

Polk County Zoning Commission

Monday, March 25, 2024

Staff Report



Rezoning Petition

Petitioners:

Kallie and Randy Hoksbergen of Metro Turf LLC. (Property Owner), 10297 NW 40th Street, Polk City, IA 50226, represented by Branden Stubbs of Stubbs Engineering, 1609 N Ankeny Boulevard, STE 230, Ankeny, IA 50023.

Request:

Comprehensive Plan and Zoning Map Amendments.

Subject Property / Rezoning Area

3630 NE 150th Avenue, Cambridge, being legally described as a part of the E ½ of the SE ¼ of Section 8 and a part of the W ½ of the SW ¼ of Section 9, Township 81 North, Range 23 West of the 5th P.M. (Elkhart Township). The subject property and rezoning area consist of two parcels totaling 103.4 acres, being more particularly described as follows:

The East One-half (E1/2) of the Southeast Quarter (SE1/4) of the Section 8 (Except the West 8 acres of the South half thereof and except beginning 25 rods West of the Northeast corner of the Northeast Quarter (NE1/4) of Section 17-81-23, thence diagonally in Northwest direction 16 rods, then south 6 rods to intersection of Section line between Sections 8-81-23 and 17-81-23, then East 15 rods along Section line to beginning, all being in Section 8 and except commencing at the NW cor. of Lot 6 in the NE1/4, Sec. 17, T81N, R23W of the 5th P.M., Polk County, Iowa, thence West 66.0 ft. along the south line of Sec. 8 in said T81N, R23W, thence N0° 18'W, 369.2 ft. to the centerline of the County Road, thence S61° 05'E 284.7 ft. along said centerline, thence S0° 55'E, 231.2 ft. to the south line of Sec. 8, thence West 185.9 ft. along said South line to the point of beginning and except commencing at the Northeast corner of said Lot 6 above described, thence North 0° 55' West 146.2 feet to the centerline of the County Road, thence North 59° 52' West 169.2 feet along said centerline, thence South 0° 55' East 231.2 feet to the South line of said Section 8, thence East 145.0 feet, along said South line to the point of beginning) all in Township 81 North, Range 23 West of the 5th P.M., Polk County, Iowa.

And

Outlot X, Eagle View Estates, an official plat. Except Corrected Parcel A, Plat of Survey recorded in Book 13242, Page 364 in the office of the Polk County, Iowa Recorder. Said tract contains 103.4 acres more or less.

General Location (Attachment ‘A’):

The subject property is located on the north side of NE 150th Avenue approximately one-quarter (¼) mile west of the intersection of NE 150th Avenue and NE White Oak Drive. The subject property is located approximately one and three-quarter (1 ¾) miles northwest of the City of Elkhart corporate limits, three (3) miles northeast of the City of Ankeny, and two and three-quarter (2 ¾) miles east of the City of Alleman corporate limits.

Existing Future Land Use Map Classification:

Agriculture and Estate Residential

Proposed Future Land Use Map Classification:

Estate Residential

Existing Zoning:

“AG” Agricultural District

Proposed Zoning:

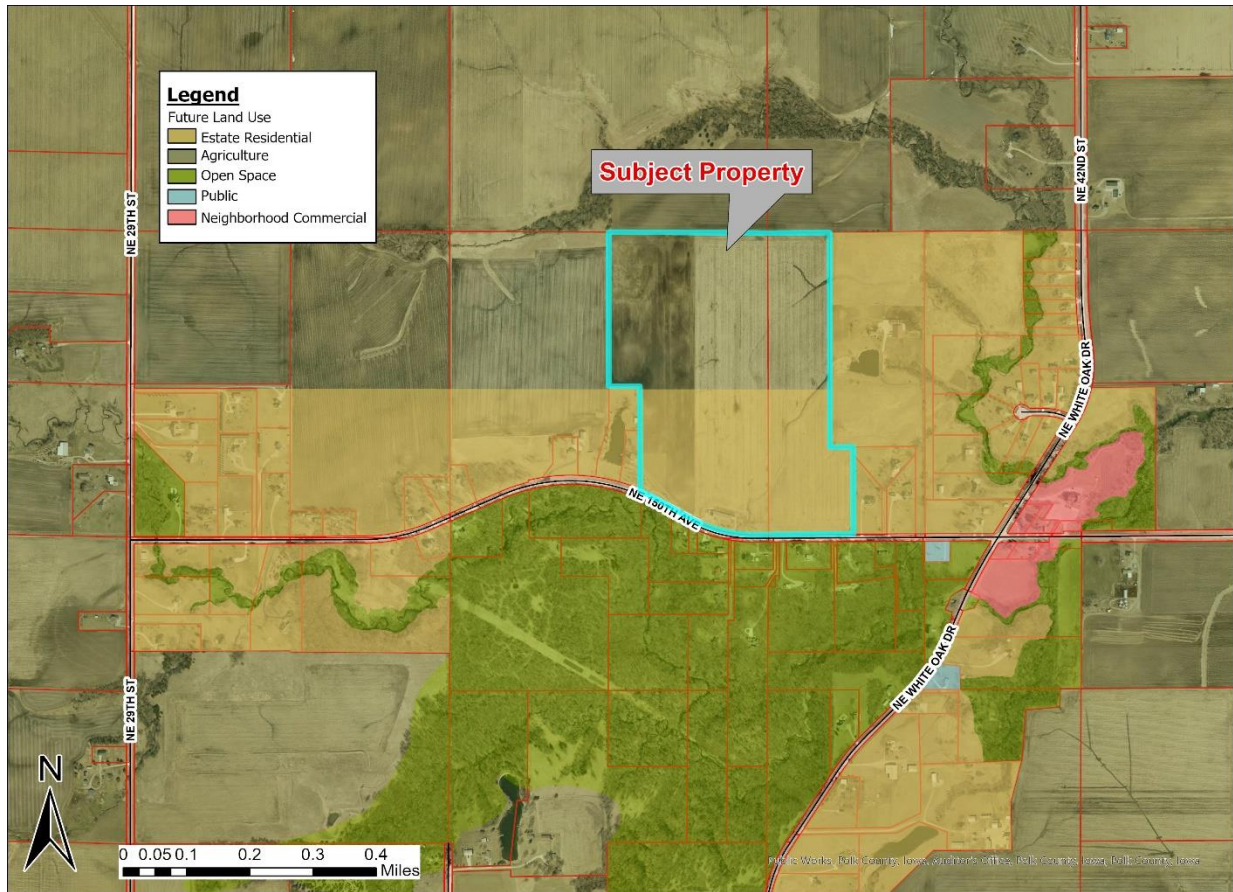
“ER” Estate Residential District

Surrounding Zoning:

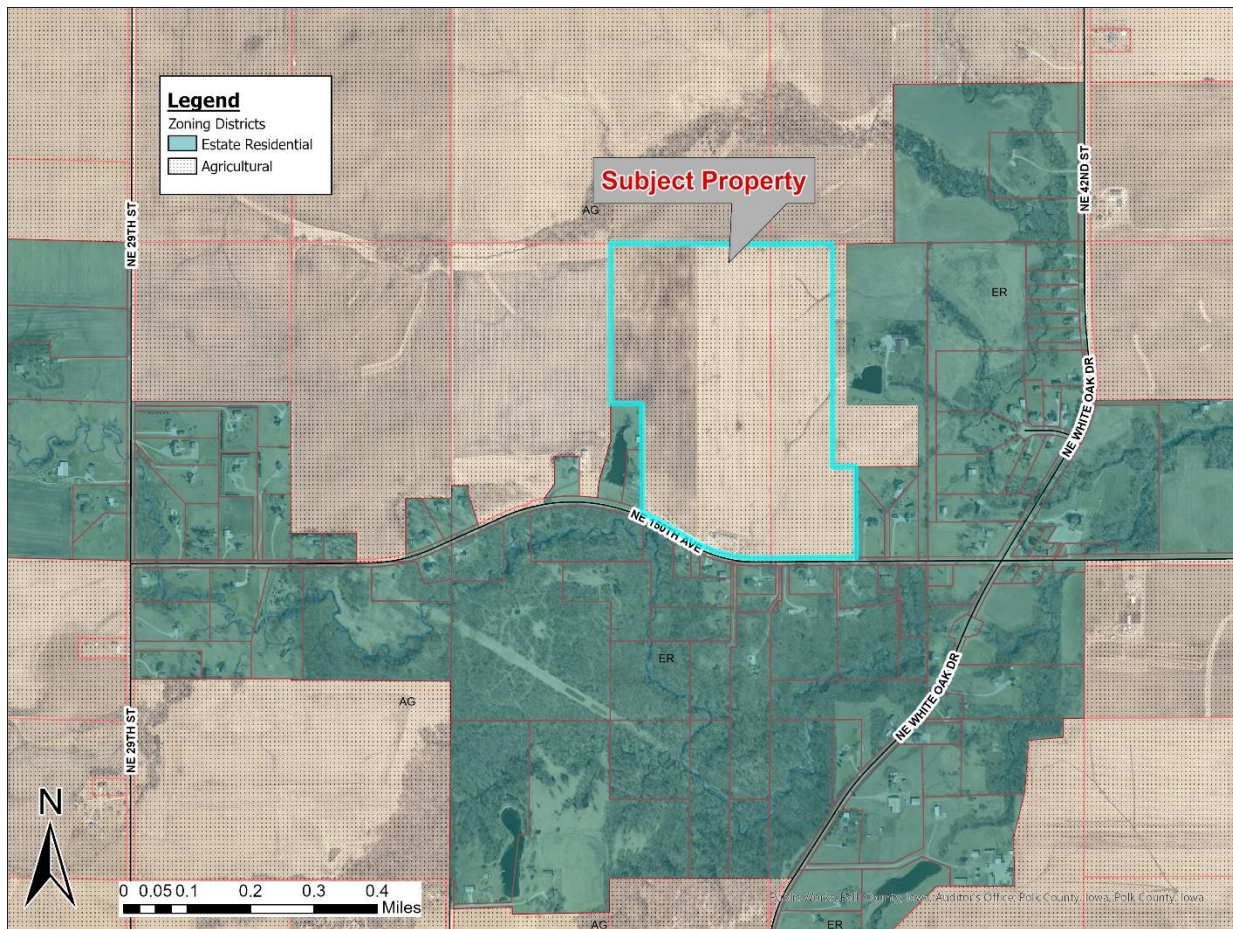
- North** “AG” Agricultural District
- South** “ER” Estate Residential District
- East** “AG” Agricultural District and “ER” Estate Residential District
- West** “AG” Agricultural District and “ER” Estate Residential District

**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 for the north half of the subject property from Agriculture to Estate Residential, and to change the Zoning Map from “AG” Agricultural District to “ER” Estate Residential District for the entire 103.4-acre subject property. The submitted application and future subdivision concept provided by the petitioners can be found as *Attachment ‘B’* to this report. The property owners, Metro Turf LLC., wish to develop the property with a five (5) lot subdivision while continuing to operate their sod business on a portion of the site.

The subject property is used for a combination of row crop and sod production. It contains a 7,700 square foot pole building, constructed in 2018 according to County records. The building is used for storing equipment for the sod production business. If this rezoning petition is approved, the property owners intend to develop a five (5) lot subdivision that would place the existing pole building and sod/crop production on an outlot of the subdivision. The existing sod business is considered a permitted agricultural use of the property, regardless of the property’s zoning classification. If this project moves forward, the sod business may remain as a permitted use on the future outlot. However, if the sod business were to be discontinued in the future, the existing pole building would be required to be removed. *Attachment ‘B’* includes a proposed concept of the future subdivision.

