



## Rezoning Petition

### **Petitioner:**

Joe and Jon Gioffredi of GIO Commercial LLC (Prospective Buyer), 7075 NE 14<sup>th</sup> Street, Ankeny, IA 50023, with consent from Catherine Smith of CES Holdings LLC (Contract Buyer), 1501 NW Parkridge Place, Ankeny, IA 50023 and Tara Meredith of DRA Properties LC (Title Holder), 1525 NE 36<sup>th</sup> Street, Ankeny, IA 50021.

### **Request:**

Comprehensive Plan and Zoning Map Amendments

### **Subject Property / Rezoning Area**

1300 NE 72nd Avenue, Ankeny, being legally described as a part of the North ½ of the SE ¼ of Section 35, Township 80 North, Range 24 West of the 5th P.M. (Crocker Township). The Rezoning Area is the entire approximately 0.64 acre (27,878 SF) subject property being more particularly described as follows:

Commencing at the Southeast corner of said North 1/2 of the Southeast 1/4; thence South 89° 33'58.11 West along the South line of said North 1/2, 402.68 feet; thence North 0°04'34.11 East, 45.00 feet to the Point of Beginning; thence continuing North 0° 04'34.11 East, 200.37 feet; thence North 89°41'28" East, 140.00 feet; thence South 0°04'34" West, 200.07 feet; thence South 89°33'58" West, 140.00 to the Point of Beginning and containing 27,960 S.F. (0.64 acres) more or less.

### **General Location (Attachment 'A'):**

The City of Ankeny corporate limits are adjacent to the subject property to the south across NE 72<sup>nd</sup> Avenue, to the east approximately 260 feet across NE 14<sup>th</sup> Street, to the west approximately 697 feet at the end of NE 72<sup>nd</sup> Avenue, and approximately 747 feet to the north. The subject property is located on the north side of NE 72<sup>nd</sup> Avenue, being approximately 225 feet west of the intersection of NE 72<sup>nd</sup> Avenue and NE 14<sup>th</sup> Street.

### **Existing Future Land Use Map Classification:**

Neighborhood Commercial

### **Proposed Future Land Use Map Classification:**

Business Park

### **Existing Zoning:**

"LDR" Low Density Residential District

**Proposed Zoning:**

“LI” Light Industrial District

**Surrounding Zoning:**

**North** – “LDR” Low Density Residential District

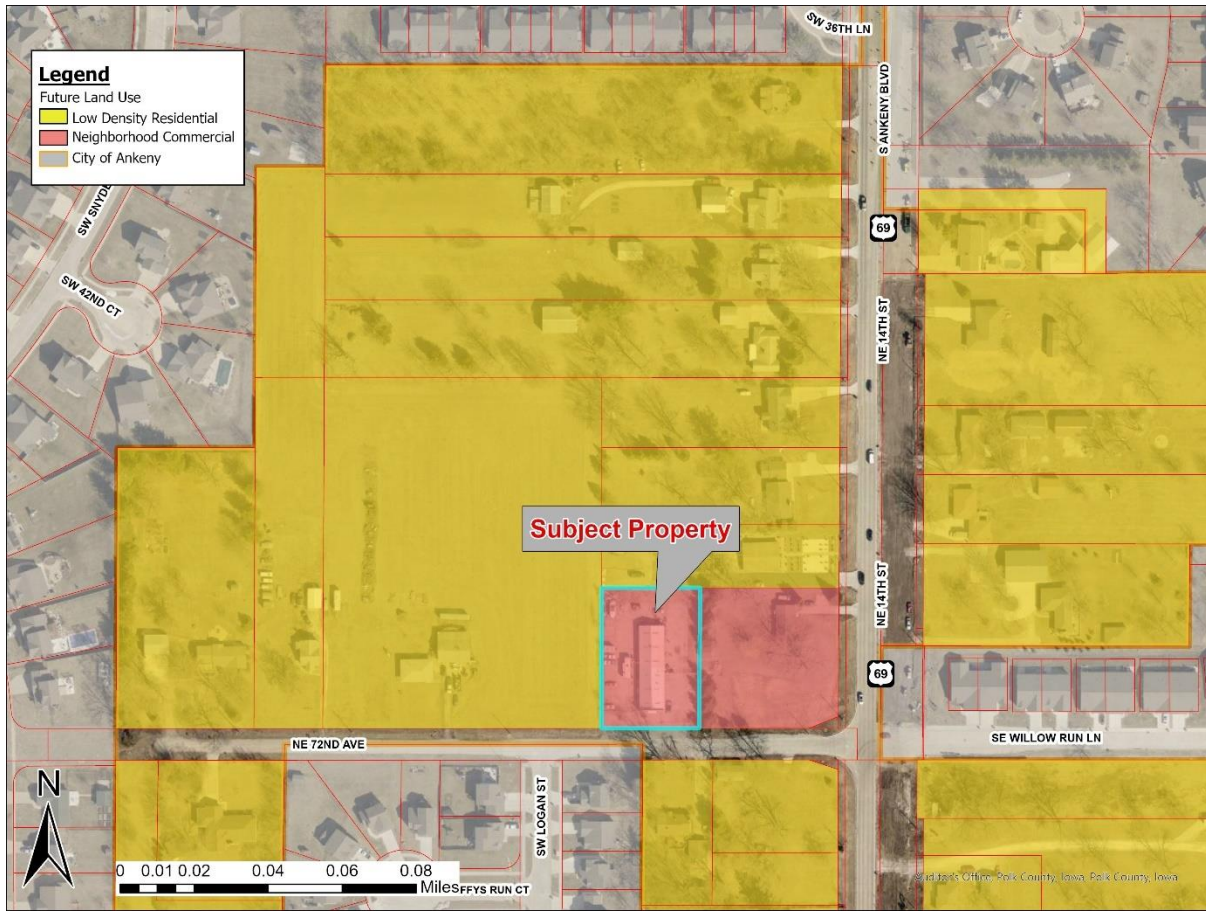
**South** – “LDR” Low Density Residential District Ankeny Zoning: “PUD” Planned Unit Development

