

TO: Zoning Board of Adjustment
FROM: Pam Kalstrup, Zoning and Land Use Coordinator
DATE: February 15, 2021

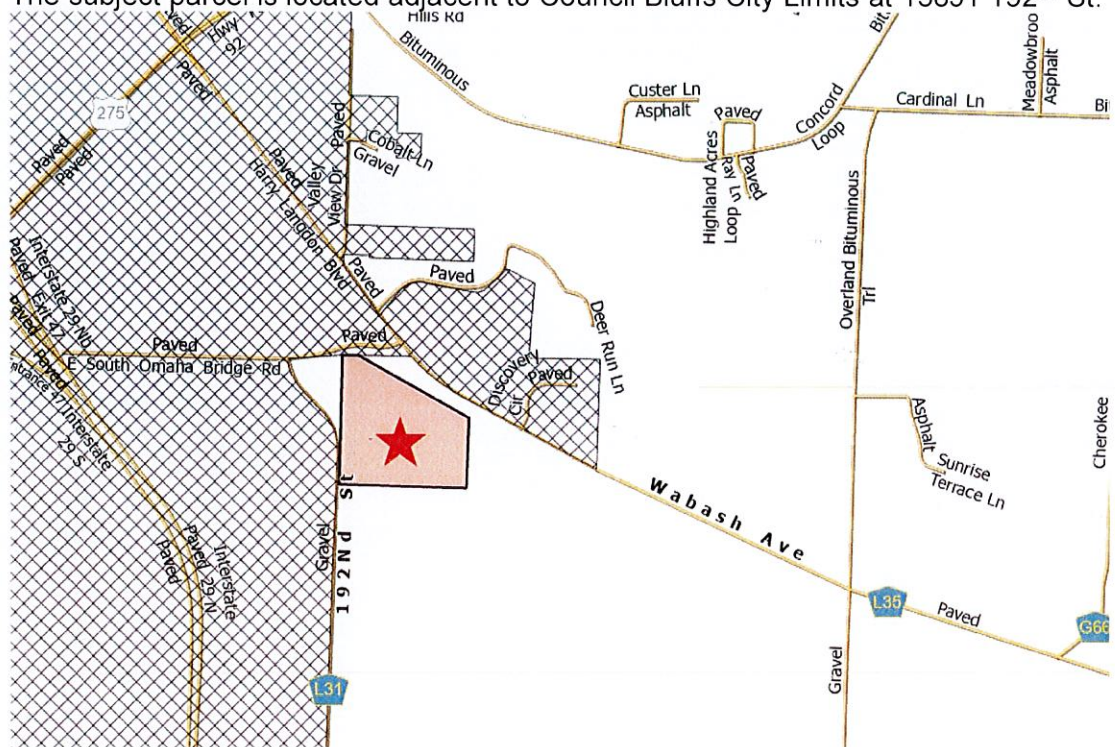
RE: Case #CU-2021-01

REQUEST: Conditional use approval to permit a commercial kennel in a Class A-3 (Riverfront and Agricultural Production) District.

LOCATION: Lewis Township

17-74-43 NE NW LYING SWLY OF NORFOLK & WESTERN RR EXC CBEC RR

The subject parcel is located adjacent to Council Bluffs City Limits at 13851 192nd St.



APPLICANT: Joe & Violeta Schiro

REPRESENTED BY: Jack E Ruesch, Attorney at Law

GENERAL INFORMATION:

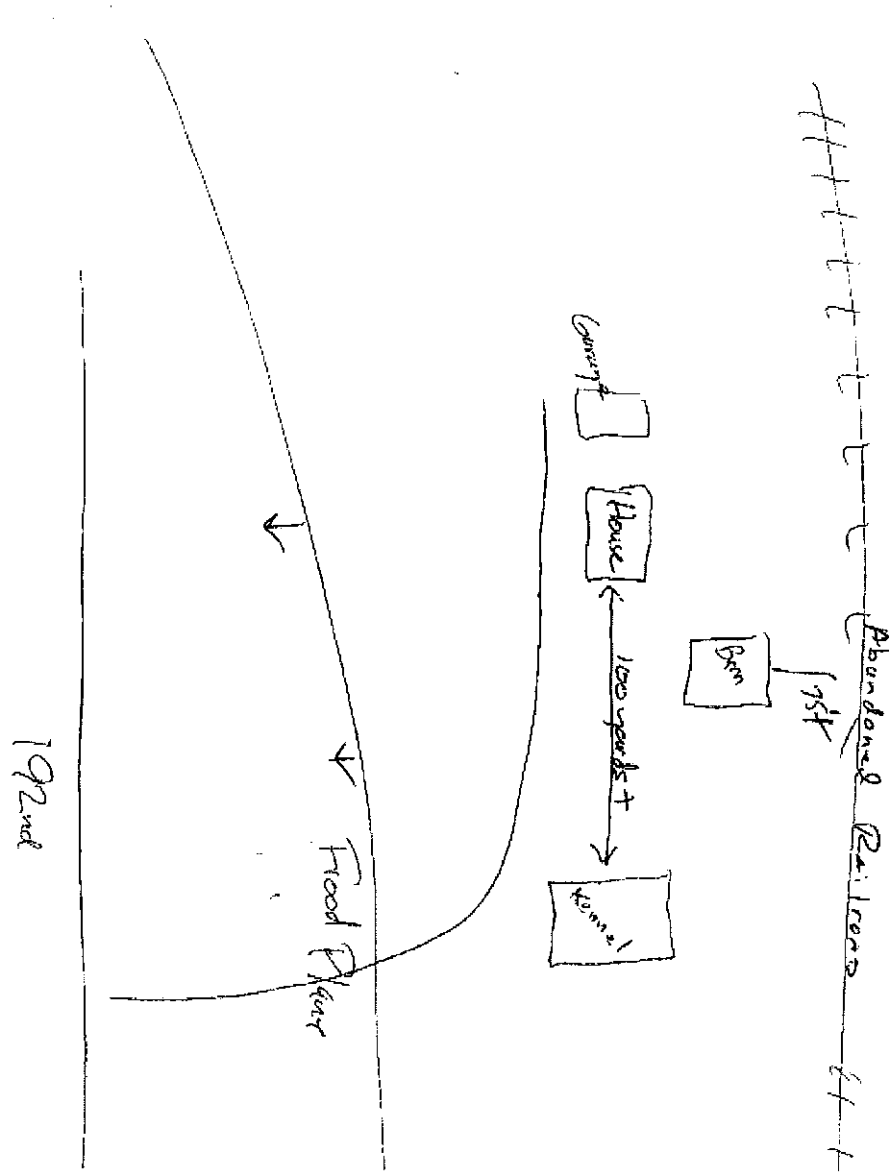
The applicants are proposing to start a commercial kennel on their property. They would like to breed twelve (12) English Bull Dogs and board 12 dogs. The breeding females would have 2 litters per year. The applicant plans to build, if their conditional use is approved, a 40' x 60' building for the breeding and boarding activities. Attached to the building would be a 6' run to allow the dogs to go outside. The applicant would pick up the solid waste and dispose of it properly. The building would have drains connected to a septic system for liquid waste. The applicants will secure a license from the Iowa Department of Agriculture and Land Stewardship if their request is approved.

