

**NOTICE OF A REGULAR MEETING
BONDURANT PLANNING AND ZONING COMMISSION
FEBRUARY 13, 2020**

NOTICE IS HEREBY GIVEN that a regular meeting of the Planning and Zoning Commission will be held at 6:00 p.m., on Thursday, February 13, 2020, in the Bondurant Community Library, 104 Second Street NE, 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 the Commission Minutes – January 23, 2020
5. Guests requesting to address the Planning and Zoning Commission
6. **PUBLIC HEARING – Case #2020.R.6:** Request for Future Land Use Map update from Multi-Family Residential to Low-Density Residential and a rezoning from General Commercial (C-2) and Multi-Family Residential (R-3) to Medium Density Residential (R-2) on the single-family detached development land within the Prairie Point View Preliminary Plat area.
 - a. **RESOLUTION NO. PZ-200213-11** – Regarding Case #2020.R.6.
7. **RESOLUTION NO. PZ-200213-12** – Resolution regarding request for vacation of a public storm sewer easement within the Hazel Marie Townhomes Plat 2 & Plat 4 Subdivisions.
8. **DISCUSSION ITEMS**
 - a. Iowa Floor Covering's Updated Elevations
 - b. Quail Run Plat 1 Private Covenants - Fencing
9. Reports/Comments and appropriate action thereon:
 - a. Commission Members
 - a. Commission Chair
 - b. City Administrator
 - c. City Council Liaison
10. Adjournment

Upcoming Planning & Zoning Commission Meetings:

- Regular Meeting, February 27, 2020
- Regular Meeting, March 12, 2020

CITY OF BONDURANT
PLANNING AND ZONING COMMISSION
January 23, 2020
MINUTES

1. Call to Order

Commission Chair Cuellar called the meeting to order at 6:01 p.m.

2. Roll Call

Roll call was taken and a quorum was declared.

Present: Commission Member Brian Clayton, Commission Member Karen Keeran, Commission Member Joe Phearman, Commission Member Kristin Brostrom, Commission Member Torey Cuellar, Commission Member Daniel Hoffman-Zinnel, Commission Member Andy Mains

City Officials

Present: City Administrator Marketa Oliver, Interim City Clerk Craig Marshman, Planning & Community Development Director Maggie Murray, City Engineer Bob Veenstra

3. Perfecting and Approval of the Agenda

Motion by Mains, seconded by Hoffman-Zinnel, to approve the agenda. Vote on Motion 7-0. Motion carried.

4. Approval of the Commission Minutes – January 9, 2020

Motion by Phearman, seconded by Hoffman-Zinnel, to approve the January 9, 2020 minutes. Vote on Motion 7-0. Motion declared carried unanimously.

5. Guests requesting to address the Commission – None

6a. **RESOLUTION NO. PZ-200109-01** – Resolution regarding case #2020.R.1 – Request for rezoning from Agricultural (A-1) to Limited Industrial (M-1) on Parcel #7923-12-100-001.

Motion by Keeran, seconded by Brostrom, to approve Resolution No. PZ-200109-01. Roll Call: Ayes: Keeran, Phearman, Brostrom, Cuellar, Hoffman-Zinnel. Nays: Clayton, Mains. Absent: None. Motion carried 5-2.

6b. **RESOLUTION NO. PZ-200109-02** – Resolution regarding I-80 Business Park Preliminary Plat.

Motion by Keeran, seconded by Phearman, to deny Resolution No. PZ-200109-02. Roll Call: Ayes: Clayton, Keeran, Phearman, Brostrom, Cuellar, Hoffman-Zinnel, Mains. Nays: None. Absent: None. Motion carried 7-0.

Motion by Hoffman-Zinnel, seconded by Mains, to close the regular meeting and move into public hearing at 6:45 p.m. Roll Call: Ayes: Clayton, Keeran, Phearman, Brostrom, Cuellar, Hoffman-Zinnel, Mains. Nays: None. Absent: None. Motion carried 7-0.

7a. **PUBLIC HEARING** – Case #2020.R.2 – Request for Rezoning from Agricalural (A-1) to Medium Density Residential (R-2) District for the Sankey West Rezoning Area.

Motion by Mains, seconded by Hoffman-Zinnel, to close the public hearing and move back to the regular meeting at 7:14 p.m. Roll Call: Ayes: Clayton, Keeran, Phearman, Brostrom, Cuellar, Hoffman-Zinnel, Mains. Nays: None. Absent: None. Motion carried 7-0.

7a(1). RESOLUTION NO. PZ-200123-04 – Resolution Regarding Rezoning Case #2020.R.2.

Motion by Mains, seconded by Brostrom, to approve Resolution No. PZ-200123-04. Roll Call: Ayes: Keeran, Phearman, Brostrom, Cuellar, Hoffman-Zinnel, Mains. Nays: None. Absent: None. Motion carried 7-0.

Motion by Phearman, seconded by Hoffman-Zinnel, to close the regular meeting and move into public hearing at 7:15 p.m. Roll Call: Ayes: Clayton, Keeran, Phearman, Brostrom, Cuellar, Hoffman-Zinnel, Mains. Nays: None. Absent: None. Motion carried 7-0.

