

**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/82496007609>*

**NOTICE OF A REGULAR MEETING
BONDURANT BOARD OF ADJUSTMENT
DECEMBER 14, 2021**

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 5:00 PM on December 14, 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. November 9, 2021
5. **Public Hearing**
 - a. PUBLIC HEARING: Consideration of a variance request to allow for increased multi-tenant building signage on Lots 1 and 2 of the Commerce Crossings Plat 1 Final Plat (Section 181.09).
 - i. RESOLUTION NO. BOA-211214-08 A motion granting/denying a variance for the request as described in Item 5.a.
 - b. PUBLIC HEARING: Consideration of a conditional use permit to allow for an expanded outdoor storage yard area at 2340 Hubbell Avenue SW (Section 178.13.4).
 - i. RESOLUTION NO. BOA-211214-09 A motion granting/denying a conditional use permit request as described in Item 5.b.
6. Adjournment

**Due to the COVID-19 concerns and social distancing recommendations, a virtual meeting was offered.*

Bondurant Board of Adjustment
Minutes
November 9, 2021

1. Call to Order
Board of Adjustment Chair Kelsi Jurik called the meeting to order at 5:00 p.m. and declared a quorum.
2. Roll Call
Present: Board of Adjustment Member Kelsi Jurik, Board of Adjustment Member Greg Hanson, Board of Adjustment Member Chad Driscoll, Board of Adjustment Member Diane VanWyk

Absent: Board of Adjustment Member Dave McGrath

City Officials Present: Planning & Community Development Director Maggie Murray
3. Perfecting and Approval of the Agenda
Motion by Board Member Driscoll, seconded by Board Member Hanson, to approve the agenda as is. Vote on Motion 4-0. Motion carried.
4. Approval of Minutes
Motion by Board Member Driscoll, seconded by Board Member Jurik, for approval of the July 13, 2021 Board of Adjustment meeting minutes. Vote on Motion 4-0. Motion carried.

Motion by Board Member Hanson, seconded by Board member Jurik, for approval of the September 14, 2021 Board of Adjustment meeting minutes. Vote on Motion 4-0. Motion carried.
 - a. July 13, 2021
 - b. September 14, 2021
5. **Public Hearing**
 - a. PUBLIC HEARING - For consideration of a variance request to allow for increased building signage square footage at 501 Hawthorne Crossing Drive SE (Section 181.08.1)
Murray presented the staff report.

Curt Wilkes, Nagle Signs, noted the need for the variance request due to the adjacent Highway 65 speeds.

Board Member Jurik noted this request is similar to the other recent

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cases reviewed.

Board Member Van Wyk asked if there is any detached signage proposed at this location, and if so, will they be meeting the Sign Code requirements for the detached signage? Murray stated that yes, a detached sign is proposed that meets the Sign Code requirements.

- b. RESOLUTION NO. BA-211109-07: A motion granting/denying a variance request as described in Item 5.a.

Motion by Board Member Van Wyk, seconded by Board Member Jurik, to approve the variance request at the Dollar General site at 501 Hawthorne Crossing Drive SE to allow for up to 195 SF of building signage. Roll Call: Ayes: Board Member Van Wky, Board Member Jurik, Board Member Hanson, Board Member Jurik. Nays: None. Absent: Board Member McGrath. Motion carried 4-0.

6. Adjournment

Motion by Board Meber Driscoll, seconded by Board Member Jurik, to adjourn at 5:10 p.m. Vote on Motion 4-0. Motion carried.



