Meeting No. 08-11 November 13, 2008

CITY OF BONDURANT

PLANNING AND ZONING COMMISSION

MINUTES

A meeting of the City of Bondurant Planning & Zoning Commission was held in the Community Room at the Bondurant City Center on November 13, 2008, at 7:00 p.m.

Present: Commission Chair John Bein
Commission Member Judi Mendenhall
Commission Member Marvin Skinner
Commission Member Roy McCleary
Commission Member Roland Mark
Commission Member David Higgins
City Council Member Michele Bailey
City Administrator Mark J. Arentsen
Finance Director Lori Dunham

Absent: Commission Member Deborah Baker

Notice of the meeting was posted at the Bondurant City Center, Casey's General Stores, Legacy Bank and the Bondurant Post Office on November 10, 2008. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Commission Chair Bein called the meeting to order at 7:00 p.m. Roll call was taken and a quorum was declared. Motion made by Commission Member Mark, seconded by Commission Member Mendenhall, to approve the agenda. Roll call: Ayes: 5. Nays: 0. Motion carried.

Motion made by Commission Member McCleary, seconded by Commission Member Mendenhall, to approve the Planning and Zoning Commission Minutes of August 14, 2008. Roll call: Ayes: 5. Nays: 0. Motion carried.

Mr. David Williams, owner and operator of Midwest Recovery, 3300 Henry Street, Southwest, Bondurant, Iowa, requested the Commission consider the rezoning of his business from General Commercial (C-2) to Medium Industrial (M-1). Due to economic conditions and the dramatic fall of metal prices, Mr. Williams would like to recycle materials from automobiles. Automotive metals are higher than metals from appliances right now. There would be no storing of automobiles or hazardous waste. Automobiles would be picked up by Mr. Williams with a trailer, taken inside the building, stripped of all recoverable materials, liquids disposed of at the Metro Waste Authority's Regional Collection Center and no resale of any automobiles would occur. Remaining automobile pieces would be taken to the junk yard the same day. He has the capacity to work on one vehicle at a time.

Commission Member McCleary questioned if there was any chance that the liquids would spill down the drains or into the storm water system. Mr. Williams commented that the facility is a sealed facility with no drains. Commission Member Mendenhall inquired if there was a special license requirement to work on automobiles. Mr. Williams stated that the DOT requires the zoning permit from the city as an automotive scrapper. Commission Member Mark inquired as to what would happen to the tires and where the vehicles would come from. The tires would be put in the back seat of the car and taken to the junk yard. Cars would come from citizens that wanted to get rid of a car. Mr. Williams would obtain the title for the cars. Commission Chair Bein liked the idea of everything staying on the trailer and inquired as to where the recoverable materials go. Mr. Williams stated that he sells everything to Alter Trading Corporation. Commission Member Skinner commented that he had no problem with the recycling of vehicles. He did question that there are two buildings on the property zoned C-2 and this one occupant would be spot zoned to M-1. Mr. Skinner does not think spot zoning is a good idea. He also was concerned that there was no comment from the owner of the property. City Administrator Arentsen stated that if enough conditions exist in the zoning permit, the City should not have a problem with other requests. He also commented that the issue is before the Commission to find out if Mr. Williams should proceed with the process and if the Commission is willing to consider the temporary zoning change. The zoning change would be a temporary zoning permit. The Commission agreed that the acceptable temporary period would be for a period of one year. Commission Member Skinner stated that temporary tends to become permanent. The former Union 76 property is an example where timelines have not been met. City Administrator Arentsen commented that the former Union 76 property occurred without permission from the City. Commission Chair Bein asked if conditions could exist in the zoning permit that would allow the permit to be rescinded at any time. City Administrator Arentsen and Mr. Williams both agreed that conditions should be listed in the permit to allow for the expiration at any time.

Commission Member Higgins arrived at 7:29 p.m. He was given the details of the discussion thus far.