**East** – “LDR” Low Density Residential District

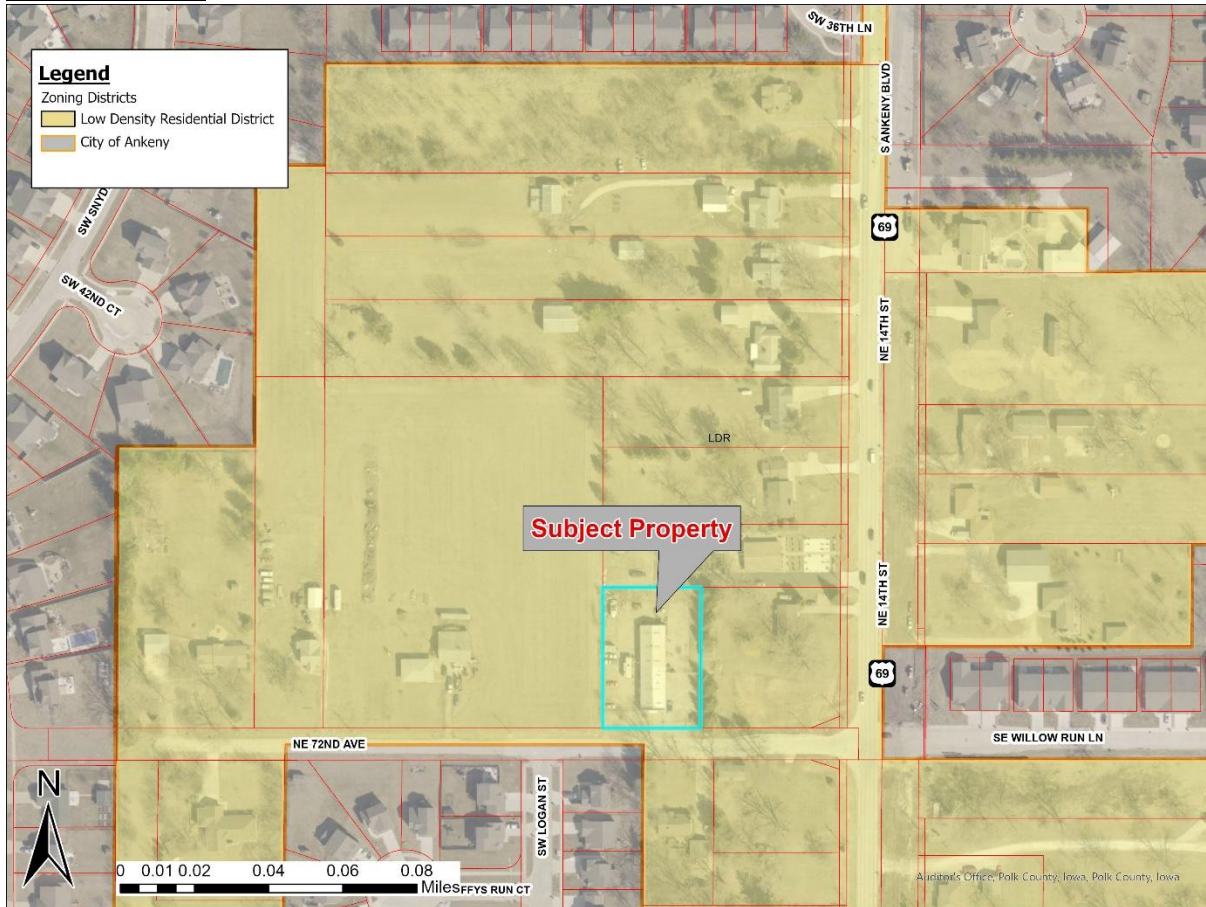
**West** – “LDR” Low Density Residential District

