

Docket Number: 19/8171

Applicant: Randy Childs, 5555 NE 88th Street
Altoona, IA 50009

Appeal: Requesting a Conditional Use Permit for an Animal Services use, more specifically, animal service training and boarding at the subject property of 5555 NE 88th Street, Altoona, Iowa 50009.

Subject Property / Surrounding Land Uses:

The subject property is zoned "AT" Agricultural Transition District and is approximately 6.5-acres in size. A vicinity map is included as Attachment 'A'. The property is described as Parcel 'H' within the SW ¼ SW ¼ of Section 9 of Township 79 North, Range 22 West of the 5th P.M. (Beaver Township). The subject property was created by a Plat of Survey recorded in Book 11491, Page 706 on January 20, 2006. The Polk County Zoning Ordinance permits Animal Services uses within the Agricultural Transition District upon the granting of a Conditional Use Permit by the Polk County Board of Adjustment.

The subject property is located approximately 1-mile east of the City of Altoona and approximately 1¼ -miles southwest of the City of Mitchellville. See *Attachment 'A'* and *Attachment 'B'* at the end of this report for a vicinity map and site plan of the subject property. Surrounding land is primarily agricultural and pastoral in use along the eastern adjacent parcel and across NE 88th Street to the west. Rural acreages with single-family homes are adjacent to the north and south of the subject property and scattered along NE 88th Street. These rural acreages are also zoned "AT" Agricultural Transition District.

Application Details / Discussion:

In July, the owner, Randy Childs, contacted our office regarding a proposed addition to the existing southern pole barn for personal storage. Through discussion and written correspondence, the existing use occurring on the subject property for dog training and boarding was addressed and a Conditional Use Permit was requested to formally establish the use on the property. The permit submittal for the new addition is on hold until proper permits are issued and processes completed to bring the property into compliance with the Polk County Ordinances. The following is an excerpt from the Conditional Use Permit application submittal:

"For the last 7 years we have been providing animal service training and related boarding to people in need of help with obedience training , for local police K9, service animals for veterans, children and people in need of a service animal. We board and train our personal dogs for showing at national as well as local shows. We welp 2-3 litters of puppies a year."

The use as outlined includes an Animal Service use that is a conditionally allowed use in the "AT" Agricultural Transition District under the Polk County Zoning Ordinance. The use outlined includes kennel and laundry, welping and an outdoor exercise and training area. The kennel and laundry area is located within the northern accessory building on the property with an outdoor exercise and training area adjacent to the north of this building. The southern pole building is utilized for welping and a second outdoor exercise and training area is located adjacent to the north and east of this building. Animal Service uses are required to meet a minimum 15-foot setback from all property lines for outdoor exercise areas. This operation allows members of the public access to their facilities and will require that ADA accessible parking, building access and bathroom is available on site. The owners have indicated that the site generally meets most ADA requirements however, they will be putting in an ADA water closet, the doors will be changed to outswing and they will install lighted exit signs. The services that are provided on site include the boarding and training of dogs for a family or single person following the ending of a training class as needed. Private lessons are

provided for a single person or a family to train their dogs and last one (1) hour for each session. A group lesson is held one (1) day a week for a class size of 10-15 people. Training and boarding occurs year round between the hours of 8:00 to 4:00 Monday through Friday with extended hours on Monday until 9:00 p.m. They are not open on the weekend. They own and operate the dog training and boarding on the property and do not have employees. On any given day they could have up to 20-persons on the property however, this varies dependent on class schedule and individual lessons. There are 2-8 individual dog pens utilized for the boarding and training use. In addition to the public training and boarding offered through this operation, they also helped build the Therapy Dog program for the Taylor Hospice House in Des Moines. They also teach Polk County 4-H and help kids show in the Polk County Fair annually. They personally raise and breed German Shepherds, training and showing them locally and across the Midwest. The operation is inspected by the State of Iowa, AKC and by a Vet on location several times a year. Inspections have always been successfully approved.

In review of this information, staff will require that the property owner provide a total of fifteen (15) onsite parking stalls, with one (1) of the stalls reserved for handicapped accessibility to include appropriate paving, striping and signage. The handicapped parking space will have to be hard surfaced and meet the specifications required by State, Federal and Local laws but not limited to Iowa Code chapter 321 L and the Americans with Disabilities Act. The owner has a current sign at the entrance of the property and shall be required to obtain a sign permit from Polk County Public Works for approval.

Staff mailed out 5 notices regarding the request, including the date and time of the public hearing, to surrounding property owners within the 500-foot notification boundary. To-date staff have received three (3) responses in support of the request.

Natural Resources

The subject property is not located within the a designated floodplain. A drainageway is located along the northern boundary of the property. The property is primarily a large rural acreage with grass pasture. The request does not affect natural resources on this property.

Roads/Utilities

The single-family dwelling on the subject property utilizes an existing onsite wastewater treatment system located northeast of the house. A second onsite wastewater treatment system for the kennel and laundry within the northern accessory building is located adjacent to the north of this building. Water service is provided by Des Moines Water Works. The subject property has frontage and multiple access points onto NE 88th Street a two-lane, paved, County maintained roadway. A northern access and gravel drive is located north of the house. The main access for the home is paved and provides an extended paved driveway to the northern kennel and laundry building. A third access point is located directly south of the main access and has a gravel drive that extends east to a gravel parking lot located centrally between the two pole buildings. Entrance permits are on file for each entrance to the subject property. The Zoning Ordinance does not require uses in rural zoning districts to have paved parking, drives and loading areas when the average daily traffic count is fewer than 49 vehicles. However, these uses are required to maintain a durable dust free surface on drives and parking areas.

Analysis

The Board of Adjustment in reviewing an application for a Conditional Use permit shall consider the proposal in terms of:

1. Existing zoning and land use in the vicinity of the uses.

The subject property and surrounding area are zoned "AT" Agricultural Transition District. The majority of surrounding land is farmland dedicated to row crop production and grassland pasture. There are five (5) rural acreages with single-family homes located adjacent to the north and west of the subject property with one (1) adjacent to the south. The parcel adjacent to the east is an approximately 27-acre agricultural field utilized for row crops and considered unbuildable within the "AT" Agricultural Transition District.

2. Planned and proposed public and private development, which may be adversely affected by the proposed use.

There are no major public or private developments planned in the area.

3. Whether and to what extent the proposed use, at the particular location for which it is suggested, is necessary or desirable to provide a development which is in the interest of the public convenience or which will contribute to the general welfare of the area or Polk County.

The animal services use provides dog training and related boarding to people in need of help with obedience training, for local police K-9, service animals for veterans, children and people in need of a service animal. This service meets the needs of individuals in the area who require specialty services of this nature.

4. Whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, safety and welfare in general.

The subject property is rural in nature and has only a few residential homes adjacent to its property boundaries. The size of the property at 6.5-acres and the location of buildings for the proposed use along the north and central portion of the site will limit the impact of the use on surrounding properties. Staff's recommendation for approval at the end of this report contains several conditions of approval aimed at limiting any adverse effects upon adjacent properties and the welfare of County residents.

Findings

The Application shall be denied if the Board of Adjustment finds any of the following:

a. The application and record fail to establish compliance with the standard made applicable to the proposed development by the provision of this Ordinance.

The proposed dog training and boarding use fits within the Animal Services use category. The use is permitted within the "AT" Agricultural Transition District upon the granting of a Conditional Use

Permit by the Polk County Board of Adjustment.

- b. The proposed use, developed in the proposed manner, and at the proposed location, would be inconsistent with the standards pursuant to the provisions of this Ordinance.**

Subject to staff's recommended conditions of approval and the associated site improvements and building permit requirements, the use will be in compliance with the standards and provisions of the Ordinance.

- c. The adverse impacts on the overall public health, safety and welfare are not balanced by the public or private benefits of the proposal. The Board of Adjustment shall include in this balance, any proposals of the applicant and any conditions that it might impose on the development, pursuant to the provisions of this Ordinance, to ameliorate problems associated with the development.**

See staff's recommended conditions of approval. Any adverse impacts are mitigated by the requirements of the Ordinance and staff's recommended conditions of approval.

In addition, no application for a Conditional Use Permit shall be approved unless the Board of Adjustment specifically finds the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria.:

- A. The proposed use is not in harmony with the general purpose, goals, objectives, and standards of the following:**

- 1. Polk County Comprehensive Plan:** The proposal is consistent with the goals and policies of the 2030 Polk County Comprehensive Plan.
- 2. Polk County Zoning Ordinance:** The Ordinance allows the use pending approval of this Conditional Use Permit by the Board of Adjustment and the outlined conditions recommended by staff.
- 3. Other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County:** None.

- B. The proposed location of the use is not consistent with policies or provisions of the following:**

- 1. Comprehensive Plan:** The proposed use appears to be consistent with the goals and policies of the 2030 Polk County Comprehensive Plan.
- 2. Polk County Zoning Ordinance:** The proposed use is allowed upon approval of the Conditional Use Permit by the Polk County Board of Adjustment. Other applicable provisions of the Ordinance will be addressed by the requirement for an approved major site plan, building permit and associated site improvements.
- 3. Other plan, program, map, or ordinance adopted, or under consideration pursuant to official**

notice, by the County: None.

C. **The proposed use at the proposed location results in a substantial or undue adverse effect on any of the following either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Comprehensive Plan, this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County or other governmental agency having jurisdiction to guide growth and development:**

1. **Adjacent property:** Property directly adjacent to the east is in row crop production and the owner is in support of the CUP request. The adjacent approximately 27-acre parcel is unbuildable under the current zoning. The closest rural residence to the north is located approximately 500-feet from the closest point of the northern kennel and laundry building. A drainageway separates the subject property and the property to the north. The nearest residence adjacent to the south at 5455 NE 88th Street, is approximately 290-feet from the nearest building on the subject property and is buffered by several trees along its northern property line. The recommended conditions of approval limit the days and hours of operation so as not to create an undue disturbance upon nearby properties.
2. **Character of the neighborhood:** The primary use(s) of the property will continue to be a combination of residential and animal services. The Animal Services use regarding its commercial aspects are limited in nature due to the hours of operation and location on the property.
3. **Traffic conditions:** The property fronts NE 88th Street, which is classified as a local, two lane, paved roadway maintained by Polk County Secondary Roads. The latest available Iowa DOT traffic data from 2016 indicates this stretch of NE 88th Street has an annual average daily traffic count of 180 vehicles.
4. **Parking:** Parking within the public right-of-way along NE 88th Street is prohibited. The applicant has provided onsite parking for customers. Also, if annual average parking exceeds 49 vehicles per day, the parking, drive and accesses must be paved.
5. **Public improvements:** No impact upon future public improvements is anticipated.
6. **Public sites or rights-of-way:** No impact upon public sites or adjacent rights-of-way is anticipated.
7. **Other matters affecting the public health, safety, and general welfare:** Handicapped parking will be required with designated signage. An ADA accessible bathroom will be required along with ADA accessibility for access to the buildings. Additionally, the dog kennel building and operation will meet the requirements of the Iowa Department of Agriculture and Land Stewardship per their approved Animal Welfare License.

D. **The proposed use in the proposed area is not adequately served by or imposes an undue burden on any of the following.**

1. **Public improvements:** Adequate for proposed use.
2. **Public facilities:** Adequate for proposed use. Onsite parking, including a handicapped accessible restroom, building access, and parking stall are required.
3. **Public utilities:** Adequate for proposed use.
4. **Public services:** Adequate for proposed use

Recommendation

Staff recommends approval of the requested Conditional Use Permit for the Animal Services use for dog training and boarding at the subject property of 5555 NE 88th Street, Altoona. Approval is subject to the following conditions:

1. The Conditional Use Permit applies only to the applicant and current property owners, Randall and Anna Childs, operation of Adelhorst Kennels. Any future change in ownership requires a new or updated Conditional Use Permit to reestablish this or another permitted Animal Services use. The Conditional Use Permit applies only to the subject property of 5555 NE 88th Street, Altoona, being approximately 6.5 acres in size and legally described as Parcel H from the plat of survey recorded in Book 11491, Page 706 in the Office of the Polk County Recorder.
2. A handicapped parking stall will be required. This stall will need to be hard surfaced and meet the specifications required by State, Federal and Local laws but not limited to Iowa Code chapter 321 L and the Americans with Disabilities Act. ADA accessibility will need to be provided for the building if it is not currently provided and an ADA accessible bathroom is required.
3. The existing outdoor exercise areas along the eastern property line will need to be relocated to meet the required 15-foot setback from the property line for an Animal Service use.
4. The Animal Services use of dog training and boarding may operate a maximum of five (5) days per week year round, and between the hours of 8am and 9pm. There is no limit on the number of attendees for said training and education services, but if off-street parking becomes an issue, the property owner will be required to provide adequate parking.
5. The use is permitted one (1) freestanding sign, not to exceed 32 square feet in area. No wall/building signs are permitted. All signs require an approved Sign Permit prior to installation. A sign permit application shall be submitted for the existing sign.
6. All manure-generated onsite shall be properly stored and disposed of on a periodic basis to prevent a nuisance.
7. Any future building additions for the Animal Services use will require a Conditional Use Permit followed by an engineered site plan prepared by an engineer licensed in the State of Iowa for review and approval. Following approval, the applicant shall obtain all of the necessary permits to include but not limited to a Building Permit.
8. Any modifications to the use of the subject property relative to this approval, included but not limited to, expansion of the Animal Services use, additional Special Events, an increase in the

amount or frequency of education/training services, new or repurposed buildings, etc. may require a re-hearing and amendment to the Conditional Use Permit in addition to a site plan. The property owner is responsible for verifying the process for any proposed changes with staff prior to implementation/construction.

Attachment A:



NE 88th St

NE 54th Ave

5775

5729

5714

5701

5676

5673

5623

**Subject Property:
5555 NE 88th Street**

5555

8522

8538

8620

8640

5455

9112

8621

5357

8409

9175

5276

0 650 1,300 2,600 Feet



5535 NE 88th St

A = Kennel + laundry
B = whelping
C = outdoor exercise + training area