



Rezoning Petition

Petitioner:

Randy L. Johnson, Jr. (Property Owner), 6606 NW 6th Drive, Des Moines, IA 50313.

Request:

Comprehensive Plan and Zoning Map Amendments.

Legal Description:

Lot 11 (except the West 1135.88 feet and except the North 120 feet) in the Official Plat of the North $\frac{3}{4}$ of Section 3, Township 79 North, Range 24 West of the 5th P.M., in Polk County, Iowa.

General Location:

The subject property is located at 6606 NW 6th Drive, Des Moines, IA 50313. The property is approximately 30,264 square feet (0.70 acres) in size, and is located at the northwest corner of NW 6th Drive and NW 66th Avenue within the unincorporated area of Saylorville.

Existing Future Land Use Map Classification:

Neighborhood Commercial

Proposed Future Land Use Map Classification:

Low Density Residential

Existing Zoning:

"NB" Neighborhood Business District

Proposed Zoning:

"LDR" Low Density Residential District

Surrounding Zoning:

North "LDR" Low Density Residential District

South "NB" Neighborhood Business District & "GC" General Commercial District

East "NB" Neighborhood Business District

West "LDR" Low Density Residential District

GENERAL COMMENTS

The Petitioner is requesting a Comprehensive Plan Amendment and Zoning Map Amendment to change the Future Land Use Map classification from Neighborhood Commercial to Low Density

Residential, and to change the Zoning Map from “NB” Neighborhood Business District to “LDR” Low Density Residential District for the subject property. The application provided the following statement of the applicant’s rationale for the request, “Due to commercial zoning we would like to switch it to low use residential so our bank will allow us to build onto the property with the addition of a basement.” Under the property’s current “NB” Neighborhood Business District zoning, the existing single-family dwelling is considered a non-conforming use. As such, the property owner is limited in expanding the footprint of the structure to no more than twenty percent (20%) of its current square footage. Furthermore, non-conforming uses may not be reconstructed if ever destroyed by any means to an extent of more than sixty percent (60%) of their replacement cost, exclusive of the foundation. These regulations under the Polk County Zoning Ordinance are further reflected in the private lending market where property owners with non-conforming uses can have difficulty in obtaining financing.

The subject property is located at 6606 NW 6th Drive. It contains an existing single-family dwelling and two (2) accessory garage structures. A small accessory shed is located along the northern property line as well. According to County records, the house was constructed in 1925, and the accessory garage structures were constructed in 1986 and 1994. The property is a corner lot with street frontage on two (2) sides. It fronts NW 6th Drive to the east and NW 66th Avenue to the south.

Surrounding Land Use

The subject property is located within the unincorporated community of Saylorville, which includes unincorporated neighborhoods along NW 6th Drive and NW 66th Avenue directly south of the City of Ankeny. This unincorporated area includes a neighborhood commercial node centered at the intersections of NW 6th Drive and NW 66th Avenue / NW 65th Lane. Directly adjacent to the south of the subject property on the south side of NW 66th Avenue is a local restaurant, multi-tenant commercial building and a communication tower. Directly east of the subject property on the east side of NW 6th Drive is a local auto repair shop as well as a legal, non-conforming commercial apartment building. Further to the south is a Casey’s gas station and convenience store located at the northeast corner of NW 6th Drive and NW 65th Lane, as well as a local fitness gym. These are established commercial uses within this neighborhood. All of these established commercial uses are zoned “NB” Neighborhood Business District, except the multi-tenant commercial building and cell tower, which are zoned “GC” General Commercial District. Outside of this commercial node, surrounding properties primarily consist of single-family residences zoned “LDR” Low Density Residential District. The City of Ankeny corporate limits are located approximately three-fourths of a mile ($\frac{3}{4}$) to the north. See *Attachment A* at the end of this report for a vicinity map of the subject property and surrounding area. Also, see *Attachment B* for a copy of the Future Land Use Map, and *Attachment C* for a copy of the Zoning Map, of the subject property and surrounding area.

STAFF REVIEW

History

The subject property is presently classified as Neighborhood Commercial on the Polk County Comprehensive Plan Future Land Use Map, and is zoned “NB” Neighborhood Business District on the Polk County Zoning Map. Prior to the most recent update to the Comprehensive Plan and

Zoning Map, which occurred in 2006-2007, the subject property was classified as Neighborhood Conservation District and zoned Suburban District. During the 2006-2007 update the future land use classification and zoning were changed in an effort to promote additional neighborhood commercial redevelopment within this commercial node of Saylorville. The applicant purchased this property in 2015, and is now requesting to revert it back to a single-family residential classification and zoning district to facilitate improvements to the existing single-family dwelling on the property.