**See next page for existing Future Land Use & Zoning Maps  
of the subject property and surrounding area**

## Existing Future Land Use



## Existing Zoning



## **GENERAL COMMENTS**

The Petitioners are requesting a Comprehensive Plan Amendment and Zoning Map Amendment to change the Future Land Use Map classification from Neighborhood Commercial to Business Park, and to change the Zoning Map from the “LDR” Low Density Residential District to the “LI” Light Industrial District for the entire 0.64 acre subject property. The submitted application and supplemental materials provided by the petitioners can be found as *Attachment ‘B’* to this report. The prospective buyer, GIO Commercial LLC, has several rental properties in the area and intends to use the existing building and site to store and maintain lawn care, snow removal, and other related equipment they use to maintain their rental properties.

The subject property contains one (1) 4,248 square foot structure built in 1959 according to County records. After a remodel in 1994, the structure is set up as a race car and automotive repair shop with some warehouse space and offices. The subject property is almost entirely paved except for two strips of grass along the east and north property lines, the septic system for the property is located in the northern grass strip. There is a chain link fence that borders the property with gates that block off access to the northern half of the property on both sides of the building. Since 1994 the subject property has had a legal nonconforming use of a race car/automotive repair shop.

If this rezoning petition is approved, the prospective buyer intends to repurpose the existing structure as a property maintenance facility for the storage and repair of lawn and snow removal equipment for the rental properties they own nearby. *Attachment ‘B’* includes architectural renderings of how the existing site and building may be redeveloped for this purpose. Full compliance with commercial building codes would be required for all new and repurposed buildings and structures if this proposal moves forward. Additionally, the prospective buyer would be required to submit an engineered site plan and complete the required site improvements bringing the site into compliance with the Polk County Zoning Ordinance.

While not required, staff strongly encouraged the petitioners to hold a neighborhood meeting prior to the scheduled Zoning Commission meeting due to the density and proximity of neighboring residences in this area. To-date, staff has not received confirmation that a neighborhood meeting was conducted. Additionally, staff requested the petitioners provide a list of self-imposed conditions/restrictions with their application that would apply if the request were to be approved. Specifically, that no outdoor storage be allowed, and some limit on the types of uses allowed within the proposed “LI” Light Industrial District. The application did not include any proposed conditions/restrictions.

### **Surrounding Area and Land Use**

Reference *Attachment A* for a vicinity map of the subject property and surrounding area. The surrounding area primarily consists of single-family residences including the adjacent and nearby land located to the south and west within the city limits of Ankeny. Both areas of land within the Ankeny city limits to north and east contain townhomes or multi-family uses. The property directly to north of the subject property is owned by DAS Monuments LLC which operates a grave marker and headstone engraving business on the property, this is also a legal nonconforming use as it is zoned “LDR” Low Density Residential District. The closest commercial development is located one-quarter (1/4) mile south at the intersection of NE 14<sup>th</sup> Street and NE 70<sup>th</sup> Avenue where there are several different businesses located on the north side of NE 70<sup>th</sup> Avenue under

the “GC” General Commercial District zoning district and several additional businesses on the south side of NE 70<sup>th</sup> Avenue under the “LI” Light Industrial District zoning.

