


## COUNCIL COMMUNICATION

	Number:	<b>25-141</b>	Meeting:	<b>April 7, 2025</b>
	Agenda Item:	<b>54</b>	Roll Call:	<b>25-0541</b>
	Submitted by:	<b>Cody Christensen, Development Services Director</b>		

### AGENDA HEADING:

Review of Zoning Board of Adjustment decision granting a Variance to a separation distance required to allow use of the property at 601 Army Post Road for an “Animal Service” use that would include an outdoor animal exercise runway within 20 feet of the northerly property line adjoining an “N3a” Neighborhood District.

### SYNOPSIS:

Staff recommends that the Council decline to remand the decision granting a Variance to a separation distance required to allow use of the property at 601 Army Post Road for an “Animal Service” use that would include an outdoor animal exercise runway within 20 feet of the northerly property line adjoining an “N3a” Neighborhood District.

### FISCAL IMPACT: NONE

### ADDITIONAL INFORMATION:

- On March 26, 2025, the Zoning Board of Adjustment granted a Zoning Variance of the provision that requires outdoor boarding or outdoor exercise runways for an “Animal Service” use to provide at least 75 feet of separation distance from any “N” Neighborhood District, to allow an “Animal Service” use, that would include an outdoor exercise runway, which would be within 20 feet of the northerly property line adjoining an “N3a” Neighborhood District and be surrounded by an eight (8)-foot tall solid fence.
- The Board of Adjustment previously granted this request by Docket ZON2021-00027, on March 24, 2021, which expired on March 29, 2023, since construction had not commenced within the two (2) years of the approval.
- The site is located at the northwest corner of Army Post Road and Southwest 6th 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 75 feet from any “N” Neighborhood District. The entire subject property is within 75 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 South Central DSM Neighborhood Association.
- The site is owned by February 30th Properties, LLC (represented by Jeremy & Melissa Beyer, 6301 Southwest 9th Street, Des Moines, IA 50315).
- Pursuant to City of Des Moines Chapter 134: Zoning Ordinance Code Section 134-6.7.8.D, 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 7, 2025).

**PREVIOUS COUNCIL ACTION(S):**

Date: April 5, 2021

Roll Call Number: [21-0565](#)

Action: [Review](#) of Zoning Board of Adjustment decision granting a variance from separation requirements to allow Animal Service use with an outdoor exercise run at 601 Army Post Road. ([Council Communication No. 21-153](#)) Moved by Gatto to adopt alternative C, the City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date. Motion Carried 7-0.

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

Board: Board of Adjustment

Date: March 26, 2025

Resolution Number: ZBOA-2025-000006

Action: Voted 6-0 to grant a Zoning Variance of the provision that requires outdoor boarding or outdoor exercise runways for an "Animal Service" use to provide at least 75 feet of separation distance from any "N" Neighborhood District, to allow an "Animal Service" use, that would include an outdoor exercise runway, generally measuring 50 feet by 100 feet, which would be within 20 feet of the northerly property line adjoining an "N3a" Neighborhood District and be surrounded by an eight (8)-foot tall solid wood fence.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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