

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> August 10, 2015
	<b>Agenda Item No.</b> 37 <b>Roll Call No.</b> <u>15-1385</u> <b>Communication No.</b> <u>15-437</u> <b>Submitted by:</b> Phillip Delafield, Community Development Director

**AGENDA HEADING:**

Review of Zoning Board of Adjustment decision granting a variance to a separation distance requirement to allow use of the property at 3451 Hubbell Avenue for a veterinary clinic with an outdoor pet exercising area within 40 feet of an "R1-60" One-Family Low-Density Residential District.

**SYNOPSIS:**

On July 22, 2015, the Zoning Board of Adjustment voted 6-0 to conditionally approve a Variance of the provision that requires at least 200 feet of separation from any "R" or "C-0" District boundary for any outdoor exercise runway for an animal hospital, veterinary clinic, or kennel. This appeal allows use of an existing fenced-in area southeast of the existing building for an outdoor pet exercising area accessory to a veterinary clinic use.

The Decision and Order of the Zoning Board of Adjustment's action was executed under the signature of Chairman Mel Pins on July 28, 2015. Pursuant to Section 134-65 of the City Code, 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 (August 10, 2015). Staff recommends that the City Council not remand the Board's decision.

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

The subject property is located along the southeast side of Hubbell Avenue in the Sheridan Gardens Neighborhood. The 0.71-acre site includes a 1-story commercial building that is being converted to a veterinary clinic use. The building was previously occupied by the Grandview Children's Development Center. The subject property is owned by MW Veterinary Properties, LC, represented by Dr. William Williams, 3070 8<sup>th</sup> Street SW, Altoona, IA 50009.

The subject property is zoned "C-2" General Retail and Highway-Oriented Commercial District, which allows a veterinary clinic use so long as any outdoor animal exercise area is at least 200 feet from any "R" or "C-0" District boundary. In this instance, the outdoor animal exercise area would be within approximately 40 feet of the adjoining "R1-60" One-Family Low-Density Residential District on the property to the southeast at 3416 East 35<sup>th</sup> Street. The owner of this property (Patrick Smith) has submitted a comment card in support of the Variance.

On July 22, 2015, the Zoning Board of Adjustment granted the Variance to the separation distance requirement, subject to the following conditions:

- Animals utilizing any outdoor exercising area shall be monitored at all times to ensure they do not generate excessive noise.
- All animal waste shall be removed daily from the any outdoor exercising runway for a kennel use.
- Any outdoor exercising space shall be separated from any R-District by a 6-foot tall opaque fence.

**PREVIOUS COUNCIL ACTION(S): NONE**

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

Board: Zoning Board of Adjustment

Date: July 22, 2015

Resolution Number: ZON2015-00115

Action: Motion to conditionally grant a Variance to a separation distance requirement to allow use of the property at 3451 Hubbell Avenue for a veterinary clinic with an outdoor pet exercising area within 40 feet of an "R1-60" One-Family Low-Density Residential District, approved by a 6-0 vote.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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