

**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/83727809458>*

**NOTICE OF A REGULAR MEETING
BONDURANT PLANNING AND ZONING COMMISSION
DECEMBER 8, 2022**

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 6:00 PM on December 8, 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. November 10, 2022
5. Guests requesting to address the Planning and Zoning Commission
6. Action Items
 - a. - PUBLIC HEARING: Rezoning from the Medium Industrial (M-2) District to the Central Business (C-4) District and the High Density Residential (R-3) District at Parcel 231/00220-017-000 (excluding the southern portions of this parcel that front 2nd Street SE and are currently zoned Medium Density Residential (R-2))
 - b. - RESOLUTION NO. PZ-221208-40 considering recommended approval of the rezoning from the Medium Industrial (M-2) District to the Central Business (C-4) District and the High Density Residential (R-3) District at Parcel 231/00220-017-000
7. Discussion Items - none
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: November 10, 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, Wes Hoyer, Karen Keeran, Kristin Brostrom, Andy Mains

Members Absent: Torey Cuellar, Lisa Cameron

City Official Present: City Administrator Marketa Oliver, Community Development Director Maggie Murray, City Planner Isaac Pezley, City Council Liaison Matt Sillanpaa

3. Perfecting and Approval of the Agenda

Motion by Commission Member Clayton, seconded by Commission Member Mains to approve of the November 10, 2022, meeting agenda. Vote on Motion 5-0-0. Motion carried.

4. Approval of Minutes

Motion by Commission Member Clayton, seconded by Commission Member Mains to approve of the October 27, 2022, meeting minutes. Vote on Motion 5-0-0. Motion carried.

5. Guests requesting to address the Planning and Zoning Commission

None

6. Action Items

- A. RESOLUTION NO. PZ221110-31: Considering recommended approval of the SE Water Study Annexation Area, and 80/20 annexation within two miles of the City of Altoona's and the City of Mitchellville's city limits.

Murray stated staff has started the annexation process for just over 1,000 acres adjacent to Bondurant city limits. Murray stated the annexation is a 80/20 annexation petition, meaning that over 80% of the land owners are consenting land owners. These land owners are highlight in green on the map

presented to the Commission. The properties shaded in red are non-consenting landowners. Murray stated this process was started to construct a water tower located on land along Interstate-80. Annexation is based upon a Future Land Use Plan; this annexation area is highlighted by Priority B in the Future Land Use Plan recently adopted by City Council. Utility and roadway will be adopted as development occurs in this area. Iowa DOT prefers that if a city, Murray outlined a map showing the proposed water main to the proposed water tower site. Murray stated the City has held a consultation meeting with affected township trustees, no one attended the meeting. The city has also sent relevant notification to affected parties as outlined in State Code. Murray outlined the future timeline for the annexation process.

Motion by Commission Member Mains, seconded by Commission Member Clayton to recommend approval of the SE Water Study Annexation Area, and 80/20 annexation within two miles of the City of Altoona's and the City of Mitchellville's city limits.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0. Motion carried.

- B. PUBLIC HEARING 1: Request for rezoning from Agricultural (A-1) District to the Medium Industrial (M-2) District, pending annexation finalization, on Parcels 140/00062-000-000 and 140/00050-002-000.

Motion by Commission Member Clayton, seconded by Commission Member Mains to open Public Hearing.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0. Motion carried.

Murray stated this rezoning request is furthest east property in the annexation area. The request is to rezone their property from A-1 Agricultural to M-2 Medium Industrial. This rezoning request is consistent with the Future Land Use Map. Until an industrial use is developed on the property, the property can continue as agricultural.

Pezley stated staff received a voicemail from the property owner, Margaret Knight. Pezley stated the voicemail was in reference to multiple rezoning requests. The voicemail text has been attached to these minutes.

Matt Sillanpaa, 17 Lincoln Street SE, addressed the Commission. Sillanpaa stated he wanted to confirm the rezoning of the property would allow the property owner to sell or develop the property for Industrial use but the property owner can continue their agricultural use. Oliver stated that is correct, and taxation follows the use of the property not the zoning designation. Sillanpaa asked for further clarification on if the red-colored properties did not respond. Oliver stated staff has met with every property owner and the properties in red are not consenting annexation property owners. The City only included non-consenting properties that would be required to be annexed into the City under state law.

Sillanpaa asked for staff to discuss the main changes a property owner would see being annexed into the City as compared to being located in the County. Oliver stated there would be minor taxation changes but the use of the lands would not change.

Motion by Commission Member Mains, seconded by Commission Member Clayton to close Public Hearing.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0. Motion carried.

- C. RESOLUTION NO. PZ 221110-32: Considering recommended approval of the request for rezoning from Agricultural (A-1) District to the Medium Industrial (M-2) District, pending annexation finalization, on Parcels 140/00062-000-000 and 140/00050-002-000.

Motion by Commission Member Mains, seconded by Commission Member Clayton to recommend approval of Resolution No. PZ221110-32 request for rezoning from Agricultural (A-1) District to the Medium Industrial (M-2) District, pending annexation finalization, on Parcels 140/00062-000-000 and 140/00050-002-000.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0. Motion carried.

- D. PUBLIC HEARING 2: Request for rezoning from the Agricultural (A-1) District to the Limited Industrial (M-1) District, pending annexation finalization, on Parcel 170/00002-000-000.

Motion by Commission Member Mains, seconded by Commission Member Clayton to open Public Hearing.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0. Motion carried.

Murray stated CEG Land LLC owns this property. The City's Future Land Use map shows this area as business park/light industrial area. Keeran asked Murray to clarify the difference between M-1 and M-2 districts. Murray stated M-1 districts are designed to be located closer to residential districts and are provide less impact to surrounding neighborhoods. Murray and Oliver provided the Commission with examples of M-1 and M-2 districts in Bondurant.

Dan Bishop, 6700 NE 88th Street, addressed the Commission. Bishop asked about "islands" when annexing property and pointed out a property that appears to make create a "island". Murray and Oliver stated they are aware of the property Bishop is referring to and it is considered a "flag lot" not an island. Oliver stated staff has made the state development board aware of the property.

