Meeting No. 09-04 March 26, 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 March 26, 2009, at 7:00 p.m.

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

Absent: None

Notice of the meeting was posted at the Bondurant City Center, Casey's General Stores, Legacy Bank and the Bondurant Post Office on March 20, 2009. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Commission Chair Bein called the meeting to order at 7:04 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 Mendenhall, to approve the Planning and Zoning Commission Minutes of February 26, 2009. Roll call: Ayes: 6. Nays: 0. Motion carried.

Mr. David Bentz, Bishop Engineering, 3501 104th Street, Urbandale, Iowa, and Mr. Gene Gabus, representing Mallard Creek Development, presented a revised zoning request for the majority of Mallard Creek Estates Plat 1, except for the southeast corner, from R-2 One- and Two-Family Residential to R-5 Planned Unit Development (PUD), and a Revised Preliminary Plat for Mallard Creek Estates Plat 1, located north of Second Street, Northwest, Bondurant, Polk County, Iowa. Commission Member McCleary inquired about the storm water calculations. Mr. Bentz stated that the construction plans would show those details. Commission Member Higgins asked if the stormwater retention area would be filled in as construction continues. Mr. Bentz said that it would not be filled in. A letter from the

Bondurant-Farrar Community School District dated March 24, 2009, was discussed. The school district is looking for information on the average family size and income and the rate of home sale or completion for the development, in order to plan for future growth. Mr. Gabus stated that the homes were geared toward first time home buyers with no kids and empty nesters looking to downsize. He plans to build on 40 lots at a time with the plat being totally constructed in 2-3 years. That would depend on the timeframe of the homes being sold. They will not build any spec homes. Commission Member Skinner stated that previous developments brought in 1.7 students per new house. Commission Member McCleary inquired about the open enrollment policy of the school district. Mr. Warren Nielsen, 11450 NE Hubbell Way, Maxwell, Iowa, and Mrs. Susan Ugulini, representing the Bondurant-Farrar School Board, stated that open enrollment for 20 spaces for ninth grade was open for a week for the 2009-2010 school year. The district may offer open enrollment for the high school grades for the 2010-2011 school year. Commission Member Skinner inquired as to the home value decreasing with the type of home that they were planning to build. Mr. Jack Inman, Inman and Associates, stated that he had built similar developments in Urbandale (Parkview Estates) and that the home value increases the same as other homes around the area. Commission Member Skinner questioned if a public hearing was required for rezoning. City Administrator Arentsen said that the rezoning is done through Council. Commission Member Skinner expressed his concern about adding that many people to our sewer system. The developer needs to prove that the sewer system can handle it. City Engineer Stanley Consultants have said that the City sewer system may have enough capacity to handle the plat. Commission Member McCleary stated that consideration by the Council might be prudent to require check valves be placed in all new homes to prevent sewage backup if the lift station fails.

Commission Member Nicholas Bailey arrived at 7:40 p.m.

Commission Member Skinner stated that the request for the R-5 zoning was an example of spot zoning and he was against it. Commission Chair Bein stated that he was against setting dangerous precedents but Mr. Gabus has jumped through all of the hoops requested of him. He would like to see the commission rule on the zoning regulation as the requirements have been met and entertained a motion. Motion made by Commission Member Mendenhall, seconded by Commission Member Mark, to approve Resolution No. PZ-09-03, a Resolution approving the rezoning request for the majority of Mallard Creek Plat 1, with the exception of the southeast corner, from R-2 One- and Two-Family Residential zoning district to R-5 Planned Unit Development (PUD) zoning district, Bondurant, Polk County, Iowa. Roll Call: Mendenhall–Yes, Mark-No, McCleary-Yes, Higgins–No, Skinner-No, Bailey-Yes, Bein-Yes. Motion carried.

Motion made by Commission Member Mendenhall, seconded by Commission Member Bailey, to approve Resolution No. PZ-09-04, a Resolution approving the Revised Preliminary Plat for Mallard Creek Plat 1, Bondurant, Polk County, Iowa. Roll Call: Mendenhall–Yes, Bailey-Yes, Mark-No, McCleary-Yes, Higgins–No, Skinner-No, Bein-Yes. Motion carried.

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

- Commission Member Bailey – Glad to be here.
- Commission Member Skinner – No comment.
- Commission Member Mendenhall – BDI and Chamber of Commerce have hired a person to assist with development; Developers' Conference to be held early May.
- Commission Member McCleary – No Comment.
- Commission Member Higgins – Here as a voice for the citizens, inquired about the Commission's role if this goes straight to Council.
- Commission Member Mark – He has been on the Commission many years and has no resentment regarding lot size but wants to respect the rights of the neighbors of Mallard Creek. The citizens' rights are what is important and citizens' property values. Inquired about another town meeting for Main Street project.

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

- City Code of Ordinances 179.04 states the procedure for rezoning. The Commission can suggest any changes that they see fit.
- Three projects will go out for bid soon – 2nd Street bike path from Casey's west to Mallard Pointe; 2nd Street bike path from Casey's east to Lake Petocka; and the Main Street project. The City was awarded a $405,000 grant for the 2nd Street bike path west to Mallard Pointe as part of the federal government economic stimulus package.

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

- Welcome to new Commission Member Nick Bailey.

Motion made by Commission Member McCleary, seconded by Commission Member Mark, to adjourn the meeting. Roll call: Ayes: 7. Nays: 0. Motion carried. Commission Chair Bein declared the meeting adjourned at 8:30 p.m.

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John Bein
Chair

ATTEST:

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Lori Dunham
Finance Director