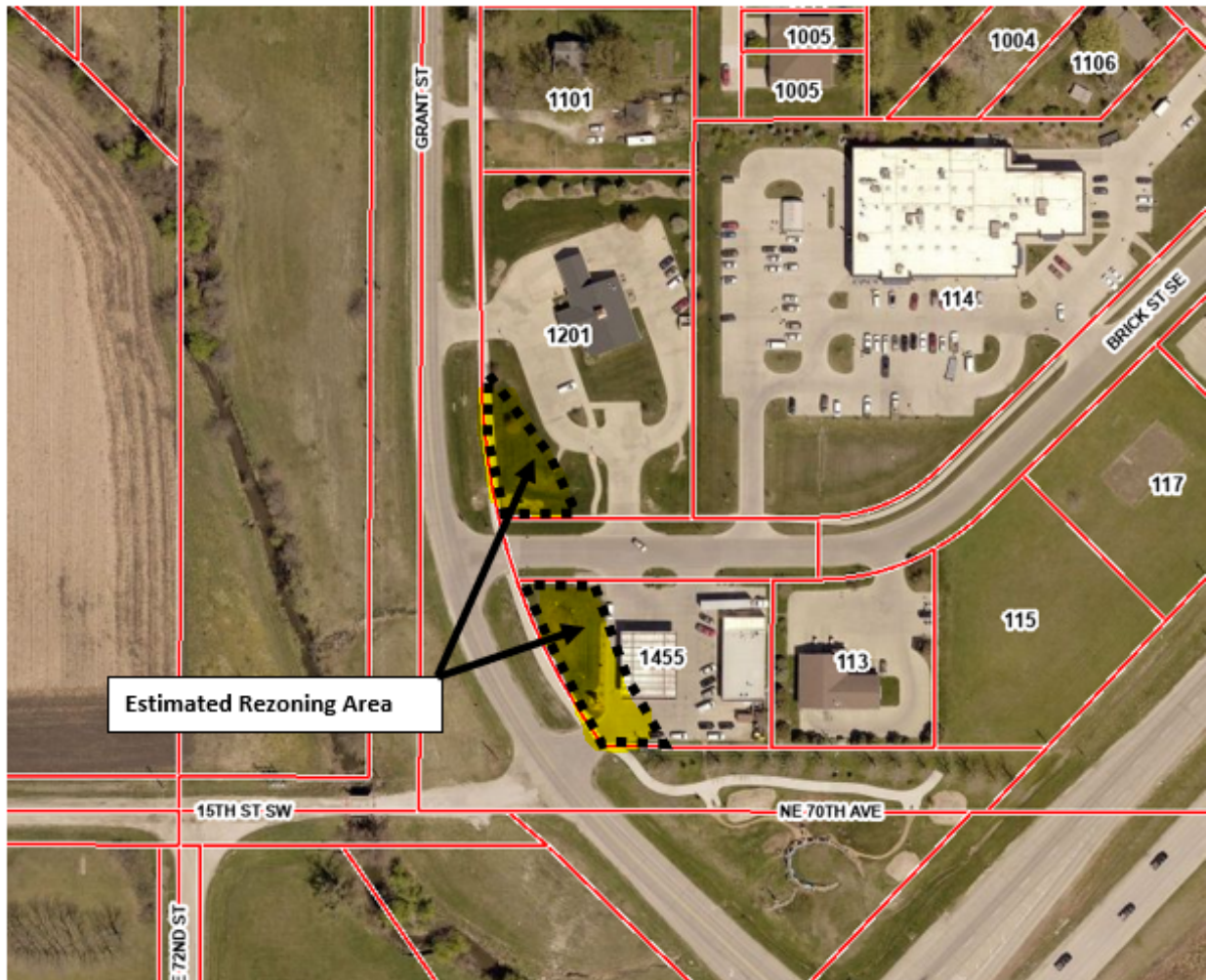
CONTACT PERSON:

