



**BUSINESS OF THE CITY COUNCIL
BONDURANT, IOWA
AGENDA STATEMENT**

Item No. 13
For Meeting of 4/20/2020

TITLE: Third (and final) ordinance consideration of the rezoning request from the City's Agricultural (A-1) District to the Limited Industrial (M-1) District on the portion of land located within the I-80 Business Park that is part of Bondurant's city limits.

ACTION: 3rd reading for vote

CONTACT PERSON: Maggie Murray, Planning & Community Development Director

BRIEF HISTORY: The City has received a rezoning application for an existing 4.67-acre parcel of land within Bondurant's city limits along Hubbell Road SW and NE 62nd Avenue, as shown in the enclosed maps. This rezoning application has been submitted by the owner, I-80 Business Park, LLC. This parcel is currently zoned as being within the City's Agricultural (A-1) District. The rezoning request is that the Official Zoning Map be changed from the Agricultural (A-1) District to the Limited Industrial (M-1) District for Parcel #7923-12-100-001 only. The purpose of this rezoning request is to allow for construction of a detention pond on the land requested for rezoning. This detention pond will serve the developable commercial and limited industrial lots of the I-80 Business Park Subdivision. The developable lots of the I-80 Business Park Subdivision are located within the Altoona's city limits just to the west of this land in Bondurant's city limits being requested for rezoning.

Being considered by the Council as part of this rezoning request for this 4.67-acre parcel only. Uses proposed within Altoona's city limits fall under the City of Altoona's zoning jurisdiction.

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.

Bondurant's Comprehensive Plan currently guides for a future use of industrial in the area requested for rezoning, so no update to the City's Future Land Use Map is proposed at this time.

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 Limited Industrial (M-1) also exists for a portion of land just north of NE 62nd Avenue (Oxbow Subdivision currently under construction) and also for a portion of land just east of Hubbell Road SW (existing Mid-Country Machinery site at 3509 Franklin Street SW). Further, as previously noted, the City's Comprehensive Plan supports this rezoning request, as the City's Future Land Use Map as part of the City's Comprehensive Plan guides for guides for industrial use in the area requested for rezoning from Agricultural (A-1) to Limited Industrial (M-1).


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. There are three properties within 200' of the rezoning request within city limits. These owners originally submitted their signatures as part of a petition received by the City against the rezoning request; however, on March 8th, these property owners within 200' within city limits submitted a request to release their signatures from the original rezoning against; as such, a super majority vote by City Council is no longer required for rezoning approval.

PLANNING AND ZONING COMMISSION REVIEW/RECOMMENDATION

On January 23rd the Planning and Zoning Commission voted for recommended rezoning approval with a 5-2 vote.

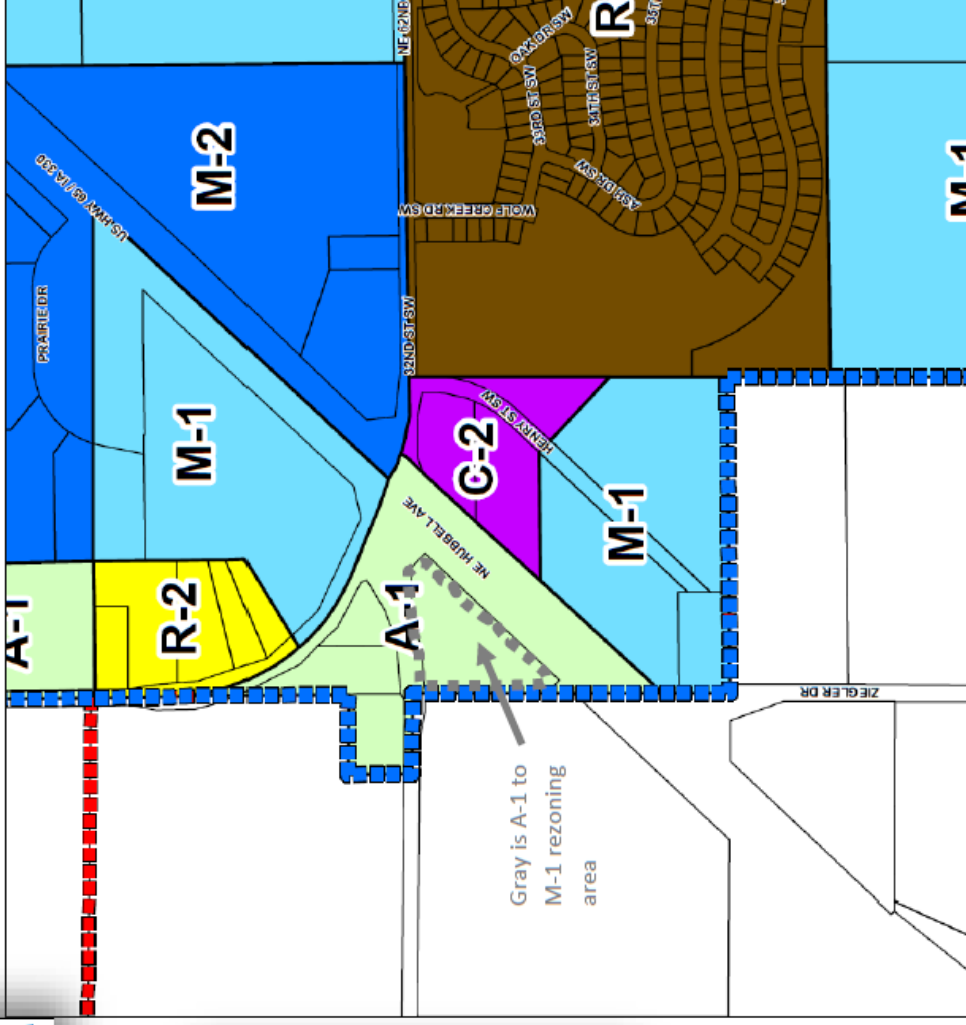
ALTERNATIVES: The option exists for Council to not approve the second ordinance consideration; however, this is not recommended by staff. The previous two ordinance readings have been approved by Council with a 3-2 vote.

___ Resolution <input checked="" type="checkbox"/> Ordinance ___ Contract ___ Other (Specify) _____
Funding Source <u> N/A </u>
APPROVED FOR SUBMITTAL _____  City Administrator

STAFF RECOMMENDATION: Planning staff recommends approval of this rezoning request, as it is consistent with the City's Future Land Use Map as part of its Comprehensive Plan. Staff cautions that if this rezoning ordinance were to be denied, an update to the Future Land Use Map will need to occur to reflect a new identified future land use of this area. If an update to the Future Land Use Map were to occur for another type of suggested land use, such as commercial, a rezoning application to allow for such detention pond use could still be considered a reasonable request.

ZONING MAP CITY OF BONDURANT, IOWA



















LEGEND	
	CORPORATE LIMITS
	FUTURE STREETS
ZONING CLASSIFICATIONS	
	A-1 AGRICULTURAL DISTRICT
	R-1 SINGLE FAMILY RESIDENTIAL DISTRICT
	R-2 ONE- AND TWO-FAMILY RESIDENTIAL DISTRICT
	R-3 MULTI-FAMILY RESIDENTIAL DISTRICT
	R-4 MANUFACTURED HOUSING RESIDENTIAL DISTRICT
	R-5 PLANNED UNIT DEVELOPMENT DISTRICT
	G-1 TRANSITIONAL COMMERCIAL DISTRICT
	G-2 GENERAL COMMERCIAL DISTRICT
	G-3 CENTRAL BUSINESS DISTRICT
	M-1 LIMITED INDUSTRIAL DISTRICT
	M-2 MEDIUM INDUSTRIAL DISTRICT
	U-1 CONSERVANCY DISTRICT

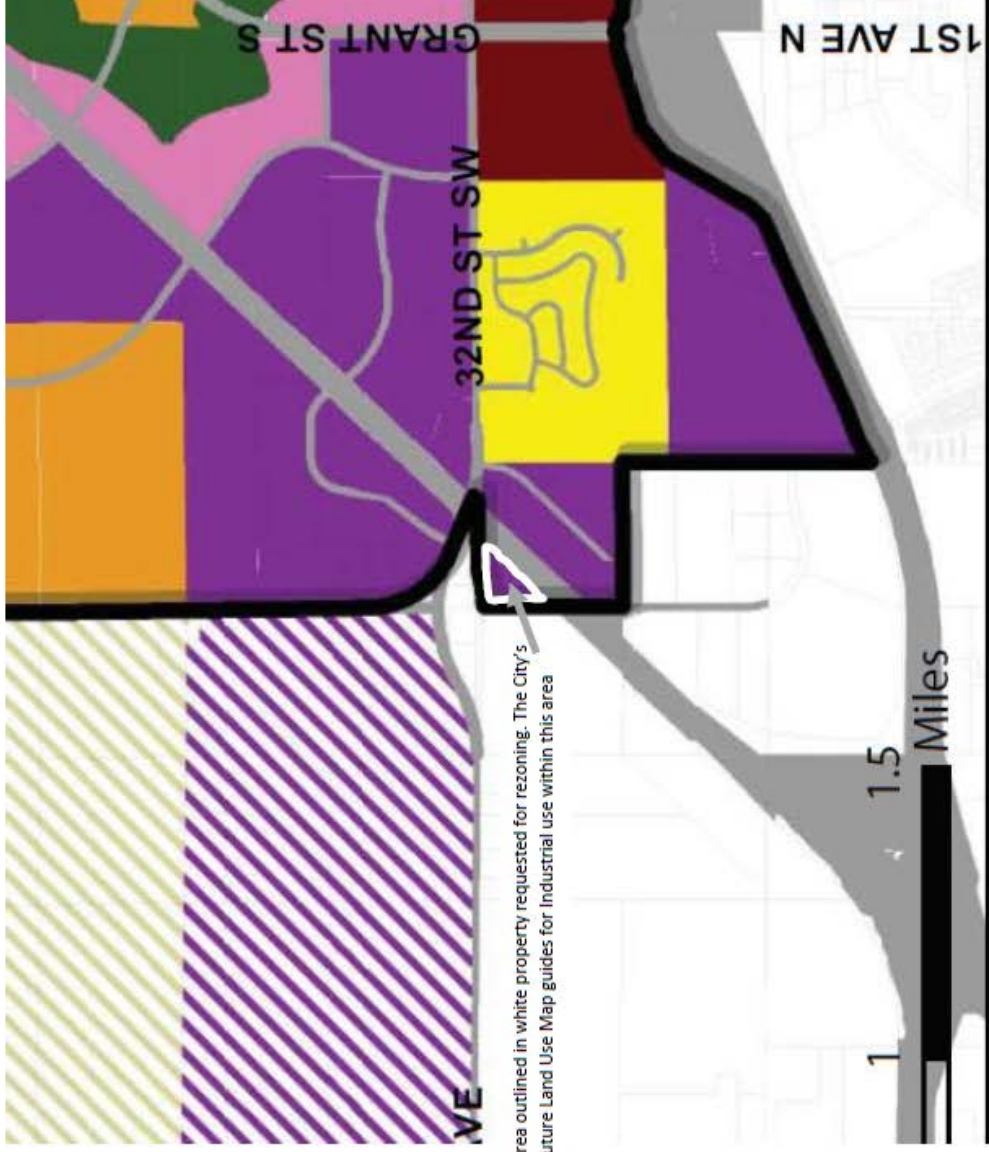


REZONING LEGAL DESCRIPTION: A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF BONDURANT, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 12; THENCE NORTH 89°12'07" EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER, 518.52 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HUBBELL AVENUE; THENCE SOUTH 46°52'55" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE, 81.62 FEET; THENCE SOUTH 43°12'33" WEST CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, 761.39 FEET; THENCE NORTH 46°35'09" WEST CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, 77.56 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH 00°02'35" WEST ALONG SAID WEST LINE, 550.20 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.67 ACRES (203,215 SQUARE FEET).

Future Land Use Map (Guides Rezonings)

Legend

-  City Limits
- Future Land Use**
-  Low Density Residential
-  Multi-Family Residential
-  Mixed Use
-  Downtown Commercial
-  Community Commercial
-  Regional Commercial
-  Industrial
-  Office
-  Civic
-  Parks
-  Open Space
-  Right of Way
-  Reserve Ag/Residential
-  Reserve Multi-Fam. Residential
-  Reserve Commercial
-  Reserve Industrial
-  Reserve Office

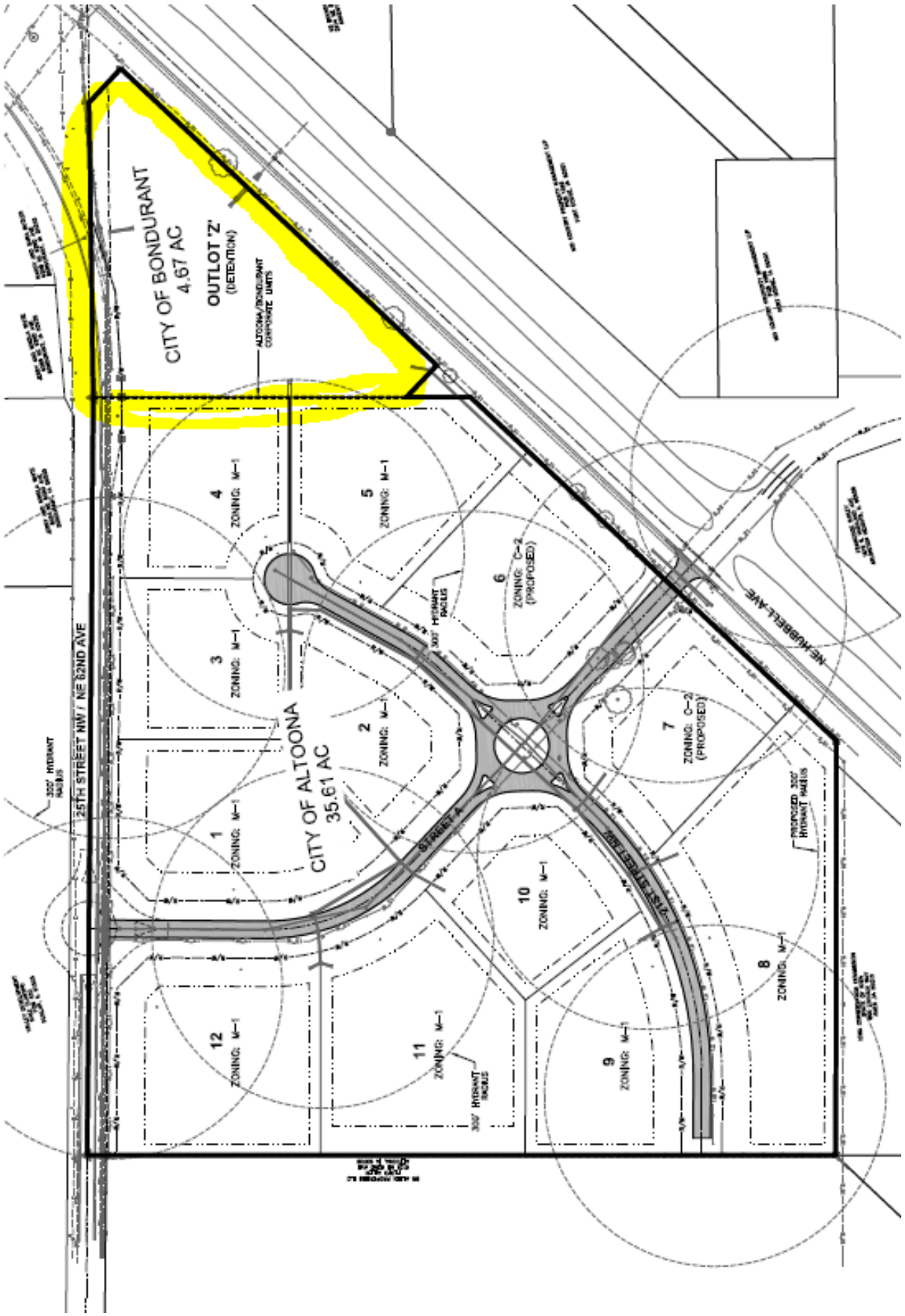


Area outlined in white property requested for rezoning. The City's Future Land Use Map guides for Industrial use within this area