Surrounding Area and Land Use

Reference *Attachment A* for a vicinity map of the subject property and surrounding area. The subject property is located within the unincorporated historic village of White Oak. White Oak contains multiple single-family subdivisions zoned “ER” Estate Residential located off NE White Oak Drive and NE 150th Avenue. To the west of the subject property are a few large parcels along the north side of NE 150th Avenue zoned “AG” Agricultural district that are used in row crop production. Located to the east of the subject property near the northeast corner of NE 150th Avenue and NE White Oak Drive is The Chateau at White Oak a winery and event space that was allowed on a parcel zoned “ER” Estate Residential via a Conditional Use Permit approved in 2015. The White Oak village also contains a church and cemetery. The larger surrounding area outside of White Oak is entirely zoned “AG” Agricultural District and includes land primarily in row crop production with a few existing single-family residences. The City of Elkhart is located one and three-quarter (1 $\frac{3}{4}$) miles southeast of the subject property, the City of Ankeny is located three (3) miles to the southwest, and the City of Alleman is located two and three-quarter (2 $\frac{3}{4}$) miles to the west.

STAFF REVIEW

Property History

The subject property is an active farm used in row crop and sod production and is entirely zoned “AG” Agricultural District. Before Metro Turf LLC. purchased the property in 2005 the property was used primarily for row crop production. In 2018 Metro Turf LLC. constructed a pole building to store equipment for the sod business on site. Prior to the adoption of the 2050 Polk County Comprehensive Plan update in 2022, the entire subject property had a future land use classification of Agriculture. The 2022 plan update established a future land use classification of Estate Residential for the south half of the subject property while the north half maintained the Agricultural classification. The Future Land Use Map change to Estate Residential was made in an effort to promote additional large-lot single family developments within White Oak.

Estate Residential Classification & Estate Residential District

The request is to change the Future Land Use Map classification for the north half of the subject property to Estate Residential and to amend the Zoning Map from the "AG" Agricultural District to the "ER" Estate Residential District. The Estate Residential classification is defined within the Polk 2050 Comprehensive Plan as land for single-family residential development with very large lots or cluster developments with minimum of 3 acres per residential lot. The Estate Residential Future Land Use Map matches directly with the Estate Residential Zoning District. The Estate Residential District permits the single-family use intended by the petitioners in addition to the following uses: cluster and planned developments, accessory dwelling units, farms, forestry, outdoor nurseries, outdoor institutional, group home, public services, home occupations, and bed and breakfast. Additionally, Agri-tourism, indoor institutional, cemeteries, communication towers, commercial stable uses are allowed by Conditional Use Permit, requiring review and approval by the Polk County Board of Adjustment. All the uses permitted under "ER" Estate Residential district zoning are also permitted either by right or conditionally under the current zoning of "AG" Agricultural District except for Planned Development. The requested "ER" Estate Residential District, with a minimum lot size requirement of 3 acres, would enable the petitioners to develop the subject property at a greater density than the existing "AG" Agricultural District which requires a minimum of 35 acres per lot.

Roads/Access/Utilities

The subject property has approximately 1,860 feet of frontage along the north side of NE 150th Avenue, with a single existing access point located at the southwest corner of the subject property. NE 150th Avenue is a paved, two (2) lane minor arterial that is maintained by Polk County. NE 150th Avenue intersects with NE White Oak Drive one-quarter ($\frac{1}{4}$) mile to the east and it intersects with NE 29th Street three-quarters ($\frac{3}{4}$) of a mile to the west.

Water service is available through Des Moines Water Works. There is an existing 4-inch (4") water main along the front property line adjacent to NE 150th Avenue. Des Moines Water Works has indicated that there is adequate water supply for six (6) additional service connections in the area. Any future development in excess of the six (6) services available would likely require a significant upgrade to the water system to accommodate such development. Any future single-family homes would be required to install an onsite wastewater treatment system.

Environmental

The subject property is relatively flat, but does gradually slope from west to east with a high elevation of 960 on the west side of the property to a low elevation of 930 on the east side of the property. The property is not located within any designated floodplain areas, and contains no other known environmental hazards or features. There are no mature trees located on the subject property.