7b. **PUBLIC HEARING** – Case #2020.R.3 – Request for Rezoning from Agricalural (A-1) to Medium Density Residential (R-2) District for the Sankey East Rezoning Area.

Motion by Mains, seconded by Hoffman-Zinnel, to close the public hearing and move back to the regular meeting at 7:18 p.m. Roll Call: Ayes: Clayton, Keeran, Phearman, Brostrom, Cuellar, Hoffman-Zinnel, Mains. Nays: None. Absent: None. Motion carried 7-0.

7b(1). RESOLUTION NO. PZ-200123-05 – Resolution Regarding Rezoning Case #2020.R.3.

Motion by Mains, seconded by Brostrom, to approve Resolution No. PZ-200123-05. Roll Call: Ayes: Keeran, Phearman, Brostrom, Cuellar, Hoffman-Zinnel, Mains. Nays: None. Absent: None. Motion carried 7-0.

Motion by Clayton, seconded by Hoffman-Zinnel, to close the regular meeting and move into public hearing at 7:20 p.m. Roll Call: Ayes: Clayton, Keeran, Phearman, Brostrom, Cuellar, Hoffman-Zinnel, Mains. Nays: None. Absent: None. Motion carried 7-0.

7c. **PUBLIC HEARING** – Case #2020.R.4 – Request for Rezoning from Agricalural (A-1) to Planned Unit Development (R-5) for the Webb Rezoning Area.

Motion by Phearman, seconded by Mains, to close the public hearing and move back to the regular meeting at 7:47 p.m. Roll Call: Ayes: Clayton, Keeran, Phearman, Brostrom, Cuellar, Hoffman-Zinnel, Mains. Nays: None. Absent: None. Motion carried 7-0.

7c(1). RESOLUTION NO. PZ-200123-06 – Resolution Regarding Rezoning Case #2020.R.4.

Motion by Brostrom, seconded by Hoffman-Zinnel, to approve Resolution No. PZ-200123-06. Roll Call: Ayes: Keeran, Phearman, Brostrom, Cuellar, Hoffman-Zinnel, Mains. Nays: None. Absent: None. Motion carried 7-0.

Motion by Phearman, seconded by Clayton, to close the regular meeting and move into public hearing at 7:48 p.m. Roll Call: Ayes: Clayton, Keeran, Phearman, Brostrom, Cuellar, Hoffman-Zinnel, Mains. Nays: None. Absent: None. Motion carried 7-0.

7d. **PUBLIC HEARING** – Case #2020.R.5 – Request to Modify an Existing Planned Unit Development (R-5) District Designation.

Motion by Mains, seconded by Phearman, to close the public hearing and move back to the regular meeting. Roll Call: Ayes: Clayton, Keeran, Phearman, Brostrom, Cuellar, Hoffman-Zinnel, Mains. Nays: None. Absent: None. Motion carried 7-0.

7d(1). RESOLUTION NO. PZ-200123-07 – Resolution Regarding Rezoning Case #2020.R.5.

Motion by Keeran, seconded by Mains, to approve Resolution No. PZ-200123-07. Roll Call: Ayes: Keeran, Phearman, Brostrom, Cuellar, Hoffman-Zinnel, Mains. Nays: None. Absent: None. Motion carried 7-0.

Motion by Clayton, seconded by Hoffman-Zinnel, to consider resolution numbers PZ-200123-08, PZ-200123-09, and PZ-200123-10 in one motion. Roll Call: Ayes: Keeran, Phearman, Brostrom, Cuellar, Hoffman-Zinnel, Mains. Nays: None. Absent: None. Motion carried 7-0.

8a. RESOLUTION NO. PZ-200123-08 - Resolution Regarding Annexation Case #2020.A.1 – Sankey Summit 100% Voluntary, not within an Urbanized Area of Another Community.

8b. RESOLUTION NO. PZ-200123-09 - Resolution Regarding Annexation Case #2020.A.2 – Sankey Summit, 80/20 Voluntary Annexation, not within an Urbanized Area of Another Community.

8c. RESOLUTION NO. PZ-200123-10 - Resolution Regarding Annexation Case #2020.A.3 – Webb 100% Voluntary Annexation, within an Urbanized Area (of Altoona).

Motion by Keeran, seconded by Phearman, to approve resolution numbers PZ-200123-08, PZ-200123-09, and PZ-200123-10. Roll Call: Ayes: Keeran, Phearman, Brostrom, Cuellar, Hoffman-Zinnel, Mains. Nays: None. Absent: None. Motion carried 7-0.

9. Reports/Comments and appropriate action thereon:

- a. Commission Member Comments
Hoffman-Zinnel – Meeting with Altoona

Clayton – None

Keeran – None

Mains – MCM clarification

Phearman – None.

Brostrom – Minor streets should not extend all the way through

b. Commission Chair Comments – None.

c. City Administrator Comments – None.

d. City Council Liaison – None.

10. Adjournment

Moved by Keeran, seconded by Mains, to adjourn the meeting at 8:04 p.m. Vote on Motion 7-0.
Motion carried.