Maggie Murray, Planning & Community Development Director

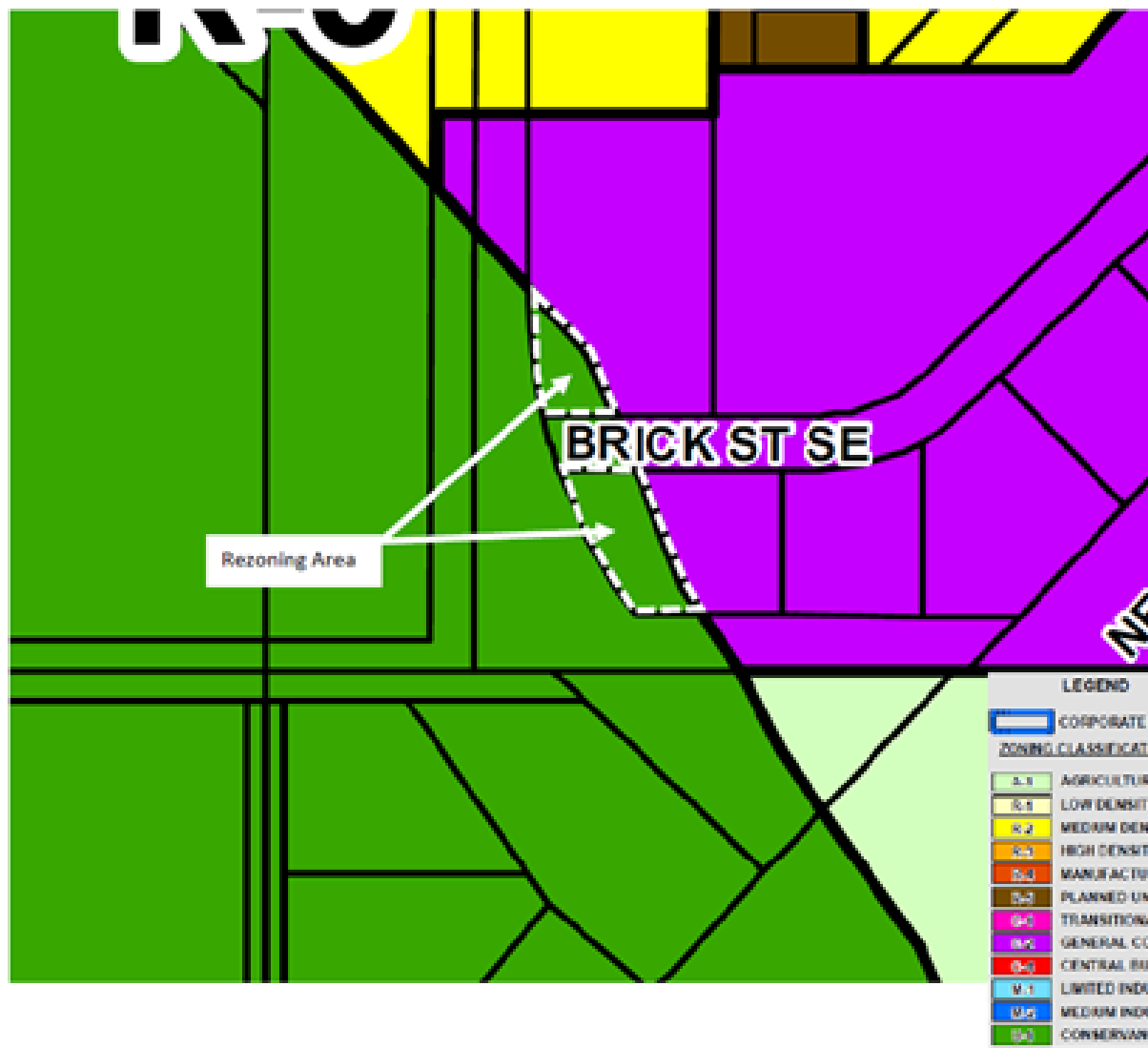
BRIEF HISTORY & ANALYSIS: Brief History

The City is initiating a request for rezoning from Conservancy (U-1) to General Commercial (C-2) for those portions currently zoned U-1 on properties at Casey's General Store at 1455 Grant Street South and Legacy Bank at 1201 Grant Street South.