Roads/Access

The subject property has frontage onto both NW 6th Drive and NW 66th Avenue, with a single existing access point located to the south onto on NW 66th Avenue. Both roadways are paved, two-lane minor arterials that are maintained by Polk County. The latest available Iowa DOT traffic data is from 2016, and shows an annual average daily traffic count of 3,040 vehicles on NW 6th Drive north of NW 66th Avenue, and 6,200 vehicles on NW 6th Drive south of NW 66th Avenue. The 2016 annual average daily traffic count for the adjacent segment of NW 66th Avenue is 3,660 vehicles.

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 west side of NW 6th Drive, and a six-inch (6") diameter water main located along the south side of NW 66th Avenue. Wastewater treatment is provided by an onsite septic system located northwest of the existing house. The system was recently evaluated by a licensed septic engineer during the required Time of Transfer inspection in 2015, and was determined to be functioning properly.

Environmental

The subject property sits at a higher elevation relative to adjacent properties and public rights-of-way. The area immediately surrounding the house is at an elevation of approximately 908 feet, with a slight drop in elevation to approximately 904 feet along the north and east property lines, and a low point of approximately 896 feet in the far southwestern corner of the property. The property contains a number of mature trees. There are no areas of mapped floodplain, wetlands or other environmental hazards or features.

Public Testimony

A total of 48 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, three (3) items of testimony have been received in support of the request, and none in opposition.

Comprehensive Plan Discussion

The subject property is located within the North Central Area, as identified in the Polk County 2030 Comprehensive Plan. The area comprises the unincorporated portions of Polk County lying north of the City of Des Moines, east of the Des Moines River, and immediately surrounding the City of Ankeny. The unincorporated land within the North Central Area is largely developed at urban densities and with urban level utilities and services. Major transportation routes include

Interstates 80/35 as well as the NE 14th Street (Hwy 69) and NW 2nd Street (Hwy 415) corridors. Existing and future land uses consist of a mix of commercial and industrial along the NE 14th Street and NW 2nd Street corridors, primarily industrial in the area east of NE 14th Street between Interstate 80/35 and the southern limits of Ankeny, and areas of residential development primarily within Saylor Township and separated from commercial and industrial uses. There is also a sizable area designated as “MU” Mixed Use District on both the Zoning and Future Land Use Maps located south of Interstate 80/35 and bordered by NW 2nd Street to the west, NE 14th Street to the east, and NE 44th Avenue to the south. This area contains a combination of commercial, industrial and residential uses, primarily established prior to Polk County’s adoption of zoning regulations.

The City of Ankeny is the primary jurisdiction within the North Central Area. Unincorporated land adjoining the north, northwest and northeast boundaries of Ankeny is largely undeveloped and currently in agricultural use, but is identified on the current Zoning Map and Future Land Use Map as residential with densities that match the City’s future growth plans for those areas. The City’s southern corporate limits are located less than one (1) mile from the subject property. However, Ankeny’s 2040 Comprehensive Plan does not show future growth or annexation in the area of the subject property. This is primarily due to existing rural development in this area, and the inability of the City to provide municipal utilities.

Key issues identified during the development of the Plan for the North Central Area include land needed for economic development, industrial and business park expansion to accommodate the area’s suitability for logistics, advanced manufacturing, and value-added agriculture, and the desire to protect prime farmland and balance that protection with continuing growth.

Applicable goals and policies identified in the North Central Area Plan:

Character of Development Goal – Polk County will promote development that maintains neighborhood and landscape character, including existing neighborhoods, communities, and natural landscapes.

Respect for Property Owners Goal – Polk County will respect the individual decisions and values of private property owners in setting land use policy and regulation.

Applicable general goals and policies of the Comprehensive Plan:

Planning Process and Implementation Goal – Policy 3: Zoning Consistency – Regulation is a critical tool to meeting County land use goals, and the County’s preferred land use vision. Polk County will update its zoning and land development regulations to encourage an efficient development pattern, fostering compact villages and corridors linking distinct communities.

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 the adoption and implementation of a Comprehensive Plan and Zoning Ordinance Polk County promotes consistency in land use regulation in order to maintain neighborhood character

and foster stability and compatibility between land uses. The request to amend the Future Land Use Map classification for the subject property from Neighborhood Commercial to Low Density Residential is consistent with the applicable goals and policies of the North Central Area Plan, as well as the applicable Countywide goals and policies of the Comprehensive Plan.

