

**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/89541123777>*

**NOTICE OF A REGULAR MEETING
BONDURANT PLANNING AND ZONING COMMISSION
OCTOBER 13, 2022**

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 6:00 PM on October 13, 2022, 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. September 22, 2022
5. Guests requesting to address the Planning and Zoning Commission
6. Action Items
 - a. RETURN TO TABLE - RESOLUTION NO. PZ-220728-21: Considering recommended approval of proposed text amendments to the following sections of the Zoning Code: 175.02 - Definitions, 177.09 - Off-Street Parking Area Required, and 178.13 - M-1 District
7. Discussion Items
8. Reports / Comments and appropriate action thereon:
 - a. Commission Members
 - b. Commission Chair
 - c. Planning & Community Development Director
 - d. City Administrator
 - e. City Council Liaison
9. Adjournment

City of Bondurant

Planning and Zoning Commission

200 2nd St NE, PO Box 37

Bondurant, IA 50035



Meeting Minutes

DATE: September 22, 2022

Torey Cuellar, Chair

1. Call to Order 6:00 pm

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: Kristin Brostrom, Brian Clayton, Torey Cuellar, Wes Hoyer, Karen Keeran, Andy Mains, Lisa Cameron

Members Absent: None.

City Official Present: Planning & Community Development Director, Maggie Murray
City Administrator Marketa Oliver, City Planner Isaac Pezley

3. Perfecting and Approval of the Agenda

Motion by Commission Member Mains, seconded by Commission Member Clayton to approve of the September 22, 2022, meeting agenda. Vote on Motion 7-0-0. Motion carried.

4. Approval of Minutes

Motion by Commission Member Mains, seconded by Commission Member Keeran to approve of the September 8, 2022 meeting minutes. Vote on Motion 7-0-0. Motion carried.

5. Guests requesting to address the Planning and Zoning Commission

None

6. Action Items

A. RESOLUTION NO. PZ-220908-27: Considering recommended approval of the 2514 Robinson Avenue NE Site Plan.

Daniel Willrich with Pelds Design stated this building will be similar to the builds Pelds Design and Premier has already built in this subdivision. Pezley stated the proposed

building is currently meeting parking and loading requirements. City staff identified three items that need to be addressed. The first item is in regard to an access easement located along the southern property line. There is currently no access easement, this easement will need to be recorded prior to final plat approval.

Connection district fees need to be paid before approval of the plat. The final item pertains to the interior landscaping and tree planting. There was some confusion among the submitted preliminary plats that need to be cleaned up prior to approval. Willrich stated there are no concerns about issues brought up by the City.

Mains stated he has a concern about the provided number of trees. Keeran also stated she has concerns with the buffering between this lot and the existing trail along the northeast property line of the lot.

Mains asked about the intent of the open area in the northern portion of the lot. Pezley stated the applicants have indicated it will be an outdoor storage area, if this is so they will be required to meet City standards for outdoor storage. Willrich stated to his knowledge, there is no tenant lined up for this building. Willrich stated they provided this area in case a tenant would want an outdoor storage area. Murray stated the agenda statement does address this screening this area.

Mains asked about the trees and landscaping requirements. Oliver stated it will be addressed and staff calls this out in their agenda statement.

Motion by Commissioner Mains, seconded by Commissioner Clayton to approve Resolution No. PZ-220908-27 considering approval of the site plan for 2514 Robinson Avenue NE.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Cameron, Commission member Mains, Commission Member Keeran, Commission Member Cuellar, Commission Member Brostrom. Nays: none. Abstentions:.. Vote on Motion 7-0-0. Motion carried.

B. RESOLUTION NO. PZ-220922-28: Considering recommended approval of the Park Side Estates Preliminary Plat.

Eric Cannon, with Snyder & Associates, presented to the Commission. Cannon stated this is the same layout as presented a couple of meetings ago when this property was rezoned. There will be a total of 30 single-family residential lots. There will be two stormwater detention ponds located in two separate outlots. There will be no residential lots located in FEMA flood lots. Cannon stated they are currently working through comments submitted by V&K and will update the plats as needed.