Area Map:



Area Zoning Map:



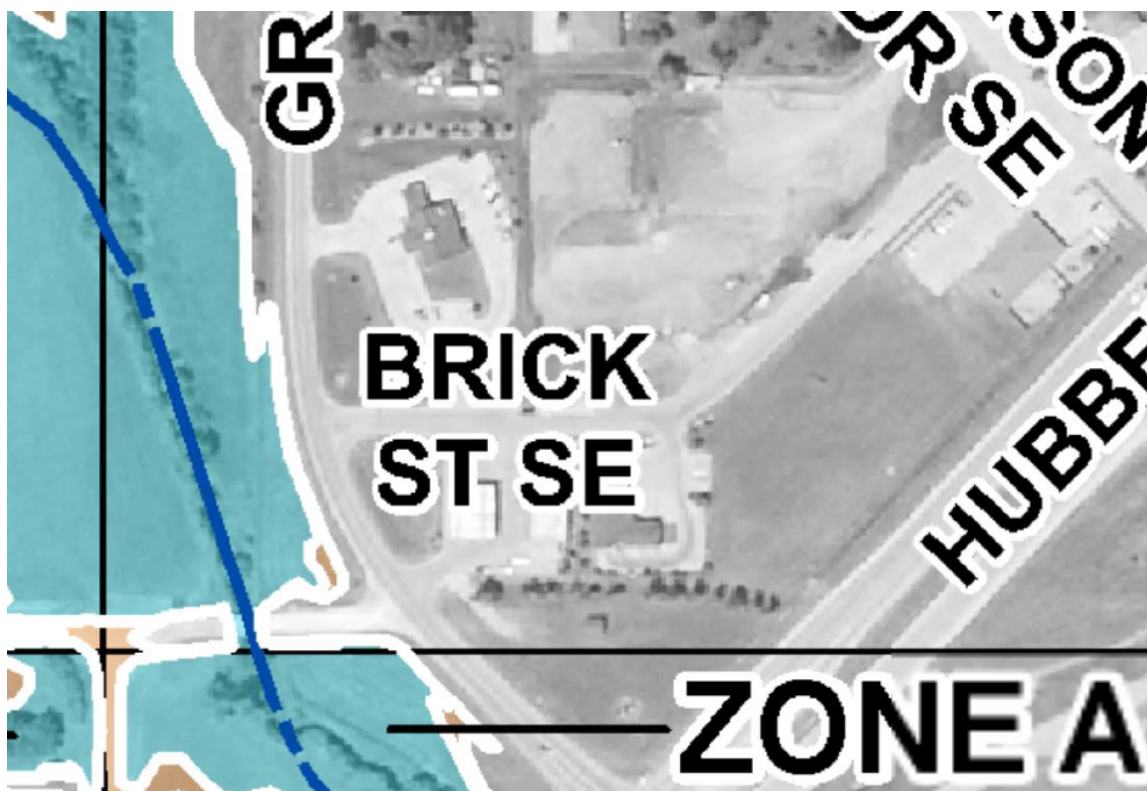
The purpose of this rezoning is to clean-up the boundaries of the U-1 District in this area of Bondurant. The U-1 District was established back in 2002 as a result of the 2001 Comprehensive Plan. Per Section 178.15 of the Zoning Code, “the U-1 District is intended and designed to encompass certain areas of the city which are subject to flood hazard”. Section 178.15 of the Zoning Code also notes, “it is further the intention of this section that no reclassification of any lands zoned “U-1” be undertaken, unless and until suitable measures have been taken to ensure that the flood hazard no longer exists”. The list below explains reasoning to consider rezoning from U-1 to C-2:

- The 2001 Comprehensive Plan guided for park/open space in this rezoning area, however, the current 2012 Comprehensive Plan does not. The 2012 Comprehensive Plan clearly shows the Casey’s and Legacy Bank parcels to be used for commercial use.
- Commercial use is how these two sites have historically been used. Casey’s has existed at its location since 1999 and Legacy Bank has existed at its location since 2005.

- At the time the 2002 U-1 zoning was approved, the City did not have its Stream Buffer Ordinance in place. The purpose of the 2018-adopted Stream Buffer Ordinance is, "to establish minimum requirements for the design of buffers to protect streams and creeks within the jurisdiction of the City of Bondurant". Neither the Casey's parcel nor the Legacy Bank parcel touches the Stream Buffer Ordinance area.



- At the time the 2002 U-1 zoning was approved, the current 2019 FEMA Flood Insurance Rate Map (FIRM) did not exist. This 2019 FIRM clearly shows the areas of Bondurant which are subject to FEMA's 100-Year and 500-Year floodplains. Neither the Casey's parcel nor the Legacy Bank parcel touches the 100-year or 500-year floodplain areas.

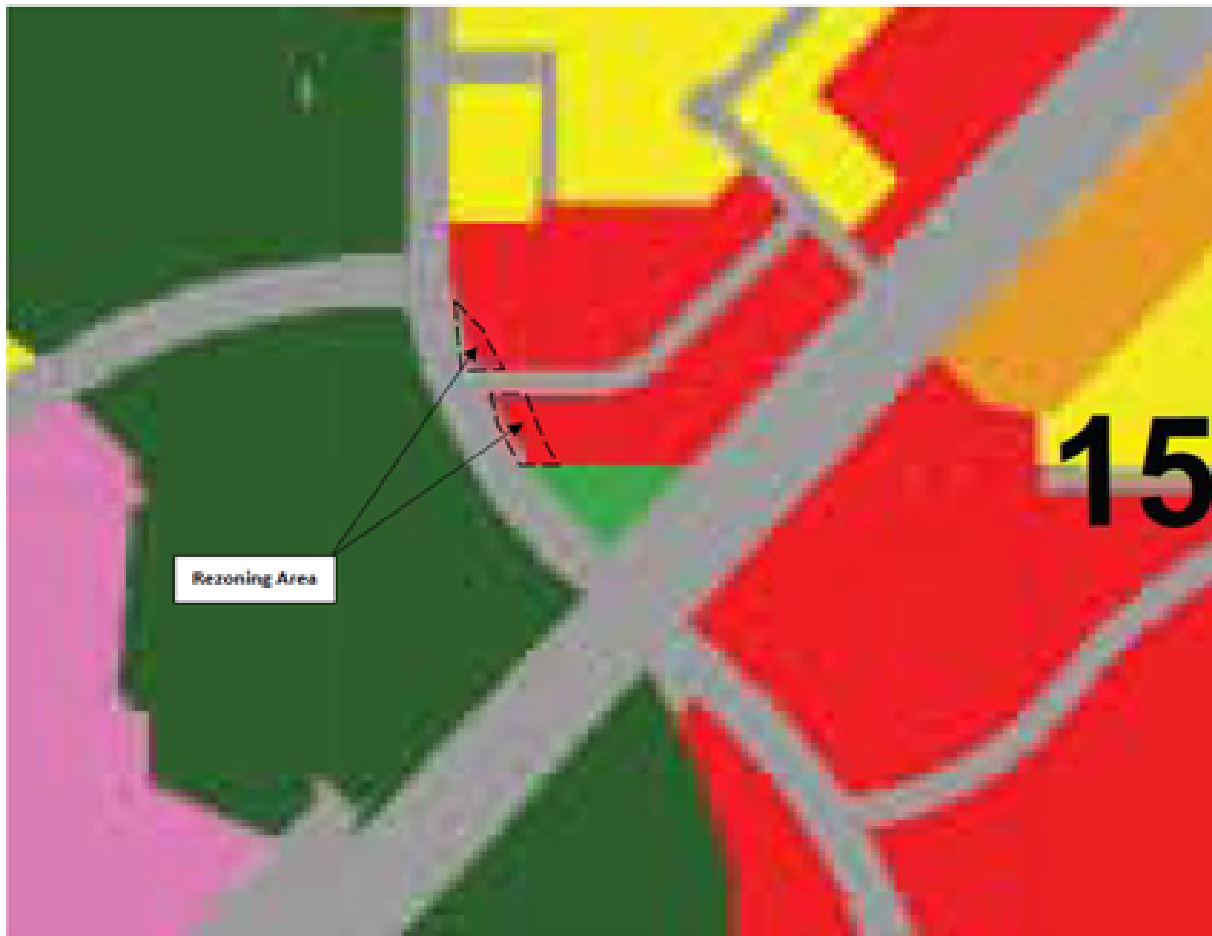


- Bob Veenstra, City Engineer, has reviewed this potential rezoning and has noted no concerns.

ANALYSIS: When considering rezoning requests, the Planning and Zoning Commission and City Council should take into account the following: Comprehensive Plan, Spot Zoning, and Public Input.

