

**Docket Number:** 23/13057

**Applicants:** Gwen and Nils Norland (Contract Buyers) and BMD Properties LLC (Property Owner), 13201 NW 58<sup>th</sup> Street, Polk City, IA 50226

**Request:** Gwen and Nils Norland are requesting a Conditional Use Permit for an Animal Services use, more specifically, a 3,015 square foot dog training facility at the subject property of 13201 NW 58<sup>th</sup> Street, Polk City, IA 50226.

**Subject Property / Surrounding Land Uses:**

The subject property is zoned “AG” Agricultural District and is approximately 3.66-acres in size. A vicinity map is included as Attachment ‘A’. The property is legally described as Lot 1 Armann Estate, being within Section 30 of Township 81 North, Range 24 West of the 5<sup>th</sup> P.M. (Lincoln Township). The Polk County Zoning Ordinance permits Animal Services uses within the Agricultural District upon the granting of a Conditional Use Permit by the Polk County Board of Adjustment.

The subject property is located adjacent to the east of the corner of NW Sheldahl Drive and NW 58<sup>th</sup> Street approximately three-quarters (¾) of a mile north of the City of Polk City. The surrounding land is also zoned “AG” Agricultural District and is primarily agricultural and pastoral in use with a rural acreage adjacent to the southeast of the subject property. Approximately 1000 feet to the west along the north and west side of NW Sheldahl Drive there are several single family dwellings that are zoned “ER” Estate Residential District. See *Attachment ‘A’* at the end of this report for a vicinity map of the subject property.

**Application Details / Discussion:**

The Polk County Zoning Ordinance, *Article 4: Use Regulations, Division 2, Table 4.1, Table of Uses* permits Animal Services uses within the “AG” Agricultural District upon the granting of a Conditional Use Permit by the Polk County Board of Adjustment. The applicants are proposing a new 3,015 square foot pole building to be located on the east side of the property just southeast of the existing dwelling. This pole building will be used as a dog training facility with ten (10) kennels and five (5) dog suites.

The services that will be provided on site include one on one dog training with a maximum of ten (10) dogs on site at one time. The training will range from short stays for simple sit and stay commands to up to four (4) weeks of advanced training with the ability to become a certified therapy dog. There will be no outside employees as the property owner will be the sole dog trainer. All training will take place within the proposed pole building and will consist of only trainer and dog work, there will be no group or dog owner training classes taking place on site. There is adequate enough space for up to ten (10) cars to park on the paved areas of the site, but the training facility will operate on drop offs and pickups only as the public will not be allowed in the proposed training facility. Drop offs and pickups would occur on site between 3:00 p.m. to 6:00 p.m. Monday through Thursday and 8:00 a.m. to 10:00 a.m. on Fridays. Dog training within the proposed building could take place year round between the hours of 6:00 a.m. to 6:00 p.m. seven days a week. See *Attachment ‘B’* at the end of this report for a copy of the Conditional Use Permit application and *Attachment ‘C’* for the appeal documentation and site plan.

If this Conditional Use Permit application is approved, the applicants are required to obtain a building permit with an approved sketch site plan to ensure the proposed dog training facility building meets all setbacks and construction code requirements. The applicants will also need to provide proof of obtaining an Animal Welfare License from the Iowa Department of Agriculture and Land Stewardship.

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 zero (0) responses regarding this request.

### **Natural Resources**

The subject property is not located within a designated floodplain. There are a few mature trees along the north property line. The dwelling, existing accessory structure, and proposed location of the dog training facility sit on top of a hill. The dwelling sits at an elevation of 976 with the lowest elevation on the property being near the western front property line at 954. The requested use 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 west of the house. The dog training facility structure will not have a restroom, if a restroom is required to be added in the future the existing septic would need to be checked to confirm it has the capacity for another bathroom. Water service is provided by Des Moines Water Works. The subject property has frontage and access to NW 58<sup>th</sup> street which is a paved, County maintained roadway classified as a major collector. The access is taken where NW 58<sup>th</sup> Street curves into NW Sheldahl Drive. The High Trestle Trail also crosses just west of the curve from NW 58<sup>th</sup> Street to NW Sheldahl Drive. Due to the trail crossing near the driveway access, there is good visibility from both directions for drivers coming around the curve. The curve in the road in this area also requires drivers to slow down. The driveway has a roundabout near the dwelling and proposed dog training facility location that would assist in the flow of traffic through the property.

### **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 "AG" Agricultural District. The majority of surrounding land is farmland dedicated to row crop production and grassland pasture. There is one rural acreage with a single-family home located adjacent to the southeast of the subject property. The property adjacent to the north contains no dwelling but is buildable and could be developed with a single-family home in the future.

