

**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/82965038057>*

**NOTICE OF A REGULAR MEETING
BONDURANT PLANNING AND ZONING COMMISSION
OCTOBER 27, 2022**

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 6:00 PM on October 27, 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. October 13, 2022
5. Guests requesting to address the Planning and Zoning Commission
6. Action Items
 - a. PUBLIC HEARING - Request for rezoning from the Conservancy (U-1) District to the Limited Industrial (M-1) District on land at 1601 Garfield Street SW and Parcel 231/00020-007-009
 - b. RESOLUTION NO. PZ221027-30: Considering recommended approval of the request for rezoning from Conservation (U-1) to Limited Industrial on land at 1601 Garfield Street SW and Parcel 231/00020-007-009
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: October 13, 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: Brian Clayton, Torey Cuellar, Wes Hoyer, Karen Keeran, Andy Mains, Lisa Cameron

Members Absent: Kristin Brostrom

City Official Present: City Administrator Marketa Oliver

3. Perfecting and Approval of the Agenda

Motion by Commission Member Clayton, seconded by Commission Member Mains to approve of the October 13, 2022, meeting agenda. Vote on Motion 6-0-0. Motion carried.

4. Approval of Minutes

Motion by Commission Member Mains, seconded by Commission Member Clayton to approve of the September 22, 2022 meeting minutes. Vote on Motion 6-0-0. Motion carried.

5. Guests requesting to address the Planning and Zoning Commission

None

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

Motion by Commissioner Mains, seconded by Commissioner Clayton to return Resolution No. PZ-220728-21 to table.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Cameron, Commission member Mains, Commission Member

Keeran, Commission Member Cuellar. Nays: none. Abstentions: none. Vote on Motion 6-0-0. Motion carried.

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.

Motion by Commissioner Mains, seconded by Commissioner Clayton to approve 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.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Cuellar. Nays: none. Abstentions: Commission Member Cameron abstained due to assisting a dance studio with finding new space, that could be in an industrial flex space. Vote on Motion 6-0-0. Motion carried.

7. Discussion Items – None.

8. Reports / Comments and appropriate action thereon

a. Commission Members

Cameron – expressed concern about the narrowing width of Streets. The corner at Dee Street and Cove is very tight.

Clayton – suggested that the City put setbacks in place for ponds. He is concerned that the ponds in the Hubbell are built on the property line. He also requested that we require a silt fence for erosion control on the lot line.

b. Commission Chair – None.

c. City Administrator – None.

7. Adjournment

Motion by Commissioner Mains, seconded by Commissioner Clayton to adjourn the meeting at 6:22. Vote on Motion 6-0-0. Motion carried.



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

Item No. 6.a.
For Meeting of 10/27/2022
Public Hearing

TITLE: PUBLIC HEARING - Request for rezoning from the Conservancy (U-1) District to the Limited Industrial (M-1) District on land at 1601 Garfield Street SW and Parcel 231/00020-007-009

CONTACT PERSON:

Maggie Murray, Planning & Community Development Director

BRIEF HISTORY & ANALYSIS: The City of Bondurant is in receipt of a request to rezone property at 1601 Garfield Street SW (Parcel 231/00020-007-008) and the land immediately north at Parcel 231/00020-007-009 from the City's Conservancy (U-1) District to the Limited Industrial (M-1) District. These parcels are owned by the following titleholders: Alan Cooney, Betty Jo Cooney, and Alan's Seamless Gutters. The property owners are the rezoning applicant. Alan's Seamless Gutters is located at 1601 Garfield Street SW; the use of this property will remain the same as its current use. Parcel 231/00020-007-009 is currently undeveloped.

