


**CITY OF WEST DES MOINES
BOARD OF ADJUSTMENT COMMUNICATION**

Meeting Date: June 1, 2016

Item: The Collar Club, 1832 Fuller Road – Approval of a Permitted Conditional Use Permit for a doggie daycare with boarding services and future grooming services – A & A Properties – PC-003078-2016

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: Brian Portz 

Applicant Request: The applicant, The Collar Club, represented by owners Corey & Erin Bird, is requesting approval of a Permitted Conditional Use Permit (PC) to allow the operation of a dog daycare, including overnight boarding within an existing building at 1832 Fuller Road. The applicant is proposing to provide boarding services both for daytime (canine daycare), as well as overnight boarding. The operation will allow dog owners to bring in their pets for supervised play and socialization with other dogs. The dogs will be allowed to stay overnight in individual indoor kennels with supervision. Dog daycare, Boarding Services, with kennels, no outside runs (SIC 0752-02) is classified as a Permitted Conditional Use (Pc) within a General Industrial Zoning District which this property is designated. The applicant is proposing the construction of a fenced area immediately on the east side of the building for bathroom breaks. The dogs will not be left outside unsupervised.

Although not to be immediately implemented, the applicant is also requesting approval to eventually offer dog grooming services at the facility (see staff notes below).

History: This property was originally platted in December of 1966 and re-platted in 1968 and 1976. According to the County Assessor, the building was constructed in 1967.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on May 16, 2016, as an informational item only. No discussion was had and no disagreement with the proposal was expressed.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. Staff would summarize the following key point of interest:

- **Dog Grooming Services:** The applicant has stated that they wish to provide grooming services as part of the business. Currently, per City Code, Grooming Services (SIC 0752-9901) is not permitted within the General Industrial zoning district which this property is classified, however, it is permitted within other commercial and industrial use districts within the City. The applicant has submitted a letter requesting that the City amend the Zoning Code to allow pet grooming within the General Industrial District. Staff has identified no clear reason as to why grooming should be prohibited from the General Industrial district: it may simply be an error within the code. This request will be considered by the Plan & Zoning Commission and City Council at a later date. Staff has recommended a condition of approval allowing the service but only upon final City Council adoption of an amendment to title 9: Zoning of City Code to make dog grooming services either a Permitted (P) or Permitted Conditionally (Pc) use within the General Industrial district.
- **Site Deficiencies:** As part of the Permitted Conditional Use Permit application process, the site is evaluated for deficiencies to current requirements. Fuller Road is classified as a major collector which requires 100 feet of total right-of-way or 50' from the centerline. It appears that the existing right-of-way adjacent to the property is 33 feet. An additional seventeen (17) feet of street right-of-way is necessary along Fuller Road for consistency with the current Comprehensive Plan.

The City Attorney feels that City staff has been operating under the mistaken belief that because city code requires a site to be brought into compliance when a modification to a development, rezoning or use request occurs, the developer has an obligation to provide anything necessary to meet this requirement. This provision makes sense regarding health safety elements and improvements. For improvements outside of safety concerns, to be legally valid there must be a nexus between the entitlement being granted (approval of the use) and the exaction requested (streetlights, ROW, alley paving, etc.). The entitlement must create the need for the exaction. Secondly, the exaction must be roughly proportionate to the impact of the entitlement on City infrastructure.

As this test was applied to the right-of-way deficiency noted above, it was determined that the applicant's proposal to utilize the existing building did not warrant the provision of right-of-way since modifications to the adjacent street is not necessary to accommodate an increase in traffic due to the proposed use.

Comprehensive Plan Consistency: The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed store expansion project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan, except as noted above regarding right-of-way widths.

Findings: The following findings have been made on the proposed permitted conditional use:

1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that the project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan with the exception that the public street right-of-way for Fuller Road is deficient seventeen feet (17') from the 100' of required total right-of-way (50' half right-of-way) as specified in the City's adopted Comprehensive Plan. However, it has been determined that the proposed use will not increase traffic thus street improvements are not warranted as a result of the proposed use. There is no nexus for the dedication of additional right-of-way in conjunction with the proposed project.
2. The proposed development and use does assure compatibility of property uses within the zone and general area in that this project was reviewed by various City Departments for compliance with the Zoning Ordinance.
3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare, and safety of the community.
4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies and City Departments and public utilities to ensure that either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development.
5. The proposed development and use has met the requirements contained in the City Code in that this project was reviewed by various City Departments and public agencies and the project has complied with or has been conditioned to comply with all City Code requirements.
6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the Zoning regulations and the Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

Staff Recommendations and Conditions of Approval: Based upon the preceding review and findings, staff recommends the Board of Adjustment adopt a resolution for approval of the Permitted Conditional Use Permit to allow dog daycare with boarding services, with kennels and no outside runs (SIC 0752-02) and future dog grooming services, subject to meeting all City Code requirements and the following:

1. The applicant limiting outside activities to only that necessary for playtime and bathroom breaks and agreeing that the dogs shall not be outside unsupervised; and,
2. The applicant agreeing that dog grooming services may not be provided on-site until such time that the City Council formally approves of a City Code amendment to allow Dog Grooming Services as either a Permitted or Permitted Conditionally Use within the General Industrial (GI) zoning district.

Noticing Information: On May 13, 2016, notice of the June 1, 2016 Board of Adjustment Public Hearing on this project was published in the Des Moines Register Community Section. Notice of this public hearing was also mailed to all surrounding property owners within 370 feet of the subject property on May 21, 2016.

Applicant: Corey & Erin Bird
The Collar Club
2116 38th Street
Des Moines, Iowa 50310
collarclub515@gmail.com

Property Owner: A & A Properties
4200 Beaver Hills Drive
Des Moines, IA 50310
carroll.anderson@msn.com

Attachments:

Attachment A	-	Permitted Conditional Use Resolution
Exhibit A	-	Conditions of Approval
Attachment B	-	Request Letter
Attachment C	-	Location Map
Attachment D	-	Aerial Site Plan

Prepared by: B. Portz, Development Services PO Box 65320 West Des Moines IA 50265-0320 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines PO Box 65320 West Des Moines IA 50265-0320

RESOLUTION

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-003078-2016) TO ALLOW DOG DAYCARE, BOARDING SERVICES, WITH KENNELS, NO OUTSIDE RUNS, AND DOG GROOMING SERVICES

WHEREAS, pursuant to the provisions of Title 9, Zoning, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicants, Corey & Erin Bird, owners of The Collar Club, LLC, has requested approval of a Permitted Conditional Use Permit (PC-003078-2016) for that property located at 1832 Fuller Road and legally described below for the purpose of providing a dog daycare, boarding services, with kennels, no outside runs (SIC 0752-02) and dog grooming services;

Legal Description of Property

LOT 13, EXCEPT THE SOUTH 293.2 FEET OF THE WEST 100 FEET, INDUSTRIAL PARK PLAT 1 REPLAT, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on, June 1, 2016, this Board of Adjustments held a duly-noticed hearing to consider the application for a Permitted Conditional Use Permit for The Collar Club (PC-003078-2016);

NOW, THEREFORE, THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, stated in the staff report, dated June 1, 2016, or as amended orally at the City Council meeting of June 1, 2016, are adopted.

SECTION 2. Permitted Conditional Use Permit for The Collar Club (PC-003078-2016) to conduct a dog daycare, boarding services, with kennels, no outside runs (SIC 0752-02) and dog grooming services is approved, subject to compliance with all the conditions in the staff report, dated June 1, 2016, including conditions added at the meeting, and attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on June 1, 2016.

Mike Blaser, Board of Adjustment Chairperson

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustments of the City of West Des Moines, Iowa, at a regular meeting held on June 1, 2016, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

EXHIBIT A
Conditions of Approval

1. The applicant limiting outside activities to only that necessary for playtime and bathroom breaks and agreeing that the dogs shall not be outside unsupervised; and,
2. The applicant agreeing that dog grooming services may not be provided on-site until such time that the City Council formally approves of a City Code amendment to allow Dog Grooming Services as either a Permitted or Permitted Conditionally within the General Industrial (GI) zoning district.

**Development Services Department
4200 Mills Civic Parkway, Suite 2D
P.O. Box 65320
West Des Moines, IA 50265**

Re: Permitted Conditional Use Permit

To Whom It May Concern:

This letter is to request the Board of Adjustment initiation for a conditional use permit at 1832 Fuller Road, West Des Moines, Iowa. We will be utilizing an existing building for the business. The Collar Club will provide commercial pet services at a professional level. These services include dog boarding, dog daycare, and dog hygiene.

The atmosphere of The Collar Club will reassure people that their pet will be cared for and have individual attention while they are at work or away. The professional demeanor of the staff, extensive check-in questionnaire, large selection of activities, and report cards will help facilitate this perception.

The Collar Club is a limited liability company with the Initial Members being Corey and Erin Bird. The primary contact person is Corey Bird. Telephone Number: 507-456-3686.

Thanks,

Handwritten signatures of Erin and Corey Bird in blue ink. The signature on the left is 'Erin Bird' and the signature on the right is 'Corey Bird'.

Erin & Corey Bird



1:1,000 

166.7 0 83.33 166.7 Feet

NAD_1983_StatePlane_Iowa_South_FIPS_1402_Feet
© City of West Des Moines, Iowa

Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Fuller



ATTACHMENT D

X-Tree has been Removed
* Adding fencing

04/01/2014