



Rezoning Petition

Petitioner:

Steven Klein (Property Owner), P.O. Box 1123, Johnston, IA 50131.

Request:

Zoning Map Amendment

Legal Description:

Lot 3 in Klein's Corner, Section 4 of Township 79 North, Range 24 West of the 5th P.M. in Polk County, Iowa. (*Attachment 'A'*)

General Location:

The subject property is located at 6654 NW 26th Street, Des Moines, IA 50313. The property is approximately 1.5 acres in size, and is located at the northwest corner of NW 26th Street and NW 66th Avenue. (*Attachment 'B'*)

Existing Zoning:

"NB" Neighborhood Business District with Conditions (*Attachment 'C'*)

Proposed Zoning:

"NB" Neighborhood Business District

Surrounding Zoning:

North "NB" Neighborhood Business District with Conditions

South "AG" Agricultural District & "OS" Open Space District

East "NB" Neighborhood Business District with Conditions

West "AG" Agricultural District

GENERAL COMMENTS

The Petitioner is requesting Zoning Map Amendment to change the Zoning Map from "NB" Neighborhood Business District with Conditions, which specifically limited future development to a Restaurant/Drive-In Facility (Ice Cream Store), to "NB" Neighborhood Business District without conditions for the subject property. The property owner is current restricted to market the property for use as an ice cream store only. If this Petition is granted, the property could be developed for uses allowed within the "NB" Neighborhood Business District. Typical uses found in the "NB" District zone include office, convenience commercial, commercial retail, services, gasoline stations and restaurants.

The subject property is vacant and is addressed as 6654 NW 26th Street. The property is triangular in shape and has site frontage on NW 26th Street to the east. NW 66th Avenue is located directly to the south, although this site does not have frontage onto this roadway.

The property directly north of the subject site is developed with a self-storage facility and a carwash building. Property to the west is an outdoor commercial amusement use, specifically a golf course, picnic area and Fisher Lake. The property to the west is owned by the Petitioner. Across NW 26th Street is a Casey's convenience store and gasoline station with an associated warehouse building. Property to the south, across NW 66th Avenue is a wetland preserve property, owned by Polk County Conservation.

The City of Ankeny corporate limits are located approximately 1.2 miles north of the site.

STAFF REVIEW

History

The subject property is zoned "NB" Neighborhood Business District on the Polk County Zoning Map. In 1961 and in 1973 the property was zoned A-1 Agricultural and in 1990 the property was zoned Agricultural District. In 2003, the Polk County Board of Supervisors approved a conditional rezoning on seven (7) acres owned by the Petitioner and including the subject property from Agricultural to Light Business District to permit office and warehouse uses. In 2004, the Polk County Board of Supervisors approved a conditional rezoning on 3.5 of the Petitioner's seven (7) original acres and including the subject property, to permit a car wash, restaurant/drive-in facility or ice cream store. The 1.5 acres was specifically conditioned to allow only the Restaurant/Drive-In Facility (Ice Cream Store) and the subject property was also platted as Lot 3 in Klein's Corner subdivision in 2004. In 2007, the subject property was rezoned through the County-wide Zoning Ordinance update process from Light Business District to Neighborhood Business District, however the conditions of the rezoning remained the same. The Petitioner is now requesting the removal of the conditions, so that the property can be developed in compliance with the "NB" Neighborhood Business District standards.

Roads

The subject property has frontage onto NW 26th Street to the east. NW 26th Street is a paved, two-lane minor arterial roadway that is maintained by Polk County.

Utilities

Water service is available through Des Moines Water Works. According to the latest data available from Des Moines Water Works, there is an existing twelve-inch (12") diameter water main located along the east side of NW 26th Street. Sanitary Sewer is not available to this property, therefore an onsite septic system will need to be utilized upon development in the future.

Environmental

Floodplain exists on the property, along the western property line, and will need to be accommodated through the future development of the property. No other environmental features are known to exist on the property.

Public Testimony

A total of five (5) property owners were 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, no testimony have been received.

Rezoning Discussion

The subject property zoning designation of “NB” Neighborhood Business District was supported through the 2007 Polk County Zoning Ordinance update. The conditions were not able to be revised or removed through the County-wide process, therefore the conditions were retained. Although the Petitioner requested the Rezoning conditions originally, they severely limit the use of the property. The relatively small size of the property, 1.5 acres, and the floodplain located along the western property line already limit the available development options and the removal of the conditions will not eliminate the existing site constraints. The “NB” Neighborhood Business District is the most restrictive in its permitted use categories when comparing other available commercial zoning districts.

RECOMMENDATION:

Staff recommends approval of the Zoning Map Amendment to remove all conditions, specifically the limitation of future development to a Restaurant/Drive-In Facility (Ice Cream Store), as requested. The recommendation for approval of the Zoning 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 continuation of the Zoning District, “NB” Neighborhood Business District, which is consistent with other properties to the north and east of the site; and c) The “NB” Neighborhood Business District zone was supported in 2007 during the Polk County Zoning Ordinance update process.



NW Toni Dr

ER

NW Prairie Ln

U

NW 66th Ave

FISHER LAKE

NB

NW 26th St

AREA OF REZONING:
6654 NW 26TH STREET

NW 23rd St

MDR

LDR

OS

AG

OS

OS