

REGULAR BOARD OF ADJUSTMENT MEETING 1-13-14

Call to order

The Regular Meeting of the Norwalk Board of Adjustment was held Monday, January 13 at Norwalk City Hall, 705 North Avenue, Norwalk, Iowa. Acting Chairperson Christin Grant called the meeting to order at 6:02 pm. Members present at roll call were: Stephen Davidson, Chad Stevens, Dennis Cassady and Christin Grant. Absent: Brent Hinders.

City Staff present were Luke Parris, City Planner and Josh Heggen, Community Development Director.

Approval of Agenda – 14-01

Motion by Davidson and seconded by Stevens to approve the agenda. Approved 4-0.

Approval of Minutes – 14-02

Motion by Stevens and seconded by Cassady to approve the minutes from the October 10, 2013 meeting. Approved 4-0.

Welcome of Guests

Chairperson Grant welcomed the guests present and asked for public comment on any topic not related to the agenda. With no one wishing to speak, the business portion of the meeting was opened.

Public Hearing for Special Use Permit – 1326 Sunset Drive

The City received a Special Use Permit regarding property at 1326 Sunset Drive. The permit was submitted by Dr. Jennifer Mathis with Family Pet Veterinary Clinic. Dr. Mathis is in the process of purchasing the property at 1326 Sunset Drive for use as a new vet clinic that would include overnight boarding and lodging of household pets.

The property is currently zoned C-2 Community Commercial District. Veterinary clinics are a permitted use in the zoning district, though overnight board and lodging requires a special use permit. Through the special use permit process, the Planning and Zoning Commission makes a recommendation to the Board of Adjustment.

Dr. Mathis has provided a summary to Board of information related to her request. A map was also provided to the Board showing adjacent zoning.

Landowners within 200 feet of this property have been notified of the request. We have received two letters from the adjacent property owners which copies were given to Board members.

This item was taken to the Planning & Zoning Commission for recommendation to you, and they did recommend approval with three conditions: overnight stay for patients having procedures; fence be erected where patients will be located; and no animals will be left unattended while outside.

This item was opened for public hearing at 6:04 pm.

Dr. Jennifer Mathis, 8901 Valley Parkway, Johnston informed Board how important it is to her patient care to provide overnight stay. The patients must be monitored during routine procedures such as declaw and spay/neuter. Dr. Mathis stated she does do some advanced

procedures such as acupuncture. She also assured the Board that staff will be outside with patients at all times. It was noted that the letters of opposition were thinking this is a kennel, but it is an animal hospital. Dr. Mathis is planning to place a smaller fenced in area in the yard so patients can go out without a leash and they are not able to escape by jumping over the fence. Dr. Mathis currently is not able to do procedures since they never know if complications will come up and the patient needs to stay for observation or care.

Ms. Grant asked about the fencing and where it would be located on the property. Dr. Mathis said it would be ideal to have three small fenced in areas to allow more than one patient to be taken out at a time. The patients need distance from one another to rehab purposes. Dr. Mathis also noted that the animal waste gets cleaned up after each time to keep the area sanitary to prevent infections for the patients.

Ms. Grant also asked how many patients could be cared for on a normal day. Dr. Mathis noted that one day last week they had nine grooming patients. The most they would have in a day would be 30, but that would be rare and very difficult for them to care for. She also noted in her other clinic, the most she has kept overnight for medical reasons has been 10, but that is also very rare. The average patients that might require overnight stay after a procedure is four a day.

Mr. Stevens asked if the clinic would be staffed overnight with the patients. Dr. Mathis said it is not usually staffed, if the patient requires that much overnight care then they would send them to an emergency hospital.

Mr. Davidson asked if the patients would be outside at all overnight. Dr. Mathis said they would not be and the longest they would be outside at a time would be 10-20 minutes. They would be brought inside if they get loud outside.

Mr. Cassidy asked about her rehab services. Dr. Mathis said she needs a facility to do more rehab, as her current facility in Norwalk does not allow her to do much of this. Dr. Mathis said the longest patient stay might be a week. Typically she said animals come back for rehab treatment.

Mr. Davidson asked if the outdoor kennels will have grass or be paved? Mathis said it would probably be grass because it is good for the animal to feel the ground for rehab purposes, but there is a possibility she might use gravel so she can keep certain areas sprayed and sanitary.

Mr. Davidson asked if a product is used for urine smell. Dr. Mathis said it shouldn't be a problem, she doesn't have a problem at her existing location with the smell.

Mr. Davidson asked if any dogs are running loose. Dr. Mathis said they are in a kenneled area and are not loose.

Mr. Stevens asked about the fence and whether or not it would be a privacy fence. Mathis said she plans for it to be a privacy fence, but it would be small. She will not have a chain link fence. She also explained that the patients would not be able to escape on their way to the kennel area because she plans for the fence to be against the building and the patients will not be outside the fenced in area.

Mr. Davidson asked if patients overnight are medicated. Dr. Mathis said the medications used overnight are very limited as she wants them to be able to go home as soon as possible.

Dr. Mathis said she and her staff leave around 7 pm and are back around 6 am. If she has a patient with complications, staff will stay later. If more care is needed then they send them to an emergency 24 hour hospital.

Mr. Cassidy asked about overnight barking dogs. Dr. Mathis said they try to avoid letting the dogs see each other so they stay calmer and don't bark.

Mr. Stevens asked about whether or not they would be installing exterior lights and if so, what type of lighting? Dr. Mathis said they will have some limited lights for safety reasons.

Debra Wainwright, 1021 Richard George Drive spoke representing her sister who owns the adjacent property to the east. Ms. Wainwright was concerned when she got the letter and that is why she wrote her letter. She thanked commission for asking so many questions and stated that most of her concerns have been addressed. Ms. Wainwright feels comfortable with what Dr. Mathis said. She thinks a vet clinic could possibly hurt their land value, but they don't plan to sell anytime soon. She just doesn't want it to get out of hand with barking dogs and smells.

Ms. Grant asked Ms. Wainwright if she was satisfied with the proposed fencing from Dr. Mathis and she stated she was.

Dr. Mathis added her facility will have the highest standards and will not smell.

Mark Nation spoke as the listing broker for the property. He didn't know Dr. Mathis before this transaction, but he's confident they will be just as good as the previous owners.

The Public Hearing was closed at 6:41 pm.

Approval of Special Use Permit – 1326 Sunset Drive – 14-03

Board discussion – Ms. Grant noted that this use is currently allowed by zoning, but the overnight stays are not. She added that vet care does require overnight stay and without it we would be limiting the business. Mr. Davidson agreed but wants to make sure we are taking the citizens' concerns into account so no one is unfairly impacted. Ms. Grant read the Planning and Zoning Commission conditions that were requested to be placed on the approval:

- Boarding due to medical procedures only.
- Fence must be erected in the area in which the patients will be outside
- Animals will never be left unattended outside.

Discussions were held regarding the fence and Mr. Parris requested Board allow staff to approve the fence permit taking this discussion into consideration while doing so. Board agreed with that.

Motion by Stevens and seconded by Cassidy to Approve Special Use Permit Request – 1326 Sunset Drive – Overnight Stay at a Veterinary Clinic with the following conditions:

- Boarding due to medical procedures only.
- Five foot privacy fence must be erected in the perimeter of the backyard area in which the patients will be outside
- Animals will never be left unattended outside.

Adjournment – 14-04

Motion by Cassidy and seconded by Stevens to adjourn meeting at 6:50 pm. Approved 4-0.

Christin Grant, Chairperson

Luke Parris, City Planner