Meeting No. 09-05 April 23, 2009

# 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 23, 2009, at 7:00 p.m.

Present: Commission Vice Chair Roland Mark
Commission Member Roy McCleary
Commission Member Judi Mendenhall
Commission Member Marvin Skinner
Commission Member David Higgins
Commission Member Nicholas Bailey
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 21, 2009. 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 7:02 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: 5. Nays: 0. Motion carried.

Motion made by Commission Member Higgins, seconded by Commission Member McCleary, to approve the Planning and Zoning Commission Minutes of March 26, 2009. Roll call: Ayes: 5. Nays: 0. Motion carried.

Mr. Lorne Wazny, Iowa Department of Transportation, presented a revised Highway 65 Access Control Map. The map included the north end of the City limits, north of the viaduct. Mr. Wazny stated that an aerial view of the highway was reviewed for potential future signal locations. Lincoln Street and Washington Avenue are two locations that signals could be added if they meet warrants. Washington Avenue has the potential for extension and tying in to the highway. Second Street, Northeast, is also shown as a potential future signal. Commission Member Skinner inquired about the north end of town over the viaduct. There are commercial sites there that may require future signals. Mr. Wazny stated that a future signal location could be shown at STA 351+00. Commission Member Higgins asked if a

frontage road would be beneficial in this area. Mr. Wazny agreed that anytime you can funnel traffic to a signal, it is safer for everyone. Commission Member McCleary suggested the Commission move forward with this agreement since it can be modified at any time in the future. Mr. Wazny stated that the access points are where they are, signals can be added as long as they meet warrant criteria. The next meeting to discuss the Access Control Plan will be Thursday, May 14. Adjacent property owners will be invited to ask questions. Motion made by Commission Member McCleary, seconded by Commission Member Mendenhall, to approve Resolution No. PZ-09-05, a Resolution recommending approval of the Highway 65 Access Control Plan. Roll Call: McCleary-Yes, Mendenhall–Yes, Mark-Yes, Higgins–Yes, Skinner-Yes. Motion carried.

Commission Member Nicholas Bailey arrived at 7:20 p.m.

Mr. Charles Speas, Speas Farms, Inc., and Ms. Colleen Carruthers, Iowa Realty, spoke with the Commission about Mr. Speas' son's plans to purchase the Stoll property located at 8452 Northeast 80th Street, Bondurant. His son, Andrew Speas, currently trains cutting horses in Oklahoma, and would like to move back to this area. They are requesting that the City allow up to fifty 400-500 lbs. calves to be housed on the property to allow for the training of the horses. The stage of the trained horse determines the number of cattle needed for training. The cattle would be leased and kept on the land for 30-60 day rotations. Huber Grading will crown the land so it drains properly, keeping the area as dry as possible. There is plenty of surrounding farm land to distribute the manure collected. Commission Member McCleary mentioned that neighbors will not want a manure smell and the DNR will be watchful of what is going on with the property. He hoped that the Speas would be receptive to controlling issues in the future, if issues arose. Mr. Speas stated that there would be a buffer zone along the pit and would install pipe fencing to insure any animal breakouts would be under control. Commission Member Mendenhall stated that she supported the project and had no questions.

Commission Member Judi Mendenhall departed at 7:45 p.m.

Commission Member Higgins inquired about signage, if sales were going to occur, and if events were going to be held. Mr. Speas stated that they may put up an arch sign over the driveway entrance, there would be no selling and no events. He currently pulls a seven-horse trailer with a semi truck. He has yet to figure out how to get the calves here from the farmers willing to lease to him. Commission Member Mark inquired if the school had been notified of his plans. Mr. Speas stated that the City was just step one of his process. He had not been to the school. The property is a fair distance from the new school site and it would have to be an east wind that would carry the smell that way. Commission Member Skinner said that this was a pretty good project but is struggling with this being agricultural land. He wanted to know if this was going to become a business where Andrew would be training horses for others. Mr. Speas said, "No". Mr. Skinner stated that the Speas horses would not be grandfathered in, only Stoll horses would be. The Commission is here to protect the citizens of Bondurant.

Public comment from Council Member Michele Bailey stated that she spoke with City Administrator Mark Arentsen about an agreement between Speas Farms, Inc., and the City should include a limit of fifty head of cattle and that the permission to house cattle and horses is non-transferrable. Motion made by Commission Member McCleary, seconded by Commission Member Higgins, to approve Resolution No. PZ-09-06, a Resolution recommending approval of the housing of cattle and horses provided that a non-transferrable agreement between Speas Farms, Inc., and the City include a limit of fifty head of cattle. Roll Call: McCleary-Yes, Higgins–Yes, Mark-Yes, Bailey–Yes, Skinner-Yes. Motion carried.

City Administrator Arentsen led a discussion concerning the rezoning procedures written in the Code of Ordinances Chapter 179, Section 179.04, and the Planning and Zoning Commission's role. The way the Code is written now, the Planning and Zoning Commission has no role. Commission Member Skinner stated that this group has never had the authority to change zoning. Council does not have to agree with P&Z. Prior to the last 3-4 years, P&Z has been overruled one time. The P&Z Commission was totally left out of the last process. P&Z and the Council need to have a working relationship. The Council is elected and have the final say; the P&Z should be a working arm of the Council. Motion made by Commission Member McCleary, seconded by Commission Member Skinner, recommending the Planning & Zoning Commission set procedures for rezoning in the Bondurant Code of Ordinances. Roll Call: McCleary-Yes, Skinner-Yes, Bailey-Yes, Higgins-Yes, Mark-Yes. Motion carried.

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

- Commission Member Bailey – No comment.
- Commission Member Skinner – No comment.
- Commission Member McCleary – What the Commission did here tonight is a step in the right direction.
- Commission Member Higgins – Git-N-Go status; noticed the monument sign had been removed; Public Safety Building Open House is May 2; Fire Department is very proud of the building they have.

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

- City attorneys are speaking with the property owners about the old Union 76 dumpsite.
- Downtown project bids are due April 28; construction will start after Summerfest.
- Bike path, west of Grant Street, will be delayed a month with the bidding to go out in July.

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

- Received invitation to Developers Conference on May 7; inquired about the status at old Union 76 site.

Motion made by Commission Member McCleary, seconded by Commission Member Higgins, to adjourn the meeting. Roll call: Ayes: 5. Nays: 0. Motion carried. Commission Vice Chair Mark declared the meeting adjourned at 8:45 p.m.

_____
Roland Mark
Vice Chair

ATTEST:

_____
Lori Dunham
Finance Director