Public Testimony

A total of 24 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, one (1) item of public testimony has been received in support and four (4) items have been received in opposition, of the request.

Comprehensive Plan Discussion

The subject property is located within the Northeast Quadrant of the County as identified in the Polk County 2050 Comprehensive Plan. This area includes the City of Elkhart as well as portions of the cities of Ankeny and Bondurant. The area is generally located east of Interstate 35 and north of Interstate 80 extending north to the Story County boundary and east to the Jasper County boundary. The primary land use is agriculture, with the majority of the area classified and zoned agricultural on the Future Land Use Map and Zoning Map. There are a few areas of residential zoning and future land use in existing areas developed with single-family homes, including along and south of Bluff Drive north of Bondurant and within the unincorporated villages of Farrar and White Oak. The Northeast Quadrant also has a significant area of Conservation land, including Chichaqua Bottoms Greenbelt located northeast of the South Skunk River, as well as Errington Marsh located approximately one and one-half (1 ½) miles north of the subject property.

The 2050 Comprehensive Plan includes a specific Village Area Plan for a few of the historic villages located within unincorporated Polk County. The subject property is included in the Village Plans for the historic village of White Oak. The Village Plan for White Oak prioritizes the development of additional large-lot single family residential dwellings and small scale, agricultural related retail when adequate utilities can be provided. The Village Plan also identifies priority themes for the future land use plan which include Housing Diversity, Preservation of Parks and Open Space, and Attracting Useful Retail.

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 as 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.*
- 3. Limit and focus rural housing growth to only the areas identified on the Future Land Use Plan.*

Strategy 2 – Consider the availability and capacity of local services and infrastructure when approving development applications

Policies and Action Items:

- 4. Encourage future land uses that efficiently match the capacity of the existing transportation system.*

Chapter 4: Housing, Goal 3 – Support a variety of new construction initiatives: *“Polk County, and the cities that comprise it, are on track to continue to grow and develop at rapid rates. This growth must be met with construction to provide more rooftops. This section details strategies to preserve existing homes and neighborhoods, and how to meet future demand.”*

Strategy 5 – Preserve existing rural subdivisions

Policies and Action Items:

- 1. Preserve existing subdivisions as development continues throughout the County.*
- 2. Discourage non-complimentary developments near these subdivisions.*

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

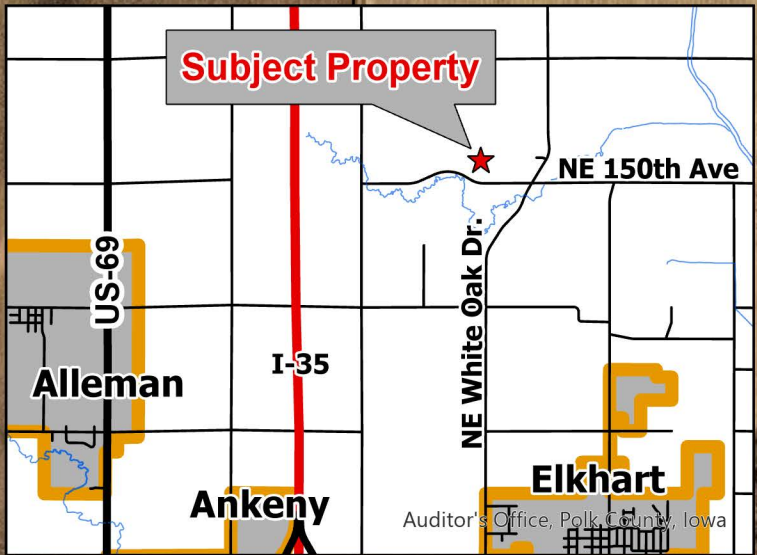
Through comprehensive planning efforts, including a zoning ordinance and future land use mapping, Polk County has identified strategic areas for new growth and development. The 2050 Comprehensive Plan and Future Land Use Map continues to encourage residential development in areas with adequate road networks, utility capacity, and zoning compatibility to support such developments.