Commission Member Higgins commented that he did not want to have spot zoning, did not want any fuels or liquids left at the building, inquired if Mr. Williams was still going to recycle appliances and electronics and was interested to see what the neighbors and the owner want. He questioned if it was the owner of the property that was to request the zoning change. Commission Member Skinner thought that was the case. Commission Member Mark asked Commission Chair Bein for spot zoning guidance. Commission Chair Bein commented that it is a balancing act between the City, the citizens and the property owners. He thought Mr. Williams has a valid request. He does not see this issue as spot zoning as this is business specific, not property specific.

Public comment from City Council Member Michele Bailey, 129 Patterson Street, Southeast, noted that Midwest Recovery has been a good business in the City. She would like the zoning change to be specific to his business and for a certain time frame. She also would like it restricted to cars, allowing no trucks.

Commission Member Higgins suggested that wording could include that if 3-4 or 2-3 citations were issued, that would trigger the end of the zoning change. The City needs to lay down as many rules as it can.

Motion made by Commission Member McCleary, seconded by Commission Member Mendenhall, to consider the temporary rezoning of 3300 Henry Street, Southwest, Unit #1, Bondurant, Polk County, Iowa, occupied by Midwest Recovery, as long as limitations are set, for a period from January 1, 2009, to January 1, 2010. Roll Call: McCleary-Yes, Mendenhall–Yes, Higgins-Yes, Skinner-Yes, Mark–Yes, Bein–Yes. Motion carried.

The following items were discussed as part of Commission Members' comments:

- Commission Member Mark – Wanted to know if there was a committee for picking out street lights for Main Street project. Street lights should not violate property owners or cause distress. If fixtures are from MidAmerican Energy, then that probably relieves the City of responsibility. Wanted to know if money has been received for the project. Wanted to know the status of the bike path and the WRA sewer project.
- Commission Member Skinner – Questioned if part of the M-3 listing in the new code book is missing. He thought there were more business establishments listed before having to do with cement yards, rendering plants, packing houses, adult entertainment, etc. Wanted to know the status of the old Union 76 station and if a fine can be levied. Inquired about the Gabus property.
- Commission Member Mendenhall – Has done an extensive audit of the Midwest Recover facility. Mr. Williams does things right. Pocket zoning can be a positive thing, businesses see that the City is stepping forward to help businesses.
- Commission Member McCleary – Wanted to know status of Paired Homes project.
- Commission Member Higgins – Would like to revisit the sign ordinance after the first of the year pertaining to the cost for non-profit organizations, noticed a banner up for the Git-N-Go at the former Cenex gas station.

The following items were discussed as part of City Administrator Arentsen's comments:

- City Council had a closed session at the last meeting concerning the former Union 76 property.

- There will be no committee to select street lights for Main Street. Fixtures from MidAmerican Energy were chosen. Stanley Consultants has redesigned the intersection of Main Street and First Street, Southeast. The City will revisit with property owners to review the plan. Money has been received for the project. Bike path will be a 6' wide sidewalk west of Grant Street, North, and 10' wide bike path east of Grant Street, North, along Second Street.
- It is in the City's best interest to wait until 2012 to complete the WRA sewer connection. Connection prior to that would cost the City a lot of money.
- Working with businesses in the area is a good thing. The City worked with FC Coop to set up their scale on the east end of Second Street, Northeast, and the Coop has been a great partner with the City.
- Paired Homes site work has been completed.
- Git-N-Go may be open around the first of the year, the station is undergoing major rehabilitation.
- Handed out an example of a Corridor Master Plan. The Commission will be discussing the Highway 65 Open Access Plan this winter.
- Someone has leased the Quizno's building.
- Mr. Gene Gabus notified the City that as soon as the ground dries out, he will hire Huber Grading to remove the buildings from his property on the west end of Second Street, Northwest. He said he will be planting corn there next spring.

The following items were discussed as part of Commission Chair Bein's comments:

- No Comment.

City Council Member Bailey stated that the Mobil station has requested beer and cigarette permits and will reopen. The pumps need replacing and the station needs to be cleaned up. Iowa Wholesale Nursery is closing.

Motion made by Commission Member McCleary, seconded by Commission Member Mendenhall, to adjourn the meeting. Roll call: Ayes: 6. Nays: 0. Motion carried. Commission Chair Bein declared the meeting adjourned at 8:20 p.m.

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John Bein
Chair

ATTEST:

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Lori Dunham
Finance Director