## **STAFF REVIEW**

### **Property History**

The 1961 and 1973 zoning maps show the subject property as zoned R-1 Suburban Residence. In 2007 it was zoned “LDR” Low Density Residential District, which is the current zoning designation of the proper. The property has never been zoned for commercial use. Karl Chevrolet, Inc renovated the building on the subject property in 1994 and established a race car shop and warehouse. Karl Chevrolet, Inc. sold it to DRA Properties, LC in 2007. Lastly, CES Holdings LLC became the contract buyer in 2010. The automotive repair and warehouse use has continued on site until today and is considered a legal nonconforming use. This use is allowed to continue through change of ownership or tenant as long as the use remains the same. If the legal nonconforming use is discontinued for a year or greater, or if the building containing the use is substantially damaged, the owner is only allowed to establish a conforming use under the current zoning of “LDR” Low Density Residential District. This rezoning application requests to change the zoning of the property to the “LI” Light Industrial District to allow for a future change of use to a property maintenance shop to store and maintain lawn care and snow removal equipment.

### **Business Park Classification & Light Industrial District**

The request is to change the Future Land Use Map classification from Neighborhood Commercial to Business Park and to amend the Zoning Map from the “LDR” Low Density Residential to the “LI” Light Industrial District. The Business Park classification is defined within the Polk 2050 Comprehensive Plan as areas for office and research facilities, light manufacturing and assembly, shipping and distribution, wholesale, and limited commercial uses with all activities occurring within enclosed building and with very limited outdoor storage and display. Additionally, the “LI” Light Industrial District within the Zoning Ordinance permits commercial and light industrial uses with limited outdoor storage such as special trade contractors, warehousing, trucking facilities, and other light industrial uses. Commercial uses permitted within Light Industrial include convenience commercial, office, commercial retail, heavy retail/services, services, restaurants, commercial lodging, indoor commercial amusement, gas stations, commercial stables, Ag support, animal services, mini-warehouse, off-site signs, adult uses, and light industry. Additionally, Agri-tourism, communication towers, outdoor commercial amusement, minor airports, special events and moderate industry uses are allowed by Conditional Use Permit, requiring review and approval by the Polk County Board of Adjustment.

There is not a Future Land Use Map category that matches directly with the “LI” Light Industrial Zoning District requested. However, the proposed Future Land Use Map reclassification to Business Park is the closest match for the redevelopment and intended uses requested by the petitioners. The proposed zoning district “LI” Light Industrial permits by right the property maintenance facility use intended by the petitioners.

### **Roads/Access/Utilities**

The subject property has one (1) large entrance to the south onto NE 72<sup>nd</sup> Avenue. The entrance consists of the entire width of the subject property which is paved along the NE 72<sup>nd</sup> Avenue. NE 72<sup>nd</sup> Avenue is a paved, two (2) lane County roadway, and is classified as a minor arterial. The roadway intersects with NE 14<sup>th</sup> Street approximately 225 feet to the east of the subject property and it dead ends approximately 630 feet west of the subject property. Traffic impact from the proposed use would be minimal.

Water service is available through Des Moines Water Works. The existing structure is connected to the 6-inch (6") water main located along the front property line of the subject property parallel to NE 72<sup>nd</sup> Avenue. The subject property is currently served by an onsite wastewater treatment system located in the north area of the lot. The City of Ankeny has an 8-inch sewer main on the south side of NE 72<sup>nd</sup> Avenue adjacent to the subject property. If the existing septic system were to fail the existing building would be required to hook up to the City of Ankeny sewer, if permitted by the City.

### **Environmental**

The topography of the subject property is relatively flat with an elevation of 950 throughout the site. There are no mature trees on site. As part of the site plan process the prospective buyers will be required to install additional landscaping. The property is not located within any designated floodplain areas, and contains no other known environmental hazards or features.

### **Public Testimony**

28 property owners were notified within the required 500-foot notification boundary. These owners were mailed public notices regarding the request, including the date and time of the Zoning Commission public hearing. To-date staff has received one (1) response in support and two (2) in opposition, of the request. Given the proximity of their corporate limits, Polk County also notified the City of Ankeny planning staff. They did not respond with any comments.