Polk County adopted the 2050 Comprehensive Plan in 2022. The Future Land Use Map classifies the south half of the subject property as Estate Residential and the north half as Agriculture. The entire property is currently zoned “AG” Agricultural District. The 2050 Comprehensive Plan, specifically the Village Area Plan for White Oak, places an emphasis on continued development of additional large-lot, single family residential dwellings when there are adequate utilities to support it.

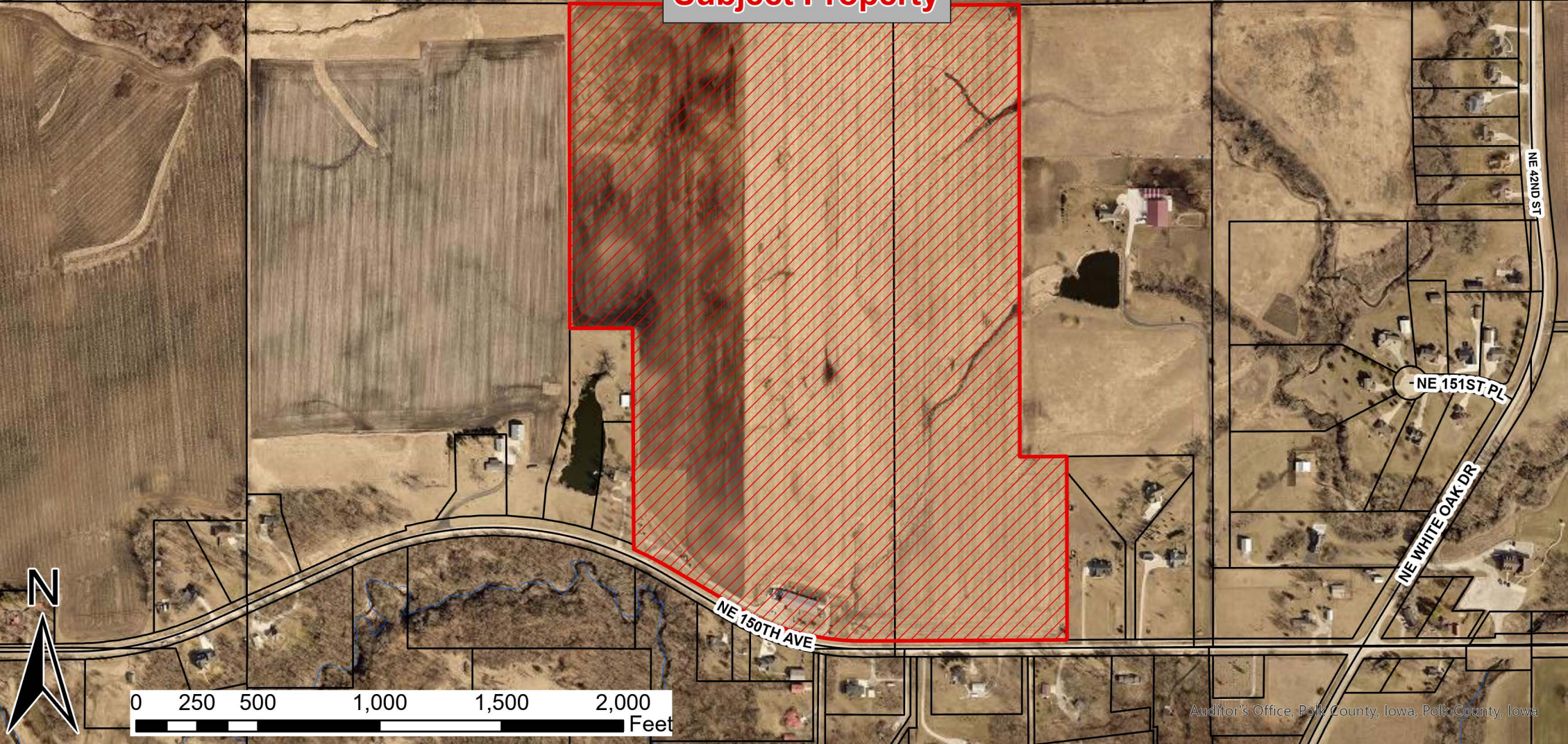
The requested amendments support the applicable goals and policies of the Polk County 2050 Comprehensive Plan. Although the Future Land Use Map only designates the south half as Estate Residential it makes sense to extend this designation to the existing northern parcel boundary beyond the perceived boundary of White Oak. Additionally, there is no other way to access the north half of the property except for NE 150th Avenue to the south. The requested amendments would facilitate the creation of additional large-lot single family residential developments that are compatible with the surrounding land use pattern throughout White Oak. The current concept the petitioners have brought forward proposes five (5) lots all accessing NE 150th Avenue. The rezoning of the subject property to “ER” Estate Residential would allow the entire property to be developed in the future but there are a few factors that would limit development beyond the current proposal in the near future. These factors include the cost to develop the north half of the subject property which would include a street extension. Additionally, Des Moines Water Works indicates that there is limited capacity for future connections beyond the five (5) lots proposed without an upgrade to the water main in the area.

