



Roll Call Number

25-0541

Agenda Item Number

54

Date April 7, 2025

REVIEW OF ZONING BOARD OF ADJUSTMENT DECISION CONDITIONALLY GRANTING A VARIANCE TO A SEPARATION DISTANCE REQUIRED TO ALLOW USE OF THE PROPERTY AT 601 ARMY POST ROAD FOR AN “ANIMAL SERVICE” USE WITHIN 20 FEET OF AN “N3A” NEIGHBORHOOD DISTRICT

WHEREAS, the real property locally known as 601 Army Post Road (“Property”), owned by February 30th Properties (“Owner”) measures approximately 1.751 acres is located along the north side of Army Post Road which contains a mix of commercial and residential uses; and

WHEREAS, the Property is zoned Limited “MX3” Mixed-Use District; and

WHEREAS, the Property’s zoning conditions limit the Property’s use to those allowed by the “Animal Service” Use Category; and

WHEREAS, Des Moines Municipal Code section 134-3.5.2 requires any “Animal Service” use to be separated from any “N” Neighborhood District by at least 75 feet; and

WHEREAS, no portion of the Property is more than 75 feet from any “N” Neighborhood District so a variance is required in order to use the Property for any “Animal Service” use; and

WHEREAS, the Owner previously made application for a zoning variance to the separation distance requirement and on March 24, 2021, the Zoning Board of Adjustment, by Docket No. ZON2021-00027 granted a variance of the separation distance requirement; and

WHEREAS, on April 5, 2021, the City Council declined to remand the decision of the Zoning Board of Adjustment in Docket No. ZON2021-00027; and

WHEREAS, the March 24, 2021 variance expired because no construction under the variance was commenced within the two-year period following the Board’s decision; and

WHEREAS, the owners are now ready to begin construction and have filed an application for a new variance which was granted by the Zoning Board of Adjustment at its meeting on March 26, 2025 by a vote of 6-0 with one member absent subject to the following conditions to which the Owner has agreed:

1. The outdoor exercise runway measuring generally 50 feet by 100 feet will be surrounded by a solid wooden fence at least 8 feet in height

; and



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WHEREAS, Iowa Code § 414.7 and Section 134-6.7.8(C) require that any use variance granted by the Board be forwarded to the City Council for its review, and the City Council may remand the variance of the separation requirement back to the zoning Board of Adjustment for further study if the Council believes the variance was improperly granted

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines as follows:

ALTERNATIVE RESOLUTIONS

(Choose One)

- A. The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board’s decision will be deferred for 30 days from the date of this remand.
B. The City Council takes no action to review the Decision and Order. The decision of the Board will become final on April 30, 2025.
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.

(Council Communication No. 25-141)

Moved by Gatto to adopt Second by Voss
Alternative C.

APPROVED AS TO FORM:

/s/ Gary D. Goudelock Jr.
Gary D. Goudelock Jr.
Assistant City Attorney



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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

Connie Buesen

Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Laura Baumgartner

City Clerk