

City of Bondurant

Planning and Zoning
Commission 200 2nd St NE,
PO Box 37
Bondurant, IA 50035



Meeting Minutes

DATE: May 11, 2023

Torey Cuellar, Chair

1. Call to Order 6:01 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, Karen Keeran, Kristin Brostrom, Andy Mains, Jesse Torres

Members Absent: Lisa Cameron

City Official Present: 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 May 11, 2023 meeting agenda. Vote on Motion 6-0-0. Motion carried.

4. Approval of Minutes

Motion by Commission Member Mains, seconded by Commission Member Brostrom to approve of the April 13, 2023 meeting minutes. Vote on Motion 6-0-0. Motion carried.

5. Guests requesting to address the Planning and Zoning Commission

- a. Jason Brown, 208 Summit Circle NW, addressed the Commission. Brown stated he is putting in a temporary ice cream cone on a property on Railroad Street. Brown submitted a site plan for the temporary ice cream cone store and was wondering what information he needed to move forward. Pezley stated he received the site plan that day and he had sent the site plan out for review among City staff. At the time of the meeting he had not received any comments

and he was not sure if the site plan required Commission and City Council approval.

6. Action Items

- a. PUBLIC HEARING – Request for rezoning from the Agricultural (A-1) District to the Light Industrial (M-1) District, on property described as Parcel ID 170/00001-001-000, Parcel ID 170/00001-003-000 and Parcel ID 170/00001-002-000.

Cuellar opened the public hearing at 6:07.

Pezley provided the Commission with an overview of the rezoning request. Pezley stated this property is located in the newly annexed SE Water Study Annexation area and the Commission has received multiple requests for rezoning on surrounding properties in the past couple of months. The property owner(s) are now looking to rezone their property M-1 Light Industrial. Currently, staff is not aware of any plans to develop these properties, however, any development would require site plan approval which would come back before the Commission. Pezley stated one individual did stop into City Hall to ask about the rezoning request, staff has been unable to contact this individual.

Dan Bishop, 6700 NE 88th Street, addressed the Commission. Bishop asked if this is any different than the previous rezoning requests. Pezley stated this rezoning request is similar to previous rezoning requests for adjacent properties. Some of those properties requested rezoning to M-2 Heavy Industrial, however, this property's request is to rezone to M-1 Light Industrial.

Bishop asked what Light Industrial means. Pezley and the Commission provided Bishop with uses that are allowable in an M-1 Light Industrial District. Bishop stated he is concerned about his ability to sell his property if potential buyers are aware potential industrial users could develop adjacent property. Bishop expressed concern the City was rezoning his property, Pezley stated this rezoning request is not for his property but it is rezoning property adjacent to his.

Pezley stated when Bishop's property was annexed into the City it was assigned the zoning of A-1 Agricultural, the zoning that all property is assigned unless there is a pre-existing agreement for a property to be annexed into the city with a different zoning classification. That was the case for multiple properties that were apart of the SE Water Study Annexation Agreement. These particular property owners are requesting the rezoning change after the annexation was complete, it is staff's belief they are rezoning the property in case an industrial developer approaches them about their property. Pezley stated the industrial zoning would make industrial development faster but would require further review by this Commission. Pezley also stated that just because

the property is zoned M-1 Light Industrial does not mean the property will be developed, the property may continue to be farmed for years. Bishop asked how long the site plan approval process is, Pezley stated generally it is about two months. Pezley stated that City staff is not aware of any development plans for these properties.

Bishop asked the Commission and staff about the water tower project and the maintenance of the road. Pezley stated he would relay his questions and concerns to Public Works.

Cuellar closed the public hearing at 6:19.

- b. RESOLUTION PZ -230511-13 Request for rezoning from the Agricultural (A-1) District to the Light Industrial (M-1) District, on property described as Parcel ID 170/00001-001-000, Parcel ID 170/00001-003-000 and Parcel ID 170/00001-002-000.

Motion by Commission Member Mains, seconded by Commission Member Clayton to recommend approval of RESOLUTION PZ -230511-13.

Roll Call – Ayes: Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom, Commission Member Cuellar, Commission Member Torres Nays: none. Abstentions: none. Absent: Commission Member Cameron. Vote on Motion 6-0-0. Motion carried.

- c. PUBLIC HEARING – Regarding recommended approval of Zoning Code text amendments to Section 177.09 regarding off-street parking area required for restaurants, bars, drive-thrus and nightclubs.

Cuellar opened the public hearing at 6:21.

Pezley stated this text amendment is for restaurants and more specifically drive-thru oriented restaurants. Pezley stated this text amendment came from a site plan submitted for a drive-thru restaurant that would be required to have twenty-four parking spaces despite the fact the restaurant would have no seating area for patrons. The text amendment proposes requiring parking based upon available patron square footage. The text amendment would require submitted site plans to designate areas dedicated to patron use and areas dedicated to employee use. The parking would then require one parking space per 50 square feet of patron use as well as one parking spot for every employee at maximum working shift. Pezley stated the wording for the drive-thru queuing area has been changed to read easier, but the requirements have not changed.

Keeran asked how handicapped parking would be affected. Pezley stated handicapped parking would still be required and that is a state enforced requirement. Brostrom asked for clarification on Section B. Pezley stated the parking spaces and queuing spaces are calculated different. Pezley

stated the drive-thru queuing lane requirements are the same, staff simply reworded it so it would read easier.

Clayton expressed concern about available parking spaces for high volume traffic restaurants. Cuellar stated it might not affect it because the text amendment is accounting for staff parking as well.

Clayton asked about parking requirements for suite style buildings that do not necessarily have patrons when they are built. Pezley stated that currently when a developer submits a site plan the City requires, they state the intended use of the property and provide the required parking spaces and defined by the Zoning Code. This code would only affect the parking space requirements if the restaurant is identified as use of the building.

Cuellar closed the public hearing at 6:31.

- d. RESOLUTION PZ – 230511-14 Regarding recommended approval of Zoning Code text amendments to Section 177.09 regarding off-street parking area required for restaurants, bars, drive-thrus and nightclubs.

Motion by Commission Member Mains, seconded by Commission Member Clayton to recommend approval of RESOLUTION PZ -230511-14.

Roll Call – Ayes: Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom, Commission Member Cuellar, Commission Member Torres Nays: none. Abstentions: none. Absent: Commission Member Cameron. Vote on Motion 6-0-0. Motion carried.

- e. RESOLUTION PZ – 230511-15 Considering recommended approval of the Doe Run Plat 3 Preliminary Plat, a subdivision in unincorporated Polk County within two miles of Bondurant's city limits.

Pezley stated the subdivision is creating three developable lots accessible from either NE 75th Avenue and NE 96th Street. Outlot Z is located to the northeast of the three lots and will be sold as part of Lot 3. The preliminary plat designates the Outlot as unbuildable.

Mains asked if Outlot Z has been designated as unbuildable because of the terrain and forested area. Pezley stated they did not state the reason, but that is staff's best guess. Outlot Z has access issues which could also lead into it being unbuildable.

Motion by Commission Member Mains, seconded by Commission Member Clayton to recommend approval of RESOLUTION PZ -230511-15.

Roll Call – Ayes: Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom, Commission Member Cuellar, Commission Member Torres Nays: none.

Abstentions: none. Absent: Commission Member Cameron. Vote on Motion 6-0-0. Motion carried.

- f. RESOLUTION PZ – 230511-17 Considering recommended approval of waiver of review of the Plat of Survey creating Parcel 2023-51 and 2023-52, a plat of survey in unincorporated Polk County within two miles of Bondurant's city limits.

Pezley stated Polk County has requested the City of Bondurant, City of Altoona and City of Ankeny all waive the right to review this Plat of Survey. Pezley stated this plat of survey is not changing property lines rather they are cleaning up the legal description in anticipation of change of ownership.

Motion by Commission Member Mains, seconded by Commission Member Clayton to recommend approval of RESOLUTION PZ -230511-17.

Roll Call – Ayes: Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom, Commission Member Cuellar Nays: none. Abstentions: none. Absent: Commission Member Cameron. Vote on Motion 6-0-0. Motion carried.

- g. RESOLUTION PZ – 230511-18 Considering recommended approval of vacation of a portion of property described as Parcel 231/00096-003-000.

Pezley stated this property is at the corner of Main Street and 1st Street SE. The property is an L-shaped property that is designated at City of Bondurant Right-of-Way. Pezley stated the abutting property owner has requested the City to vacate the right-of-way to them. They would like the area to provide them with additional sidewalk area. The City sees this opportunity as a chance to clean up and line up the property lines in this area.

Keeran asked if this would eliminate parking spaces. Pezley stated the developer plans to extend the curb to the east and eliminate the diagonal parking and instead utilize parallel parking. This would eliminate one potentially two parking spaces. The Commission was in agreement this area has an existing issue with lack of parking and this vacation request would make the parking issue worse. Clayton stated in the past the City has tried to make developers install diagonal parking, Clayton stated he believes this is counterintuitive. The Commission continued to discuss the issues with the elimination of parking spaces.

Brostrom asked about whether this property could be vacated or if it would require a plat of survey. Pezley stated staff has reviewed the property and is moving forward with a vacation of this right-of-way property. Brostrom stated she does not see an advantage to the City in this vacation.

Motion by Commission Member Mains, seconded by Commission Member Clayton to recommend denial of RESOLUTION PZ -230511-18.

Roll Call – Ayes: Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Brostrom, Commission Member Cuellar Nays: none. Abstentions: none. Absent: Commission Member Cameron. Vote on Motion 6-0-0. Motion carried.

7. Discussion Items –

8. Reports / Comments and appropriate action thereon

a. Commission Members

Brostrom – none.

Mains – none.

Clayton – none.

Keeran – Asked staff about the sidewalk connection to the underpass. Pezley stated the sidewalk extension is a separate project from the underpass project, however, there will be a sidewalk connection and it should be completed this year.

Torres – none.

Cameron – absent.

b. Commission Chair –

c. City Administrator – absent.

d. City Planner – none.

e. City County Liaison – absent.

7. Adjournment

Motion by Commissioner Mains, seconded by Commissioner Clayton to adjourn the meeting. Vote on Motion 6-0-0. Motion carried. Meeting adjourned at 6:50.