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

Item No. 5.a.
For Meeting of 12/14/2021
Public Hearing

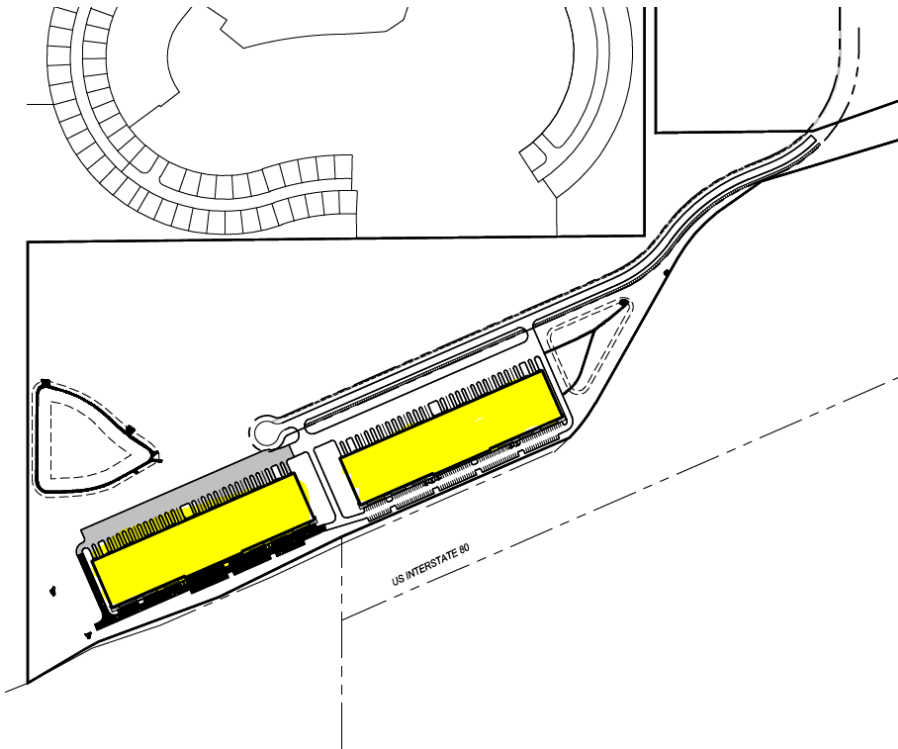
TITLE: PUBLIC HEARING: Consideration of a variance request to allow for increased multi-tenant building signage on Lots 1 and 2 of the Commerce Crossings Plat 1 Final Plat (Section 181.09).

CONTACT PERSON:

Maggie Murray, Planning & Community Development Director

BRIEF HISTORY & ANALYSIS: Brief History:

The City is in receipt of a variance request to allow for increased multi-tenant building signage on Lots 1 and 2 of the Commerce Crossings Plat 1 Final Plat. Industrial-flex buildings are currently in the process of being constructed in this area at 800 Commerce Parkway SW and 1000 Commerce Parkway SW. These buildings are situated along a new street named Commerce Parkway SW, which is a street south of the Wolf Creek area and north of Interstate 80. The buildings at 800 and 1000 have been highlighted in the area map below. Each of the buildings being constructed has a building footprint of approximately 195,000 SF each. Each building being constructed has 914' of street frontage along Interstate 80 and Commerce Parkway SW.



Section 181.09 of the Sign Code, titled Multiple Tenant Building Signage, is the section of the Sign Code that regulates allowable building signage at this location, as it is anticipated that multiple businesses will be located within each of these large industrial flex spaces. Section 181.09 allows for the following building signage:

1. Up to 1 SF of sign area may be placed on a building for every lineal foot of tenant frontage, up to a maximum of 100 SF per business. The Sign Code also notes that in no case shall the allowable square footage of all tenant signage be greater than 100 SF per building frontage. *The variance request is that up to 1.5 SF of building signage instead be allowed per the Interstate 80 frontage and that the language regarding the 100 SF building signage maximum be removed. Under this scenario, up to 1,371 SF of building signage would be allowed on this building. This 1,371 SF of building signage would be divided up based on each tenant's Interstate 80 street frontage.*
2. One building sign shall be permitted per tenant. In the case a tenant is located on a corner of a building that faces two public streets, one building sign per street frontage may be permitted. In no case shall a tenant within a multiple tenant building display no more than two building signs. *The variance request is that this requirement regarding maximum number of building signs be removed; with the request to remove this maximum number of signs requirement, the understanding would be that building signage is being regulated by the up to 1.5 SF per Interstate 80 street frontage requirement. For example, if a tenant has 192 SF of Interstate 80 street frontage, up to 288 SF of building signage is allowed - this 288 SF may be allowed entirely along Interstate 80, entirely along Commerce Parkway SW, or a combination thereof.*
3. Under no circumstances will a letter, symbol, or logo dimension greater than 6' be

allowed. *No change is requested for this requirement.*

4. All signage within a multi-tenant building shall be consistent in design and construction. *No change is requested for this requirement.*

Analysis:

Chapter 27.02.2 of the City Code provides the required review criteria by the Board of Adjustment for variance requests. The City Code notes that a variance cannot be granted unless the Board is satisfied that all of the following five questions can be answered favorably for this request. These review criteria are referred to as Findings of Fact in this staff report. If a Board member cannot answer all of the below findings favorably of the request, then a Board member must vote in denial of the variance. Below is a summary of staff's opinion of the required findings relative to this request.