Comprehensive Plan:

The rezoning request is consistent with the Comprehensive Plan's Future Land Use Map. The below excerpt from the Future Land Use Map shows the Comprehensive Plan guides for community commercial in this rezoning area.

**Spot Zoning:**

According to the Iowa State University & Outreach's "Midwest Planning Bluz", to determine whether illegal spot zoning has occurred, the courts consider whether the rezoning takes into account the following:

1. the characteristics of surrounding property;
2. the community's comprehensive plan; and
3. the protection and preservation of public health, justice, morals, order, safety and security, and welfare (police power).

It does not appear the proposed rezoning constitutes spot zoning. C-2 zoning designations exist on both the Casey's and the Legacy Bank sites immediately adjacent to the U-1 areas being considered for rezoning. The requested zoning district is consistent with what is guided for in the Comprehensive Plan's Future Land Use Map.

Public Input:

The City of Bondurant owns three of the four parcels within 200' of the proposed rezoning area. The only non City-owned property owner within 200' will be mailed a rezoning notification letter. No public comment has been received to date.

FUNDING SOURCE:

STAFF RECOMMENDATION: Staff recommends approval of the attached P&Z recommendation resolution. City Council will hold their required rezoning public hearing during their July 19th, 2021 City Council meeting.

APPROVED FOR SUBMITTAL:

ATTACHMENTS: None

PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ-210708-14

RESOLUTION REGARDING RECOMMENDED APPROVAL OF THE REQUEST FOR
REZONING FROM CONSERVANCY (U-1) TO GENERAL COMMERCIAL (C-2) ON
PORTIONS OF PROPERTY AT 1201 GRANT STREET SOUTH AND 1455 GRANT
STREET SOUTH

WHEREAS, on July 8, 2021 the Planning and Zoning Commission held a Public Hearing to consider a request to rezone property from Conservancy (U-1) to General Commercial (C-2) on portions of property at 1201 Grant Street South and 1455 Grant Street South described as follows:

A tract of land in the SW $\frac{1}{4}$ of Section 31, Township 80 North, Range 22 West of the 5th P.M., more particularly described as follows: Commencing at the SW Corner of Section 31; THENCE North 89°33'10" East, along the south line of said SW $\frac{1}{4}$, a distance of 441.79 feet; THENCE North 0°22'32" West, a distance of 61.89 feet, to the SW corner of Parcel "B", of the SW $\frac{1}{4}$ of said Section 31, Polk County, Iowa; THENCE South 90°00'00" East, along the South line of said Parcel "B", a distance of 129.07 feet; THENCE North 00°34'30" East, a distance of 125.71 feet, to a point on the Easterly line of said Parcel "B", said point also being the POINT OF BEGINNING; THENCE North 15°25'06" West, along said Easterly line of Parcel "B", a distance of 35.05 feet, to the NE Corner of said Parcel "B"; THENCE South 90°00'00" East, a distance of 9.66 feet; THENCE South 00°34'30" West, a distance of 33.79 feet, to the Point of Beginning, containing 163 square feet, more or less.

AND

Lot One (1) in BONDURANT BUSINESS PARK PLAT 2, and Official Plat, in the City of Bondurant, Polk County, Iowa.

WHEREAS, the Planning and Zoning Commission has made the following findings:

1. The rezoning request will create consistency between the City's Future Land Use Map and Official Zoning Map.
2. The change in zoning will maintain a consistency with adjacent land uses and provide a transition for adjacent zoning.
3. That the zoning change will not negatively impact the character of the neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that the Planning and Zoning Commission of the City of Bondurant, Iowa, recommends the request for rezoning from Conservancy (U-1) to General Commercial (C-2) be approved by City Council.

Moved by _____, Seconded by _____ to adopt.

ATTEST: I, Maggie Murray, Planning & Community Development Director, hereby certify that at a meeting of the Planning and Zoning Commission held on July 8, 2021, among other proceedings the above was adopted.

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

Maggie Murray, Planning & Community Development Director

Action	Yay	Nay	Abstain	Absent
Clayton				
Mains				
Keeran				
Cuellar				
Phearman				
Bostrom				

Torey Cuellar, Commission Chair