

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

Meeting Date: February 5, 2020

Item: Ashworth Road Animal Hospital, 5902 Ashworth Road – Land use review to allow Veterinary services for animal specialties, no outside runs (SIC: 0742) – Jessica Merk – PC-004599-2020

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: J. Bradley Munford 

Applicant Request: The applicant, Jessica Merk of The Ashworth Road Animal Hospital with permission from the property owner, Ashworth Holdings, LLC, is requesting approval of a Permitted Conditional Use Permit (PC) land use review to allow the operation of a veterinary hospital at 5902 Ashworth Road. The applicant is proposing to renovate the existing tenant space for a veterinary hospital. No boarding of animals will occur at this site and there will be no external dog runs.

Veterinary services for animal specialties, no outside runs (SIC: 0742) is classified as a Permitted Conditional Use (Pc) within the Neighborhood Commercial (NC) District, which this property is designated.

History: The City Council approved the site plan for the Ashworth Place shopping center [Ashworth Plaza] on January 3, 1994 (Case No. SP-93-40). On April 25, 1994, the City Council approved the final plat for this property, Wentworth Plaza Plat 1 (Case No. FP-94-03).

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on January 21, 2020, as an informational item only. No discussion or disagreement was had with the request.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. There are no outstanding issues. Staff would note the following item of interest:

- **Performance Standards for Veterinarian and Animal uses:** The zoning ordinance includes specific performance standards for animal related uses (Section 9-10-4 of City Code). These regulation encompass additional requirements for building improvements to mitigate sound transmission and control odor when located within a multi-tenant building. The regulations also require the user to provide a maintenance schedule for cleaning and removal of animal waste. Tenant improvement plans will need to be submitted that meet the sound and odor control requirements. Staff is recommending a condition of approval that this information be provided prior to the tenant improvement permit being issued for the site. Also, staff recommends a condition that the applicant provide a maintenance schedule for the cleaning and removal of animal waste prior to issuance of the tenant improvement permit.

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 veterinary establishment 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.

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.

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 Veterinary services for animal specialties, with no outside runs (SIC 0742), subject to meeting all City Code requirements and the following:

1. The applicant provide tenant improvement plans that will meet the sound and odor control requirements per Section 9-10-4 of City Code.
2. The applicant provide a maintenance schedule for cleaning and removal of animal waste prior to issuance of a building permit.

Noticing Information: On January 25, 2020, notice of the February 5, 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 all surrounding property owners within 370 feet of the subject property on January 22, 2020.

Applicant: Ashworth Road Animal Hospital
Jessica Merk
5508 Ashworth Road
West Des Moines, Iowa 50266
Ashworthanimal@gmail.com

Property Owner: Ashworth Holdings LLC
Frein Benjamin
14827 Coyote Dr
Urbandale, IA 50323
Freinb@yahoo.com

Attachments:

- Attachment A - Permitted Conditional Use Resolution
- Exhibit A - Conditions of Approval
- Attachment B - Location Map
- Attachment C - Veterinary Hospital Floor Plan
- Attachment D - Letters of Support

Prepared by: J.B. Munford, 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 – BOA - 2020-03

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES,
APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-004599-2020) TO ALLOW A
VETERINARY HOSPITAL, WITH NO OUTSIDE RUNS**

WHEREAS, pursuant to the provisions of Title 9, Zoning, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Jessica Merk with The Ashworth Road Animal Hospital, has requested approval of a Permitted Conditional Use Permit (PC-004599-2020) for that property located at 5902 Ashworth Road and is a portion of the property legally described below, for the purpose of providing Veterinary services for animal specialties, with no outside runs (SIC 0742);

Legal Description of Property

TENANT SPACE COMMONLY KNOWN AS 5902 ASHWORTH ROAD, LOCATED WITHIN THE ASHWORTH PLAZA SHOPPING CENTER, PLATTED AS A PART OF LOT 1 AND 2, WENTWORTH PLAZA PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS 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, February 5, 2020, this Board of Adjustments held a duly-noticed hearing to consider the application for a Permitted Conditional Use Permit for a Veterinary Hospital (PC-004599-2020);

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 February 5, 2020, or as amended orally at the Board of Adjustment hearing of February 5, 2020, are adopted.

SECTION 2. Permitted Conditional Use Permit for a Veterinary Hospital at 5902 Ashworth Road (PC-004599-2020) to conduct Veterinary services for animal specialties, with no outside runs (SIC 0742) is approved, subject to compliance with all the conditions in the staff report, dated February 5, 2020, 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 February 5, 2020.