### **Comprehensive Plan Discussion**

The subject property is located within the Northwest Quadrant of the County as identified in the Polk County 2050 Comprehensive Plan. The subject property and the property to the east hold a Future Land Use map classification of Neighborhood Commercial. The unincorporated properties to the north, south, and west are designated Low Density Residential.

The Northwest Quadrant area includes the City of Ankeny, the City of Polk City, and the City of Alleman as well as portions of the cities of Johnston, Grimes and Granger. The area is generally located west of Interstate 35 and north of Interstate 80/35 extending north to the Story County boundary and west to the Dallas County boundary. Outside the large incorporated municipalities, the predominate land use is agriculture, with the majority of the area classified and zoned agricultural on the Future Land Use Map and Zoning Map. The Northwest Quadrant also has a significant area of Conservation Land around Saylorville Lake. South of Ankeny, in the area of the subject property, there are more diverse future land use classifications with Business Park and General Commercial classified properties grouped around the NE 14<sup>th</sup> Street corridor.

Applicable goals, strategies policies and action items identified in the 2050 Comprehensive Plan:

*Chapter 3: Land Use, Goal 1 – Plan for new growth in strategic areas of Polk County: “Polk County is facing significant growth pressures. While much of this growth will be targeted towards municipalities, there will inevitably be growth within the unincorporated areas well. This growth should occur strategically and thoughtfully with an eye towards infrastructure readiness, infill development, and transitional land uses.”*

*Strategy 1 – Allow for a mix of new land use types in strategic locations*

*Policies and Action Items:*

1. *Review rezoning requests and development proposals to determine if they are consistent with the Comprehensive Plan's Future Land Use Plan and related goals and strategies.*

*Strategy 4 – Ensure gradual land use transitions or designed buffers to reduce potential incompatibilities among land uses.*

1. *Require buffers between incompatible land uses, such as industrial and residential or residential and agricultural.*

*Chapter 3: Land Use, Goal 3 – Be a regional leader in sustainable land use management: “Polk County can be a regional leader in sustainable land use management by reducing urban sprawl even as the County faces growth pressures. This can be accomplished by discouraging leapfrog development and encouraging cities to grow in an orderly and condensed manner. Preventing unnecessary conversion of natural land to the built environment should be paramount.”*

*Strategy 1 – Promote coordinated growth patterns to discourage urban sprawl*

*Policies and Action Items:*

3. *Limit unincorporated development within urban fringe areas, which includes areas near municipalities growth boundaries.*

The Comprehensive Plan may be amended from time to time if it can be demonstrated that a real and immediate need exists based upon changing circumstances.

### **Comprehensive Plan Analysis**

The subject property has held a residential zoning since at least 1961. Several properties within the NE 14<sup>th</sup> Street corridor are zoned “LI” Light Industrial and even more properties have a Future Land Use Map designation of Business Park that would facilitate a rezoning to “LI” Light Industrial. These properties have significant frontage onto NE 14<sup>th</sup> Street and provide the needed industrial property within the NE 14<sup>th</sup> Street corridor. There is no need for additional “LI” Light Industrial zoned properties especially in the area of the subject property.

The requested amendments do not support the applicable goals and policies of the Polk County 2050 Comprehensive Plan. The requested amendments would allow a commercial use on subject property that is incompatible with the surrounding land use pattern, including many existing single-family residential developments. The Polk County Comprehensive Plan emphasizes reducing potential incompatibilities among land uses, and more specifically states that buffers should be required between industrial and residential uses. The current Future Land Use classification of Neighborhood Commercial is more compatible with surrounding land uses and has a direct focus on providing readily accessible services to the existing residences in the area.

Review of the City of Ankeny's 2040 Comprehensive Plan and Future Land Use Map shows the subject property is included near the south edge of their planning boundary. The City's Future Land Use Map shows a future Low Density classification for the property. This classification is compatible with the property's current “LDR” Low Density Residential District zoning within the County. A rezoning to “LI” Light Industrial would not be in line with plans the City of Ankeny has for this area if it were to be annexed.