**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 children and people in need of a service animal. Pet owners desire an obedient pet, but do not have the time to train them. 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 one residential home adjacent to its property boundaries. The size of the property at 3.66-acres and the location of the proposed building for the proposed use along the east 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 "AG" Agricultural 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 2050 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 2050 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 a 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:** The property adjacent to the north and west are in row crop production. There is a large 53-acre property adjacent to the east and south that is also in row crop production with the exception of a single-family dwelling located just southeast of the subject property. This dwelling would be the closest residence to the proposed training facility at approximately 430 feet. The recommended conditions of approval limit the days and hours of pickups and drop offs so as to not 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 restriction of public access and all training taking place within the proposed building.
- 3. Traffic conditions:** The property fronts NW 58<sup>th</sup> Street where it intersects and curves into NW Sheldahl drive. NW 58<sup>th</sup> Street is classified as a major collector and is a paved, two-lane

roadway, maintained by Polk County. NW 58<sup>th</sup> Street and NW Sheldahl Drive are capable of handling the minor increase in traffic from the proposed use.

4. **Parking:** The applicant has enough paved surface area for up to ten (10) vehicles, but that amount will rarely or never be necessary as they are operating as a pickup and drop off operation only.
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:** The dog training facility will need to meet the requirements of the Iowa Department of Agriculture and Land Stewardship with an 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.**

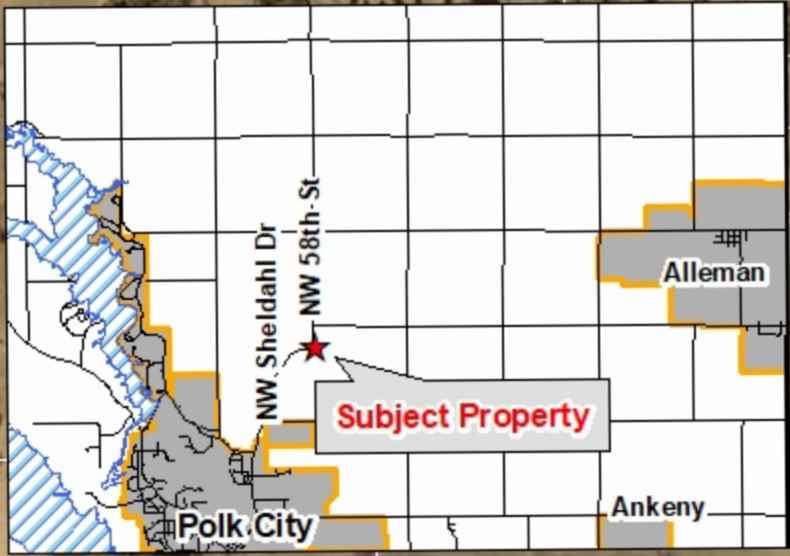
1. **Public improvements:** Adequate for proposed use.
2. **Public facilities:** Adequate for proposed use.
3. **Public utilities:** Adequate for proposed use.
4. **Public services:** Adequate for proposed use

**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 13201 NW 58<sup>th</sup> Street, Polk City. Approval is subject to the following conditions:

1. The Conditional Use Permit applies only to the applicant, Gwen and Nils Norland, and property owner, BMD Properties LLC., for the operation of a dog training and boarding facility. 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 13201 NW 58<sup>th</sup> Street, Polk City, being approximately 3.66 acres in size and is legally described as Lot 1 Armann Estate, being within Section 30 of Township 81 North, Range 24 West of the 5<sup>th</sup> P.M. (Lincoln Township).
2. Prior to any Animal Service activity occurring on site, the proposed dog training facility pole building shall be constructed with an approved building permit, final inspection and sketch site plan. The applicants shall also obtain an Animal Welfare License issued from the Iowa Department of Agriculture and Land Stewardship.

3. The Animal Services use of a dog training facility may operate seven (7) days a week year round including drop offs and pickups between the hours of 6am to 6pm.
4. 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.
5. All manure-generated onsite shall be properly stored and disposed of on a periodic basis to prevent a nuisance.
6. Public Access to the site and proposed dog training facility will be limited to pickups and drop offs only. In the future if the applicants wish to expand to dog owner group trainings within the proposed building, the building and site will need to become ADA compliant for parking, building access, and restrooms. Public access to the building would also trigger compliance with Commercial Building Codes.
7. 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 an updated site plan. The property owner is responsible for verifying the process for any proposed changes with staff prior to implementation/construction.