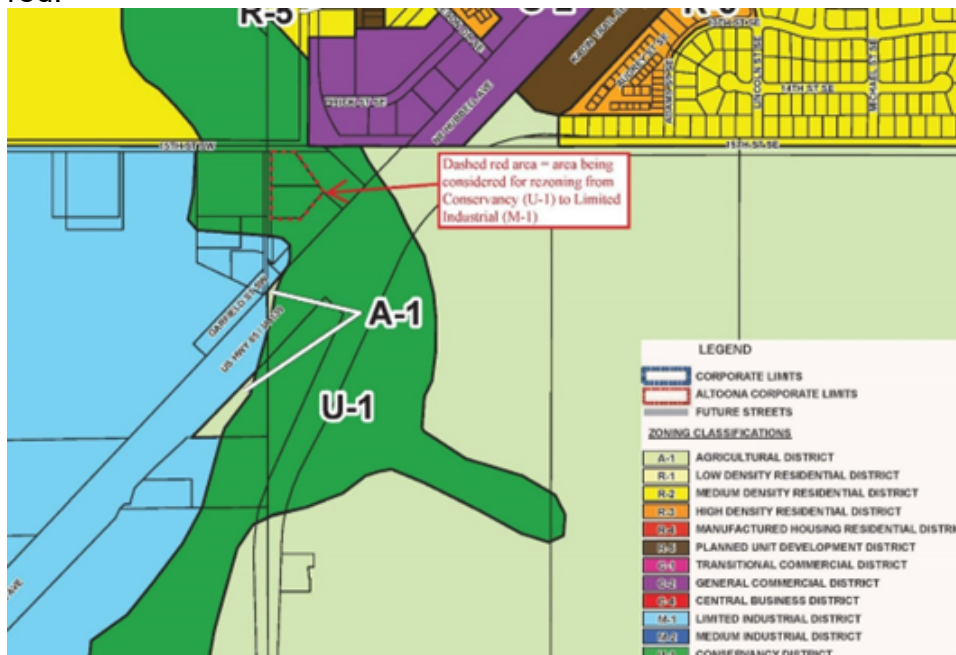
Area Map



Area Zoning Map

Below is an area Zoning Map which shows the requested U-1 to M-1 rezoning area in

red.



The Alan's Seamless Gutters use at 1601 Garfield Street SW is currently a pre-existing, non-conforming use of the U-1 District, meaning that this use would not be allowed to locate new in the U-1 District today and that the use at this location existed at this location prior to when the City of Bondurant rezoned this property from M-1 to U-1 in 2002 as part of a comprehensive Zoning Map update process.

The owner of the property approached the City to expand the current building on the developed parcel at 1601 Garfield Street SW and it was discovered the zoning did not match the use of the property. Section 178.15 of the Zoning Code notes that, "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 insure that the flood hazard no longer exists"; staff has offered the following for consideration relative to this topic:

1. The recently-adopted Building Bondurant Comprehensive Plan guides for Business Park/Light Industrial at this location.
2. The City has adopted a Stream Buffer Ordinance to protect the stream corridors throughout the community. The Stream Buffer Ordinance only applies to new improvements associated with all land development activity requiring a site plan, construction drawings, or subdivision; meaning the Stream Buffer Ordinance easement area has not yet been established on this land. The map excerpt below shows the portions of this property that would be subject to the Stream Buffer Ordinance in blue. The attached draft P&Z resolution factors in the need to establish the Stream Buffer Ordinance easement area prior to additional development occurring on this land.



3. The majority of the undeveloped parcel at 231/00020-007-009 calls within FEMA's 100-year floodplain. The P&Z could consider rezoning only those areas outside of FEMA's 100-year floodplain to the M-1 District.

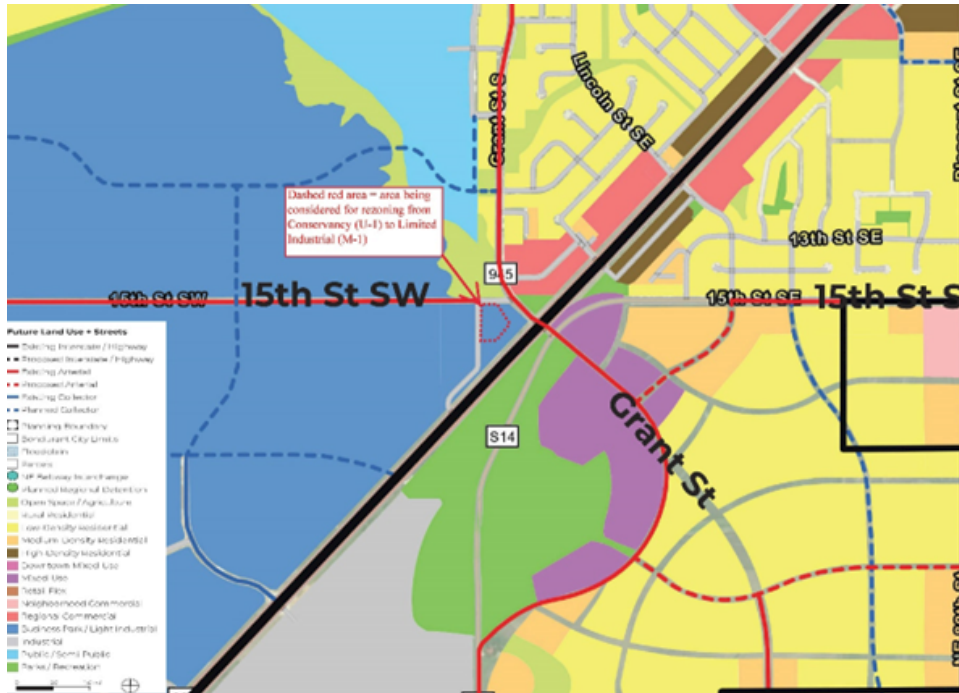


Analysis

When reviewing rezoning requests, the Planning & Zoning Commission should take into account the Comprehensive Plan, Consistency with the Zoning Code, Spot Zoning, and Public Input.

Comprehensive Plan

The existing Alan's Seamless Gutters use is consistent with the 2022 Future Land Use Map. Below is an excerpt from the draft 2022 Future Land Use Map. This map guides for Business Park/Light Industrial in blue.



Consistency with the Zoning Code

Below are Zoning Code consistency items for consideration by the Planning & Zoning Commission.

- The proposed contractor's office use is a permitted use of the M-1 District per Section 178.13.1.M of the Zoning Code.
- Any future construction at this location requires a site plan to be reviewed and approved by the Planning & Zoning Commission.

Spot Zoning

To determine whether illegal spot zoning has occurred, the courts consider the following:

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

Staff does not feel spot zoning will exist as a result of this rezoning request. The 2022 Future Land Use Map is supportive of M-1 Limited Industrial District at this location. There are existing properties zoned M-1 Limited Industrial in the general area to the west and southwest.

Public Input

As required by the City Code, property owners within 200 feet of the subject property for rezoning were notified of this request. A total of 6 property owners were notified.

Notification of the rezoning request was published in the Altoona Herald on October 19, 2022.

FUNDING SOURCE: N/A

STAFF RECOMMENDATION: The following options exist for the Planning & Zoning Commission:

1. Recommended approval of RESOLUTION NO. PZ-221027-30.
2. Recommended approval of RESOLUTION NO. PZ-221027-30, subject to rezoning conditions as allowed by Chapter 414 of the Iowa Code.
3. Recommended denial of RESOLUTION NO. PZ-221027-30.
4. Table RESOLUTION NO. PZ-221027-30, pending additional information.

Staff recommends approval of the RESOLUTION NO. PZ221027-30 regarding recommended approval of the request for rezoning from Conservancy (U-1) to Limited Industrial (M-1) subject to the following rezoning conditions as authorized by Chapter 414 of the Iowa Code:

1. That a Stream Buffer Ordinance easement area be established prior to City Council's final approval for those portions of land that fall within the Stream Buffer Ordinance area.
2. That the area rezoned to the M-1 District shall only apply to those areas of land situated outside of FEMA's 100-year floodplain.

APPROVED FOR SUBMITTAL:

ATTACHMENTS: None

PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ-221027-30

RESOLUTION REGARDING RECOMMENDED APPROVAL OF THE REQUEST FOR
REZONING FROM THE CONSERVANCY (U-1) DISTRICT TO THE LIMITED
INDUSTRIAL (M-1) DISTRICT ON PROPERTY AT 1601 GARFIELD STREET SW AND
AT PARCEL 231/00020-007-009

WHEREAS, on October 27, 2022, the Planning and Zoning Commission held a Public Hearing to consider a request to rezone property from the Conservancy (U-1) District to the Limited Industrial (M-1) District, on property described as follows:

BEGINNING AT A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 79 NORTH, RANGE 22 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, SAID POINT BEING 226 FEET SOUTH OF THE NORTHWEST CORNER OF SAID ECTION 6; THENCE N 90°00' E 291.36 FEET; THENCE S 34°42'30" E 42.11 FEET; THENCE S 40°00' W 195 FEET;P THENCE N 90°00' W 190 FEET TO THE SECTION LINE; THENCE N 0°00' 184 FEET TO THE POINT OF BEGINNING, CONTAINING 1.11 ACRES MORE OR LESS AND SUBJECT TO EXISTING ROAD RIGHT OF WAY.

AND;

BEGINNING AT THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 79 NORTH, RANGE 22 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, THENCE SOUTH 0 DEGREES 00 MINUTES ALONG THE SECTION LINE 226 FEET; THENCE NORTH 90 DEGREES 00 MINUTES EAST 291.36 FEET; THENCE NORTH 34 DEGREES 42 MINUTES 30 SECONDS WEST 274.64 FEET TO THE SECTION LINE; THENCE NORTH 89 DEGREES 54 MINUTES 30 SECONDS WEST 135 FEET TO THE POINT OF BEGINNING, CONTAINING 1.10 ACRES MORE OR LESS AND SUBJECT TO ROAD RIGHT OF WAY.

AND;

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

1. That the rezoning request will create consistency between the City's Future Land Use Map and Official Zoning Map.
2. That 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 City Council approval of the rezoning request

from Conservancy (U-1) to Limited Industrial (M-1), subject to the following rezoning conditions as allowed by Chapter 414 of the Iowa Code:

1. That a Stream Buffer Ordinance easement area be established prior to City Council's final approval for those portions of land that fall within the Stream Buffer Ordinance area.
2. That the area rezoned to the M-1 District shall only apply to those areas of land situated outside of FEMA's 100-year floodplain.

Moved by _____ Seconded by _____ to adopt.

ATTEST: I, Isaac J. Pezley, City Planner, hereby certify that at a meeting of the Planning and Zoning Commission held on October 27, 2022, 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
Hoyer				
Clayton				
Mains				
Keeran				
Cuellar				
Cameron				
Bostrom				

Torey Cuellar, Commission Chair