Final Agenda

Polk County Zoning Commission
Monday, April 22, 2019 - 7:00 P.M.
Polk County Public Works, Planning & Development Division
5885 NE 14th Street, Des Moines, Iowa.

A) Roll Call
   Frank Steinbach
   Ray Sprague
   Michael Fairchild
   Mikki Stier
   David Campbell
   Merle Hicks
   Kristi Bales

B) Acceptance of the February 25, 2019 meeting minutes

C) Advertised Public Hearings - None

D) Unfinished Business - None

E) Consent - New Business

   Items listed on the Consent – New Business portion of the agenda will not be individually discussed and will be considered for approval in accordance with the recommendation in the staff report unless an individual present or member of the Commission requests that the Item be removed from the Consent – New Business portion agenda and separately considered under the Discussion – New Business portion of the agenda.

New Business

   Item 1. 2019-07756 – 7AZU Development Plat 1
   Major Final Plat proposes 1 commercial lot on 7.16 acres zoned “GC” General Commercial District. The subject property is located southwest of the NW Polk City Drive and NW 16th Street intersection and is addressed as 1695 NW 84th Avenue, Section 28 of Crocker Township.

   F) Discussion – New Business

   Item 1. 2019-07699 – Estates at Hidden Ridge Plat 1
   Major Preliminary Plat proposes 6 single-family lots and a public cul-de-sac street extension on 13.16 acres zoned “RR” Rural Residential District. The subject property is located at 7111 NW Fisher Lane, Ankeny, IA 50023, Section 32 of Crocker Township.

   G) Public Comments

   H) Report from the Zoning Administrator

   Item 1. Current Project Updates

I) Adjournment
The Polk County Planning & Zoning Commission reviews requests for zoning changes, plan amendments, text amendments, new subdivision developments and other items as required by law and makes recommendations to forward to the Board of Supervisors for action.

POWERS & DUTIES:
The Polk County Planning & Zoning Commission is tasked with the following:
1. **Plan amendments.** To review proposed amendments to the Polk 2030 Comprehensive Plan and Map, hold a public hearing and forward its recommendations to the Board of Supervisors.
2. **Rezoning.** To recommend the boundaries of the various zoning classification districts and appropriate regulations and restrictions to be enforced and hold public hearings on proposed changes, before submitting a written recommendation to the Board of Supervisors. The Board of Supervisors shall not hold its public hearing to take action until it has received the recommendation of the Planning & Zoning Commission.
3. **Text Amendments.** To recommend to the Board of Supervisors amendments, supplements, changes or modifications to the Polk County Zoning Ordinance.
4. **Other Duties.** To perform all other duties assigned to the Planning and Zoning Commission in the Polk County Zoning Ordinance.

MEETING PROCEDURE:
1. Applicant will present the request.
2. County staff will present the staff report and recommendation.
3. Proponents and then opponents from the public are allowed to speak in that order. When providing testimony, step up to the podium and begin with name and address to be added to the record.
4. Applicant rebuttal.
5. The hearing will then be closed and the Planning & Zoning Commission will discuss and vote on the issue.
6. All comments are to be germane to the item under consideration and speakers are to maintain a courteous manner.
7. Items listed on the consent portion of the agenda will not be individually discussed and will be considered for approval in accordance with the recommendation in the staff report unless an individual present or member of the Planning & Zoning Commission requests that the item be removed from the consent agenda and considered separately under the discussion portion of the public hearing agenda.

The information identified on this agenda may be obtained in accessible formats by qualified persons with a disability. To receive more information or to request an accommodation to participate in a meeting, hearing, service, program, or activity conducted by this department/office, please contact Polk County Public Works, Planning staff; 5885 NE 14th Street, Des Moines, Iowa 50313 at (515) 286-3705.
**7AZU DEVELOPMENT PLAT 1**

Major Final Plat

**PLAT INFORMATION:** This subdivision plat proposes 1 lot on 7.16 acres of land zoned “GC” General Commercial District. The property is addressed as 1695 NW 84th Avenue.

**SEWER:** City of Ankeny  
**WATER:** Des Moines Water Works  
**TOWNSHIP:** Crocker  
**PROPERTY OWNERS:** Eric & Carol Ziel  
**DEVELOPER:** 7AZU LLC
Overview / Staff Review & Recommendation

The subject property consists of one (1) tax parcel totaling approximately 7.16 acres. The subject property is a corner lot with approximately 666 feet of frontage on NW Polk City Drive to the north and approximately 444 feet of frontage on NW 16th Street (SW Irvinedale Drive) to the east. A 195-foot monopole communication tower exists on the property. The communication tower was approved through a Conditional Use Permit and a Site Plan in 2002 and a subsequent Site Plan approved additional antennas, an equipment building and a generator in 2014. Access to the communication tower is via a driveway to the south, accessing NW 84th Avenue, which is the reason for the site address, which is addressed on NW 84th Avenue, rather than one of the frontage streets.