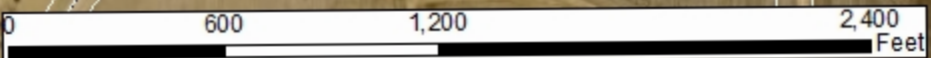


NW 58th St

NW 134th Ave



**Subject Property**



### Conditional Use Permit Application

Conditional Uses are those uses which may have a special impact or uniqueness demanding closer scrutiny and analysis to the site and the surrounding environment. When such a use is proposed, a review and report by Planning Division staff of the location, design, configuration, and impact will be conducted, comparing the proposed use to fixed standards and presented to the Board of Adjustment for action at a public hearing. Notices of the request are mailed to all property owners located within 500 feet of the subject property.



Please complete the entire application, submit with fee and review the standards on page 3.

To: **Polk County Board of Adjustment**

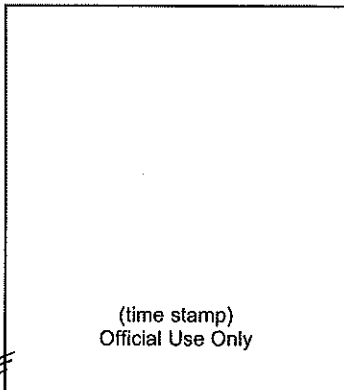
1. The undersigned Petitioners request that the Board consider this application for a Conditional Use Permit for the following use: (Describe briefly the nature of the use.)

Dog training Facility

2. Subject Property Address: 13201 NW 58th St - Polk City

3. Subject Property District and Parcel Number: 250/00465-001-001

4. Subject Property Legal Description (attach if necessary):  
-EK 32.6 F.W OF S Parcel 1 to A LN Beg SW COR LT 1  
THN NWLY 108.8 ALONG W LN - LT 1 ARMANN ESTATE



5. Filing Fee: - \$457.00

6. Applicant(s) Information:

Gwen Norland  
Applicant (Print Name)

[Signature]  
Signature

\_\_\_\_\_  
Date

Owner  
Interest in Property (owner, renter, perspective buyer, etc.)

gwen@gwennorland.com  
Email

13201 NW 58th St. Polk City IA 50226  
Address, City, State and Zip

515.710.2196  
Phone Fax

7. Applicant(s) Representative:

If the appeal is going to be represented by someone other than the applicant please provide that information below.

\_\_\_\_\_  
Applicant Representative (Print Name)

\_\_\_\_\_  
Firm or Business Name

\_\_\_\_\_  
Address, City, State and Zip

\_\_\_\_\_  
Email

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Fax

8. Property Owner Consent:

The application must be signed by all the Titleholders, Contract Purchasers, or Option Purchasers of the subject property. The application may also be signed by the Registered Agent for a corporation or other person with similar legal authority to sign for a property owner. (if additional signatures are needed please attach)

Nils Hayes BMO Properties LLC  
(Print Name)

[Signature]  
Signature

7-12-23  
Date

Gwen Norland  
(Print Name)

[Signature]  
Signature

7-12-23  
Date

Nils Norland

[Signature]



**Specific Detail and reasoning for the proposed Conditional Use Permit Request.**

I am requesting to construct a pole building on my property to be used for an advanced dog training facility. The facility will be used for one-on-one dog training, with have the capability to train up to 10 dogs at once. The training will take place inside the building, with little outside activity.

The building will be approximately 45'x67'. Inside the building will be a wide-open space. In addition, it will have 10 kennels for resting places during training. There will be 5 overnight suites available, if required during training.

We will not have employees as I will be the trainer. We will provide training from as little as sit, stay and come to advanced training with the ability to do become a therapy dog.

**THE NEED:**

The U.S. pet daycare and training market size was valued at USD 1.12 billion in 2021 and is expected to expand at a compound annual growth rate (CAGR) of 6.8% from 2022 to 2030. Increasing pet population, pet humanization, expenditure, the number of pet service providers, and initiatives by market players are some of the key growth drivers. For instance, in April 2021, Dogtopia Enterprises-a leading dog daycare, boarding, spa, and training services provider in the U.S.-reported that it secured 31 new franchise agreements during the first quarter of 2021. Pet ownership increased during the COVID-19 pandemic. Pet parents are seeking a safe place to send their pets for exercise, fun, and socialization and to get them trained. Pet owners do not have time to train them, but they want the perfect pet.

That is where “Trestle Trail Tails” will come in.

I appreciate your time and consideration.

Building similar to this. Plans still being finalized.