Oliver asked about the “future 8’ trail by others”. Cannon stated they are proposing a 8’ trail to the southern property line of the subdivision and allow for a future connection to the City trail. Oliver stated the city anticipates the trail connection will happen further east. Oliver and Cannon had further discussions regarding the placement and size of a potential trail.

Clayton asked about the sidewalk along Pleasant Street located on the western property line of the subdivision. Clayton stated this sidewalk leads to nowhere and would open to forgoing the installation of a sidewalk until further sidewalk is installed along Pleasant Street. Brostrom agrees, however, the developer needs to submit cash or bonds for the future installation of the sidewalk. Cannon stated, typically, the home builder is required to install the sidewalk at the time of construction. The applicant stated the developer would install the ADA required pedestrian ramps and the homeowner would be required to install the sidewalk. Cannon stated it would be the prerogative of the City on whether the installation of the sidewalk would be required now or later. Cannon stated they can add something to the Plat to show the installation of the sidewalk would be contingent upon the City requiring them.

Cueller asked if Cannon had a chance to review the comments provided by City staff. Cannon read through the comments and stated they should not be a concern.

Motion by Commissioner Mains, seconded by Commissioner Clayton to approve Resolution No. PZ-220922-28 considering recommended approval of the Park Side Estates Preliminary Plat with staff recommendations to move sidewalk onto Outlot Z, and the sidewalks on the west property line of Lot 1 and Lot 30 to be shown to be installed at a later date.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Cameron, Commission Member Mains, Commission Member Keeran, Commission Member Cuellar, Commission Member Brostrom. Nays: none. Abstentions:.. Vote on Motion 7-0-0. Motion carried.

C. Public Hearing: Regarding text amendments to Zoning Code regarding Home Occupations.

Motion by Commissioner Mains, seconded by Commissioner Clayton to close the regular meeting and open Public Hearing regarding text amendment to Zoning Code regarding Home Occupations.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Cameron, Commission Member Mains, Commission Member Keeran, Commission Member Cuellar, Commission Member Brostrom. Nays: none. Abstentions:.. Vote on Motion 7-0-0. Motion carried.

Oliver stated these code sections are being made to comply with recent changes to state code. Keeran asked about the requirement regarding non-family members. Keeran asked if an in-home daycare would be allowed to have a non-family member employed. Pezley stated they would, and home daycares are not considered home occupations. Murray stated this is not a new change to the code, but an existing.

Pezley stated the state code no longer allows cities and counties to place additional rules and regulations on no-impact home businesses. Pezley stated this essentially means that cities cannot place any regulations upon home occupations unless the home occupation is in conflict with the residential neighborhood.

Clayton stated he thinks the City is just a wee bit tighter than state regulations in spots. Clayton asked staff about the size requirement for home occupations, as well as trade being sold from the hose. Oliver stated the size requirement is trying to prevent a residential property from being used as a display area. Clayton stated he follows the intent but thinks the size requirement is very difficult to enforce. Clayton stated he believes if the City is going to make changes to the code, it should mimic the state code.

Motion by Commissioner Mains, seconded by Commissioner Clayton to close Public Hearing regarding text amendment to Zoning Code regarding Home Occupations.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Cameron, Commission Member Mains, Commission Member Keeran, Commission Member Cuellar, Commission Member Brostrom. Nays: none. Abstentions:.. Vote on Motion 7-0-0. Motion carried.

D. RESOLUTION NO. PZ-220922-29: Considering recommended approval of the text amendments regarding Home Occupations.

Motion by Commissioner Hoyer, seconded by Commissioner Cameron to approve Resolution No. PZ-220922-29 considering approve of the text amendments regarding Home Occupations.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Cameron, Commission Member Mains, Commission Member Keeran, Commission Member Cuellar, Commission Member Brostrom. Nays: none. Abstentions:.. Vote on Motion 7-0-0. Motion carried.

7. Discussion Items – None.

8. Reports / Comments and appropriate action thereon

a. Commission Members

Brostrom – asked staff if there is a city policy regarding deferment of sidewalk installation. Murray stated not currently, however, V&K Engineering is completing a Streets Master Plan and city staff has requested installation of sidewalks be addressed in the Plan.