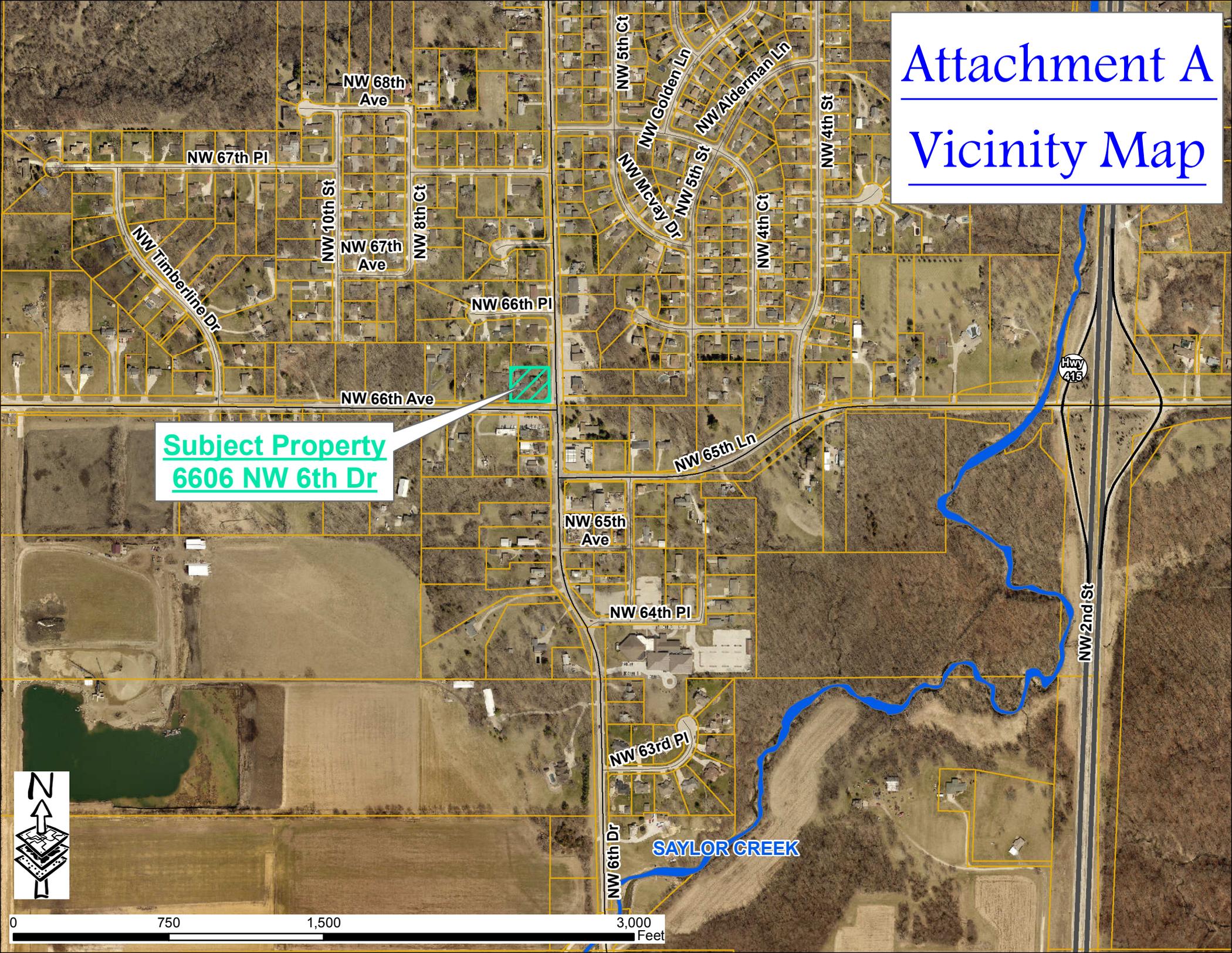
Previously the subject property was classified as Neighborhood Conservation District, but was changed to Neighborhood Commercial in 2006 following the County's adoption of the Polk County 2030 Comprehensive Plan. This change was reasonable given the property's location on the corner of a major intersection of two (2) arterial roadways and its proximity to adjacent commercial and neighborhood commercial uses to the south and east. However, over the last 13 years, which have included sustained periods of strong economic growth, commercial redevelopment of the property has not been realized. While the property's location at a major intersection and adjacent to commercial uses provided a previous rationale for a commercial classification, there are equally valid, if not more conclusive, reasons for supporting a residential designation. These reasons include the existing residential use of the property, its small size relative to accommodating a commercial redevelopment project under current standards, and its location directly adjacent to established single-family residential properties to the north and west. Additionally, a change back to a residential classification will allow the owner to complete substantial repairs and improvements to the existing dwelling, resulting in preservation of the residential character of the neighborhood.

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 2030 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 a continued single-family residential use which provides cohesion and stability within the neighborhood and between established residential and commercial uses; and c) The subject property is differentiated from similar commercial properties nearby in that it contains an existing single-family residential use and lies directly adjacent to similar established residential uses and zoning to the north and west.

Attachment A

Vicinity Map



Subject Property
6606 NW 6th Dr



0 750 1,500 3,000 Feet

Attachment B

Future Land Use Map

Medium Density Residential

Low Density Residential

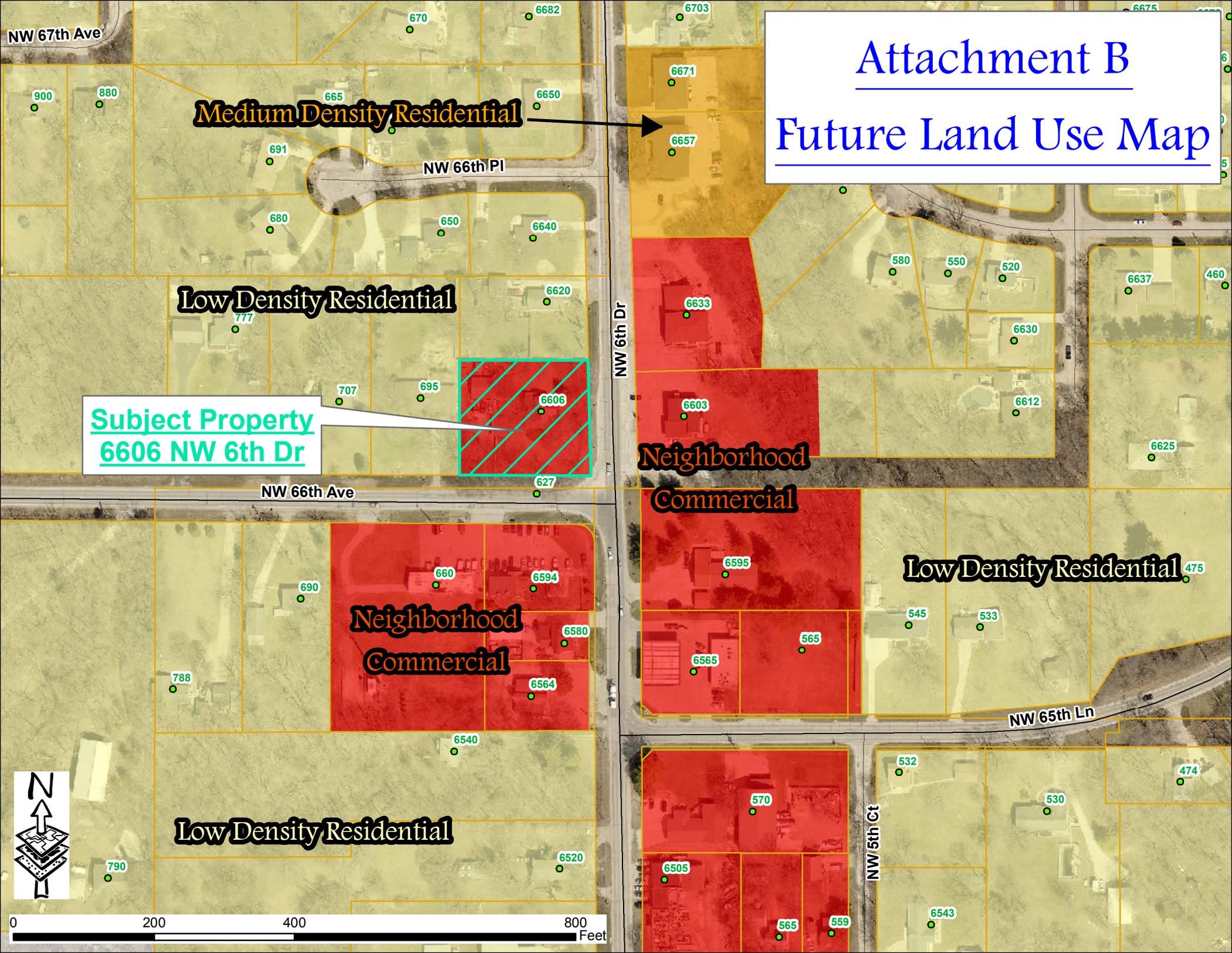
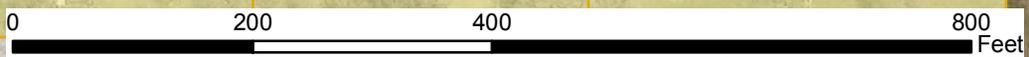
Subject Property
6606 NW 6th Dr

Neighborhood Commercial

Neighborhood Commercial

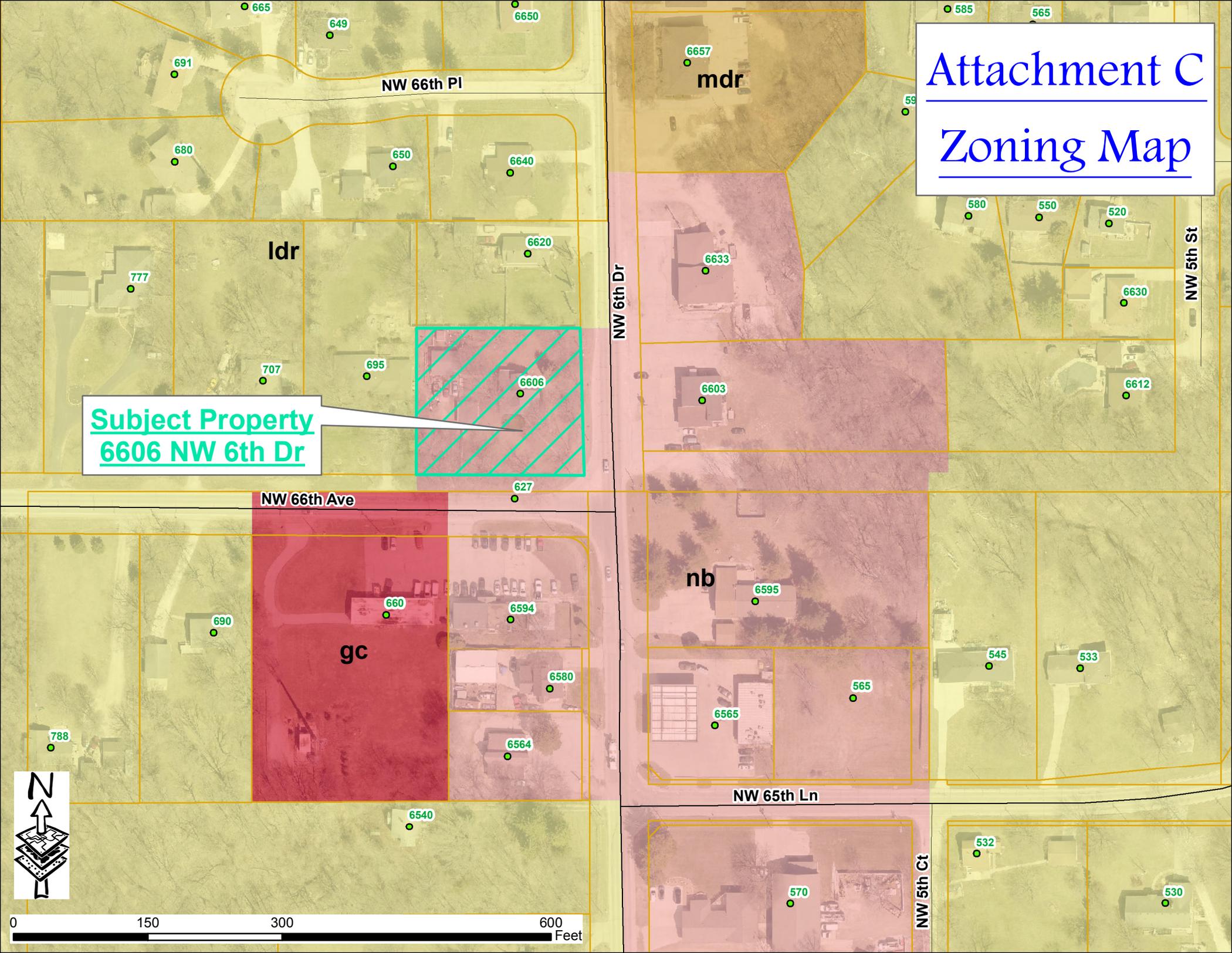
Low Density Residential

Low Density Residential



Attachment C

Zoning Map



Subject Property
6606 NW 6th Dr

