

**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/84767994567>*

**NOTICE OF A REGULAR MEETING
BONDURANT PLANNING AND ZONING COMMISSION
FEBRUARY 9, 2023**

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 6:00 PM on February 9, 2023, 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. January 12, 2023
5. Guests requesting to address the Planning and Zoning Commission
6. Action Items
 - a. PUBLIC HEARING 1 - Request for rezoning from the Agricultural (A-1) District to the Light Industrial (M-1) District on land at Parcel 231/00214-004-000 and 231/00214-002-000.
 - b. RESOLUTION PZ-230209-05 Considering recommended approval of the request for rezoning from the Agricultural (A-1) District to the Light Industrial (M-1) District on land at Parcel 231/00214-004-000 and 231/00214-002-000.
 - c. PUBLIC HEARING 2 - Request for rezoning from the Medium Density Residential (R-2) District to the Transitional Commercial (C-1) District on land at 8383 NE 72nd Street.
 - d. RESOLUTION PZ-230209-06 Considering recommended approval of the request for rezoning from the Medium Density Residential (R-2) District to the Transitional Commercial (C-1) District on land at 8383 NE 72nd Street.
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: January 12, 2023

Torey Cuellar, Chair

1. Call to Order 6:02 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: Torey Cuellar (Chairperson), Brian Clayton, Wes Hoyer, Karen Keeran, Kristin Brostrom, Andy Mains, Lisa Cameron

Members Absent:

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 Mains, seconded by Commission Member Clayton to approve of the January 12, 2023, meeting agenda. Vote on Motion 7-0-0. Motion carried.

4. Approval of Minutes

Motion by Commission Member Mains, seconded by Commission Member Clayton to approve of the December 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. 2023 Annual Election of Officers

Murray stated that Commissioners Cuellar and Keeran have served as chair and vice-chair in the past. Clayton agreed, he believes they have been doing a good job.

Motion by Commission Member Mains, seconded by Commission Member Clayton to appoint Commission Member Cuellar to serve as Chairperson and

Commission Member Keeran to serve as Vice-Chairperson.

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

B. 2022 Planning & Zoning Commission Annual Report

Murray stated City Code requires an annual report of the Commission's dealings over the 2022 calendar year. This report will be presented to the City Council.

Motion by Commission Member Mains, seconded by Commission Member Clayton to accept and file the 2022 Planning & Zoning Commission Annual Report.

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

Cuellar thanked staff for putting together the annual report.

C. RESOLUTION NO. PZ-230112-01 considering recommended approval of the Heartland LM Kellogg Plat 1 Preliminary Plat, a subdivision in unincorporated Polk County within two miles of Bondurant's city limits.

Murray stated this is a split outside of Bondurant's city limits about a mile into Polk County. This split would create two lots, one with the existing dwelling and the other will be a residential lot. No concerns were raised by V&K. City staff has no objection to the Preliminary Plat.

Motion by Commission Member Mains, seconded by Commission Member Clayton to recommend approval of the Heartland LM Kellogg Plat 1 Preliminary Plat, a subdivision in unincorporated Polk County within two miles of Bondurant's city limits.

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

D. RESOLUTION NO. PZ-230112-02 considering recommended approval of a waiver of review of the Nehring Estates Plat of Survey, a boundary line adjustment in unincorporated Polk County within two miles of Bondurant's city limits.

Murray stated a few years back the Nehring Estates Subdivision was created in Polk County. No new lots will be created, it will simply be changing where the existing property lines are. Polk County is considering this to be a boundary line adjustment, historically the City has waived their right to review boundary line adjustments.

Motion by Commission Member Mains, seconded by Commission Member Clayton to recommend approval of the waiver of review of the Nehring Estates Plat of Survey, a boundary line adjustment in unincorporated Polk County within two miles of Bondurant's city limits.

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

E. RESOLUTION NO. PZ-230112-03 considering recommended approval of the Hawthorne Crossing 2 Site Plan and Preliminary Plat

Tyler Sheeran, with the developer of the project, addressed the Commission. The developer presented this project to the City Council as they were seeking state tax credits. This will be a 40-unit development as well as the extension of Courtyard Crossing. Sheeran stated there are other engineers online to answer questions.