The developer recently received approval of a Comprehensive Plan Amendment and Zoning Map Amendment to change the Future Land Use Map classification from Medium Density Residential to Highway Commercial and to change the Zoning Map from “MDR” Medium Density Residential District to “GC” General Commercial District.

The property is designated as an Outlot and is not buildable until it is platted through a subdivision process. This property was given an Outlot designation through a subdivision called Ziel Outlot Plat 1. The Ziel Outlot Plat 1 created five (5) Outlots, with the subject property being one of them. Development of the subject property requires a Major Final Plat, followed by a Major Site Plan process.

The subject property is located directly south of NW Polk City Drive and west of NW 16th Street (SW Irvinedale Drive). NW Polk City Drive is designated as a Collector Street and NW 16th Street (SW Irvinedale Drive) is identified as a Minor Arterial roadway. NW Polk City Drive is maintained by Polk County and NW 16th Street (SW Irvinedale Drive) is maintained by the City of Ankeny. A traffic circle is located on NW 16th Street (SW Irvinedale Drive) at the intersection with NW Polk City Drive, therefore access is unlikely to this property from NW 16th Street (SW Irvinedale Drive). Access to the property will need to be obtained from NW Polk City Drive.

Sanitary sewer is available by extending the existing eight (8) inch sanitary sewer line that serves the Bella Woods subdivision, west of the subject property. The sanitary sewer provider is the City of Ankeny. An eight (8) inch water main is available in NW Polk City Drive, to be extended to the development site. Des Moines Water Works is the water service provider.

The City of Ankeny was contacted through the 2018 Rezoning Petition process, requesting their review and comment about the Rezoning Petition. The City of Ankeny had determined that they will not move forward with annexation of this property. The Future Land Use Map, included in The Ankeny Plan 2040, adopted on April 2, 2018, shows that the subject property and all of the adjacent properties to the north, south and west of the site are outside of Ankeny’s planning boundary.

Polk County Staff is recommending approval of this final plat. No waivers are requested and no additional lots are being created. See Attachment ‘A’ for a copy of the final plat.
"FINAL PLAT"

7AZU DEVELOPMENT PLAT 1

PART OF THE N1/2 OF THE NORTHEAST QUARTER (N1/2 NE1/4) OF SECTION 28, TOWNSHIP 80 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA.

LEGAL DESCRIPTION

OUTLOT 'X' OF ZIEL OUTLOT PLAT 1, AN OFFICIAL PLAT IN POLK COUNTY, IOWA RECORDED IN BOOK 14899, PAGE 392-411.

PROPERTY CONTAINS 7.16 ACRES, MORE OR LESS (311,890 SQ. FT.)

PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.
Estates at Hidden Ridge Plat 1 – Major Preliminary Plat

Property Owner: Barbara Penquite

Developer: We, LLC

Developer’s Representative: Shane Devick, Civil Engineering Consultants, Inc.

Request: Preliminary Plat Approval of a Major Subdivision Plat

Legal Description: SE ¼ of Section 32, Crocker Township

General Location: 7111 NW Fisher Lane (Exhibit ‘A’)

Existing Zoning: “RR” Rural Residential District

Surrounding Zoning:
  North: “RR” Rural Residential District
  South: “RR” Rural Residential District
  East: “RR” Rural Residential District
  West: “RR” Rural Residential District

Waiver Request: No lot shall have a depth greater than four (4) times the width at the minimum building line. (Exhibit ‘B’)

GENERAL COMMENTS:
This preliminary plat (Exhibit ‘C’) proposes six (6) residential lots and one (1) street lot on two (2) properties totaling approximately 13.16 acres. A cul-de-sac street is proposed to be constructed to provide street frontage and access to five (5) of the proposed lots. The cul-de-sac street is a public street extension from NW 73rd Lane, located north of the property.