As mentioned previously, the current and past property owners have operated a race car and auto repair shop on the subject property as a legal nonconforming use. Under the current zoning

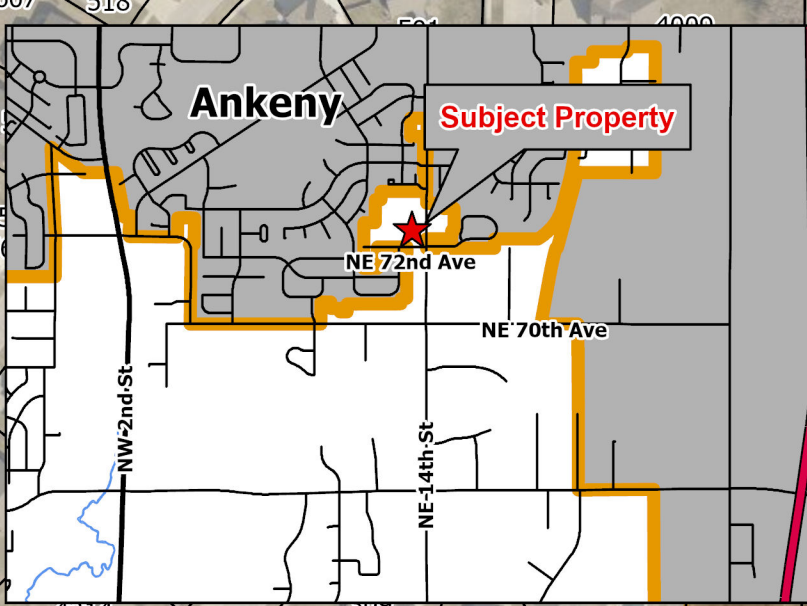
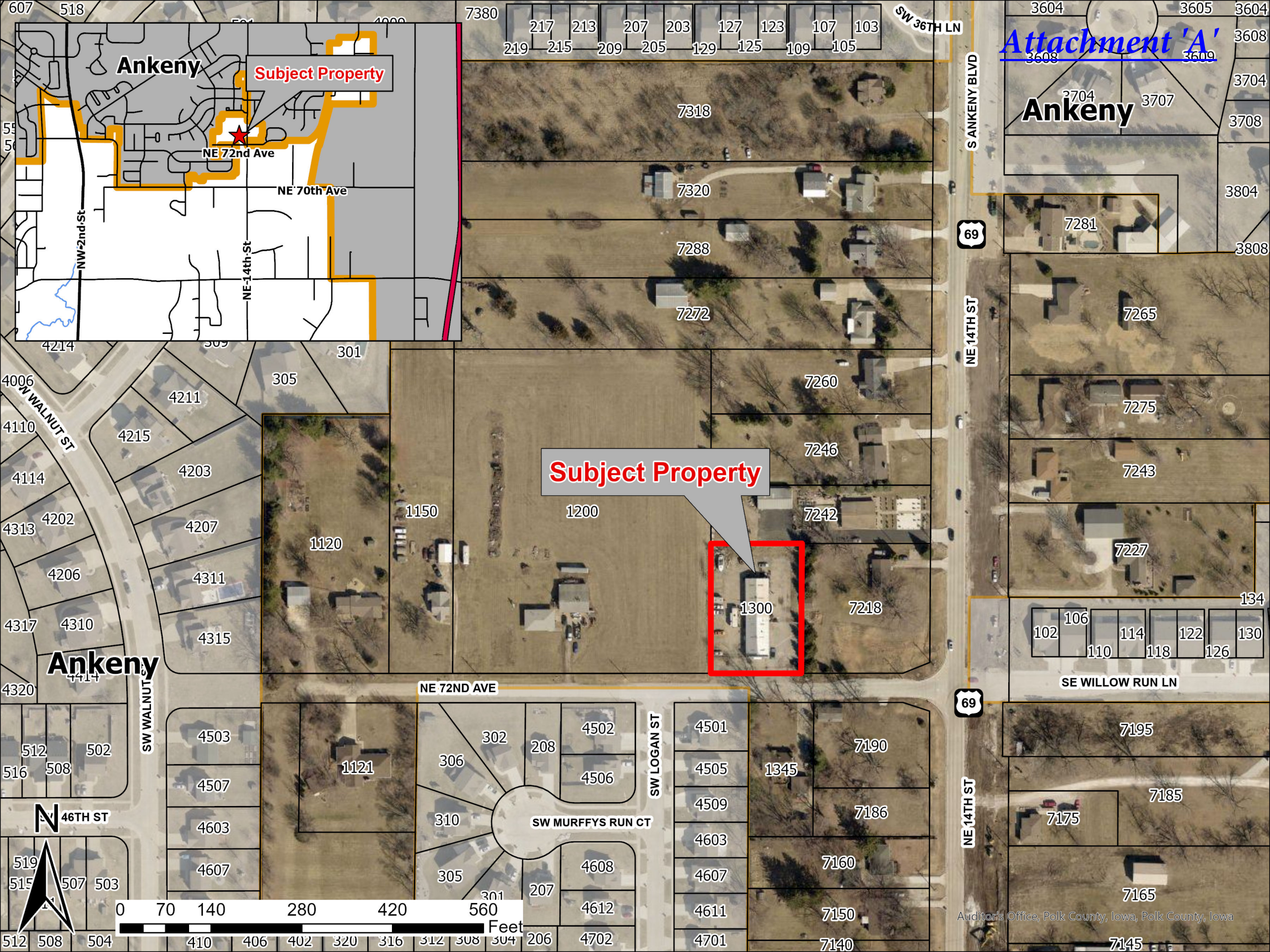
of “LDR” Low Density Residential, only this specific commercial use is allowed to continue on site, otherwise a conforming use would be required to be established. This current legal nonconforming use of the property is not a rationale to support a spot rezoning of the subject property for light industry uses.