Mains – asked about code enforcement for a motorcycle being placed on the sidewalk. Oliver stated city staff would look into it

Clayton – stated that if developers are able to raise up a property to accommodate stormwater issues, they should not be able to build the house without a basement because the sewer main was installed too shallow. Grinder pumps are viable, efficient mechanisms that work. Cameron agreed with Clayton, both grinder pits and ejection pits are effective, and they are not overly expensive. Brostrom asked staff if this is reviewed during the construction

drawings. Oliver provided the Commission with additional information on how the conversation of grinder pumps and the installation of basements came about. Clayton stated staff needs to address this as soon as the Comprehensive Plan is approved.

Keeran – asked staff about a no U-turn sign being placed on Hubbell Avenue by Dee and Washington Street. Keeran asked when a deacceleration lane will be added going into Dee Street. Oliver stated that will not happen until a traffic light is installed. Discussion continued regarding truck traffic.

Hoyer – asked about the installation of sidewalks along Shiloh Rose Parkway crossing 2nd Street NW. Murray stated staff needs to have a conversation with V&K to create a policy to address these instances. Hoyer asked if there are plan to install a formal crosswalk, Oliver stated not at this moment.

- b. Commission Chair – None.
- c. Planning & Community Development Director – None.
- d. City Administrator – None.
- e. City Council Liaison – None.

7. Adjournment

Motion by Commissioner Mains, seconded by Commissioner Clayton to adjourn the September 22, 2022, meeting at 6:57. Vote on Motion. Motion carried unanimously.



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

Item No. 6.a.
For Meeting of 10/13/2022
Resolution

TITLE: RETURN TO TABLE - RESOLUTION NO. PZ-220728-21: Considering recommended approval of proposed text amendments to the following sections of the Zoning Code: 175.02 - Definitions, 177.09 - Off-Street Parking Area Required, and 178.13 - M-1 District

CONTACT PERSON:

Maggie Murray, Planning & Community Development Director

BRIEF HISTORY & ANALYSIS: Back on July 28, 2022 the Planning & Zoning Commission held a public hearing regarding proposed text amendments to the following sections of the Zoning Code: 175.02 - Definitions, 177.09 - Off-Street Parking Area Required, and 179.13 - Limited Industrial District. It should be clarified too that per Section 178.14.1.A of the Zoning Code, any use determined as permitted within the M-1 District is also considered permitted within the Medium Industrial (M-2) District. Following the public hearing, the Commission voted to table consideration of the corresponding resolution, noting that staff should further research parking requirements. The Commission also had a preliminary discussion on this text amendment topic during their meeting on May 12, 2022. This discussion stemmed from the fact that City Staff has received several recent inquiries regarding potentially locating a fitness center and dance studio within the M-1 District.

The attached resolution proposes to add the following uses to the Limited Industrial (M-1) District: **Fitness center, or like business AND Dance Studio, or like business.** It should be noted that the previous draft resolution also included Music studio, or like business AND Photographic studio, or like business - these two additional uses are not currently included in the attached resolution, as it is anticipated these uses will be addressed at a later date as part of a larger, more comprehensive zoning code text amendment process.

The attached resolution proposes to remove any reference to regulating the location of **Fireworks** structures/tents since the City can no longer regulate this per SF2285. The City Attorney provided guidance that the City should remove this fireworks language from the M-1 (and M-2) Districts.

The previous draft resolution also addressed some M-1 District language updates relative to outdoor storage. This outdoor storage language will instead be considered by the Planning & Zoning Commission in November as part of another text amendment that will look to address the topic of outdoor storage more consistently throughout all sections of the Zoning Code (there are currently several inconsistent sections of the Zoning Code related to outdoor storage).

The attached resolution proposes to add the following definition: "Fitness Center" means an establishment providing physical fitness facilities and services to the public for a fee, including but not limited to: game courts, exercise equipment, exercise areas, running tracks, swimming pools, physical fitness maintenance and weight control services and instructors, locker rooms, saunas, and associated retail shop intended for members of club only.