RECOMMENDATION:

Staff recommends approval of the Comprehensive Plan and Rezoning Map Amendments as requested. The recommendation for approval of the Comprehensive Plan Amendment is based upon the fact that the request is in harmony with the spirit, intent, goals and policies of the Polk County 2050 Comprehensive Plan. The recommendation for approval of the Rezoning Map Amendment is based upon the following: a) The request is in accordance with the Comprehensive Plan; b) Approval supports the public, health, safety and welfare of County residents through the promotion of additional single family housing that is compatible with the surrounding land uses and neighborhood character, and c) Rezoning the property to estate residential is compatible with adjacent properties to the west, south, and east, and the rezoning area has street frontage and utilities that enable future development.



Subject Property



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.

- | | |
|---|--|
| 1. <u>Agricultural</u>
Current Future Land Use
Classification | 2. <u>Estate Residential</u>
Proposed Future Land Use
Classification |
| 3. <u>AG - Agriculture District</u>
Current Zoning District | 4. <u>Estate Residential District</u>
Proposed Zoning District |

(time stamp)
Official Use Only

5. Subject Property Address: 10297 NW 40TH ST, POLK CITY, IA 50226

6. District and Parcel Number: 21000091004000 & 21000572006000

7. Subject Property Legal Description (attach if necessary):
Property legal description attached.

8. Applicant(s) Information:

Branden Stubbs  _____
Applicant (Print Name) Signature date

Interest in Property (owner, renter, perspective buyer, etc.) Branden@stubbs3.com
Email

1609 N Ankeny Blvd, STE 230, Ankeny, IA 50023 (515) 979-8499
Address, City, State and Zip Phone Fax

10. Applicant(s) Representative:

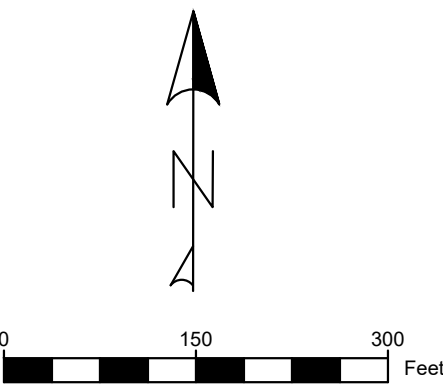
If the appeal is going to be represented by someone other than the applicant please provide that information below:

Applicant Representative (Print Name) Firm or Business Name

Address, City, State and Zip

Email Phone Fax

CONCEPT PLAN FOR WHITE OAKS



WHITE OAKS,
POLK COUNTY, IA

STUBBS ENGINEERING
431 NE 72ND ST. PLEASANT HILL, IA 50327
(515) 979-8499



CONCEPT PLAN

DATE: 1-4-24
DRAWN BY: TD
ENGINEER: BWS
PROJECT NUMBER: 22-310
PAGE NUMBER: