

**Docket Number:** 21/10896

**Appellant:** Mark Bockenstedt (Owner)  
2nd Avenue Business Park, LLC  
1003 NW Ridge Drive  
Ankeny, IA 50223

**Appeal:** Request for a signage area variance for a 19-bay multi-tenant commercial building to increase the allowable signage from a maximum of 144 square-feet to an allowance to each tenant of 60 square feet if one (1) bay is leased, 100 square feet if two (2) bays are leased, 120 square feet if three (3) bays are leased, and 160 square feet if four (4) bays are leased.

**Appeal Given:** “The current allowed signage for this property is not consistent with other similar developed properties and buildings in the County. The restrictive nature of the current ordinance will have a negative effect on both the prospective Tenants and the Developer.

1. By not having an ordinance for this property that is similar to the competing municipalities, tenant prospects will not be able to adequately market their business, this will cause them to consider another municipality that allows adequate building signage for each bay of the building. This results in the loss of potential business revenue for surrounding businesses and potentially property tax revenue for the county.
2. The developer is put at a competitive disadvantage as the current signage ordinance does not allow as much signage area as similar buildings in other municipalities. By not leasing space, the result will be a lower assessed value and lower property tax revenue.

We ask that you allow this variance and consider amending the signage ordinance to the requested signage areas for all similar buildings in the County.”

### **Background**

The subject property is addressed as 5548 NW 2<sup>nd</sup> Street, and is zoned “LI” Light Industrial District. The subject property is a 9.73 acre parcel of land legally described as Lot 2, Woodside Estates West Commercial Park Plat 1, which is located in Section 10 in Saylor Township. The property was rezoned in November of 2016 with Ordinance 318 (Recorded as Book 16271, Page 687-689) from the “GC” General Commercial District to the “LI” Light Industrial district, with the conditions that no use is permitted to have outdoor storage, and “Moderate Industry” uses are not permitted either by right or by a conditional use permit. A Commercial Site Plan was approved in 2019 for two (2) 57,819 square foot multi-tenant warehouse buildings. A building permit was issued in December of 2019 for the easterly Building #1. The final building inspection has been completed and the site has temporary occupancy. Once final site improvements are completed, including finished grading and seeding, a permanent certificate of occupancy may be issued. The second warehouse building would be located directly west of the existing building, but permitting and construction have not begun to-date.

The subject property has approximately 913.32 feet of frontage along NW 2<sup>nd</sup> Street, and gains access from a driveway onto NW 2<sup>nd</sup> Street at the Northeast corner of the property, as well as a secondary driveway that connects to NW 54<sup>th</sup> Avenue from the southwest corner of the property via an access easement through the property addressed as 211 NW 54<sup>th</sup> Avenue (the Saylorville Township Fire Station). The building on the subject property has 571.5 feet of frontage facing east onto NW 2<sup>nd</sup> Street.

Surrounding properties to the east are and south are zoned “GC” General Commercial District, and are commercial in nature. The property located north of the subject property is zoned “LI” Light Industrial District, and is a commercial mini-storage facility. Properties to the west are zoned “LDR” Low Density Residential District, and are a mixture of single-family residential dwellings and side-by-side townhomes. See Attachment A for a vicinity map of the subject property.

### **Summary of Request**

The appellant is proposing a plan to increase the maximum allowed signage on the subject property by allocating signage to each tenant based on the number of 30-foot wide commercial bays rented. For a tenant renting one (1) bay, the appellant is proposing sixty (60) square feet of total signage for that tenant, with an allowance of 100 square feet for two (2) bays, 120 square feet for three (3) bays, and 160 square feet if four (4) or more bays are rented. There are currently 19-bays within the single building on the subject property, all of which are facing NW 2<sup>nd</sup> Street. The future second warehouse building would provide an additional 19-bays which would face towards the west. The applicant has offered that only commercial spaces in the current building that are facing east (towards NW 2<sup>nd</sup> Street) would be allowed lighted signs. See Attachment B for a copy of the Variance Appeal Application.

The Polk County Zoning Ordinance, Article 11: *Signs*, Division 3, *Permitted Signs*, Section 1, *Wall Signs: (A)* states “One square foot of sign area is permitted for every lineal foot of building frontage (adjacent to road right-of-way) up to a maximum of 150 sq. ft. per building located in the Heavy Industrial District and up to a maximum of 120 sq. ft. per building located in all other districts.” And (C) states “The amount of wall signage permitted on multi-tenant buildings per tenant is prorated. The percentage of lineal footage each tenant occupies of the building is equal to the percentage of the total wall signage permitted for the building.” The Code also permits an additional 20% of wall signage for multi-tenant buildings. Based on zoning, building frontage and multi-tenant usage the existing and future buildings on the subject property are permitted a maximum of 144 square feet of wall signage each, with that amount prorated per tenant based on their percentage of total frontage for each building.

Staff mailed out twenty-nine (29) notices regarding this request, including the date and time of the public hearing, to surrounding property owners within the 250-foot notification boundary. To-date staff has received two (2) responses in support of the request, and three (3) responses in opposition of the request. One response of support requested that the signs adopt a consistent appearance with a similar style of lettering and colors. One response of opposition expressed concerns with light pollution.

### **Natural Resources**

The property is developed and has relatively few natural environmental features. The property features a steady slope from the highpoint near the northeast corner to a low point on the south side of the property, where there is also a stormwater detention basin. Natural resources will not be affected by this proposal.

### **Roads/Utilities**

The subject property has approximately 913.32 feet of frontage along NW 2<sup>nd</sup> Street, which is also known as Highway 415, a State Highway maintained by the Iowa Department of Transportation. The property gains access from a driveway onto NW 2<sup>nd</sup> Street at the Northeast corner of the property, as well as a secondary driveway that connects to NW 54<sup>th</sup> Avenue from the southwest

corner of the property via an access easement through the property addressed as 211 NW 54<sup>th</sup> Avenue (the Saylorville Township Fire Station). Access will not change as a result of the proposed variance. Water is provided by Des Moines Water Works, and the property is connected to the Polk County sanitary sewer system.

### **Recommendation**

**The Board of Adjustment may grant a variance if items 1 through 5 are affirmed.**

1.) Are there exceptional or extraordinary circumstances or special conditions applying only to the property in question and which do not exist generally on other properties in the same zoning district which makes it impossible to place a use permitted in the district on the property?

Yes. The building on the subject property meets all site development regulations, and Polk County's sign regulations are intended for more traditionally sized commercial and industrial properties with fewer tenants. For large multi-tenant sites, such as this one, the per-tenant signage allowance is diminutive, and would place limitations on how a business would be able to identify itself.

2.) Is the variance necessary for the preservation and enjoyment of property rights possessed by other properties in the same zoning district in the same vicinity? (No variance can permit uses that are prohibited in a district)

Yes. Commercial and industrial advertising signage is permitted in this and similar zoning districts for single and multi-tenant buildings.

3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?

Yes. The impact of the proposed signs will be similar in nature to other approved commercial and industrial signage. The increase in sign area is necessary for the site to maintain reasonable visibility for directional and advertising purposes.

4.) Is there a special condition or circumstance that did not result from the actions of the applicant?

Yes. The size of the property and frontage for the existing and future buildings create a need for signage in excess of what the Ordinance provides to accommodate reasonable advertising area.

5.) Does the variance support the intent of Article 7 Natural Resource Protection and Article 8 Stormwater and Erosion Control Management of the Polk County Zoning Ordinance?

Yes. The subject property is required to meet these provisions, if applicable.

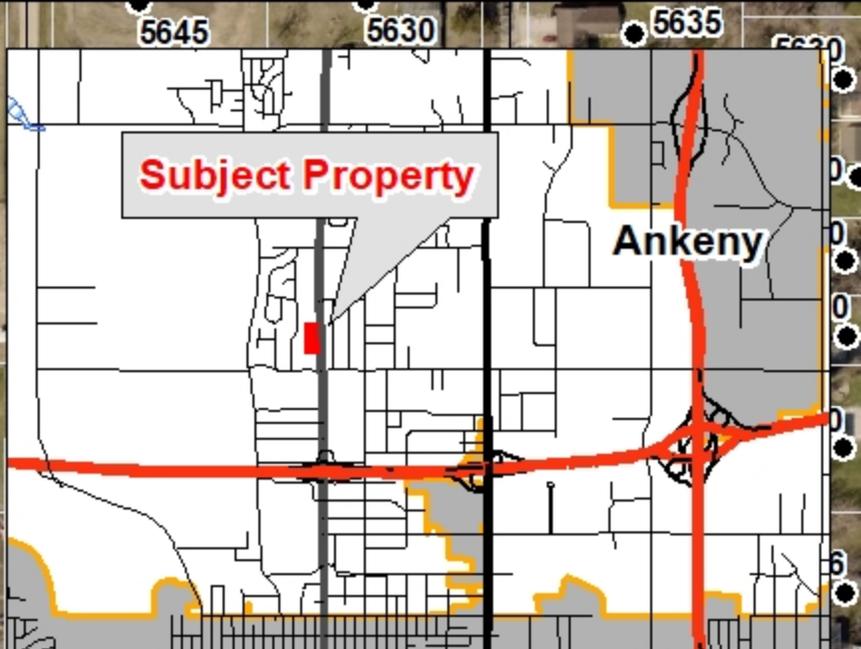
The Board of Adjustment may grant a variance if items 1 through 5 are affirmed. Since items 1-5 were answered in the affirmative, staff recommends approval of the requested variance subject to the following conditions (The Variance shall apply to Building #1 and Building #2):

1. In lieu of the signage square footage proposed by the appellant, signage maximums shall be reduced to be more in-line with the existing ordinance. Wall signage maximums shall be one (1) square foot per lineal foot of store frontage (or 30 square feet for each rented bay), with a maximum of 120-square feet of wall signage for each individual tenant.
2. There are currently signs on the subject property that were installed without the required sign permits. This includes wall signs located on Building #1 as well as an existing freestanding business park sign. Applications for all existing signs shall be completed and sign permits shall be issued prior to any additional permits being issued on the subject property. All signs should be brought into compliance prior to any additional permits being issued, which will include the permanent removal of all prohibited signs.
3. Lighted wall signs shall only be permitted for the existing Building #1. No lighted signs shall be permitted for Building #2, or for any sign facing west towards the existing residential zoning district.

Attachment 'A'

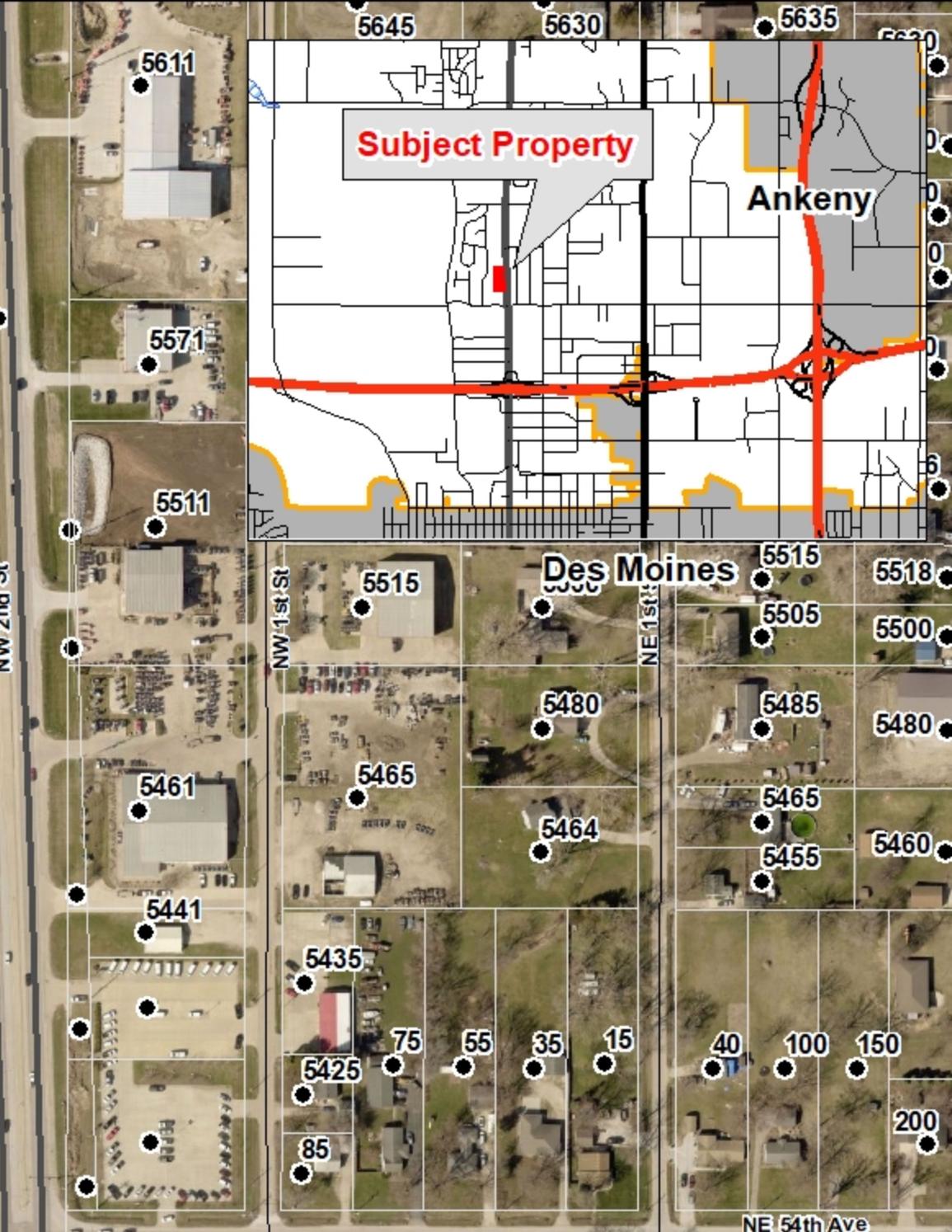


**Subject Property**



**Subject Property**

Ankeny



**Subject Property**

0 220 440 880 Feet





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**Attachment 'D'**



**ELEVATION**  
 SCALE: 1/40" = 1'-0"

1  
 A2.0

- SIGNAGE NOTES:**
1. TYPICAL BAY WIDTH IS 30'-0".
  2. NUMBER OF BAYS PER TENANT WILL VARY.
  3. EACH TENANT WILL ONLY BE ALLOWED TO HAVE ONE SIGN.
  4. SIGNAGE ALLOWANCE WILL VARY BASED ON # OF BAYS LEASED.
    - 1 BAY IS ALLOWED THE EQUIVALENT OF A 60 SQ FT SIGN
    - 2 BAYS ARE ALLOWED EQUIVALENT OF A 100 SQ FT SIGN
    - 3 BAYS ARE ALLOWED EQUIVALENT OF A 120 SQ FT SIGN
    - 4 BAYS ARE ALLOWED EQUIVALENT OF A 160 SQ FT SIGN

ELEVATION

GEN PROJECT NO.  
 2105

ISSUE DATE  
 09/1/2021

SHEET NUMBER  
**A2.0**