1. Can the land in question still yield a reasonable return if all Sign Code requirements relative to multiple tenant building signage are met?

The current requirements of the Sign Code will allow for installation of only up to 100' of signage on each building. This 100 SF maximum is very limiting for these structures, as these structures have 914' of street frontage along both Interstate 80 and also Commerce Parkway SW. These structures are being constructed as industrial flex buildings, meaning that these buildings will house multiple tenants.

2. Do special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings subject to multiple tenant building sign requirements?

The structures at 800 and 1000 Commerce Parkway SW are the only industrial structures within Bondurant's city limits that front Interstate 80.

3. Do the special conditions and circumstances of Question 2 result from the actions of the applicant, or are these special conditions and circumstances beyond the applicant's control?

As has been considered by the Board of Adjustment in past Sign Code variance requests, the current restrictive language of the Sign Code is beyond the applicant's control.

4. Will granting the variance confer on the applicant any special privilege that is denied to other lands, structures, or buildings also subject to multiple tenant building sign requirements?

As previously stated, these structures are the only industrial structures that currently exist along Interstate 80. These structures have multiple street frontages along both Interstate 80 and also the new Commerce Parkway SW. These structures each have a larger structure footprint of 195,000 SF each.

5. Will granting of the variance alter the essential character of the land in question?

This property is zoned as being within the City's Limited Industrial (M-1) District along the busy Interstate 80 corridor which sees approximately 40,900 vehicles per day per

the Iowa DOT's 2016 annual average daily traffic counts.

Additional notes for Board of Adjustment consideration:

- The Sign Code allows for placement of an interstate monument sign along the Interstate 80 street frontage. The applicant has indicated that no interstate monument sign is proposed at this time. The Board can place a condition of this building sign variance approval, that if an interstate monument sign is proposed in the future, it shall meet all Sign Code requirements.
- No notices were mailed, as the applicant is also the owner/developer of all other land within Bondurant's city limits within 200' of Lots 1 and 2 of the Commerce Crossings Plat 1 Final Plat area.

FUNDING SOURCE: N/A

STAFF RECOMMENDATION: After review and discussion of the variance request, the Board may take any of the following actions:

1. Approve the variance request to allow for increased multi-tenant building signage on Lots 1 and 2 of the Commerce Crossings Plat 1 Final Plat.
2. Approve the variance request to allow for increased multi-tenant building signage on Lots 1 and 2 of the Commerce Crossings Plat 1 Final Plat, with other conditions established by the Board.
3. Deny the variance request and thus require that all multi-tenant building signage requirements be met for Lots 1 and 2 of the Commerce Crossings Plat 1 Final Plat area.
4. Table the request pending additional information or comment from the public.

Staff recommends approval of the building sign variance request on Lots 1 and 2 of the Commerce Crossings Plat 1 Final Plat to allow for installation of up to 1.5 SF of building signage square footage calculated per each tenant's Interstate 80 street frontage where the number of allowable signs is not limited so long as the signage square footage stays under the 1.5 SF maximum and where such signage may be installed along either the Interstate 80 or Commerce Parkway SW street frontages (or the side walls for end caps). Staff recommends the following condition of variance approval be included:

1. That if any detached monument signage is proposed, it shall meet all Sign Code requirements relative to monument signs.

APPROVED FOR SUBMITTAL:

ATTACHMENTS: None



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

Item No. 5.a.i.
For Meeting of 12/14/2021
Resolution

TITLE: RESOLUTION NO. BOA-211214-08 A motion granting/denying a variance for the request as described in Item 5.a.

CONTACT PERSON:

Maggie Murray, Planning & Community Development Director

BRIEF HISTORY & ANALYSIS: See corresponding public hearing agenda statement.

FUNDING SOURCE:

STAFF RECOMMENDATION: After review and discussion of the variance request, the Board may take any of the following actions:

1. Approve the variance request to allow for increased multi-tenant building signage on Lots 1 and 2 of the Commerce Crossings Plat 1 Final Plat.
2. Approve the variance request to allow for increased multi-tenant building signage on Lots 1 and 2 of the Commerce Crossings Plat 1 Final Plat, with other conditions established by the Board.
3. Deny the variance request and thus require that all multi-tenant building signage requirements be met for Lots 1 and 2 of the Commerce Crossings Plat 1 Final Plat area.
4. Table the request pending additional information or comment from the public.

Staff recommends approval of the building sign variance request on Lots 1 and 2 of the Commerce Crossings Plat 1 Final Plat to allow for installation of up to 1.5 SF of building signage square footage calculated per each tenant's Interstate 80 street frontage where the number of allowable signs is not limited so long as the signage square footage stays under the 1.5 SF maximum and where such signage may be installed along either the Interstate 80 or Commerce Parkway SW street frontages (or the side walls for end caps). Staff recommends the following condition of variance approval be included:

1. That if any detached monument signage is proposed, it shall meet all Sign Code requirements relative to monument signs.

APPROVED FOR SUBMITTAL:

ATTACHMENTS:

1. BOA Permit - Case #95

Prepared by Maggie Murray, City of Bondurant, 200 2nd Street NE, Bondurant, IA 50035. (515) 630-6985
Return to Maggie Murray, City of Bondurant, 200 2nd Street NE PO Box 37, Bondurant, IA 50035. (515) 630-6985

BOARD OF ADJUSTMENT PERMIT VARIANCE

Date: December 14th, 2021 **Case Number:** 95

Name: Bondurant Commercial LLC

Address: 800 & 1000 Commerce Parkway SW

Legal Description: LOTS 1 AND 2 IN THE COMMERCE CROSSINGS PLAT 1 FINAL PLAT, BONDURANT, POLK COUNTY, IOWA.

IS HEREBY GRANTED A VARIANCE to allow for increased multi-tenant building signage at 800 and 100 Commerce Parkway SW at the following rate: up to 1.5 SF of building signage square footage calculated per each tenant's Interstate 80 frontage where the number of allowable signs is not limited so long as the signage square footage stays under the 1.5 SF maximum and where such signage may be installed along either the tenant's Interstate 80 or Commerce Parkway SW street frontages (or the side walls for the end caps only); and that with this approval, the following condition shall apply:

1. That if any detached monument signage is proposed, it shall meet all Sign Code requirements relative to monument signs.

All construction activities covered by this Variance Permit shall be done in strict accordance with the written application.

This Variance Permit must be recorded by the County Recorder before issuance of a building/sign permit by the City of Bondurant.

Kelsi Jurik, Chairperson

Individual Form of Acknowledgment

STATE OF IOWA
COUNTY OF POLK

On this ____ day of _____ in the year 2021 before me, a Notary Public within and for said County and State, personally appeared Kelsi Jurik, Chairperson, Board of Adjustment; that said instrument was signed on behalf of the Board of Adjustment by authority of the Board; and that Kelsi Jurik acknowledged the execution of said instrument to be the voluntary act and deed of said Board, by it and by them voluntarily executed.

Notary

My term expires:



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

Item No. 5.b.
For Meeting of 12/14/2021
Public Hearing

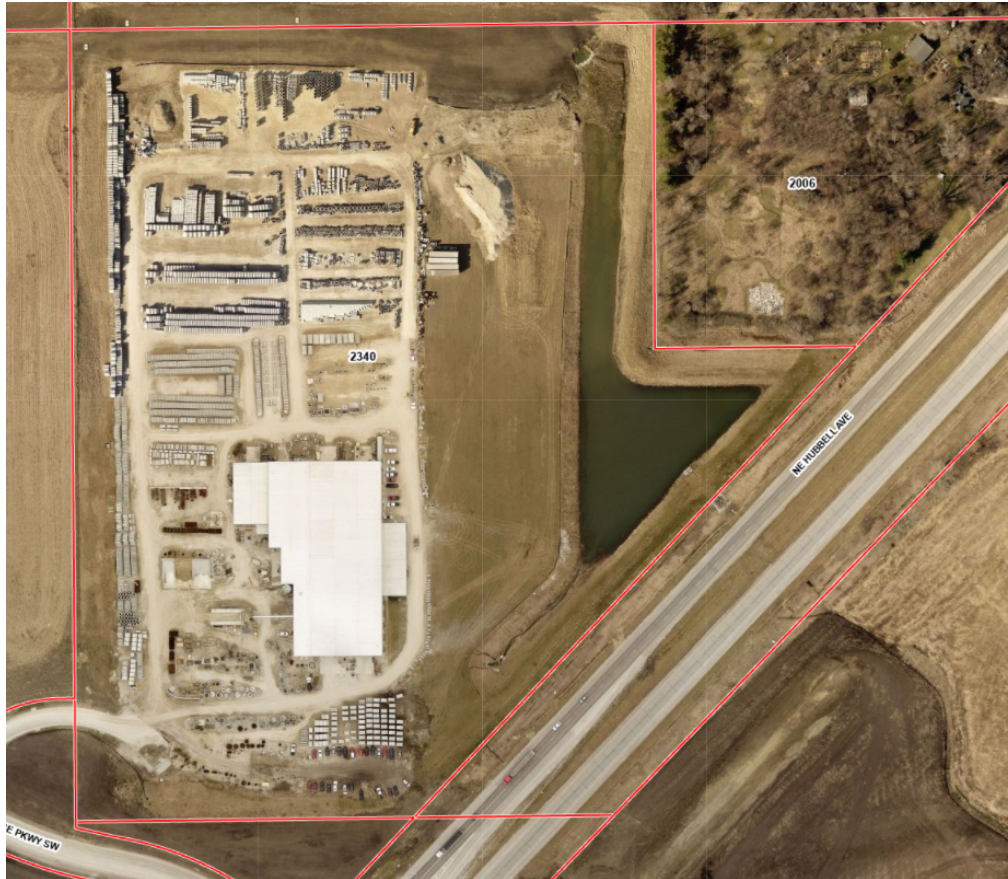
TITLE: PUBLIC HEARING: Consideration of a conditional use permit to allow for an expanded outdoor storage yard area at 2340 Hubbell Avenue SW (Section 178.13.4).

CONTACT PERSON:

Maggie Murray, Planning & Community Development Director

BRIEF HISTORY & ANALYSIS: Brief History:

The City of Bondurant is in receipt of a conditional use permit request by Midstates Precast Products to allow for an expanded outdoor storage yard area use at their existing site at 2340 Hubbell Avenue SW. This expanded outdoor storage yard use will be approximately 1 acre in the undeveloped portion toward the northeast corner of their site.



This site is zoned as being within the City's Limited Industrial (M-1) District. Per Section 178.13.4 of the Zoning Code, a conditional use permit is required for outdoor storage yards, accessory or principal in use, provided the following: that they are fenced or screened in their entirety such that no materials stored are visible from the street or another property.

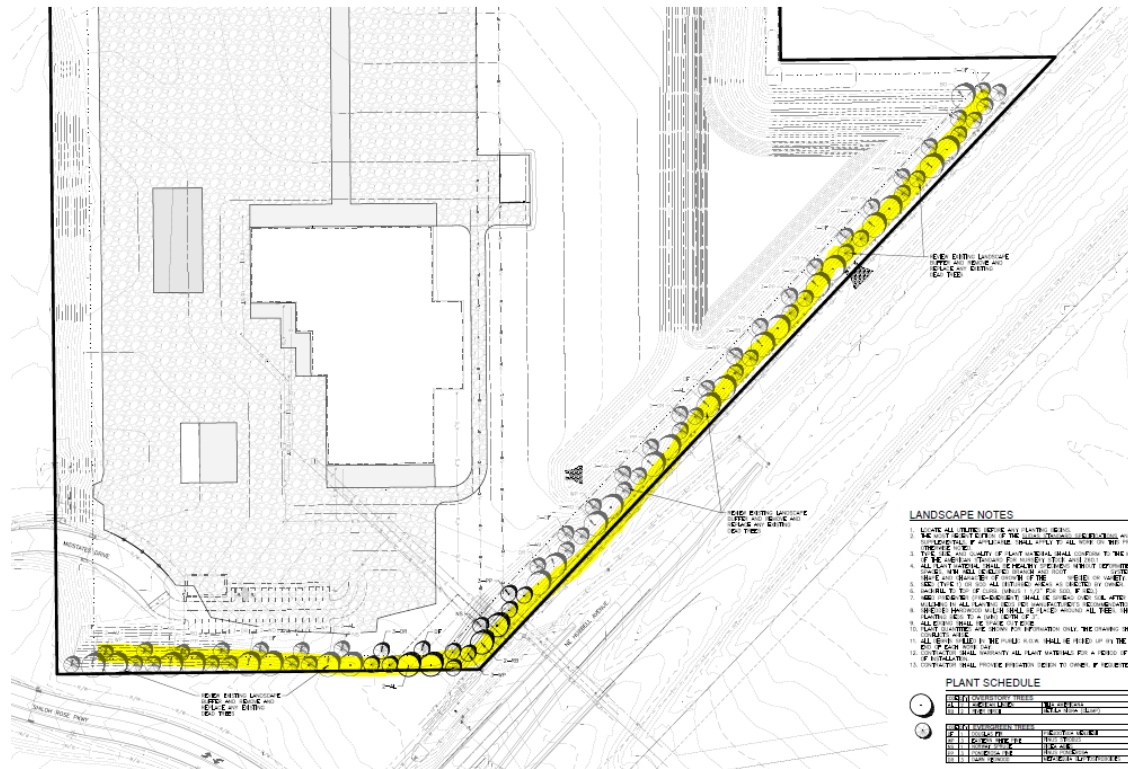
Analysis:

While a variance request requires strict review of the 5 Findings of Fact questions by the Board of Adjustment, a conditional use permit differs in that it does not; reasoning - a conditional use is a use built into the Zoning Code as being considered permitted but only if the specific conditional use permit review criteria are considered satisfied as part of the Board of Adjustment's review. The bolded language below is the review criteria listed in the Zoning Code for an outdoor storage yard area in the M-1 District.

The Board of Adjustment shall review to ensure the outdoor storage yard area is located such that it is fenced or screened in its entirety such that no materials stored are visible from the street or another property. Below are some potential items for the Board's consideration as part of the potential conditional approval:

Additional notes for consideration by the Board:

1. The Planning & Zoning Commission and City Council approved an amended site plan in November 2021 to allow for work associated with a few accessory buildings at this location. This amended site plan also included an updated landscaping plan - this amended landscaping plan notes that any dead trees along the Highway 65 corridor will be removed and replaced. This landscaping along Highway 65 helps serve as the required screen along this street corridor.



2. Property owners within 200' of the conditional use permit property have been notified.
3. The City's Future Land Use Map guide for industrial use within this area.
4. This site is situated along Highway 65 to the south and east. The residential property at 2006 Hubbell Avenue is adjacent to this property on the east - this site at 2006 is zoned as Limited Industrial (M-1). Undeveloped agricultural land zoned M-1 is adjacent to this property along the north. The industrial Shiloh Rose Business Park also zoned M-1 is adjacent to this property along the west.

FUNDING SOURCE: N/A

STAFF RECOMMENDATION: After review and discussion of the conditional use permit request, the Board may take any of the following actions:

1. Approve the conditional use permit request to allow for the expanded outdoor storage yard area at the Midstates Precast Products site at 2340 Hubbell Avenue SW.
2. Approve the conditional use permit request to allow for the expanded outdoor

storage yard area at the Midstates Precast Products site at 2340 Hubbell Avenue SW, with conditions of approval as established by the Board. If conditions are added, the attached permit will be updated accordingly.

3. Deny the conditional use permit and thus not allow for the expanded outdoor storage yard area.

4. Table the request pending additional information or comment from the public.

Staff recommends a discussion with the applicant first prior to making a vote. The discussion should take into account the following Zoning Code language: The Board of Adjustment shall review to ensure the outdoor storage yard area is located such that it is fenced or screened in its entirety such that no materials stored are visible from the street or another property.

Staff will create the permit after this meeting based on the Board's discussion.

If the conditional use permit request is approved by the Board, the applicant must update their required stormwater management report to take into account the change in impervious SF on site.

APPROVED FOR SUBMITTAL:

ATTACHMENTS: None



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

Item No. 5.b.i.
For Meeting of 12/14/2021
Resolution

TITLE: RESOLUTION NO. BOA-211214-09 A motion granting/denying a conditional use permit request as described in Item 5.b.

CONTACT PERSON:

Maggie Murray, Planning & Community Development Director

BRIEF HISTORY & ANALYSIS: See corresponding public hearing agenda statement.

FUNDING SOURCE:

STAFF RECOMMENDATION:

APPROVED FOR SUBMITTAL:

ATTACHMENTS: None