Craig Marshman, Interim City Clerk

ATTEST:

Torey Cuellar, Commission Chair

February 11, 2020

From: Maggie Murray, AICP
To: Planning & Zoning Commission
Subject: Case #2020.R.6: Request for Future Land Use Map update from Multi-Family Residential to Low-Density Residential and a rezoning from General Commercial (C-2) and Multi-Family Residential (R-3) to Medium Density Residential (R-2) on the single-family detached development land within the Prairie Point View Preliminary Plat area.
Action: For P&Z recommendation on February 13th, 2020

Brief History

On September 16th, 2019, City Council approved the Preliminary Plat for DR Horton's Prairie Point View development area. The Preliminary Plat that was reviewed noted existing Medium Density Residential (R-2) Zoning for the entire single-family detached development area – because of this zoning note, the City reviewed the Plat under the assumption it was zoned R-2. It was brought to staff's attention in January 2020 that some portions of the single-family detached residential development area are not actually zoned R-2 and are either in the Multi-Family Residential (R-3) or General Commercial (C-2) Districts. The purpose of this rezoning request is to clean up those portions of the Official Zoning Map not currently zoned R-2 to allow for the single-family detached development as originally planned and approved by the Commission and Council. The subdivision's commercial outlot along Highway 65, Outlot Z, will remain zoned as being C-2.

When a community rezones property, it needs to make sure that such rezoning is in harmony with the Future Land Use Map as part of its Comprehensive Plan. You'll see that the enclosed Future Land Use Map excerpt guides for Multi-Family Development for a portion of the requested rezoning area. The March 2nd Ordinance that will be considered by Council will include verbiage on both a Future Land Use Map update from Multi-Family Residential to Low Density Residential and also the rezoning from R-3 & C-2 to R-2 to make sure the following ordinance criteria is met with this rezoning request:

1. That the zoning change will create consistency between the City's Future Land Use Map and Official Zoning Map.

Analysis:

When considering rezoning requests, the Planning and Zoning Commission and City Council should take into account the following: Comprehensive Plan, Spot Zoning, and Public Input.

Comprehensive Plan:

A comprehensive plan serves as a long-range plan for community improvement, development, and growth. Iowa Code recommends for communities to adopt comprehensive plans, and that these plans should "include information on the amount, type, intensity and density of existing land use, trends in the market price, and plans for future land use throughout the municipality" (Chapter 18B). Said plans serve as policy guides, and are intended to be flexible and adaptive over time, setting forth the basic framework to guide activities and manage change.

The proposed use of the Prairie Point View subdivision will be single-family detached. This new development is adjacent to existing single-family detached development to the south. The existing and proposed low density development within this area could justify an update to the City's Future Land Use Map.

Spot Zoning:

According to the Iowa State University & Outreach's "Midwest Planning Bluz", to determine whether illegal spot zoning has occurred, the courts consider whether the rezoning takes into account the following:

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

It does not appear this proposed rezoning constitutes spot zoning. As the enclosed Zoning Map shows, the requested zoning district of Medium Density Residential (R-2) also exists just south and east.

Public Input:

As required by the City's Zoning Ordinance, letters were sent to property owners within 200' of the proposed rezoning notifying them of the requested rezoning. At the time of writing this report, no public comments have been received.

Alternatives

The following options exist for the Planning and Zoning Commission:

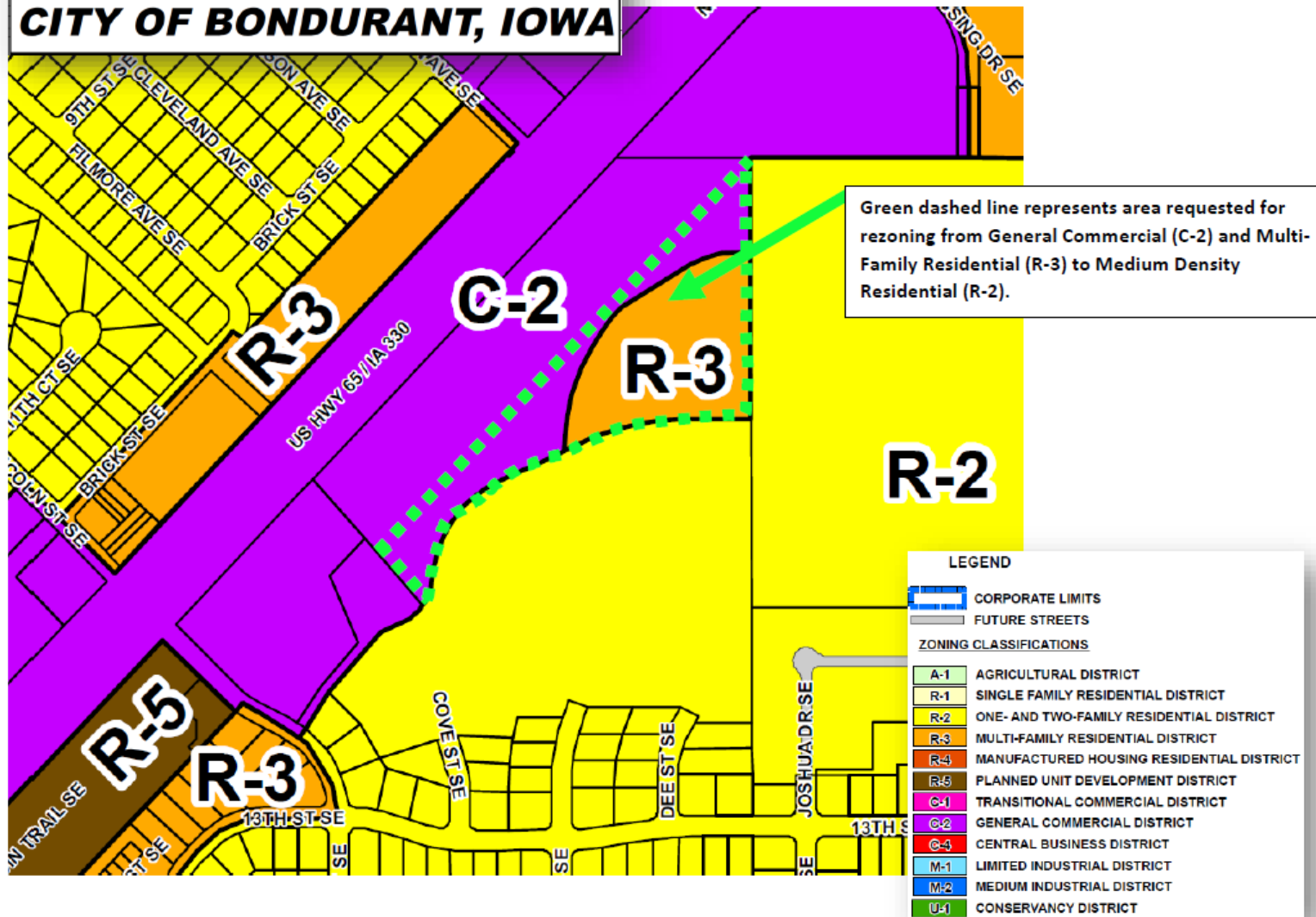
1. Recommended approval of Case #2020.R.6: Request for Future Land Use Map update from Multi-Family Residential to Low-Density Residential and a rezoning from General Commercial (C-2) and Multi-Family Residential (R-3) to Medium Density Residential (R-2) on the single-family detached development land within the Prairie Point View Preliminary Plat area;
2. Recommended approval of Case #2020.R.6: Request for Future Land Use Map update from Multi-Family Residential to Low-Density Residential and a rezoning from General Commercial (C-2) and Multi-Family Residential (R-3) to Medium Density Residential (R-2) on the single-family detached development land within the Prairie Point View Preliminary Plat area, subject to rezoning conditions recommended by the P&Z;
3. Recommend denial of Case #2020.R.6;
4. Table pending additional comment/feedback.

Staff Conclusions/Recommendations

Subject to further comment received during the public hearing, staff recommends approval of Case #2020.R.6: Request for Future Land Use Map update from Multi-Family Residential to Low-Density Residential and a rezoning from General Commercial (C-2) and Multi-Family Residential (R-3) to Medium Density Residential (R-2) on the single-family detached development land within the Prairie Point View Preliminary Plat area, subject to the following rezoning condition:

- 1.) All lots within the requested rezoning area shall be developed and used for Single-Family Detached Use and not Two-Family Dwelling Use.

ZONING MAP **CITY OF BONDURANT, IOWA**



It is anticipated that City Council will hold their Future Land Use Map Update and Rezoning Public Hearing during their meeting on Monday, March 2nd, 2020.

Future Land Use Map



Area Map



PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ-200213-11

RESOLUTION REGARDING REQUEST FOR FUTURE LAND USE MAP UPDATE FROM MULTI-FAMILY RESIDENTIAL TO LOW-DENSITY RESIDENTIAL AND A REZONING FROM GENERAL COMMERCIAL (C-2) AND MULTI-FAMILY RESIDENTIAL (R-3) TO MEDIUM DENSITY RESIDENTIAL ON THE SINGLE-FAMILY DETACHED DEVELOPEMNT LAND WITHIN THE PRAIRIE POINT VIEW PRELIMINARY PLAT AREA

WHEREAS, on February 13, 2020 the Planning and Zoning Commission held a Public Hearing to consider a request to update the City's Future Land Use Map from Multi-Family Residential to Low-Density Residential on property described as follows:

That part of the West Half of the Southeast Quarter of Section 31, Township 80 North, Range 22 West of the 5th P.M., Polk County, Iowa lying East of US Highway 65, except Clarence Oleson Vista Estates Plats 1 through 5, more particularly described as follows;