Bishop stated he believes it makes more sense to keep industrial development all in one area instead of bouncing to different areas. Clayton stated Bondurant has lost potential annexation ground on the west side of town. Clayton stated this annexation is in response to future land use plans created by Altoona and their plans to annex up to Bondurant's city limits. Clayton stated the City needed to be proactive to ensure the city had property to build a new water town to service the city's citizens. Zoning of a property is dependent upon what the property owner desires. If a property owner wants to be zoned M-1 Industrial when annexed into the city they can be, or if they want to be A-1 Agricultural when annexed into the city they can be. There are currently properties located inside city limits that are agricultural.

The P&Z Commission completed Bondurant's Future Land Use Map and shows industrial in this area because there is good access to Interstate 80 when compared to property located on the north side of town. Murray stated there is no timeline for an interstate interchange but the Future Land Use Map shows one.

Bishop asked what annexing into the city does for him. Oliver stated the City will be providing water service to annexed properties, Bishop stated he already has water. Oliver stated he has rural water which does not have sufficient water pressure for fire suppression services. Oliver stated eventually these properties will be serviced by sanitary sewer as well. Bishop stated he already has septic service.

Clayton stated his father owns property that was recently annexed into the City. Clayton stated now is the time to negotiate with the City for services.

Sheri Fogarty, 6525 NE 88th Street, addressed the City. Fogarty asked if she would be able to keep her animals. Oliver stated there are pockets of land with city limits that are still zoned agricultural and have animals. Clayton added livestock would be grandfathered as well. Fogarty asked when a property owner needs to ask for special considerations. Murray stated in the annexation agreement special considerations can be added.

TJ Craig, 9056 NE 70th Avenue, addressed the Commission. Craig asked why the City needs a water tower in this location. Oliver stated the City needs the storage and water pressure circulation. City engineers have identified this area as a high spot which is ideal for water towers. Craig asked where the City gets their water from. Oliver stated currently Bondurant receives their water from Des Moines and another water tower allows for additional water storage to provide to citizens.

Craig asked how soon will the City annex property around his. Oliver stated she cannot answer that question. The current annexation is being driven by property owners that are voluntarily annexed their property. All annexation is driven by consenting annexation petitions.

An audience member asked what the timetable is for the Future Land Use Map. Clayton stated the map is not a timetable but a guide as the city grows. Murray stated State code requires cities to annex non-consenting property owners when the non-consenting properties would create an island. Oliver stated the City could have annexed additional property but chose not to.

Lucas Nelson, 9225 NE 70th Avenue, addressed the Commission. Nelson asked how the annexation was affecting his property. Oliver stated his property is not being annexed into the City. Nelson asked what would happen if the properties on the north side of 70th Street were annexed. Oliver stated then state code would require his property also be annexed.

Motion by Commission Member Mains, seconded by Commission Member Clayton to close Public Hearing.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0. Motion carried.

- E. RESOLUTION NO. PZ 221110-33: Considering recommended approval of the request for rezoning from the Agricultural (A-1) District to the Limited Industrial (M-1) District, pending annexation finalization, on Parcel 170/00002-000-000

Motion by Commission Member Mains, seconded by Commission Member Clayton to recommend approval of Resolution No. PZ 221110-33 request for rezoning from the Agricultural (A-1) District to the Limited Industrial (M-1) District, pending annexation finalization, on Parcel 170/00002-000-000.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0. Motion carried.

- F. PUBLIC HEARING 3: Request for rezoning from the Agricultural (A-1) District to the Medium Industrial (M-2) District, pending annexation finalization, on Parcels 140/00052-005-000, 140/00053-000-000, and 140/00054-001-000.

Motion by Commission Member Mains, seconded by Commission Member Clayton to open Public Hearing.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0. Motion carried.

Murray stated this is another property owner initiated rezoning request to M-2 Medium Industrial. The Future Land Use map shows this property as industrial.

Pezley stated Margaret Knight was notified regarding this rezoning request, she had the same comments regarding this property. Pezley stated the property owners to the north, Tom Frederick, contacted staff. Pezley stated the property owner felt the property should remain as agricultural and also expressed concerns regarding environmental hazards that could come from industrial development.

Motion by Commission Member Mains, seconded by Commission Member Clayton to close Public Hearing.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission

Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0.
Motion carried.

- G. RESOLUTION NO. PZ221110-34: Considering recommended approval of the request for rezoning from the Agricultural (A-1) District to the Medium Industrial (M-2) District, pending annexation finalization, on Parcels 140/00052-005-000, 140/00053-000-000, and 140/00054-001-000

Motion by Commission Member Mains, seconded by Commission Member Clayton to recommend approval of Resolution No. PZ 221110-34 request for rezoning from the Agricultural (A-1) District to the Medium Industrial (M-2) District, pending annexation finalization, on Parcels 140/00052-005-000, 140/00053-000-000, and 140/00054-001-000.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0.
Motion carried.

- H. PUBLIC HEARING 4: Request for rezoning from the Agricultural (A-1) District to the Limited Industrial (M-1) District, pending annexation finalization, on Lots 1 and Outlot Z of the Timmins Acres Final Plat and on Parcels 140/00058-000-000 and 140/00057-001-000

Motion by Commission Member Mains, seconded by Commission Member Clayton to open Public Hearing.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0.
Motion carried.

Murray stated the property owner and the City of Bondurant have requested this rezoning request. The rezoning request is consistent with the Future Land Use map.

Bishop asked about a feature on the Future Land Use map. Oliver and Murray stated it is a future potential Interstate 80 interchange. Bishop asked when that is happening, Oliver stated there is no timeline currently. Bishop asked how the City can project that when it is a state road. Oliver stated these types of interchanges are often time driven by communities. The city would approach the IDOT about the interchange and complete traffic studies to determine where the location of an additional interchange would be located. Bishop asked when the studies will happen, Oliver stated there is no current timeline.

Bishop expressed concerns about the City “biting off more than they can chew”. Bishop expressed concerns about the upkeep of 62nd Street and also expressed concerns with the City offering tax incentives to industrial developers. Oliver stated the City of Bondurant does not offer ten and twenty year tax abatements.