The attached resolution proposes to add the following sections of the Off-Street Parking section of the Zoning Code.

- **Fitness Center:** one (1) space per 200 square feet of gross floor area. Typical parking stall count requirements for fitness centers generally range from 1 per 150 SF to 1 per 250 SF.
- **If a building contains two or more differing uses, the parking requirement shall be determined by the addition of the parking requirements for each use.** Several other metro communities also include this language. The previous resolution back in July also proposed establishing a parking stall count standard for industrial flex buildings - this is no longer proposed, as the code will now clearly state that if multiple uses are proposed within a building, the parking will be determined by the addition of the parking requirements for each use. For example, an industrial flex building having both warehousing uses and a fitness center use will need to meet requirements for both the warehousing use portions (1 per employee) and also the fitness center portion (1 per 200 SF).

It should be noted that the topic of minimum parking stall count requirements for dance studios is already addressed in the Zoning Code at 1 stall per each 100 SF. No amendment is proposed relative to this topic.

FUNDING SOURCE: N/A for text amendments

STAFF RECOMMENDATION: The Commission may recommend approval, recommend approval with recommended Code changes, recommend denial, or table.

If recommended for approval, staff will draft an agenda statement setting the required City Council public hearing.

APPROVED FOR SUBMITTAL:

ATTACHMENTS:

1. RES. NO. PZ-220728-21

PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ-220728-21

RESOLUTION REGARDING RECOMMENDED APPROVAL OF A TEXT
AMENDMENTS TO THE FOLLOWING SECTIONS OF THE ZONING CODE: 175.02 –
DEFINITIONS; 177.09 – OFF-STREET PARKING AREA REQUIRED; AND 178.13 – M-
1 LIMITED INDUSTRIAL DISTRICT

WHEREAS, the Planning and Zoning Commission held a public hearing on July 28, 2022 to hear public comments on the proposed enclosed text amendments to the following sections of the Zoning Code: 175.02 – Definitions, 177.09 – Off-Street Parking Area Required, and 178.13 – M-1 Limited Industrial District.

NOW, THEREFORE, BE IT RESOLVED, that the Planning & Zoning Commission of the City of Bondurant, Iowa recommends City Council approval of the text amendments to the following sections of the Zoning Code: 175.02 – Definitions, 177.09 – Off-Street Parking Area Required, and 178.13 – M-1 Limited Industrial District.

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 October 13, 2022, 2022; among other proceedings the above was recommended for approval.

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
Hoyer				
Clayton				
Cuellar				
Keeran				
Mains				
Cameron				
Brostrom				

Torey Cuellar, Commission Chair

175.02 DEFINITIONS. The purpose of this section is to define certain words and terms used within and throughout the Zoning Code. All definitions are constant, unless otherwise specified.

“Fitness Center” means an establishment providing physical fitness facilities and services to the public for a fee, including but not limited to; game courts, exercise equipment, exercise areas, running tracks, swimming pools, physical fitness maintenance and weight control services and instructors, locker rooms, saunas and associated retail shop intended for members of club only.

177.09 OFF-STREET PARKING AREA REQUIRED. In all districts, in connection with every industrial, business, institutional, recreational, or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements:

Fitness Center – one (1) space per 200 square foot of gross floor area.

If a building contains two or more differing uses, the parking requirement shall be determined by the addition of the parking requirements for each use.

178.13 M-1 LIMITED INDUSTRIAL. The “M-1” District is intended and designed to provide for increased flexibility in the location of certain manufacturing and industrial uses while maintaining protection for nearby residential districts. It allows selected industries of a non-nuisance character to locate in areas within reasonable proximity of residential uses. The M-1 District is characterized by large lots, with landscaped grounds and ample provision for off-street parking and loading spaces.

