

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

Meeting Date: January 15, 2020

Item: Swaggers Dog Daycare and Retailer, 4800 Mills Civic Parkway– Permitted Conditional Use Permit to operate a 3,104 sq. ft. Dog Day Care and Retail business – Caroline Compiano – PC-004571-2019

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: Kara Tragesser, AICP 

Applicant's Request: The applicant, Caroline Compiano, with permission from the property owner, MDM Equity- 2015 LLC, is proposing to operate a 3,104 sq. ft. dog day care and retail business at 4800 Mills Suites 102 and 103 Civic Parkway. Hours of operation are proposed to be between 7:00 a.m. to 6:00 p.m. with weekend hours of 10:00 a.m. to 2:00 p.m. An indoor area is proposed for animal waste. A retail component and grooming also will be part of the business model.

City Council Subcommittee: This item has not been presented to the Development and Planning Subcommittee as that committee has not met since the application was submitted.

Staff Review and Comment: The application was reviewed by staff and a traffic study was performed to evaluate traffic impacts to the public street system. The property has sufficient parking as a service and retail use such as this was taken into account in the original site plan review.

Traffic Study: A traffic study was done to analyze the impacts to the transportation system and make recommendations to mitigate any impacts or to site components to help mitigate impacts to circulation and traffic. The study summary indicates that there are no significant traffic impacts to the public street system as a result of this use.

Permitted Conditional Use Permit Findings: The application for a Permitted Conditional Use Permit to operate a 3,104 sq. ft. dog day care, retail, and grooming was reviewed by various City departments. Based upon that review and any conditions of approval, the following findings have been made on the proposed project:

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.
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 review of the proposal, a finding of consistency with the goals and policies of the Comprehensive Plan, and compliance with the findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution to approve the Permitted Conditional Use Permit to allow the operation of 3,104 sq. ft. dog day care, retail and grooming to be located in the Somerfield shopping center at 4800 Mills Civic Parkway, subject to meeting all City Code requirements, regulations, and the following:

1. The wall, ceiling or floor assemblies between the entire tenant space conducting the activity and adjacent tenants shall be constructed to meet or exceed a sound transmission class rating (STC) of 50 and the walls shall extend all the way from the floor to the roof, sealed with a continuous bead of caulk along the top, bottom and side wall intersections of the wall and around any penetrations.
2. The HVAC system for the tenant space shall be completely independent of any other tenant space to eliminate the transmission of sound or odors.

Noticing Information: On January 2, 2020, notice of the January 15, 2020, Board of Adjustment Public Hearing on this project was published in the Des Moines Register. Notice of this public hearing was also mailed to surrounding property owners within 370 feet of the subject property on December 31, 2019.

Applicant: Caroline Compiano
2403 149th Ct
Urbandale IA 50323

Property Owner: MDM Equity-2015 LLC
C/O Knapp Properties
5000 Westown Parkway Suite 40
West Des Moines IA 50265

Attachments:

- Attachment A - Permitted Conditional Use Resolution
- Attachment B - Location Map

Prepared by: KTragesser City of West Des Moines 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 – BOA-2020-02

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING THE PERMITTED CONDITIONAL USE PERMIT (PC-004571-2019) FOR THE PURPOSE OF OPERATING A DOG DAY CARE AND GROOMING AT 4800 MILLS CIVIC PARKWAY

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Caroline Compiano, with permission from the property owner, MDM Equity-2015 LLC., has requested approval for a Permitted Conditional Use Permit to operate a 3,104 sq. ft. dog day care and grooming at 4800 Mills Civic Parkway, the property is legally described as:

Legal Description of Property

Parcel M recorded at Book 8731 Page 960 as recorded at the Polk County, Iowa, Recorder's Office; and;

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; and

WHEREAS, on January 15, 2020, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit.

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

SECTION 1. The findings, for approval, in the staff report, or as amended orally at the Board of Adjustment hearing, are adopted.

SECTION 2. The PERMITTED CONDITIONAL USE PERMIT (PC-004571-2019) to operate a 3,104 sq. ft. dog day care and grooming business is approved, subject to compliance with all the conditions in the staff report including conditions added at the Hearing, and attached hereto as Exhibit "A", if any, is approved. 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 January 15, 2020.

Angie Pfannkuch, Chair

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustment for the City of West Des Moines, Iowa, at a regular meeting held on January 15, 2020, by the following vote:

AYES:
NAYS:
ABSTAIN:
ABSENT:

ATTEST:

Recording Secretary

EXHIBIT A

1. The wall, ceiling or floor assemblies between the entire tenant space conducting the activity and adjacent tenants shall be constructed to meet or exceed a sound transmission class rating (STC) of 50 and the walls shall extend all the way from the floor to the roof, sealed with a continuous bead of caulk along the top, bottom and side wall intersections of the wall and around any penetrations.
2. The HVAC system for the tenant space shall be completely independent of any other tenant space to eliminate the transmission of sound or odors.