**RECOMMENDATION:**

Staff recommends denial of the requested Comprehensive Plan Amendment and Zoning Map Amendment to change the Future Land Use Map classification from Neighborhood Commercial to Business Park, and to change the Zoning Map from the “LDR” Low Density Residential District to the “LI” Light Industrial District for the Rezoning Area.

The recommendation for denial is based upon the fact that the request is not in harmony with the spirit, intent, goals and policies of the Polk County 2050 Comprehensive Plan. The recommendation for denial of the Zoning Map Amendment is based upon the following: a) The request is not in accordance with the Comprehensive Plan and Future Land Use Map; b) Approval does not support the public, health, safety and welfare of County residents in that it promotes commercial development that is incompatible with surrounding land uses and neighborhood character; and c) The rezoning area is not uniquely differentiated from surrounding properties in terms of location, land use or other circumstances. There are other Light Industrial classified and zoned properties available within the vicinity of the subject property.

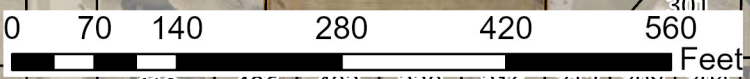




**Subject Property**



1300



**Comprehensive Plan Amendment and Rezoning Application**



A submittal is only a request to have the Comprehensive Plan amendment and/or Zoning Map change reviewed at a public hearing before the Zoning Commission. The Zoning Commission reviews the requested Comprehensive Plan amendment and/or Zoning Map change at a public hearing making a recommendation based on a staff report, applicant presentation, as well as public input. The Zoning Commission recommendation is considered by the Board of Supervisors at a public hearing on the request. Notice of each public hearing is published in the official county newspapers and individual notice will be mailed to all property owners located within 500 feet of the subject property. Requests that are denied shall not come back to the Board of Supervisors for one year. Refunds will not be made once notice has been sent out to adjacent property owners.

Please complete the entire application, submit with fee and review the criteria on page 3.

The undersigned request that the Zoning Commission consider this reclassification.

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|--|--|
| 1. <u>NEIGHBORHOOD COMMERCIAL</u><br>Current Future Land Use<br>Classification | 2. <u>INDUSTRIAL-Business Park</u><br>Proposed Future Land Use<br>Classification |
| 3. <u>LOW DENSITY RESIDENTIAL</u><br>Current Zoning District                   | 4. <u>LIGHT INDUSTRIAL</u><br>Proposed Zoning District                           |

(time stamp)  
Official Use Only

5. Subject Property Address: 1300 NE 72<sup>ND</sup> AVENUE

6. District and Parcel Number: 180/00585-002-000

7. Subject Property Legal Description (attach if necessary):  
BEG 402.68F W & 45F N OF SECOR TRM N200.39F E140F  
S 200.07F W 140F TO FOB N 1/2 SE 1/4 SEC 35-80-24

8. Filing Fee: - \$485.00

9. Applicant(s) Information:

GEO COMMERCIAL LLC  
Applicant (Print Name)

Jon Giuffredi  
Signature

3/21/24  
date

PERSPECTIVE BUYER  
Interest in Property (owner, renter, perspective buyer, etc.)