- 1. Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted in the “M-1” District, provided, however, that all manufacturing, assembling, compounding, processing, packaging or other comparable treatment, including storage of any and all materials and equipment shall take place within completely enclosed buildings, except those allowable outdoor use exclusions listed in the definition of Outdoor Storage ~~and except for Temporary Fireworks Sales Facilities~~. All open areas not used for off-street parking or loading shall be planted with grass, shrubs and trees, properly maintained, and kept free from refuse and debris
 - A. Assembly of small electrical appliances, small industrial and electronic instruments and devices, radios, phonographs and television sets, including the

- manufacturing of small accessory parts only, such as coils, condensers, transformers, crystal holders and similar products, or like business.
- B. Automotive and farm or construction implement display, sales, service, and repair, or like business.
 - C. Boat dealer, or like business.
 - D. Body repair shops including painting, or like business.
 - E. Car washes, or like business.
 - F. Commercial trade schools, or like business.
 - G. Compounding and packaging of drugs, pharmaceuticals, cosmetics, perfumes and toiletries, or like business.
 - H. Gas stations, or like business.
 - I. Hardware stores, or like business.
 - J. Laboratories, research, experimental and testing, or like business.
 - K. Manufacturing, assembling, compounding, processing, packaging, or other comparable treatment of the following:
 - (1) Bakery goods, candy and food products, or like business.
 - (2) Cameras and other photographic equipment, or like business.
 - (3) Electric and neon signs, outdoor advertising signs, or like business.
 - (4) Medical, dental and drafting instruments, or like business.
 - (5) Musical instruments, toys, novelties, and rubber and metal hand stamps, or like business.
 - (6) Pottery and other ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas, or like business.
 - (7) Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, rope, cord, twine, cardboard, feathers, felt, fiber, fur, glass, hair, horn, leather, metal pipe, rods, strips or wire, paper, plastics, precious and semi-precious metals or stones, rubber (natural and synthetic), shells, textiles, tobacco, wax, wood, and yarns, provided that the entire operation is conducted within a building and that no raw materials or manufactured products are stored outside the building other than for loading and unloading operations and further providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emissions of dust, fumes, gas, odor or smoke, or like business.
 - (8) Small precision instruments, such as barometers, clocks, watches and compasses, or like business.

- (9) Manufacture or assembly of computers and computer-related hardware, or like business.
- L. Beverage bottling, distribution and warehousing facilities, or like business.
- M. Contractor's offices and storage buildings (not including outside storage yards) including general contractors, plumbers, electricians, heating, ventilating, and air conditioning contractors, masons, painters, refrigeration contractors, roofing contractors and other such construction occupations, or like business.
- N. Dry cleaning and laundry facilities, or like business.
- O. Ice production, storage, sales and distribution facilities. Cold storage facilities. Creamery, and ice cream manufacturing, or like business.
- P. Lumber and building materials sales, or like business, provided that outside storage areas typically associated with such uses are subject to the Conditional Use Permit noted in Section 178.13.4.
- Q. Machine shops, or like business.
- R. Mail order and distribution centers, or like business.
- S. Motorcycle dealer and snowmobile dealer, or like business.
- T. Office buildings, or like business.
- U. Office Warehouses, or like business.
- V. Printing, lithographing or film processing plants, or like business.
- W. Public utility facilities, or like business.
- X. Publicly owned storage, warehouse and maintenance facilities, or like business.
- Y. Radio and television broadcasting stations and studios, or like business.
- Z. Recreational and utility trailer dealers, or like business.
- AA. Restaurants, or like business.
- BB. Sawmill and planing mill, including manufacture of wood products not involving chemical treatment, or like business.
- CC. Tire vulcanizing, retreading recapping, service and sales, or like business.
- DD. Truck rental establishments, or like business.
- EE. Truck terminals, delivery services, moving and storage facilities and truck maintenance facilities, or like business.
- FF. Veterinarian clinics or hospitals, including overnight boarding and lodging, or like business.
- GG. Warehouses for storage of merchandise or material in connection with the uses permitted in this district only, or like business.

HH. Fitness center, or like business.

II. Dance studio, or like business.

~~JJ. Fireworks sales facilities, providing that they are located more than 500 feet from any residential areas, school, child care facility or elderly residential facility. If the facility is a Temporary Fireworks Sales Facility, only one per lot is permitted.~~