Motion by Commission Member Mains, seconded by Commission Member Clayton to close Public Hearing.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton,

Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0. Motion carried.

- I. RESOLUTION NO. PZ221110-35: Considering recommended approval of the request for rezoning from the Agricultural (A-1) District to the Limited Industrial (M-1) District, pending annexation finalization, on Lot 1 and Outlot Z of the Timmins Acres Final Plat and on Parcels 140/00058-000-000 and 140/00057-001-000

Motion by Commission Member Mains, seconded by Commission Member Clayton to recommend approval of Resolution No. PZ 221110-35 request for rezoning from the Agricultural (A-1) District to the Limited Industrial (M-1) District, pending annexation finalization, on Lot 1 and Outlot Z of the Timmins Acres Final Plat and on Parcels 140/00058-000-000 and 140/00057-001-000.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0. Motion carried.

- J. PUBLIC HEARING 5: Request for rezoning from the Agricultural (A-1) District to the Limited Industrial (M-1) District, pending annexation finalization, on the follow Parcels 230/00463-000-000, 230/00464-002-003, 230/00466-003-000, 230/00466-004-000, and 230/00466-001-000.

Motion by Commission Member Mains, seconded by Commission Member Clayton to open Public Hearing.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0. Motion carried.

Murray stated this property is for five parcels and is being requested by the property owners. The Future Land Use map shows this area as light industrial. Murray stated the property to the west of these parcels was also proactively rezoned. Hoyer asked about the difference between the blue and gray shading shown on the Future Land Use map. Murray stated gray is designated as industrial and the blue is business park and industrial, but staff has historically seen light industrial uses being developed.

Pezley stated Tom Frederick was also notified regarding this property. His concerns were environmental and rezoning away from agricultural property.

The Commission and citizen had discussions about the future Civic Campus location. A citizen asked about fire protection and who is responsible for these properties. Oliver stated the closest units are dispatched to emergencies.

Motion by Commission Member Mains, seconded by Commission Member Clayton to close Public Hearing.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0. Motion carried.

- K. RESOLUTION NO. PZ 221110-36: Considering recommended approval of the request for rezoning from the Agricultural (A-1) District to the Limited Industrial (M-1) District, pending annexation finalization, on the following Parcels 230/00463-000-000, 230/00464-002-003, 230/00466-003-000, 230/00466-004-000, and 230/00466-001-000

Motion by Commission Member Mains, seconded by Commission Member Clayton to recommend approval of Resolution No. PZ 221110-36 request for rezoning from the Agricultural (A-1) District to the Limited Industrial (M-1) District, pending annexation finalization, on the following Parcels 230/00463-000-000, 230/00464-002-003, 230/00466-003-000, 230/00466-004-000, and 230/00466-001-000.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0. Motion carried.

- L. PUBLIC HEARING 6: Considering text amendments to the following Sections of the City Code regarding the topic of basements: 178.02 – Low Density Residential (R-1) District, 178.03 – Medium Density Residential (R-2) District, 178.06 – Planned Unit Development (R-5); 185.05 – Subdivision Design Standards.

Motion by Commission Member Mains, seconded by Commission Member Clayton to open Public Hearing.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0. Motion carried.

Murray stated the newly adopted Comprehensive Plan encourages all new single-family residential buildings have basements and multi-family residential buildings have hardened spaces. The proposed text amendments would require basements in all R-1 and R-2 residential districts. Basements would be required to be at least 60% of the main floor square footage at the time a building permit is approved.

R-5 Planned Unit Development Districts provides language allowing the Commission and Council to require basements, safe room or other high wind protection spaces. This language is provided as PUDs allow for multiple residential district types. Staff has not developed basement and/or hardened space requirements for R-3 and R-4 districts at this time. Murray stated the text amendments also clean up text in the Subdivision portion of the Zoning Code referencing sanitary sewer depth requirements.

Clayton asked if staff is proposing 60% of the main floor taking into account the garage area and why the text amendments is proposing 100% of the living area of the main floor. Murray stated that generally basements are not 100% of the main floor living area and 60% still allows for adequate space for storm sheltering. Pezley stated the majority of building permits for single-family houses have shown basement square footage somewhere between 75% and 85% of the main floor living area square footage.

Hoyer asked if there are other communities that require basements. Murray stated Des Moines has been the only Iowa community, staff has researched, that requires basements.

Motion by Commission Member Mains, seconded by Commission Member Clayton to close Public Hearing.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0. Motion carried.

- M. RESOLUTION NO. PZ221110-37: Considering recommended approval of text amendments to the following Sections of the City Code regarding the topic of basements: 178.02 – Low Density Residential (R-1) District, 178.03 – Medium Density Residential (R-2) District, 178.06 – Planned Unit Development (R-5); 185.05 – Subdivision Design Standards.

Motion by Commission Member Mains, seconded by Commission Member Clayton to recommend approval of Resolution No. PZ221110-37 text amendments to the following Sections of the City Code regarding the topic of basements: 178.02 – Low Density Residential (R-1) District, 178.03 – Medium Density Residential (R-2) District, 178.06 – Planned Unit Development (R-5), 185.05 – Subdivision Design Standards.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0. Motion carried.

- N. PUBLIC HEARING 7: Considering text amendments to sections of the City Code regarding the topic of consolidating certain requirements related to outdoor storage, screening, and landscaping.

Motion by Commission Member Mains, seconded by Commission Member Clayton to open Public Hearing.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0. Motion carried.

Murray stated this is a staff-initiated text amendment. The current zoning code has a lot of inconsistencies with green space requirements as well as where the requirements are located within the code. Murray stated the text amendments are pulling the existing requirements out of different sections and placing them in 182.05.

Murray stated buffering and screening is the same case. The requirements are contradictory and spread out. Murray stated the text amendments are not drastic changes, they are more reorganizing the code. Murray stated the text amendments also more directly addressing screening of outdoor storage in commercial and industrial districts.