Angie Pfannkuch, 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 February 5, 2020, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

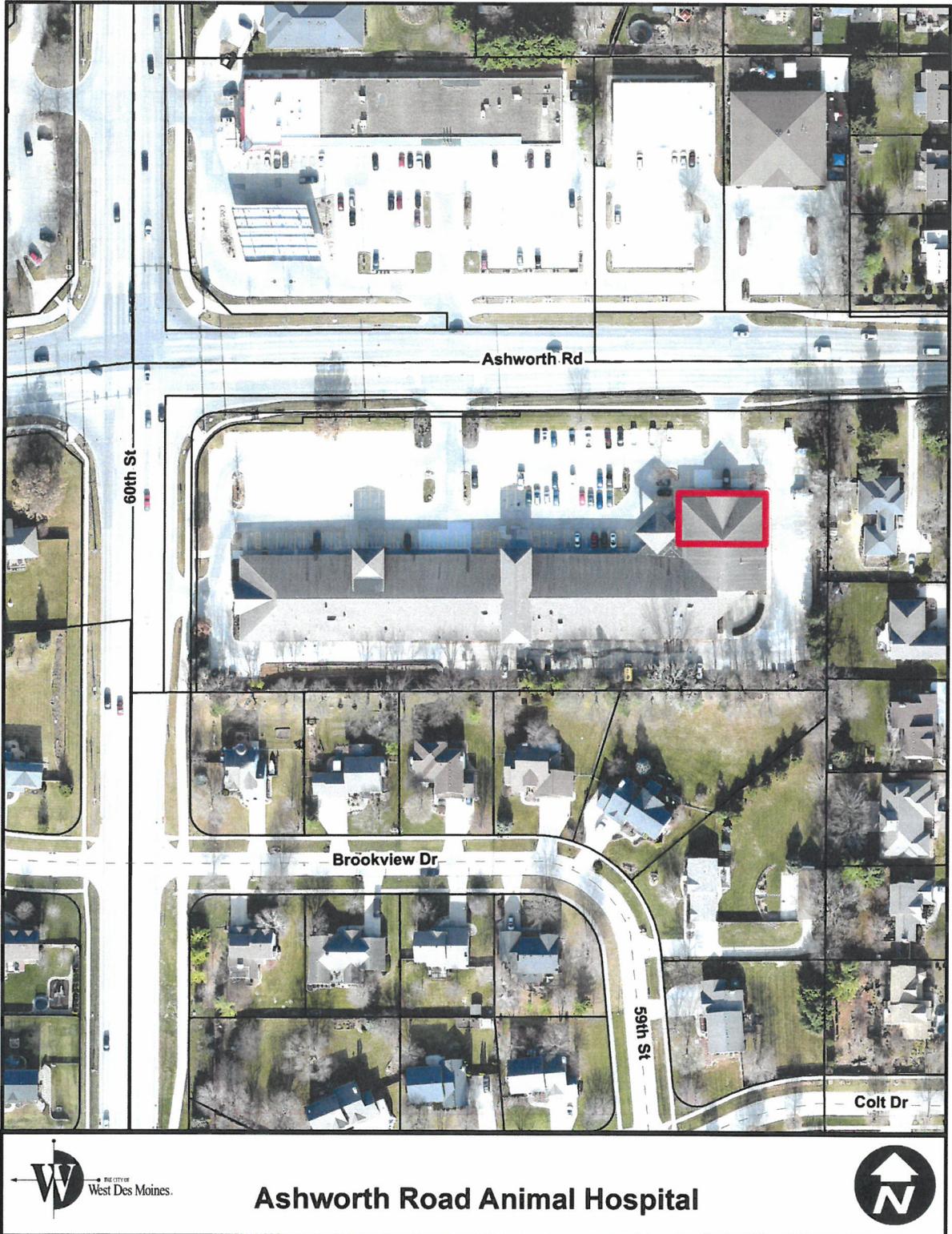
ABSENT:

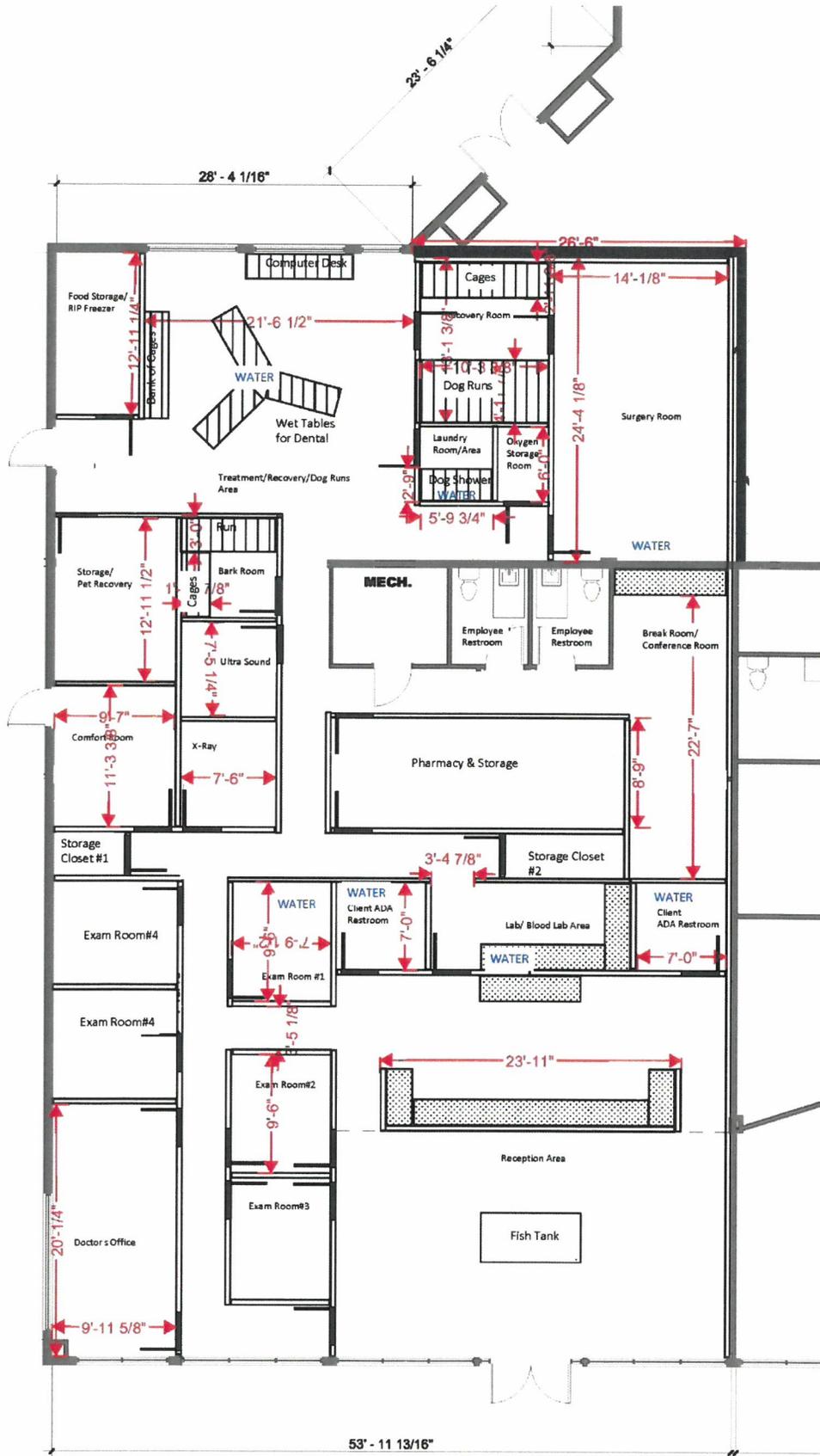
ATTEST:

Recording Secretary

EXHIBIT A
Conditions of Approval

1. The applicant provide tenant improvement plans that will meet the sound and odor control requirements per Section 9-10-4 of City Code.
2. The applicant provide a maintenance schedule for cleaning and removal of animal waste prior to issuance of a building permit.





West Des Moines Board of Adjustments
Development Services Department
Attn: Mr. Brad Munford
4200 Mills Civic Parkway, Suite 1D
PO Box 65320
West Des Moines, IA 65320

RE: Ashworth Road Veterinary Hospital Permitted Conditional Use Permit

Dear Mr. Munford,

My name is Brad Litt, I reside at 912 58th Street, West Des Moines, IA 50266. I am writing to you **in support** of the request from Ashworth Road Veterinary Hospital for a Permitted Conditional Use permit. Ashworth Road Animal Hospital under the direction of Dr. Jessica Merk and her team are an asset to our neighborhood and the West Des Moines community. I believe this is an excellent use for a location that has struggled to find a consistent tenant.

Sincerely,



Brad Litt

January 26, 2020

To: Brad Munford, Case Planner
City of West Des Moines

From: Russ Asman, Member
Eye Pedal Properties, LLC

Re: Ashworth Road Veterinary Hospital
Permitted Conditional Use request

This letter is in support of a request by Ashworth Road Veterinary Hospital, represented by Jessica Merk, for approval of a Permitted Conditional Use permit to establish a veterinary clinic at 5902 Ashworth Road.

Eye Pedal Properties, LLC owns the west four bays of Ashworth Plaza. Ashworth Road Veterinary Hospital would make a great anchor tenant on the east end. They have an established neighborhood business with a fine reputation. Dr. Merk previously reached out to us as part of her due diligence. I hold her in high regard as a professional, neighbor, and member of our community.

Ashworth Holdings LLC, is the majority stakeholder of Ashworth Plaza. I've had the pleasure of doing business with its principal Ben Frein for a few years now because of our mutual business interest. Mr. Frein has proven to be a responsible and knowledgeable commercial property owner. He has overseen the expansion and retention of his tenants as well as attracting quality new tenants. Ben places a high value on the quality of Ashworth Plaza and its importance to our neighborhood, demonstrated by landscaping improvements, replacement of damaged concrete, and upgrading all exterior lighting to energy efficient LED fixtures.

Another veterinary business, Animal Doctors Veterinary Clinic, PC, is located in another West Des Moines strip center at 4800 Mills Civic Parkway, Suite #110. They have been there for over 10 years, operating as a high-quality professional business in a mixed-use strip center.

Ashworth Road Veterinary Hospital would be a very similar addition to Ashworth Plaza. They would be an asset to the neighborhood and increase our foot traffic. Eye Pedal Properties, LLC welcomes them to our strip center and their request for a Permitted Conditional Use permit should not be unreasonably withheld.

Respectfully,