Through the subdivision of Timber Cove Plat 2, which created NW 73rd Lane and 11 residential lots, located north of the subject property, an Outlot was created. The recorded Timber Cove Plat 2 Final Plat, which was recorded in 1994, identified Outlot ‘Z’ as future right-of-way. The Timber Cove Plat 2 Final Plat also created 40-foot wide Temporary Construction Easements on either side of Outlot ‘Z’ to remain in place until a public street is extended. The Estates at Hidden Ridge Plat 1 will utilize Outlot ‘Z’ to extend the cul-de-sac street to provide frontage for five (5) of the proposed lots.
The remaining lot, Lot 6, contains an existing house, accessory building and an access to NW Fisher Lane to the south. The property is zoned “RR” Rural Residential District. The Developer proposes six (6) lots that range in size from 1.47 acres to 3.31 acres. The Developer has also conducted outreach to the properties that surround the Estates at Hidden Ridge Plat 1. A synopsis of the outreach is attached as Exhibit ‘D’

The Developer is requesting one (1) waiver. The waiver is to allow the creation of lots that exceed four (4) times the length at the minimum building line. Specifically, the waiver is for Lots 1, 3 and 5. The waiver request from the development team is attached as Exhibit ‘B’.

**STAFF REVIEW:**
Staff has reviewed this plat for compliance with the Polk County Zoning and Subdivision Ordinances. This Plat proposes six (6) lots, requires a waiver to the Polk County Subdivision Ordinance and proposes public infrastructure, mandating a Major Subdivision process. The waiver request, Exhibit ‘B’, cites the significant topography of the property and the existing gas line constraints to substantiate the requested waiver. The topography of the property is approximately 830 at the southern extent and approximately 920 at the northern extent. An existing 60-foot wide gas line easement with an additional no build area of 15 feet on either side, totaling 90 feet runs through the property, limiting the available buildable area on Lots 4, 5 and 6. In addition to the topography and the gas line constraint, the shape of the parent parcel with the limited street frontage and the existing house and accessory structure also support a longer lot configuration.

Estates at Hidden Ridge Plat 1 is within two (2) miles of both the City of Johnston and the City of Ankeny City limits. The City of Johnston has responded that due to the location of the property, east of the Des Moines River, that they will waive their review. The City of Ankeny has responded that they will require review through their subdivision process.

Staff has reviewed this Plat for general compliance with the Zoning and Subdivision Ordinances. Lot density, dimensions, frontage, access, and potential waivers have been reviewed. Pending approval, re-submittals will be needed in order to address staff comments. At this stage, the Commission’s action would affirm, deny, or amend the overall plat layout and the requested waiver.

**RECOMMENDATION:**
Staff recommends approval of the Preliminary Plat of Estates at Hidden Ridge Plat 1, as well as the requested waiver to allow a lot depth that is greater than four times the width. Approval is based upon the proposal’s conformance to the Zoning and Subdivision Ordinances.
4-5-19

Polk County Public Works
5885 NE 14th Street
Des Moines, IA 50313
Attn: Land Use Planning Coordinator

RE: LOT WIDTH TO DEPTH RATIO WAIVER REQUEST
ESTATES AT HIDDEN RIDGE

Hello Seana,
For the proposed Estates at Hidden Ridge plat, we would respectfully request a waiver on lots 1,3 and 5. An exhibit has been included showing the dimensions used to calculate the length to width ratio.

The site has challenges in laying out lots.

There is an existing 16” high pressure gas main running through the center of the property. The gas main has very restrictive regulations and a large 90’ no build easement. This requires placement of the building pads, and lot lines, to avoid conflicts. This significantly reduces the ability to conform to the 4:1 ratio.

The topography of the site is very steep and rolling. This also reduces the ability to be flexible in lot layout.

While lots 3 and 5 do not have the 4:1 ratio measuring width at the building line, they do flare out towards the back of the lot.

Please consider a waiver for lots 1,3 and 5 of Estates at Hidden Ridge Plat 1.

Feel free to contact me should you have any questions or concerns.

Sincerely,

CIVIL ENGINEERING CONSULTANTS, INC.

Shane Devick, P.E.
Neighbors at the Estates at Hidden Ridge

*= Neighbors I have talked with.

3040 NW 73rd Lane— I talked to Tim & Audrey Vaugn and showed them the layout. They were happy to see a small amount of lots behind them.

3020 NW 73rd Lane— I talked to Roger & Patricia Froehle and showed them the 6 lot plat. They knew it was going to happen someday. I discussed with them some potential re-grading of their front yard and they are open to discussing that if needed.

7085 NW Fisher Lane- George Bloodgood was not home but I had a great conversation with his significant other who was home. He took a copy of the plat and my business card and said George would call if he had any questions. That was over a month ago.

7235 NW Fisher Lane— Scott & Michelle Thompson have a copy of the 6 lot plat. They are remodeling and adding a 1,200sqft addition.

7170 NW 28th St.– I talked with Travis Hodapp and he is interested in Lot 5. Travis has a copy of the plat.

3070 NW 73rd and 7297 NW Fisher Lane— I talked with Wayne Frame and he has a copy of the plat.

I tried to stop by the other properties that adjoin this one, but had no luck.