TeBeest stated there are three three-story structures for residential dwellings as well as one-story clubhouse. The project includes extending Courtyard to Pleasant Street. The agenda statement comments that a sidewalk will need to be installed along Pleasant Street. TeBeest stated they are requesting an exception as there is an existing stormwater basin on the east side of the residential buildings as well as power lines that would restrict their ability to install a sidewalk. Keeran stated there needs to be something for pedestrian access.

Snyder and Associates representative stated the existing stormwater basin is currently being used for the existing residential building to the west and will also be used by this residential development. The developer is requesting waiving this requirement as there is no place to put a sidewalk without altering the existing stormwater basing.

Keeran asked Oliver if there will be a sidewalk on the eastern side of Pleasant Street. Oliver stated that at this time she can not answer that. Keeran stated that further south of this location there are sidewalks and there should be something to accommodate. Snyder and Associates state the property to the south does not have a sidewalk along Pleasant Street. Additionally, there is no way to place the sidewalk, this was discussed and agreed upon with the City's third-party engineering firm.

Keeran asked if there will be a sidewalk along Courtyard, staff stated yes. Brostrom asked if Pleasant Street will be urbanized in the future. Oliver stated that all of Bondurant's roads will be urbanized, however, there is no way of telling when that will happen on Pleasant Street. Oliver stated an option would be the developer would be responsible for installing the sidewalk once Pleasant Street is urbanized. Brostrom stated this would be a good option, Keeran added the developer could provide a payment to help ensure a sidewalk is installed on at least one side of Pleasant Street.

Keeran asked if the Commission needs to provide some type of verbiage in the motion and let the Council make a decision. Staff stated that would be a

good option, and a cash payment in lieu of installation of a sidewalk would be acceptable.

Mains asked if one trash enclosure would be sufficient for this many residential units. Sheeran stated this meets City code and is consistent with other trash enclosures sizes for other developments.

Clayton asked if the project was meeting the overlay architecture code. Murray stated they are meeting architectural standards. Oliver stated the project will also not be called “The Crossing”, Sheeran confirmed that is correct.

Clayton stated they are acquiring state funds for this project and asked what type of housing this development would be. Sheeran stated it would be workforce housing.

Sheeran asked how the payment in lieu of a sidewalk would be calculated. Oliver stated that sum would come from a conversation with the engineering department.

Motion by Commission Member Mains, seconded by Commission Member Clayton to recommended approval of the Hawthorne Crossing 2 Site Plan and Preliminary Plat.

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

7. Discussion Items – None.

8. Reports / Comments and appropriate action thereon

a. Commission Members

Brostrom – Looking forward to Keeran and Cuellar leading the Commission again this year.

Hoyer – none.

Mains – Midstates Precast building located on the east side of their property has pretty bright lights. Mains stated staff discussed this with another commercial business and asks staff to have a conversation with them.

Clayton – none.

Keeran – none.

Cameron – none.

b. Commission Chair – Stated she may be joining the Commission virtually next month.

c. City Administrator – 1000 Friends of Iowa has honored the Public Library with the Best Development Award and will be honored at the Iowa State Capitol Rotunda on January 24, 2023.

- d. Community Development Director – Yesterday, City development board found the City's annexation request to be correct and set a public hearing for February 8, 2023. Murray stated City Council is also updating Chapter 23 Planning and Zoning Commission next Tuesday. The code changes are cleaning up duties listed in the Chapter that are
- e. City County Liaison – Matt stated he is the Council's liaison again this year. He thanked the Commission and stated he is available to answer any questions.

7. Adjournment

Motion by Commissioner Mains, seconded by Commissioner Clayton to adjourn the meeting. Vote on Motion 7-0-0. Motion carried. Meeting adjourned at 6:28.



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

Item No. 6.a.
For Meeting of 02/09/2023
Public Hearing

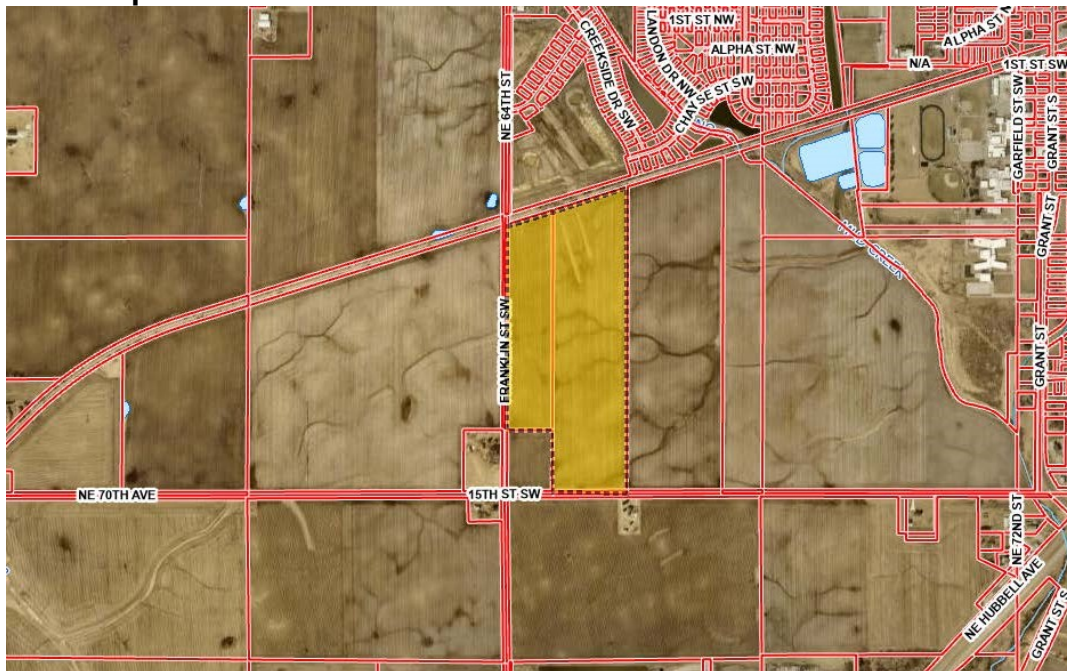
TITLE: PUBLIC HEARING - Request for rezoning from the Agricultural (A-1) District to the Light Industrial (M-1) District on land at Parcels 231/00214-004-000 and 231/00214-002-000.

CONTACT PERSON:

Maggie Murray, Planning & Community Development Director

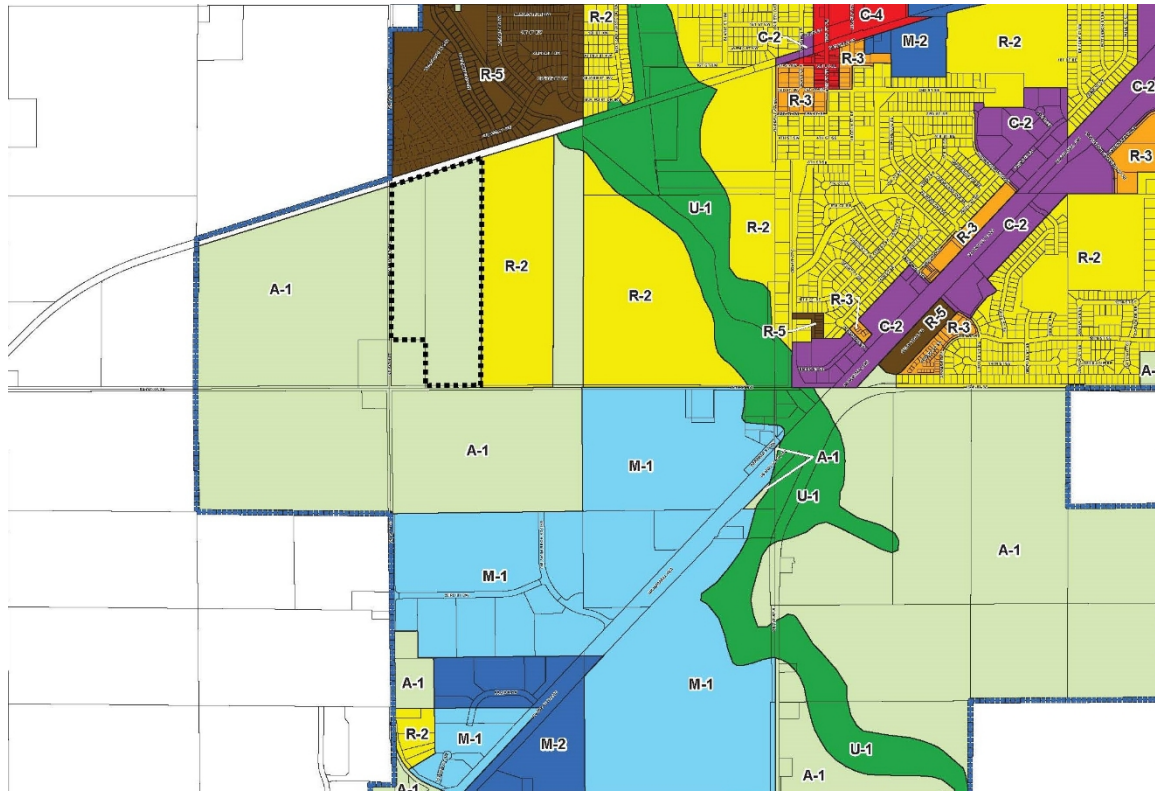
BRIEF HISTORY & ANALYSIS: The City of Bondurant is in receipt of a request to rezone property at Parcels 231/00214-004-000 and 231/00214-002-000 from the City's Agricultural (A-1) District to the Limited Industrial (M-1) District. These parcels are owned by the following titleholders: Bondurant Land LLC and Gholds LLC. The property owners are the rezoning applicant. Parcel 231/00214-004-000 and 231/00214-002-000 are currently undeveloped.

Area Map



Area Zoning Map

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



The current use of Parcels 231/00214-004-000 and 231/00214-002-000 is for row crop which is consistent with the Agricultural (A-1) District. The owner of the property approached the City to request the rezoning of these properties. There are no current plans to develop the property, any development of the properties would require further review and approval.

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 requested rezoning is consistent with the Building Bondurant Comprehensive Plan's Future Land Use Map. Below is an excerpt of the 2022 Future Land Use Map. This map guides for Business Park/Light Industrial in blue.

2023.

FUNDING SOURCE: N/A

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

1. Recommended approval of RESOLUTION NO. PZ-230209-05.
2. Recommended approval of RESOLUTION NO. PZ-230209-05, subject to rezoning conditions as allowed by Chapter 414 of the Iowa Code.
3. Recommended denial of RESOLUTION NO. PZ-230209-05.
4. Table RESOLUTION NO. PZ-230209-05, pending additional information.

Staff recommends approval of RESOLUTION NO. PZ-230209-05, regarding the request for rezoning from the Agricultural (A-1) District to the Light Industrial (M-1) District on land at Parcels 231/00214-004-000 and 231/00214-002-000.

APPROVED FOR SUBMITTAL:

ATTACHMENTS: None

PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ-230209-05

RESOLUTION REGARDING RECOMMENDED APPROVAL OF THE REQUEST FOR
REZONING FROM THE AGRICULTURAL (A-1) DISTRICT TO THE LIGHT
INDUSTRIAL (M-1) DISTRICT ON LAND AT PARCEL 231/00214-004-000 AND
231/00214-002-000.

WHEREAS, on February 9, 2023, the Planning and Zoning Commission held a Public Hearing to consider a request to rezone property from the Agricultural (A-1) District to the Light Industrial (M-1) District, on property described as follows:

LOT 1 (EXCEPT THE WEST 25 FEET AND EXCEPT THE SOUTH 655 FEET THEREOF), LOT 2 (EXCEPT THE SOUTH 655 FEET THEREOF), AND LOT 3 (EXCEPT THE SOUTH 655 FEET THEREOF), ALL IN BONDURANT FARMS, AN OFFICIAL PLAT IN POLK COUNTY, IOWA;

AND;

LOTS 4, 5, 6, AND 7 IN BONDURANT FARMS, AN OFFICIAL PLAT, NOW INCLUDED AND FORMING A PART OF THE CITY OF BONDURANT, IOWA.

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 Agricultural (A-1) to Light Industrial (M-1).

Moved by _____ Seconded by _____ to adopt.

ATTEST: I, Maggie Murray, Community Development Director, hereby certify that at a meeting of the Planning and Zoning Commission held on February 9, 2023, among other proceedings the above was adopted.

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

Maggie Murray, Community Development Director

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

Torey Cuellar, Commission Chair



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

Item No. 6.c.
For Meeting of 02/09/2023
Public Hearing

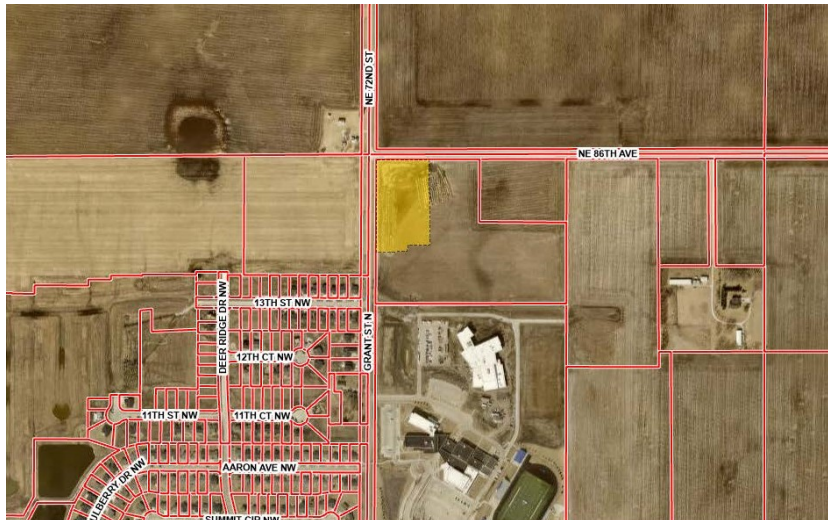
TITLE: PUBLIC HEARING - Request for rezoning from the Medium Density (R-2) District to the Transitional Commercial (C-1) District on land at 8383 NE 72nd Street.

CONTACT PERSON:

Maggie Murray, Planning & Community Development Director

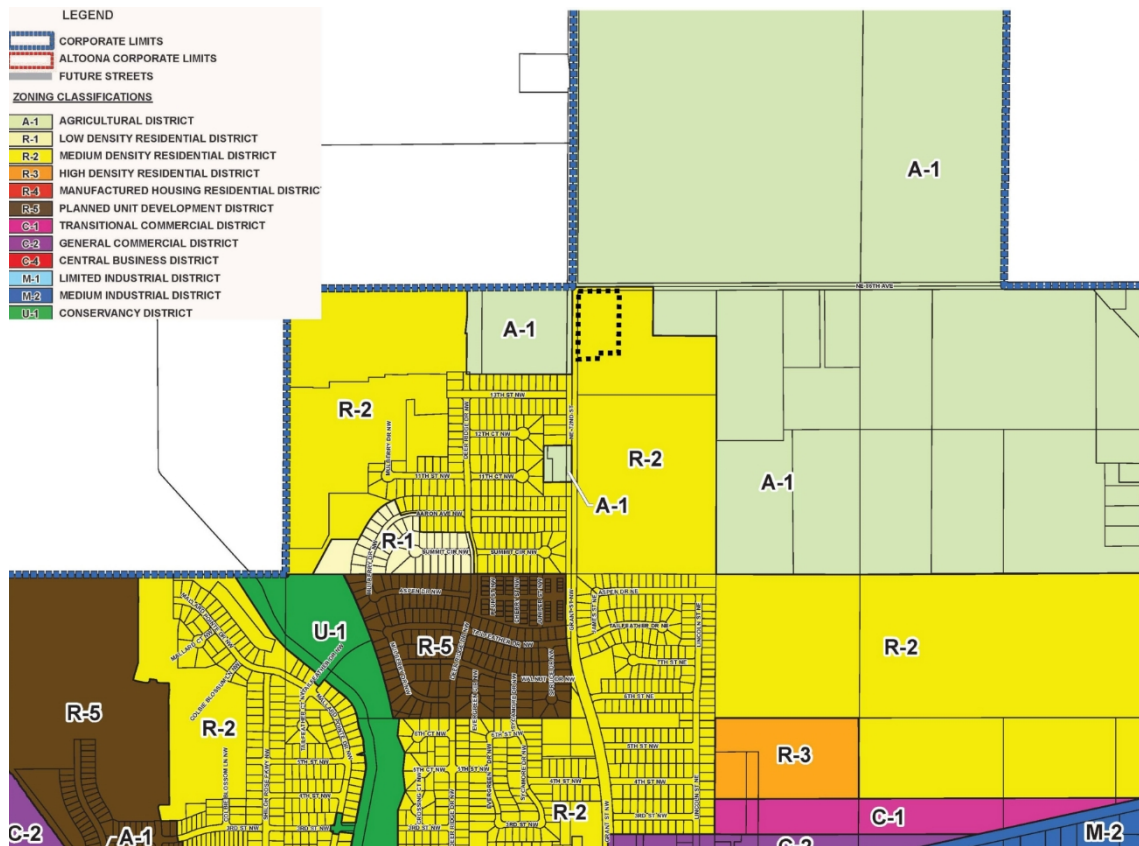
BRIEF HISTORY & ANALYSIS: The City of Bondurant is in receipt of a request to rezone a 5.89-acre portion of the property at 8383 NE 72nd Street from the City's Medium Density (R-2) District to the Transitional Commercial (C-1) District. Per Section 178.07 of the Zoning Code, this zoning district is, "intended and designed to provide space for limited professional, retail, civic, and service activities which serve adjacent residential areas with reasonable proximity of daily consumer needs". The rezoning request was submitted by Stubbs Engineering on behalf of the owner, Classic Holdings LLC.

Area Map



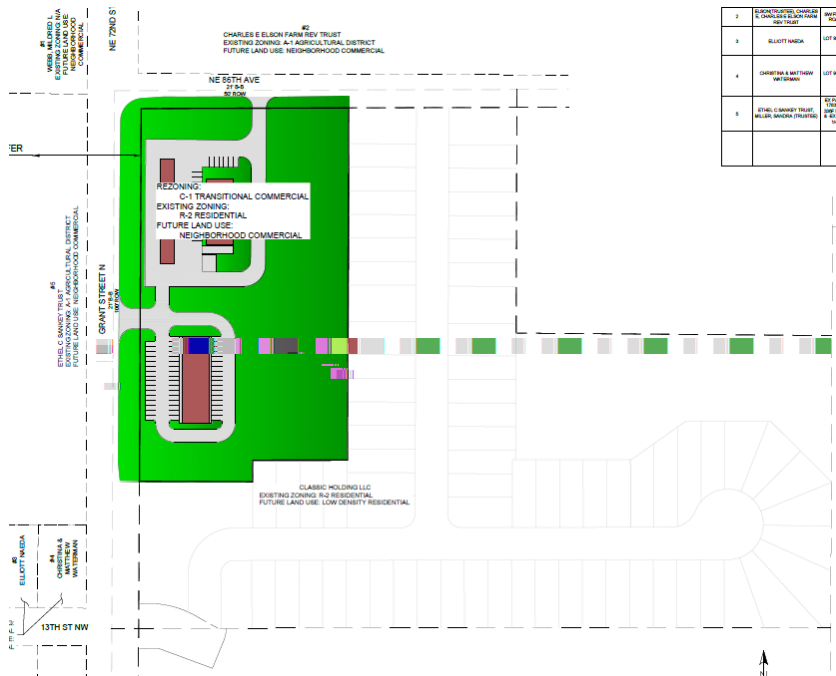
Area Zoning Map

Below is an area Zoning Map which shows the requested R-2 to C-1 rezoning area outlined in black.



The current use of 8383 NE 72nd Street is for row crop which is allowable in the R-2 District. The owner of the property approached the City to request the rezoning of a portion of this property.

The owner of the property has previously submitted preliminary site plans showing plans to develop commercial areas in the northwest portion of the property with the remainder of the property being developed as R-2 residential. At this time no official site plan has been received or approved by the City. The below preliminary development concept was submitted as part of the rezoning application. Staff would like to clarify that this is a potential development concept only, and that a site plan for the requested C-1 District area would be reviewed at a later date after the rezoning has been approved. It should also be noted that a gas station use is not a permitted use of the C-1 District.



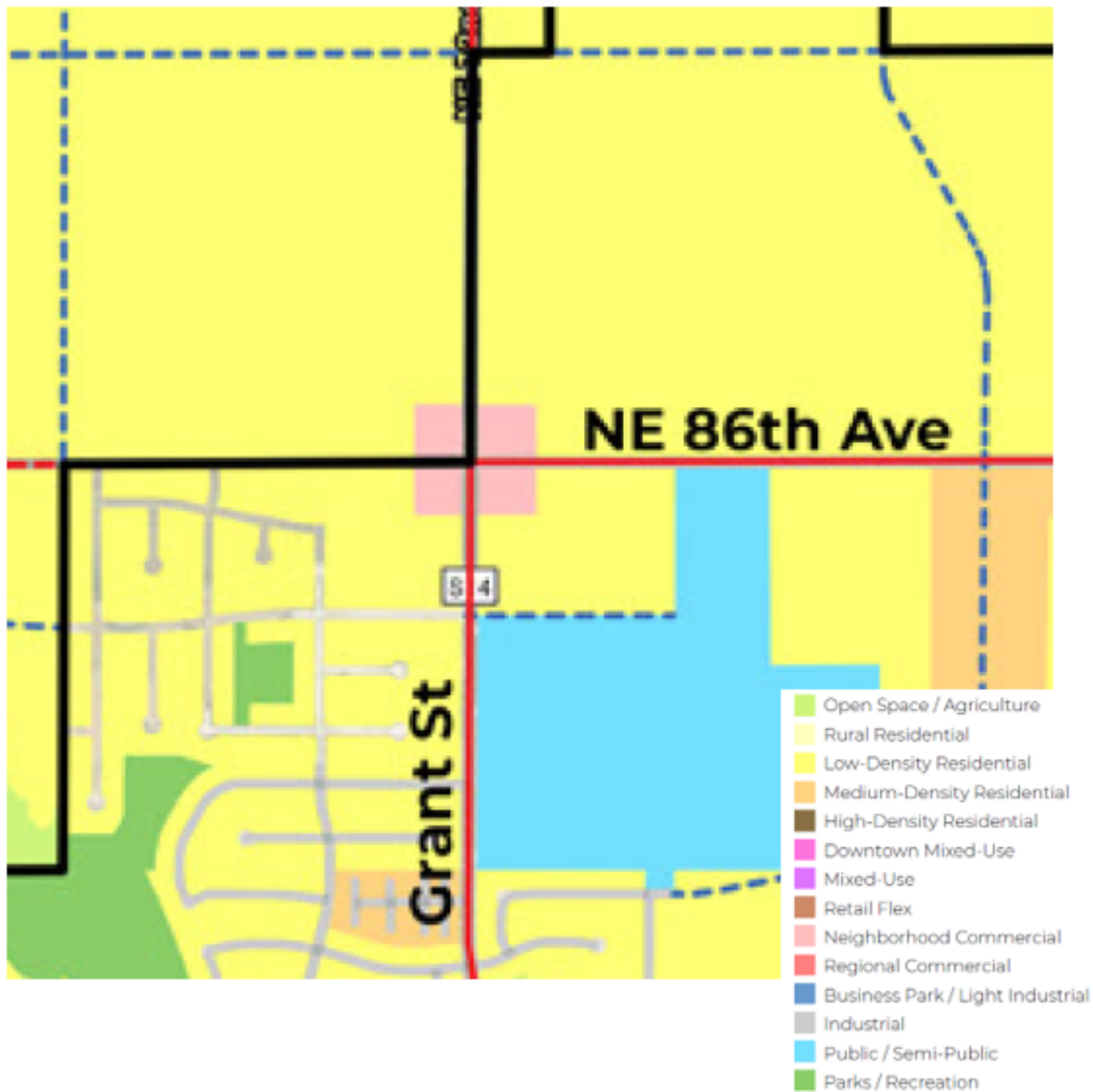
Analysis

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 requested Transitional Commercial (C-1) District use is consistent with the 2022 Future Land Use Map. Below is an excerpt from the 2022 Future Land Use Map – this map guides for a future use designation of Neighborhood Commercial near the intersection of Grant Street South and NE 86th Avenue/16th Street NE. Neighborhood Commercial is described in the Building Bondurant Comprehensive Plan as being: a combination of small retail, office spaces, and medical uses for readily accessible services to residents and the traveling public. This category is located at major nodes throughout the planning boundary.

The C-1 District is consistent with this Neighborhood Transitional future land use designation. While the requested C-1 District rezoning area appears to extend a bit further south than the Future Land Use Plan's boundary of Neighborhood Commercial, the requested rezoning area aligns with the overall intended scale of the Neighborhood Commercial future land use designation (up to 10 acres) and also the intended location of Neighborhood Commercial developments (along collector or arterial roadways).



Consistency with the Zoning Code

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

- Any future construction at this location requires a site plan to be reviewed and approved by the Planning & Zoning Commission. This site plan review will require that a Type B screen be established on the C-1 District land to help provide a buffer between the C-1 development land and the R-2 land to the east and south.

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 C-1 Transitional Commercial District at this location.

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 four property owners were notified. No comment has been received to-date.

Notification of the rezoning request was published in the Altoona Herald on February 1, 2023.

FUNDING SOURCE: N/A

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

1. Recommended approval of RESOLUTION NO. PZ-230209-06.
2. Recommended approval of RESOLUTION NO. PZ-230209-06, subject to rezoning conditions as allowed by Chapter 414 of the Iowa Code.
3. Recommended denial of RESOLUTION NO. PZ-230209-06.
4. Table RESOLUTION NO. PZ-230209-0, pending additional information.

Staff recommends recommended approval of RESOLUTION NO. PZ-230209-06, subject to the following condition:

- The owner must establish the right-of-way for 13th Street NE prior to City Council's final ordinance reading.

Staff is recommending this condition be included as part of the Commission's recommendation to ensure that traffic circulation for the entire parcel at 8383 NE 72nd Street is being considered.

APPROVED FOR SUBMITTAL:

ATTACHMENTS: None

PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ-230209-06

RESOLUTION REGARDING RECOMMENDED APPROVAL OF THE REQUEST FOR
REZONING FROM THE MEDIUM DENSITY RESIDENTIAL (R-2) DISTRICT TO THE
TRANSITIONAL COMMERCIAL (C-1) DISTRICT ON LAND AT 8383 NE 72ND
STREET.

WHEREAS, on February 9, 2023, the Planning and Zoning Commission held a Public Hearing to consider a request to rezone property from the Medium Density Residential (R-2) District to the Transitional Commercial (C-1) District, on property described as follows:

AN IRREGULAR SHAPED PORTION OF PARCEL O OF THE NORTHWEST QUARTER (NW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 30, TOWNSHIP 80 NORTH, RANGE 22 WEST OF THE 5TH P.M., BONDURANT, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON ROD WITH YELLOW PLASTIC CAP #19710, SAID IRON ROD BEING THE NW CORNER OF SAID SECTION 30, THENCE N89°49'11" E ALONG THE NORTH LINE OF SAID NW ¼, NW ¼, A DISTANCE OF 49.50 FEET TO THE EXTENDED EAST RIGHT-OF-WAY LINE OF GRANT STREET NORTH; THENCE S00°16'34"W ALONG A LINE PARALLEL TO, AND 49.50 FEET EASTERLY OF THE WEST LINE OF SAID NW ¼, NW ¼, A DISTANCE OF 33.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF NE 86TH AVENUE, SAID POINT BEING THE POINT OF BEGINNING; THENCE N89°49'11"E ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 382.10 FEET; THENCE S00°11'55"W, A DISTANCE OF 649.95 FEET; THENCE S89°53'47"W, A DISTANCE OF 174.66 FEET; THENCE S00°06'10"E, A DISTANCE OF 39.85 FEET; THENCE N89°43'06"W, A DISTANCE OF 208.58 FEET TO THE EAST RIGHT-OF-WAY LINE OF GRANT STREET NORTH; THENCE N00°16'34"E ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 687.89 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS 256,689 SQUARE FEET, OR 5.89 ACRES MORE OR LESS.

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 Medium Density Residential (R-2) District to Transitional Commercial (C-1) District, subject to the following rezoning conditions as allowed by Chapter 414 of the Iowa Code:

1. The owner must establish the right-of-way for 13th Street NE prior to City Council's final ordinance reading.

Moved by _____ Seconded by _____ to adopt.

ATTEST: I, Maggie Murray, Community Development Director, hereby certify that at a meeting of the Planning and Zoning Commission held on February 9, 2023, among other proceedings the above was adopted.

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

Maggie Murray, Community Development Director

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

Torey Cuellar, Commission Chair