


## COUNCIL COMMUNICATION

 CITY OF DES MOINES OFFICE OF THE CITY MANAGER	Number:	<b>21-153</b>	Meeting:	<b>April 5, 2021</b>
	Agenda Item:	<b>28</b>	Roll Call:	<b>21-0565</b>
	Submitted by:	<b>Erin Olson-Douglas, Development Services Department Director</b>		

### AGENDA HEADING:

Review of Zoning Board of Adjustment decision granting a Variance to a separation distance requirement to allow a proposed veterinary clinic use with animal boarding at 601 Army Post Road to have an outdoor exercise runway located less than 200 feet from an “N” Neighborhood District.

### SYNOPSIS:

Staff recommends that the Council decline to remand the decision of the Zoning Board of Adjustment granting a Variance to a separation distance requirement to allow a proposed veterinary clinic use with animal boarding at 601 Army Post Road to have an outdoor exercise runway located less than 200 feet from an “N” Neighborhood District.

### FISCAL IMPACT: NONE

### ADDITIONAL INFORMATION:

- On March 24, 2021, the Zoning Board of Adjustment voted 5-1 to approve a Variance to a separation distance requirement to allow a proposed veterinary clinic use with animal boarding at 601 Army Post Road to have an outdoor exercise runway located less than 200 feet from an “N” Neighborhood District.
- The site is located at the northwest corner of Army Post Road and Southwest 6<sup>th</sup> Street. The site has been vacant since a mobile home community was relocated from the site in 2016.
- The proposed veterinary clinic use with animal boarding is a permitted use of the property, which is zoned Limited “MX3” District. However, any outdoor boarding or outdoor exercise runways must be at least 200 feet from any “N” Neighborhood District. The entire subject property is within 200 feet of the property known as 708 Lally Street that is zoned “N3a” District. The owners of this property (Nicole Banken and Jesse Kartes) communicated support for the Variance in a letter dated March 1, 2021.
- The site is located within the Fort Des Moines Neighborhood Association. The president of the neighborhood association (Scott Durham) communicated support for the Variance in an email dated March 22, 2021.

- The site is owned by February 30<sup>th</sup> Properties, LLC, represented by Jeremy & Melissa Beyer, 6301 Southwest 9<sup>th</sup> Street, Des Moines, IA 50315.
- Pursuant to City Code Section 134-6.7.8.C, the City Council shall review the Board's decision within 30 days after the decision is filed. After such review, the City Council may remand the decision to the Board for further study. If the City Council declines to remand the decision, that decision shall become final on the date of the City Council's action (April 5, 2021).

**PREVIOUS COUNCIL ACTION(S):**

Date: January 25, 2021

Roll Call Number: [21-0148](#), [21-0149](#), and [21-0150](#)

Action: [On](#) request from February 30<sup>th</sup> Properties dba South Des Moines Vet Center (Jeremy Beyer, Officer) to amend the PlanDSM Creating Our Tomorrow Plan future land use classification from Low Density Residential within a Community Node to Community Mixed Use within a Community Node and rezone property at 601 Army Post Road and 6302 Southwest 6<sup>th</sup> Street from "N3a" Neighborhood District and "MX2" Mixed Use District to Limited "MX3" Mixed Use District allow the property to be developed for Animal Service, Veterinary and Boarding uses. Moved by Gatto to adopt. Motion Carried 7-0.

- (A) [First](#) consideration of ordinance above. Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.
- (B) Final consideration of ordinance above (waiver requested by Jeremy Beyer, Owner), requires six votes. Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,971](#). Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S):**

Board: Plan & Zoning Commission

Date: December 17, 2020

Resolution Number: ZON2020-00152

Action: Motion to recommend approval of a request to rezone the property from "N3a" Neighborhood District and "MX2" Mixed Use District to Limited "MX3" Mixed Use District allow the property to be developed for Animal Service, Veterinary and Boarding uses. Motion Carried 12-0.

Board: Zoning Board of Adjustment

Date: March 24, 2021

Resolution Number: ZON2021-00027

Action: Motion to grant a Variance to a separation distance requirement to allow a proposed veterinary clinic use with animal boarding to have an outdoor exercise runway located less than 200 feet from an “N” Neighborhood District. Carried 5-1.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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