Beginning at the Southeast corner of the Northwest Quarter of said Southeast Quarter; thence North 00 degrees 12 minutes 17 seconds West, 1,319.28 feet to the Northeast corner of said Northwest Quarter of the Southeast Quarter; thence South 43 degrees 16 minutes 37 seconds West, 1,598.90 feet to the North line of Clarence Oleson Vista Estates Plat 4 recorded in Book 11800 Pages 717-729; thence South 41 degrees 08 minutes 05 seconds East, 200.13 feet to a corner of said Clarence Oleson Vista Estates Plat 4; thence with a curve turning to the right with an arc length of 65.58 feet, with a radius of 150.00 feet, with a chord bearing of South 46 degrees 57 minutes 25 seconds west, with a chord length of 65.06 feet to a corner of said Clarence Oleson Vista Estates Plat 4; thence South 65 degrees 58 minutes 28 seconds West, 85.46 feet to a corner of said Clarence Oleson Vista Estates Plat 4; thence South 40 degrees 40 minutes 09 seconds West, 234.23 feet to a corner of said Clarence Oleson Vista Estates Plat 4; thence South 45 degrees 43 minutes 24 seconds East, 129.18 feet to a corner of said Clarence Oleson Vista Estates Plat 4; thence South 29 degrees 51 minutes 00 seconds East, 117.11 feet to a corner of said Clarence Oleson Vista Estates Plat 4; thence North 72 degrees 07 minutes 16 seconds East, 177.97 feet to a corner of said Clarence Oleson Vista Estates Plat 4; thence North 79 degrees 01 minutes 35 seconds East, 60.22 feet to a corner of said Clarence Oleson Vista Estates Plat 4; thence South 87 degrees 39 minutes 07 seconds East, 164.96 feet to a corner of said Clarence Oleson Vista Estates Plat 4 also being the West line of Clarence Oleson Vista Estates Plat 5 recorded in Book 12341 Pages 792-801; thence North 11 degrees 49 minutes 02 seconds East, 6.59 feet to a corner of said Clarence Oleson Vista Estates Plat 5; thence North 13 degrees 39 minutes 55 seconds East, 55.87 feet to a corner of said Clarence Oleson Vista Estates Plat 5; thence South 89 degrees 41 minutes 22 seconds East, 130.49 feet to a corner of said Clarence Oleson Vista Estates Plat 5; thence with a curve turning to the right with an arc length of 30.15 feet, with a radius of 630.44 feet, with a chord bearing of North 20 degrees 19 minutes 23 seconds East, with a chord length of 30.14 feet to a corner of said Clarence Oleson Vista Estates Plat 5; thence North 20 degrees 39 minutes 02 seconds East, 24.80 feet to a corner of said Clarence Oleson Vista Estates Plat 5; thence South 70 degrees 16 minutes 21 seconds East, 60.00 feet to a corner of said Clarence Oleson Vista Estates Plat 5; thence South 89 degrees 57 minutes 51 seconds East, 272.51 feet to a corner of said Clarence Oleson Vista Estates Plat 5; thence South 63 degrees 45 minutes 40 seconds East, 60.14 feet to a corner of said Clarence Oleson Vista Estates Plat 5; thence with a curve turning to the right with an arc length of 23.59 feet, with a radius of 371.50 feet, with

a chord bearing of South 28 degrees 53 minutes 24 seconds West, with a chord length of 23.59 feet to a corner of said Clarence Oleson Vista Estates Plat 5; thence North 89 degrees 49 minutes 21 seconds East, 168.21 feet to the Northeast corner of said Clarence Oleson Vista Estates Plat 5 also being the East line of said West Half of the Southeast Quarter; thence North 00 degrees 07 minutes 25 seconds West, 340.42 feet to the Point of Beginning, having an area of 27.45 Acres; excluding those portions already designated for Low Density Residential Use.

WHEREAS, this Public Hearing also covered a rezoning request to rezone property from General Commercial (C-2) and Multi-Family Residential (R-3) to Medium Density Residential (R-2) on property described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Southeast Quarter; thence North 00 degrees 12 minutes 17 seconds West, 1,319.28 feet to the Northeast corner of said Northwest Quarter of the Southeast Quarter; thence South 43 degrees 16 minutes 37 seconds West, 1,598.90 feet to the North line of Clarence Oleson Vista Estates Plat 4 recorded in Book 11800 Pages 717-729; thence South 41 degrees 08 minutes 05 seconds East, 200.13 feet to a corner of said Clarence Oleson Vista Estates Plat 4; thence with a curve turning to the right with an arc length of 65.58 feet, with a radius of 150.00 feet, with a chord bearing of South 46 degrees 57 minutes 25 seconds west, with a chord length of 65.06 feet to a corner of said Clarence Oleson Vista Estates Plat 4; thence South 65 degrees 58 minutes 28 seconds West, 85.46 feet to a corner of said Clarence Oleson Vista Estates Plat 4; thence South 40 degrees 40 minutes 09 seconds West, 234.23 feet to a corner of said Clarence Oleson Vista Estates Plat 4; thence South 45 degrees 43 minutes 24 seconds East, 129.18 feet to a corner of said Clarence Oleson Vista Estates Plat 4; thence South 29 degrees 51 minutes 00 seconds East, 117.11 feet to a corner of said Clarence Oleson Vista Estates Plat 4; thence North 72 degrees 07 minutes 16 seconds East, 177.97 feet to a corner of said Clarence Oleson Vista Estates Plat 4; thence North 79 degrees 01 minutes 35 seconds East, 60.22 feet to a corner of said Clarence Oleson Vista Estates Plat 4; thence South 87 degrees 39 minutes 07 seconds East, 164.96 feet to a corner of said Clarence Oleson Vista Estates Plat 4 also being the West line of Clarence Oleson Vista Estates Plat 5 recorded in Book 12341 Pages 792-801; thence North 11 degrees 49 minutes 02 seconds East, 6.59 feet to a corner of said Clarence Oleson Vista Estates Plat 5; thence North 13 degrees 39 minutes 55 seconds East, 55.87 feet to a corner of said Clarence Oleson Vista Estates Plat 5; thence South 89 degrees 41 minutes 22 seconds East, 130.49 feet to a corner of said Clarence Oleson Vista Estates Plat 5; thence with a curve turning to the right with an arc length of 30.15 feet, with a radius of 630.44 feet, with a chord bearing of North 20 degrees 19 minutes 23 seconds East, with a chord length of 30.14 feet to a corner of said Clarence Oleson Vista Estates Plat 5; thence North 20 degrees 39 minutes 02 seconds East, 24.80 feet to a corner of said Clarence Oleson Vista Estates Plat 5; thence South 70 degrees 16 minutes 21 seconds East, 60.00 feet to a corner of said Clarence Oleson Vista Estates Plat 5; thence South 89 degrees 57 minutes 51 seconds East, 272.51 feet to a corner of said Clarence Oleson Vista Estates Plat 5; thence South 63 degrees 45 minutes 40 seconds East, 60.14 feet to a corner of said Clarence Oleson Vista Estates Plat 5; thence with a curve turning to the right with an arc length of 23.59 feet, with a radius of 371.50 feet, with a chord bearing of South 28 degrees 53 minutes 24 seconds West, with a chord length of 23.59 feet to a corner of said Clarence Oleson Vista Estates Plat 5; thence North 89 degrees 49 minutes 21 seconds East, 168.21 feet to the Northeast corner of said Clarence Oleson Vista Estates Plat 5 also being the East line of said West Half of the Southeast Quarter; thence North 00 degrees 07 minutes 25 seconds West, 340.42 feet

to the Point of Beginning, having an area of 27.45 Acres; excluding those portions currently zoned Medium Density Residential (R-2).

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 that the Future Land Use Map update from Multi-Family Residential to Low Density Residential be _____ by Council; and that the rezoning request from General Commercial (C-2) and Multi-Family Residential (R-3) to Medium Density Residential (R-2) be _____ by City Council, subject to the following recommended condition of approval:

1. That all lots within the requested rezoning area shall be developed and used for Single-Family Detached Use and not Two-Family Dwelling Use.

Moved by _____, Seconded by _____ to adopt.

ATTEST: I, Shelby Hagan, City Clerk of Bondurant, hereby certify that at a meeting of the Planning and Zoning Commission held on February 13, 2020, among other proceedings the above was adopted.

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

Shelby Hagan, City Clerk

Action	Yay	Nay	Abstain	Absent
Hoffman-Zinnel				
Clayton				
Mains				
Keeran				
Cuellar				
Phearman				
Bostrom				

Karen Keeran, Acting Commission Chair

February 11, 2020

From: Maggie Murray, AICP
To: Planning & Zoning Commission
Subject: Case #2020.V.1: Request for vacation of a public storm sewer easement within the Hazel Marie Townhomes Plat 2 and Plat 4 Subdivisions.
Action: For P&Z recommendation on February 13th, 2020

Brief History

The City is in receipt of the enclosed Easement Vacation Plat for the Hazel Marie Townhomes Plat 2 & Plat 4 areas. This easement vacation request has been submitted to eliminate the existing 30'-wide storm sewer easement which was established as part of the 2005-approved Hazel Marie Townhomes Plat 2 Subdivision. This Easement Vacation Plat would also then re-establish a narrower 15'-wide public storm sewer easement as shown in the Easement Vacation Plat to accommodate for the existing public storm sewer that exists underground. This request has been submitted to allow for construction of a dwelling on Lot 7 of Hazel Marie Townhomes Plat 4.

Analysis

The following were notified of this easement vacation request:

1. **John Horton, Public Works Director.** John reviewed and noted no concerns with the Easement Vacation Plat. John noted that the proposed 15'-wide permanent easement width is sufficient, as the storm runs very shallow in this area.
2. **Bob Veenstra, City Engineer.** Bob reviewed and noted no concerns with the proposed 15'-wide easement area. Bob noted that because the existing easement is a single-purpose (city storm), no other utility notifications for this easement vacation request should be necessary.

Alternatives

The following options exist for the Planning and Zoning Commission:

1. Recommend approval of the public storm sewer easement vacation request;
2. Recommend denial of the public storm sewer easement vacation request;
3. Table pending additional comment/feedback.

Staff Conclusions/Recommendations

Subject to further comment received, staff recommends approval of this Easement Vacation Plat.

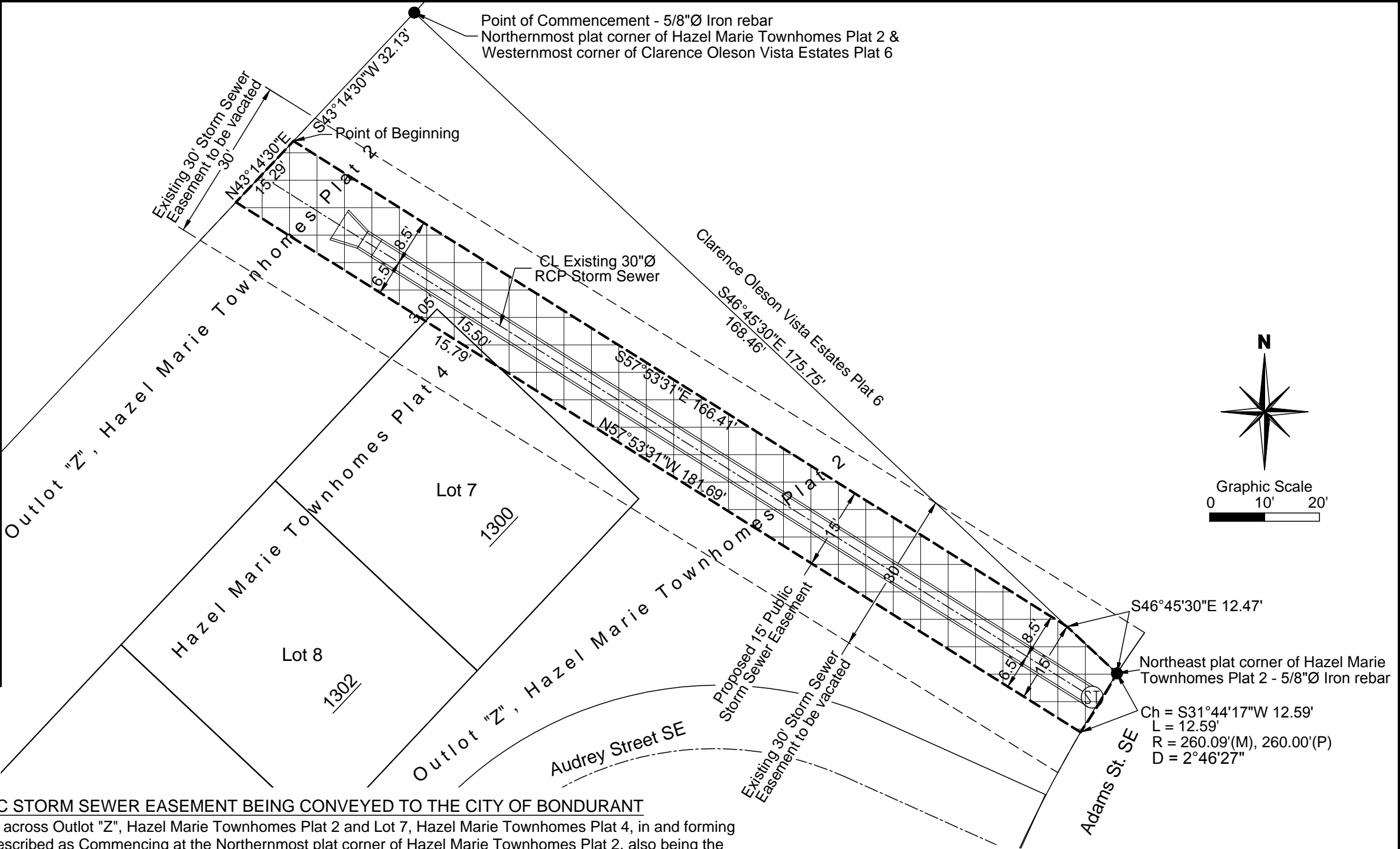
Index Legend

Type...: Easement Plat - 15' Storm Sewer Easement
Description...: Outlot "Z", Hazel Marie Townhomes Plat 2 & Lot 8, Hazel Marie Townhomes Plat 4
Address...: 1300 Audrey Street SE - Bondurant, IA
Owner...: H. Marie, L.L.C.
Requester...: Jeff Buckley (Lansink Construction, Inc.)
Surveyor...: Brian R. Campbell, PE, PLS
Return to...: Campbell Engineering & Land Surveying
301 NE Trilein Dr. - Suite #1
Ankeny, IA 50021
515-963-4385
info@cesiowa.com

Recorder Use Only

Legend

CL Centerline
(M) Measured Distance
(P) Platted Distance
RCP Reinforce Concrete Pipe
● Found 5/8"Ø Iron rebar



LEGAL DESCRIPTION OF 15' PUBLIC STORM SEWER EASEMENT BEING CONVEYED TO THE CITY OF BONDURANT

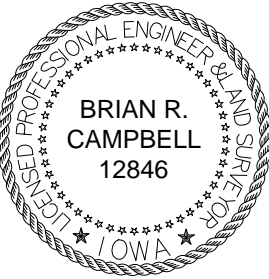
A 15 foot wide Public Storm Sewer Easement under and across Outlot "Z", Hazel Marie Townhomes Plat 2 and Lot 7, Hazel Marie Townhomes Plat 4, in and forming a part of the City of Bondurant, Iowa, more particularly described as Commencing at the Northernmost plat corner of Hazel Marie Townhomes Plat 2, also being the Westernmost corner of Clarence Oleson Vista Estates Plat 6; thence S43°14'30"W, 32.13 feet along the Northwesternly line of said Hazel Marie Townhomes Plat 2 to the Point of Beginning; thence S57°53'31"E, 166.41 feet to the Northeasterly line of said Hazel Marie Townhomes Plat 2, said line being the Southwesterly line of said Clarence Oleson Vista Estates Plat 6; thence S46°45'30"E, 12.47 feet to the Northeast corner of said Hazel Marie Townhomes Plat 2, said point lying on a curve on the Northwesternly right-of-way of Adams Street SE, said curve having a radius of 260.09 feet (recorded as 260.00 feet) and a central angle of 2°46'27"; thence along said curving right-of-way 12.59 feet to the left having a chord S31°44'17"W, 12.59 feet; thence N57°53'31"W, 181.69 feet to said Northwesternly line of Hazel Marie Townhomes Plat 2; thence N43°14'30"E, 15.29 feet to the Point of Beginning.

Campbell Engineering & Surveying
301 NE Trilein Drive, Suite 1
Ankeny, Iowa 50021
Phone...: (515) 963-4385
E-mail...: info@cesiowa.com

FIELD WORK...:	
DRAWN BY...:	BRC 1/21/2020
CHECKED BY...:	
REVISED BY...:	BRC 2/5/2020
REVISED BY...:	
REVISED BY...:	

Easement Plat - 15' Public Storm Sewer Easement
Across part of Outlot "Z", Hazel Marie Townhomes Plat 2 and Lot 7, Hazel Marie Townhomes Plat 4 1300 Audrey Street SE - Bondurant, IA 50035
Requested by...: Jeff Buckley - Lansink Construction, Inc. Titleholder...: H. Marie, L.L.C.

PROJECT #...:	HML2001
FILE #...:	EP2001
SCALE	SHEET
VERT...:	1
HORIZ...: 1"=20'	Of 1



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

Signed: _____
Brian R. Campbell, P.E., P.L.S.

Date: _____ Lic. No. _____
*My license renewal date is December 31, 2021

PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ-200213-12

RESOLUTION REGARDING AN EASEMENT VACATION PLAT FOR A PUBLIC STORM
SEWER EASEMENT IN HAZEL MARIE TOWNHOMES PLATS 2 & 4

WHEREAS, Campbell Engineering & Surveying submitted an Easement Vacation Plat for Hazel Marie Townhomes Plat 2 & Plat 4; AND

WHEREAS, the owner is H. Marie, LLC; AND

WHEREAS, the easement request is to vacate an existing 30'-wide permanent public storm sewer easement and then establish a 15'-wide public storm sewer easement as shown in the Easement Vacation Plat and described as follows:

A 15 FOOT WIDE PUBLIC STORM SEWER EASEMENT UNDER AND ACROSS OUTLOT "Z", HAZEL MARIE TOWNHOMES PLAT 2 AND LOT 7, HAZEL MARIE TOWNHOMES PLAT 4, IN AND FORMING A PART OF THE CITY OF BONDURANT, IOWA, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHERNMOST PLAT CORNER OF HAZEL MARIE TOWNHOMES PLAT 2, ALSO BEING THE WESTERNMOST CORNER OF CLARENCE OLESON VISTA ESTATES PLAT 6; THENCE S43°14'30"W, 32.13 FEET ALONG THE NORTHWESTERLY LINE OF SAID HAZEL MARIE TOWNHOMES PLAT 2 TO THE POINT OF BEGINNING; THENCE S57°53'31"E, 166.41 FEET TO THE NORTHEASTERLY LINE OF SAID HAZEL MARIE TOWNHOMES PLAT 2, SAID LINE BEING THE SOUTHWESTERLY LINE OF SAID CLARENCE OLESON VISTA ESTATES PLAT 6; THENCE S46°45'30"E, 12.47 FEET TO THE NORTHEAST CORNER OF SAID HAZEL MARIE TOWNHOMES PLAT 2, SAID POINT LYING ON A CURVE ON THE NORTHWESTERLY RIGHT-OF-WAY OF ADAMS STREET SE, SAID CURVE HAVING A RADIUS OF 260.09 FEET (RECORDED AS 260.00 FEET) AND A CENTRAL ANGLE OF 2°46'27"; THENCE ALONG SAID CURVING RIGHT-OF-WAY 12.59 FEET TO THE LEFT HAVING A CHORD S31°44'17"W, 12.59 FEET; THENCE N57°53'31"W; 181.69 FEET TO SAID NORTHWESTERLY LINE OF HAZEL MARIE TOWNHOMES PLAT 2; THENCE N43°14'30"E; 15.29 FEET TO THE POINT OF BEGINNING.

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Bondurant, Iowa, that the Easement Vacation Plat for Mid Country Implement is approved and forwarded to the City Council with a recommendation for approval of same.

Moved by _____, Seconded by _____ to adopt.

ATTEST: I, Shelby Hagan, City Clerk of Bondurant, hereby certify that at a meeting of the Planning and Zoning Commission held on February 13, 2020; among other proceedings the above was adopted.

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

Shelby Hagan, City Clerk

Action	Yay	Nay	Abstain	Absent
Hoffman-Zinnel				
Clayton				
Mains				
Keeran				
Cuellar				
Phearman				
Bostrom				

Karen Keeran, Acting Commission Chair