GEOCOMMERCIAL@MEDIALCOMBB.NET  
Email

7075 NE 14<sup>TH</sup> STREET Ankeny, IA 50023  
Address, City, State and Zip

515-289-1250  
Phone

N/A  
Fax

10. Applicant(s) Representative:

If the appeal is going to be represented by someone other than the applicant please provide that information below:

Jon Giuffredi  
Jon Giuffredi  
Applicant Representative (Print Name)

\_\_\_\_\_  
Firm or Business Name

\_\_\_\_\_  
Address, City, State and Zip

\_\_\_\_\_  
Email

\_\_\_\_\_  
Phone

N/A  
Fax

## **Evaluation Criteria**

The following criteria are used to evaluate a Comprehensive Plan Amendment and Rezoning requests. The written description on page 2 or attached should address as many of the below criteria as possible.

### **Comprehensive Plan Amendment**

The Polk County 2030 Comprehensive Plan lists specific issues which must be addressed prior to amending the plan. Those seeking changes must convince the County that a real and immediate need for change exists. Each amendment request will be evaluated based on the magnitude of the proposed revision, its relationship to the Vision and Goals statements, and the nature of the changing circumstances that have resulted in the request. Proposed changes in the land use should also be evaluated in relation to their impacts on the following:

- 1) Public facilities and services, such as transportation, sewers, water supply, schools and public safety.
- 2) Surrounding properties and neighborhood character.
- 3) Productive farmland and on going agricultural operations.
- 4) Natural resources and open space; historic buildings or structures.
- 5) Proximity to adjacent City plans.

Changes may also be needed to correct errors, meet regional goals, or refine the plan based on more recent specific area or corridor plans.

### **Rezoning (Zoning Map Amendment)**

The Zoning Map may be amended to bring it into conformance with the Comprehensive Plan when the Comprehensive Plan is amended. If the Comprehensive Plan does not merit an amendment, then there shall not be an amendment to the Zoning Map.

One of the following reasons must be demonstrated for approval of a rezoning.

- 1) The Comprehensive Plan has been amended and the Zoning Map needs to be brought into conformance with the revised Plan.
- 2) A mistake was made in the original map. That is to say, an area is, and has been, developing in a manner and purpose different from that for which it was mapped. Since the County may have intended to stop an undesirable land use pattern from spreading, it must be demonstrated that the circumstance is not intentional.
- 3) Changing conditions, such as new roads or utility lines, makes another location more favorable for development than the location originally planned.
- 4) Growth rates have changed, thereby increasing the need for development in the County.

The main purpose for the purchase of the building and property located at 1300 NE 72<sup>nd</sup> Avenue Ankeny, IA 50023 is to provide a safe and secure facility to store equipment which belongs to the buyers (Joe and Jon Gioffredi). The buyers live at 7075 NE 14<sup>th</sup> Street Ankeny, IA 50023 which is approximately ¼ mile from the property and are longtime residents in the neighborhood. The buyers own several other properties that are within ¼ mile of the property. The purchase of the property will be done under the buyers LLC which is GIO Commercial LLC.

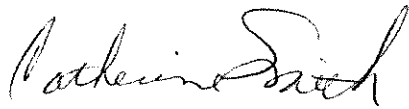
The equipment to be stored will be lawn care and snow removal equipment and any related equipment in the maintenance of their rental properties. The building is for personal use and not for business use, therefore, it will not be of high traffic use. The buyers will be working with an engineering firm to develop a site plan for the improvement of the building and property.

March 22, 2024

To Whom It May Concern,

I am aware the property at 1300 NE 72<sup>nd</sup> Ave needs to be rezoned.

Sincerely,

A handwritten signature in black ink that reads "Catherine Smith". The signature is written in a cursive style with a large, looping initial 'C'.

Catherine Smith



**1300 NE 72ND AVENUE**  
ANKENY, IOWA