Clayton asked Murray if the text amendment addresses setbacks for retention/detention ponds. Murray stated staff is still researching this code and

it is not covered in this text amendment.

Motion by Commission Member Mains, seconded by Commission Member Clayton to close Public Hearing.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0. Motion carried.

- O. RESOLUTION NO. PZ221110-38: Considering recommended approval of text amendments to sections of the City Code regarding consolidating certain requirements related to outdoor storage, screening, and landscaping.

Motion by Commissioner Mains, seconded by Commissioner Clayton to recommend approval of Resolution No. PZ221110-38 considering approval of text amendments to sections of the City Code regarding consolidating certain requirements related to outdoor storage, screening, and landscaping.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0. Motion carried.

- P. PUBLIC HEARING 8: Considering text amendments to the following Section of the City Code regarding certain residential width/bulk requirements and other minor clean-up language: 177.07 – Exceptions, Modifications, and Interpretations; 178.02 – R-1 Low Density Residential, and 178.03 – R-2 Medium Density Residential.

Motion by Commission Member Mains, seconded by Commission Member Clayton to open Public Hearing.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0. Motion carried.

Murray stated staff brought this text amendment as a discussion item a few meetings ago. The text amendments are changing side yard setback requirements to 7.5'. Murray asked the Commission their thoughts on allowing existing approved subdivisions to meet the current 5' side yard setback requirements. Mains asked for clarification. Oliver stated if a portion of the house is 5' from the property line, a property owner would be allowed to expand an existing house to be 5' from the side property line. Keeran stated the wording needs to clarify a future expansion should not be allowed to be closer to the side property line than the existing house. Commission members agreed.

The Commission had further discussion about expansion of existing housing. Clayton stated he believes it will be difficult to bring clarity to this issue and requiring everything would be 7.5' would be easier to enforce. Mains asked what the cost of a variance application is, staff stated \$350. The Commission had additional conversations about expansion examples and how the proposed text amendment would affect.

Austin Sullivan, 417 2nd St SE, addressed the Commission. Sullivan stated he believes the two instances the city will see most often as a result of this code is enclosing existing unenclosed decks and adding onto existing garages. Sullivan stated keeping the look similar would be helpful as a variance would be costly and not guaranteed.

Murray stated this text amendments also includes language further clarifying single-family semi-attached (zero-lot line) residences in R-2 districts. The text amendment also removes duplexes from R-2 lots. The text amendment makes minor changes to bulk regulations in reference to single-family semi-attached dwellings.

Motion by Commission Member Mains, seconded by Commission Member Clayton to close Public Hearing.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0. Motion carried.

- Q. RESOLUTION NO. PZ221110-39: Considering recommended approval of text amendments to the following Section of the City Code regarding certain residential lot width/bulk requirements and other minor clean-up language: 177.07 – Exceptions, Modifications, and Interpretations; 178.02 – R-1 Low Density Residential, and 178.03 – R-2 Medium Density Residential

Motion by Commission Member Mains, seconded by Commission Member Clayton to recommend approval of Resolution No. PZ221110-39 regarding certain residential lot width/bulk requirements and other minor clean-up language: 177.07 – Exceptions, Modifications, and Interpretations; 178.02 – R-1 Low Density Residential, and 178.03 – R-2 Medium Density Residential to accommodate with existing dwelling lines to continue with an addition as long as it does not impede further than the existing dwelling.

Roll Call – Ayes: Commission Member Hoyer, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom. Nays: none. Abstentions: none. Vote on Motion 5-0-0. Motion carried.

7. Discussion Items – None.

8. Reports / Comments and appropriate action thereon

- a. Commission Members

Brostrom – glad we are putting in code to extend services to the plat boundary; glad on seeing so many folks showing up to address their concerns at the public hearing. Brostrom congratulated staff on addressing the concerns and questions of the public.

Hoyer – commends staff on always being professional and prepared to help the Commission and citizens understand. The city and commission are lucky to have staff.

Mains – agree with previous comments

Clayton – none

Keeran – glad for the clearing up all the exceptions; clears up loopholes and appreciates staff doing that.

- b. Commission Chair – announces pregnancy, April 25th a baby boy; a long time since she has seen the Commission
- c. City Administrator – the annexation on the docket tonight is the culmination of 18-months of work by staff. Excited to see it move forward.

7. Adjournment

Motion by Commissioner Mains, seconded by Commissioner Clayton to adjourn the meeting. Vote on Motion 5-0-0. Motion carried.



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

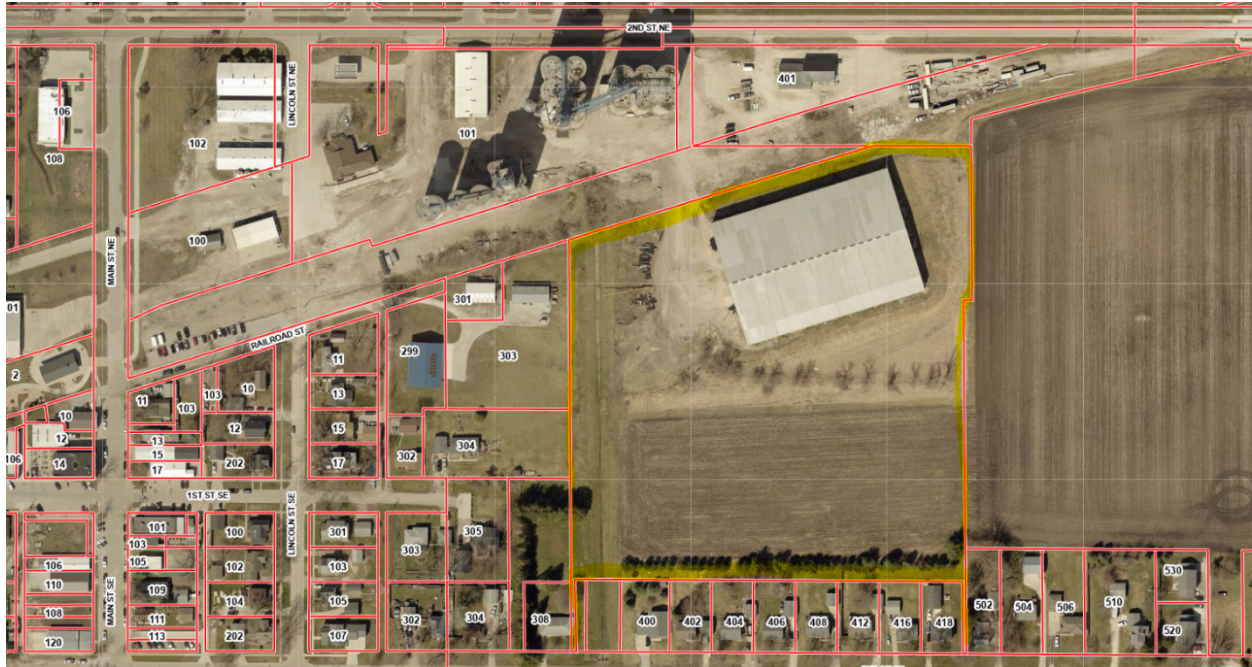
Item No. 6.a.
For Meeting of 12/8/2022
Public Hearing

TITLE: - PUBLIC HEARING: Rezoning from the Medium Industrial (M-2) District to the Central Business (C-4) District and the High Density Residential (R-3) District at Parcel 231/00220-017-000 (excluding the southern portions of this parcel that front 2nd Street SE and are currently zoned Medium Density Residential (R-2))

CONTACT PERSON:

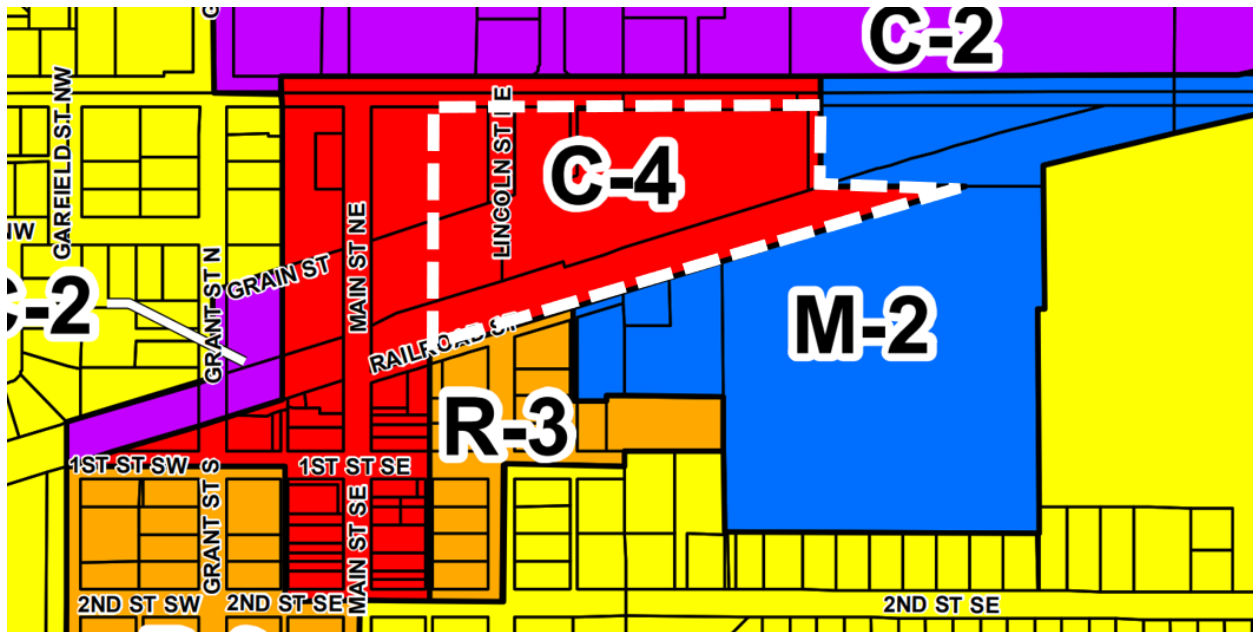
Maggie Murray, Planning & Community Development Director

BRIEF HISTORY & ANALYSIS: For consideration by the Commission is recommended approval of a rezoning from the Medium Industrial (M-2) District to the Central Business (C-4) District and the High Density Residential (R-3) District at [Parcel 231/00220-017-000](#) excluding the southern portions of this parcel fronting 2nd Street SE currently zoned Medium Density Residential (R-2). The Polk County Assessor's Office lists this 13.29-acre parcel as being owned by Farmers Cooperative Co (Landus Cooperative). This parcel is highlighted in yellow below. As noted in Section 179.04.1 of the Zoning Code, a rezoning may be initiated by a property owner, the Commission, or the City Council. This is considered a Commission and Council-initiated rezoning.

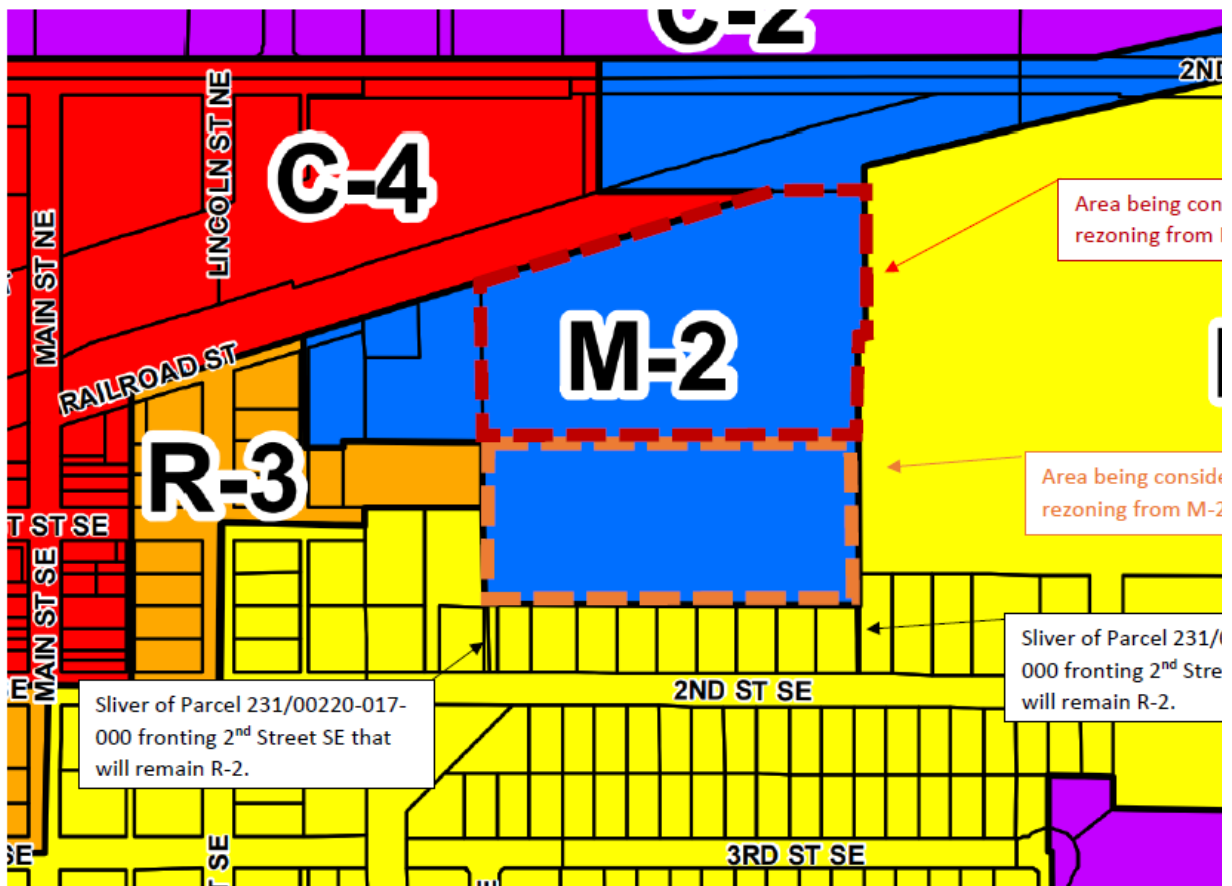


In 2021 the Planning & Zoning Commission previously reviewed and recommended approval of another Commission/Council-initiated rezoning from the Medium Industrial (M-2) District to the Central Business (C-4) District on the other remaining portions of the Landus land shown in the map below. This 13.29-acre Landus area currently being considered this evening was not included as part of the 2021 review process because at the time, there was a potential developer interested in adaptively reusing the existing 84,000 SF warehouse structure where some incidental light manufacturing relative to potential brewery manufacturing use may have required alternative zoning, such as the Planned Unit Development (R-5) District.

2021 P&Z Rezoning Review Area - from M-2 to C-4 - Landus Land (Dashed White Outline Area)

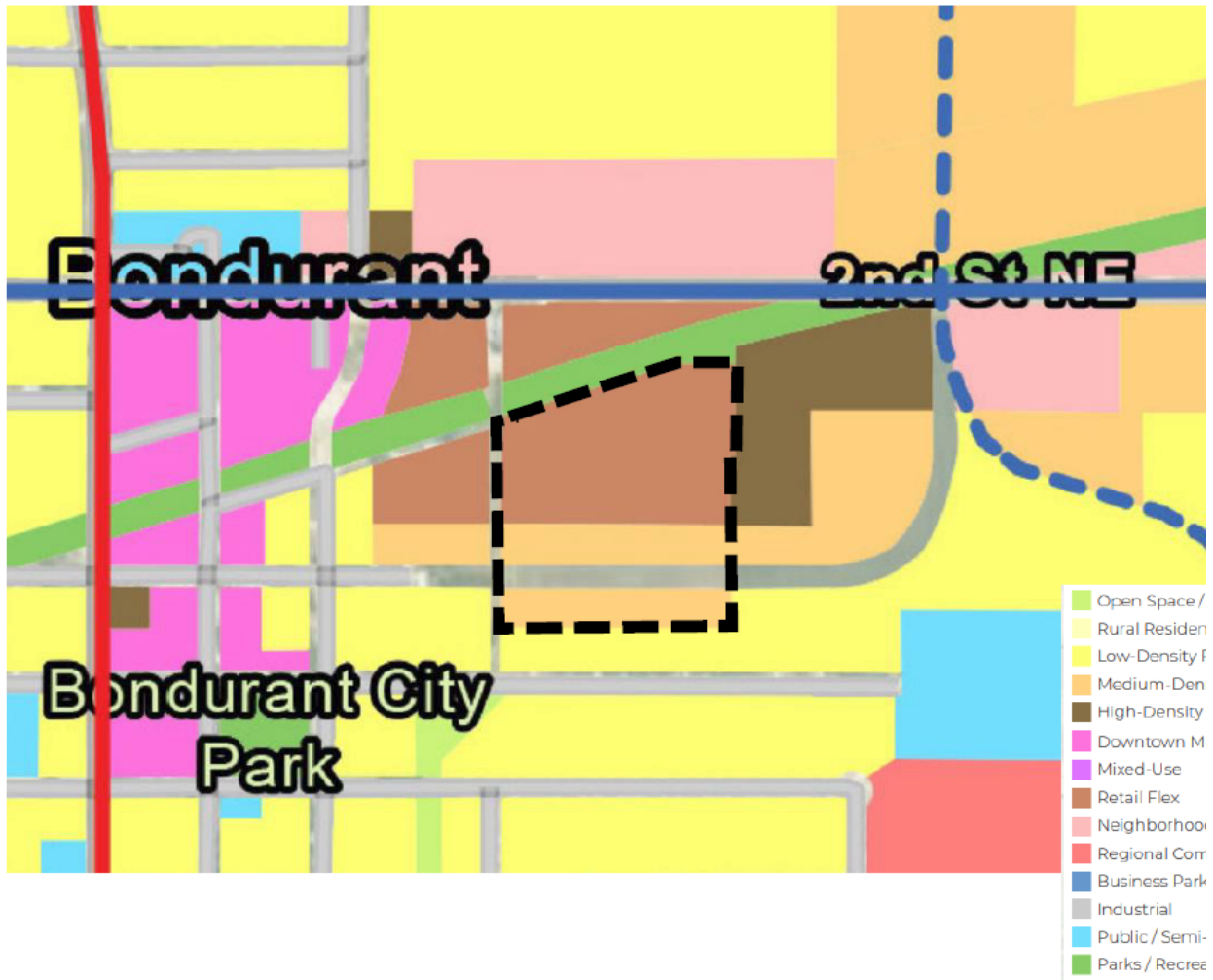


2022 P&Z Rezoning Review Parcel - from M-2 to C-4 & R-3 - Landus Land



The City's Future Land Use Map, which guides potential rezoning requests but is not the regulatory tool like the Zoning Map/Ordinance, currently guides this 13.29-acre Landus parcel for Retail Flex and Medium Density-Residential future land uses as shown in the following map. The Building Bondurant Comprehensive Plan describes Retail Flex as being *"intended for a mixture of residential uses (Medium-Density to High-Density Residential) and Commercial uses established within a planned development. This category is primarily located directly adjacent to the Downtown Mixed Use land use category and should complement the development that occurs here"*. The Building Bondurant Comprehensive Plan describes the Medium Density Residential land use category as *"including townhomes, rowhouses, and cottage homes will be included in this land use category. Medium-Density Residential experiences a variety of densities from 7 to 12 dwelling units per acre. Development within this category may also include religious, educational, institutional uses, child daycare centers, and public and private recreational areas. This land use category can serve as a transitional land use from low-density residential to more intense uses such as high-density residential and commercial"*.

Building Bondurant Comprehensive Plan - Future Land Use Map



Analysis:

When considering rezoning reviews, the Planning & Zoning Commission and City Council should take into account the following: Comprehensive Plan, Consistency with the Zoning Code, Spot Zoning, and Public Input.

Comprehensive Plan

When a City considers a rezoning ordinance, it must find the rezoning is consistent with its Future Land Use Map. The rezoning proposed as part of this agenda statement mimics the future land uses identified in the Building Bondurant Comprehensive Plan's Future Land Use Map.

Chapter 7 of the Building Bondurant Comprehensive Plan, titled Community Character + Downtown, includes the following Strategic Opportunities Map. The rezoning is consistent with what is shown in this map.



Further, this rezoning is consistent with the following goals/policies/action items of the Building Bondurant Comprehensive Plan:

Goal 16: Foster a vibrant and diverse downtown so that the area serves as a unique destination for residents and visitors.

Policy 16A: Promote private infill development, including redevelopment of the Landus site.

Policy 16B: Support expansion of downtown uses in appropriate areas identified in the Future Land Use Chapter.

Goal 17: Support redevelopment of the Landus site.

Policy 17A: Utilize the site's unique characteristics as an opportunity for implementing creative placemaking projects.

Policy 17B: Ensure that future development of the Landus redevelopment area is a cohesive extension of downtown.

Action Item 17A: Help to guide redevelopment of the Landus site by referencing the strategic opportunities map to identify potential land uses and development patterns for the site.

Consistency with the Zoning Code

This item will be reviewed in detail if/when a site plan application is received for this parcel.

It should be noted that while the City's High Density Residential (R-3) District allows for

rowhouses and townhomes, it also allows for apartment units so long as such housing does not exceed 20 units per acre. The R-3 District's 20 units per acre is more dense than what the Medium Density Residential land use category of the Building Bondurant Comprehensive Plan is at up to 12 units per acre; a condition of rezoning approval has been included as part of the draft resolution to place a limit on any residential development within the R-3 rezoning area so that the dwellings are not apartments and do not exceed 12 units per acre and so that any use within the R-3 District area is consistent with the Medium Density Residential future land use category of the Building Bondurant Comprehensive Plan.

Once this current rezoning is finalized, any Landus Cooperative use at this location will be subject to Section 176 of the City Code, titled Nonconforming Lots, Uses, and Structures. Some requirements of this Section 176 include: *"no existing structure devoted to a use not permitted by the Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, or structurally altered except in changing the use to a use permitted in the district in which it is located"* AND *"when a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located"*.

Spot Zoning

To determine whether illegal spot zoning has occurred, the courts consider the rezoning takes into account 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 this rezoning is considered spot zoning, as the rezoning area is consistent with the City's Future Land Use Map and goals and policies of the Building Bondurant Comprehensive Plan.

Public Input

As is required by the City's Zoning Code, letters were sent to property owners within 200' of the rezoning area. No comment has been received by staff at the time of writing this agenda statement.

FUNDING SOURCE: N/A

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

1. Recommended approval of RESOLUTION NO. PZ-221208-40, regarding recommended approval of the rezoning from the Medium Industrial (M-2) District to the Central Business (C-4) District and the High Density Residential (R-3) District at Parcel

231/00220-017-000.

2. Recommended approval of RESOLUTION NO. PZ-221208-40, regarding recommended approval of the rezoning from the Medium Industrial (M-2) District to the Central Business (C-4) District and the High Density Residential (R-3) District at Parcel 231/00220-017-000, with conditions established by the Commission and as allowed by Chapter 414 of the State Code.

3. Recommended denial of RESOLUTION NO. PZ-221208-40, regarding recommended approval of the rezoning from the Medium Industrial (M-2) District to the Central Business (C-4) District and the High Density Residential (R-3) District at Parcel 231/00220-017-000.

4. Table RESOLUTION NO. PZ-221208-40, pending additional information.

Staff recommends approval of RESOLUTION NO. PZ-221208-40, regarding recommended approval of the rezoning from the Medium Industrial (M-2) District to the Central Business (C-4) District and the High Density Residential (R-3) District subject to the following condition of rezoning ordinance approval:

1. That the area having a High Density Residential (R-3) zoning designation shall not exceed the following residential use/densities noted in the Building Bondurant Comprehensive Plan: townhomes, rowhouses, and cottage homes and the occasional single-family detached homes with a maximum dwelling density of 12 units per acre.

It should be noted that due to the uniqueness of the future land use category of Retail Flex where it accommodates for a mix of both commercial and residential uses, it is possible that if/when a developer is attracted to this 13.29-acre site, the site's zoning designation may need to be re-evaluated to see if a Planned Unit Development (R-5) District designation would be more suitable. This is something that can be considered in the future. Staff feels it necessary to begin the rezoning as proposed as part of this agenda statement to ultimately help achieve the City's long-term vision of this area and to also put into effect regulations of Section 176 of the City Code for this location.

APPROVED FOR SUBMITTAL:

ATTACHMENTS:

1. RES. NO. PZ-221208-40

PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ-21208-40

RESOLUTION REGARDING RECOMMENDED APPROVAL REZONING FROM THE MEDIUM INDUSTRIAL (M-2) DISTRICT TO THE CENTRAL BUSINESS (C-4) DISTRICT AND THE HIGH DENSITY RESIDENTIAL (R-3) DISTRICT AT PARCEL 231/00220-017-000 (EXCLUDING THE SOUTHERN PORTIONS OF THIS PARCEL THAT FRONT 2ND STREET SE AND ARE CURRENTLY ZONED MEDIUM DENSITY RESIDENTIAL (R-2))

WHEREAS, on December 8, 2022, the Planning and Zoning Commission held a Public Hearing to consider a rezoning from the Medium Industrial (M-2) District to the Central Business (C-4) District and the High Density Residential (R-3) District, on property described as follows:

LOT 7, BONDURANT HEIGHTS, BONDURANT, POLK COUNTY, IOWA.

WHEREAS, the land considered for Central Business (C-4) rezoning designation is more particularly described as follows:

LOT 7, BONDURANT HEIGHTS, BONDURANT, POLK COUNTY, IOWA, EXCLUDING THOSE PORTIONS OF LOT 7 CURRENTLY ZONED AS MEDIUM DENSITY RESIDENTIAL (R-2) AND ALSO EXCLUDING THOSE PORTIONS OF LOT 7 WHERE THE FUTURE LAND USE PLAN DESIGNATES A MEDIUM-DENSITY RESIDENTIAL CATEGORY.

AND

WHEREAS, the land considered for High Density Residential (R-3) rezoning designation is more particularly described as follows:

LOT 7, BONDURANT HEIGHTS, BONDURANT, POLK COUNTY, IOWA, EXCLUDING THOSE PORTIONS OF LOT 7 CURRENTLY ZONED AS MEDIUM DENSITY RESIDENTIAL (R-2) AND ALSO EXCLUDING THOSE PORTIONS OF LOT 7 WHERE THE FUTURE LAND USE PLAN DESIGNATES A RETAIL FLEX CATEGORY.

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.

4. That the following condition of rezoning approval shall apply: That the area having a High Density Residential (R-3) zoning designation shall not exceed the following residential use/densities noted in the Building Bondurant Comprehensive Plan: townhomes, rowhouses, and cottage homes and the occasional single-family detached homes with a maximum dwelling density of 12 units per acre.

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 Medium Industrial (M-2) to Central Business (C-4) and High Density Residential (R-3) as presented in this resolution.

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 December 8, 2022, among other proceedings the above was adopted.

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

Isaac J. Pezley, City Planner

Action	Yay	Nay	Abstain	Absent
Hoyer				
Clayton				
Mains				
Keeran				
Cuellar				
Cameron				
Bostrom				

Torey Cuellar, Commission Chair



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

Item No. 6.b.
For Meeting of 12/8/2022
Resolution

TITLE: - RESOLUTION NO. PZ-221208-40 considering recommended approval of the rezoning from the Medium Industrial (M-2) District to the Central Business (C-4) District and the High Density Residential (R-3) District at Parcel 231/00220-017-000

CONTACT PERSON:

Maggie Murray, Planning & Community Development Director

BRIEF HISTORY & ANALYSIS: For Brief History & Analysis, see corresponding Public Hearing agenda statement.

FUNDING SOURCE: N/A

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

1. Recommended approval of RESOLUTION NO. PZ-221208-40, regarding recommended approval of the rezoning from the Medium Industrial (M-2) District to the Central Business (C-4) District and the High Density Residential (R-3) District at Parcel 231/00220-017-000.
2. Recommended approval of RESOLUTION NO. PZ-221208-40, regarding recommended approval of the rezoning from the Medium Industrial (M-2) District to the Central Business (C-4) District and the High Density Residential (R-3) District at Parcel 231/00220-017-000, with conditions established by the Commission and as allowed by Chapter 414 of the State Code.
3. Recommended denial of RESOLUTION NO. PZ-221208-40, regarding recommended approval of the rezoning from the Medium Industrial (M-2) District to the Central Business (C-4) District and the High Density Residential (R-3) District at Parcel 231/00220-017-000.
4. Table RESOLUTION NO. PZ-221208-40, pending additional information.

Staff recommends approval of RESOLUTION NO. PZ-221208-40, regarding recommended approval of the rezoning from the Medium Industrial (M-2) District to the Central Business (C-4) District and the High Density Residential (R-3) District subject to the following condition of rezoning ordinance approval:

1. That the area having a High Density Residential (R-3) zoning designation shall not exceed the following residential use/densities noted in the Building Bondurant Comprehensive Plan: townhomes, rowhouses, and cottage homes and the occasional single-family detached homes with a maximum dwelling density of 12 units per acre.

It should be noted that due to the uniqueness of the future land use category of Retail Flex where it accommodates for a mix of both commercial and residential uses, it is possible that if/when a developer is attracted to this 13.29-acre site, the site's zoning designation may need to be re-evaluated to see if a Planned Unit Development (R-5) District designation would be more suitable. This is something that can be considered in the future. Staff feels it necessary to begin the rezoning as proposed as part of this agenda statement to ultimately help achieve the City's long-term vision of this area and to also put into effect regulations of Section 176 of the City Code for this location.

APPROVED FOR SUBMITTAL:

ATTACHMENTS: None