THE SHORTEST GROUND OF THE INTERSECTION OF
ALTOONA/BONDURANT AND PHAROS WOODS DRIVE
ELEVATION=8112

7. DEVELOPER IS REQUIRED TO POST
WITHIN THE PROPERTY.



PETITION RELEASE

The undersigned, Randy Butler and Sara Butler, do state that we submitted an Official Petition Against the Rezoning Application, received by the City of Bondurant on January 9, 2020, directed toward the Planning and Zoning Commission and City Council, regarding the re-zoning request submitted by I-80 Business Park, LLC to re-zone certain property from Agricultural (A-1) to Limited Industrial (M-1).

Since our submittal of the above-mentioned petition, we have learned new information which has altered our original position regarding this re-zoning request. We therefore forever release and wholly retract the above-mentioned petition. We authorize the City of Bondurant to prepare and execute any documentation necessary to effectuate this release and retraction.

RANDY BUTLER



3/8/2020
Date

SARA BUTLER



3/8/2020
Date

PETITION RELEASE

The undersigned, Jerry E. White and Mindla White, do state that we submitted an Official Petition Against the Rezoning Application, received by the City of Bondurant on January 9, 2020, directed toward the Planning and Zoning Commission and City Council, regarding the re-zoning request submitted by I-80 Business Park, LLC to re-zone certain property from Agricultural (A-1) to Limited Industrial (M-1).

Since our submittal of the above-mentioned petition, we have learned new information which has altered our original position regarding this re-zoning request. We therefore forever release and wholly retract the above-mentioned petition. We authorize the City of Bondurant to prepare and execute any documentation necessary to effectuate this release and retraction.

JERRY E. WHITE



9 MARCH 2020

Date

MINDLA WHITE



9 March 2020

Date

CITY OF BONDURANT
ORDINANCE NO. 200302-205

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BONDURANT, IOWA, 2002, BY AMENDING THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE FROM AGRICULTURAL (A-1) TO LIMITED INDUSTRIAL (M-1)

BE IT ENACTED by the City Council of the City of Bondurant, Polk County, Iowa:

Section 1. PURPOSE. The purpose of this ordinance is to change the zoning from Agricultural (A-1) to Limited Industrial (M-1) on the following property located within the corporate limits of the City of Bondurant, Polk County, Iowa and described as follows:

A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF BONDURANT, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 12; THENCE NORTH 89°12'07" EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER, 518.52 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HUBBELL AVENUE; THENCE SOUTH 46°52'55" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE, 81.62 FEET; THENCE SOUTH 43°12'33" WEST CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, 761.39 FEET; THENCE NORTH 46°35'09" WEST CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, 77.56 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH 00°02'35" WEST ALONG SAID WEST LINE, 550.20 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.67 ACRES (203,215 SQUARE FEET).

Section 2. FINDINGS. The City Council of the City of Bondurant, Iowa, hereby makes the following findings:

1. That the zoning change will create consistency between the City's Future Land Use Map and Official Zoning Map.
2. That the zoning change 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 public notice of this intended change has been published as by law required.

Section 3. HEREBY REZONED. The property, above described, is hereby rezoned to Limited Industrial (M-1).

Section 4. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. SEVERABILITY. If any section, provisions, sentence, clause, phrase or part of this ordinance shall be adjudicated, invalid or unconstitutional, such adjudication shall not affect the validity of the

ordinance as a whole or any provision, section, subsection, sentence clause, phrase or part thereof not adjudged invalid or unconstitutional.

Section 5. EFFECTIVE DATE. This ordinance shall be in full force and effect following its passage, adoption and publication as required by law.

Passed and approved by the City Council of the City of Bondurant, Iowa this ____ day of _____, 2020.

CITY OF BONDURANT, POLK COUNTY, IOWA

CURT SULLIVAN, MAYOR

ATTEST:

SHELBY HAGAN, CITY CLERK

(SEAL)

FIRST CONSIDERATION:
SECOND CONSIDERATION:
THIRD CONSIDERATION: