Meeting No. 08-06 April 10, 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 April 10, 2008, at 7:00 p.m.

Present: Commission Vice Chair Roland Mark
Commission Member Deborah Baker
Commission Member David Higgins
Commission Member Roy McCleary
Commission Member Judi Mendenhall
Commission Member Marvin Skinner
City Council Member Mike Adams, Sr.
City Council Member Michele Bailey
City Administrator Mark J. Arentsen
Finance Director Lori Dunham

Absent: Commission Chair John Bein

Notice of the meeting was posted at the Bondurant City Center, Casey's General Stores, Legacy Bank and the Bondurant Post Office on April 04, 2008. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Commission Vice Chair Mark called the meeting to order at 7:00 p.m. Roll call was taken and a quorum was declared. Motion made by Commission Member McCleary, seconded by Commission Member Mendenhall, to approve the agenda. Roll call: Ayes: 6. Nays: 0. Motion carried.

Motion made by Commission Member McCleary, seconded by Commission Member Baker, to approve the Planning and Zoning Commission Minutes of March 27, 2008. Roll call: Ayes: 6. Nays: 0. Motion carried.

Mr. David Bentz, Bishop Engineering, 3501 104th Street, Des Moines, Iowa, presented a revised Concept Plan for Mallard Creek Plat 1, Bondurant, Polk County, Iowa. The plat, located on the west side of Mallard Pointe development, was revised to show 50' lot frontages instead of 40' lot frontages, which was presented at the February 28th Planning & Zoning Commission meeting. The developer is requesting approval to start with 50 to 100 lots. The depth of the lots would be 110'. The homes built on the lots would be up to 40' wide leaving 5' on each side of the home with 25' on the front and back. The valuation of the

homes would be around $149,000. The revised plat has more green space and a little more trail shown. The streets would remain at 31' and 26' wide. Retention basins remain in the northeast and southwest section of the plat.

Commission Member Skinner expressed concern with the size of the lots. Paired housing was turned down a couple of years ago with this development. The City has no other developments with lots this size. He would like to see the development continue with similar value with what is being built next door and across the street. Mr. Skinner said the concept plan does not conform to the City Comprehensive Plan. He felt that the developer has not done what he said would be done as far as tearing down the old farm house and keeping the land mowed. Mr. Skinner said that the school system cannot afford to have that many people in that little space. Smaller homes and smaller lots hurt the schools because they don't pay their way. Commission Member Higgins was disappointed in the lot size also. He wanted to see the square footage of the lots closer to R-2 requirements. As far as starter homes, he said the other development in town with starter homes is seeing a drastic slow down in home sales. He also wanted to see 14' side yards for 2 story homes. He felt that when the R-5 Planned Unit Development (PUD) was approved as a zoning option, it was for parcels of land that would transition to other zoning. Commission Member Mendenhall suggested that larger lot sizes would be better and would like to see some green space in the first phase.

Public comment from City Council Member Michele Bailey, 129 Patterson Street, Southeast, Bondurant, stated that there is a need for homes this size and is disappointed in how the Commission is treating the developer.

Public comment from City Council Member Mike Adams, Sr., asked that the Commission read the first resolution very carefully.

Public comment from Mr. Justin Schiermeister, representing Adams Properties, 300 Second Street, Northeast, Bondurant, Iowa, read a statement indicating that the Commission was setting a precedent by changing the zoning on a plat. The zoning change is unfair to those developers who play by the rules. His statement also suggested that this revised concept plan would discourage development to the west.

Public comment from Mr. Josh Bryant, 502 Mallard Pointe Drive, Northwest, Bondurant, was concerned with any reduction in lot size.

Motion made by Commission Member Baker, seconded by Commission Member McCleary, to approve Resolution No. PZ-08-07, a resolution acknowledging receipt of a Revised Mallard Creek Development Concept Plan, with 50' lot frontages and a minimum size home of 1,045 square feet, and Expressing Support for Platting a portion of the Concept Plan. Roll call: Baker-No, McCleary-Abstain, Skinner-No, Higgins-No, Mendenhall-No, Mark-No. Motion failed.

Motion made by Commission Member Mendenhall, seconded by Commission Member McCleary, to approve Resolution No. PZ-08-08, a resolution approving the rezoning request for the southeast section of Mallard Creek Development, consisting of no more than 100 lots, located west of Mallard Pointe Development and north of Second Street, Northwest, Bondurant, Polk County, Iowa, from R-2 One- and Two-Family Residential to R-5 Planned Unit Development (PUD). Roll call: Mendenhall-No, McCleary-Abstain, Higgins-No, Skinner-No, Baker-No, Mark-No. Motion failed.

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

- Commission Member Mendenhall – Felt that a lesson was learned of what went on the past few months. Bondurant Development, Inc., held a Developer Forum last week. ERR has closed their doors. Attorney Ed Skinner is no longer representing them. ERR has asked Metro Waste Authority to purchase their equipment. There is a horrible smell coming from the old Union 76 site the last couple of days. Attorney Skinner and other landowners will be responsible for cleaning up the site and they are trying to find a use for the material.
- Commission Member McCleary – Concerned with the method in which the Commission dealt with this developer, was ashamed in the unprofessional way the board acted.
- Commission Member Higgins – Felt that the developer did not come back with what the Commission wanted. He would have entertained this idea if he would have built 200 homes in R-2 zoning and then wanted to do something different. Wanted to know if there was anything else for the Commission.
- Commission Member Baker – At the February 28th meeting, Commission Member McCleary made a motion to present 50' lot size. This does not mean that we gave approval. Felt that it was unfair for 895 sq. ft. home plans to be presented the evening of the March 27th meeting and was not in their packet. If it is felt that she is not qualified to sit on this board, please ask for her resignation. Will not sit on this board and be reprimanded in front of guests.
- Commission Member Skinner – This developer was informed two years ago that this type of housing would not be accepted. Our job is to protect the citizens. Great Western Bank is progressing with the Paired Homes project. A surveyor was out there the other day. Wanted to know what Altoona was doing south of town and the status of our sewer issues.

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

- Upcoming meetings will look at the Access Control Plan for Highway 65.

- It appears that Altoona is putting water and sewer service south of town.
- Lagoons are operating well. BOD counts were high a couple of times. Sewer samples are being tested at two different facilities right now to compare accuracy.
- Developer may have the right to forward his concept plan to the Council.
- Main Street reconstruction estimate is around $1.2 million.

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

- Inquired as to the cost of the Main Street reconstruction. He attended the meeting and three other Planning and Zoning Commission Members were present. Some residents at the meeting implied that the Planning and Zoning Commission had some say for the project. Planning and Zoning does not have a vote on the Main Street project.

Motion made by Commission Member Baker, seconded by Commission Member Skinner, to adjourn the meeting. Roll call: Ayes: 6. Nays: 0. Motion carried. Commission Vice Chair Mark declared the meeting adjourned at 8:40 p.m.

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Roland Mark
Vice Chair

ATTEST:

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Lori Dunham
Finance Director