

**Due to the COVID-19 concerns and social distancing recommendations, a virtual meeting was offered.*

CITY OF BONDURANT
PLANNING AND ZONING COMMISSION
DECEMBER 10, 2020
MINUTES

1. Call to Order

Commission Member Cuellar called the meeting to order at 6:02 p.m.

2. Roll Call

Roll call was taken and a quorum was declared.

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

Absent: None

City Officials

Present: Maggie Murray, Planning & Community Development Director; Marketa Oliver, City Administrator; Councilman Doug Elrod

3. Perfecting and Approval of the Agenda

Motion by Hoffman-Zinnel, seconded by Brostrom, to approve the agenda. Vote on Motion 6-0. Motion carried.

4. Approval of the Commission Minutes – November 12, 2020

Motion by Keeran, seconded by Hoffman-Zinnel, to approve the November 12, 2020 minutes. Vote on Motion 6-0. Motion declared carried unanimously.

5. Guests requesting to address the Commission – None

6. **RESOLUTION 201210-43:** Considering recommended approval of the Pope/Palmer/Reicherts 80/20 annexation within two miles of the City of Altoona's city limits.

Murray summarized the staff report. For review by the Commission is recommended approval of the Pope/Palmer/Reicherts annexation. Murray talked through the maps included as part of the packet. The zoomed-in map shows that three parcels and the adjacent roadway right-of-way are proposed for annexation. This annexation area is 108.29 acres. As the map shows, two parcels (Pope and Palmer) have submitted their voluntary annexation petition while one parcel (Reicherts) proposed for annexation

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has not. Iowa Code allows for an 80/20 annexation where up to 20% of land proposed for annexation may come in without a voluntary petition signed so as to avoid creating an island of unincorporated land surrounded by incorporated land. The non-consenting Reicherts parcel cannot be annexed without creating a prohibited island. 98.20% of the land is consenting while only 1.80% of the land is non-consenting. This land proposed for annexation falls within two miles of the City of Altoona's city limits. Included as part of the staff report are items that should be considered with all annexation requests – consistency with the Comprehensive Plan, street and utility connectivity, and also public outreach. No actual active development is proposed as part of this annexation request, meaning that the land will remain used as is until if or when development occurs. The Pope parcel is currently farm land while the other two parcels each have a single-family house located on their lots. The land once annexed will become zoned as being with the City's Agricultural (A-1) District. The current uses of agricultural land and single-family detached homes are both permitted uses of this A-1 District. The City's Future Land Use Map as part of its Comprehensive Plan guides for agricultural/reserve residential in this area, so the eventual zoning designation will be consistent with the Comprehensive Plan. Street and utility connectivity will be evaluated in further detail if/when actual development is proposed at the detailed subdivision or site plan level. The City has followed the notifications as required by Iowa Code, including notification of the townships, the Board of Supervisors, the City of Altoona, non-consenting owners, adjacent owners, private utilities, etc. City Council will be holding their required public hearing on December 21st. After Council votes on a resolution, this annexation request will go to the State's City Development Board since it involves both land within 2 miles of Altoona and also because it includes a non-consenting property. Staff recommends approval of this annexation request.

Hoffman-Zinnel asked what the response has been thus far from the non-consenting Reicherts parcel? Murray noted that the City mailed an initial notification to the Reicherts earlier in the year prior to formally starting the process and received no feedback. Murray noted that the City also mailed its required notification to the Reicherts again in November by regular and certified mail and again received no response.

Elrod noted he feels this annexation area should be a priority. Elrod thanked staff for moving this annexation request forward.

Motion by Clayton for recommended approval of Resolution 201210-43 regarding the Pope/Palmer/Reicherts annexation. Seconded by Mains. Roll Call: Ayes: Cuellar, Mains, Keeran, Hoffman-Zinnel, Brostrom, Clayton. Nays: None. Absent: None. Motion carried 6-0.

7. **RESOLUTION 201210-44:** Considering recommended approval of a public utility easement vacation request at 1500 NE Morgan Drive.

Murray summarized the staff report. The owner at 1500 NE Morgan Drive has submitted a public utility easement vacation request for an easement currently on his

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land. Back when this area was originally subdivided, the existing one parcel at 1500 NE Morgan Drive was comprised of two lots and there was a public utility easement that was established along the lot lines of both lots to service the rear lot. Since this site has been developed as one site and not two, there is no need for the entire public utility easement area. The owner will be constructing an addition onto his home within the general area of the public utility easement. There are no public utilities within this easement area. Private utilities were also notified. MidAmerican noted that they have some facilities within a portion of the public utility easement area closer to NE Morgan Drive and asked that this area only with their facilities remain as an easement area. The area proposed for vacation excludes the area requested by MidAmerican. City Council will hold their required public hearing on December 21st. Staff is recommending approval of this public utility easement vacation request.

Motion by Brostrom for recommended approval of Resolution 201210-44 regarding the public utility easement vacation request at 1500 NE Morgan Drive. Seconded by Clayton. Roll Call: Ayes: Cuellar, Mains, Keeran, Hoffman-Zinnel, Brostrom, Clayton. Nays: None. Absent: None. Motion carried 6-0.

8. **RESOLUTION 201210-45:** Considering recommended approval of the Newby Farms Plat of Survey (Parcels 2020-188, 2020-189, and 2020-190).

Murray summarized the staff report. Land owned by Newby Farms just east of the high school and new junior high site is proposed for splitting. The plat of survey received shows this land will be split out into three parcels, as the School District will be purchasing the land in a series of phases. In October the City of Bondurant released its first right of refusal on this land exclusively to the School District. The plat of survey notes that prior to development, this land will need to be included as part of a final plat. The staff report also notes that if/when actual active school use(s) are proposed at this location, a rezoning will need to occur as it is currently zoned Agricultural (A-1). Staff is recommending approval of the Newby Farms Plat of Survey.

Clayton noted as a full disclosure that his parents' farm house is situated just east of this Newby Farms Plat of Survey.

Clayton asked what the School District's plans are for this Newby Farms land? Don Marner, Snyder & Associates, noted that the School District is currently in their planning phase to determine a final use. Clayton asked if this site will be used for a new elementary school and/or for ball fields? Chad Carlson, Bondurant-Farrar Community School District, explained that this is yet to be determined as the District is currently evaluating their needs as a whole.

Clayton asked if the existing sanitary sewer main on the high school and junior high site is deep enough to service this Newby Farms land to the east? Murray noted she will need to speak to the City Engineer on this topic. Murray also noted that at some point, a discussion will need to be had on the paving of the NE 86th Avenue corridor,

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as it is currently gravel and the City is beginning to see development interest in this area.

Motion by Clayton for recommended approval of Resolution 201210-45 regarding the Newby Farms Plat of Survey request. Seconded by Brostrom. Roll Call: Ayes: Cuellar, Mains, Keeran, Hoffman-Zinnel, Brostrom, Clayton. Nays: None. Absent: None. Motion carried 6-0.

7. Reports/Comments and appropriate action thereon:

a. Commission Member Comments

Mains – asked about the status of shipping container enforcement at Vision Electric and also in the downtown on Landus' land. Murray explained that the containers near Landus are actually the City's temporary containers as a result of the library expansion project. Once the library expansion project is complete, they will be removed. Murray noted that she is aware that the City has had discussions on this shipping container topic before her arrival but she has not spent time working on an ordinance or enforcement.

Brostrom – noted that when making an amendment to the Subdivision Code, the City should look at requiring that sanitary sewer be extended for the entire extent of the subdivision proposed by that developer, as this was not the case in the review of the Quail Run Phase 2 development area. Other cities require this and this.

Clayton – asked about the status of landscaping at Midstate Precast Products. Oliver noted that she met with the owner this afternoon and that the owner did receive a notification letter from the City. Oliver explained the owner is going to work on updated plans that address the City's requirements. Clayton noted that the City should make it a priority to automatically require turn lanes as part of the Ordinance instead of having to wait until the Traffic Impact Study to find out whether or not the turn lanes are required. Clayton asked about the NE 86th Avenue corridor. A discussion was had on potential cost-share between properties. Elrod noted it is important that the City retains the correct amount of right-of-way as development is proposed along NE 86th Avenue. Elrod noted that the Comprehensive Plan shows a meandering route along this NE 86th Avenue corridor.

Hoffman-Zinnel – none

Keeran – asked about the status of the Highway 65 turn lane into the new Kimberley Development at Prairie Point View. Oliver explained that the owner of land who currently owns the area where the street connection is proposed recently signed the necessary documents for this project. Oliver noted that the project won't actually be constructed out until Spring. Murray noted that in the meantime, construction vehicles will need to utilize the designated construction route of 15th Street SE to Michael Street SE to gain access to the development area. Keeran noted that the construction vehicles are driving along Michael Street SE at a fast speed. Murray noted that she will relay this to the developer and also the Sheriff's office.

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- b. **Commission Chair Comments** – none
- c. **City Administrator Comments** – noted that Amazon kicked off its operations this week. Noted that the City recently received FEMA funds to purchase a new generator. Noted that the public sidewalk next to Burke's Outsourcing along Washington Avenue is now complete.
- d. **Planning & Community Development Director** – noted that the next regularly scheduled meeting is cancelled since it falls on Christmas eve. Noted that Emily Karwoski chose to join the City's Parks & Recreation Board – so the City will need to start seeking another potential member to fill Joe Phearman's position.
- e. **City Council Liaison** – noted this will be his last meeting serving as the Council liaison and that Bob Pepper will be acting as liaison in 2021. Noted he is proud of the changes that have occurred over the past six years. The Commission thanked him for his time acting as liaison.

10. Adjournment

Moved by Keeran, seconded by Mains, to adjourn the meeting at 6:45 p.m. Vote on Motion 6-0. Motion carried.

Maggie Murray, Planning & Community Development Director

ATTEST:

Torey Cuellar, Commission Chair