SITE REVIEW:

Currently situated on the approximately 27.47 acre parcel is a newly constructed single-family dwelling, septic system and well. The applicants also own a 40 acre parcel southwest of this parcel (indicated by the red star).

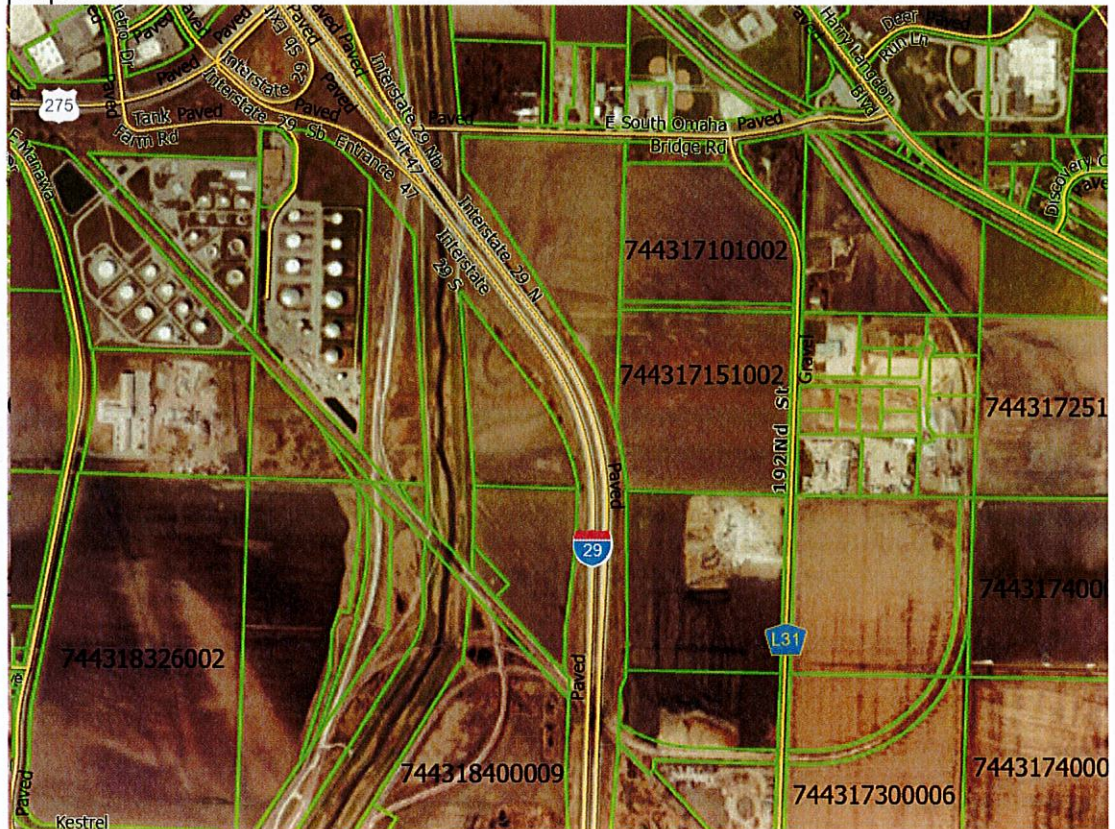


The following site plan was submitted by the applicants.



AREA REVIEW:

The majority of the properties in the area are utilized for agricultural and industrial purposes.



CURRENT ZONING: The subject parcel is located in a Class A-3 (Riverfront and Agricultural Production) District.

Section 8.002.450 of the Code defines Kennel, Commercial as follows -

8.02.450.1 KENNEL, COMMERCIAL: The term "Commercial Kennel" shall apply to any person who keeps or maintains more than four (4) dogs six months or older. The term shall also include any kennel for dogs and/or cats, which performs one or more of the following activities:

- .01 Board of such animals not owned by the proprietors;
- .02 Breeding of such animals for sale, whether or not such animals are raised, trained, groomed or boarded by proprietors;
- .03 Grooming and training services of such animals.

Section 8.012.030.10 of the County Code lists the following conditional use activity in the A-3 District:

- .06 Commercial kennels and veterinary hospitals or clinics, provided that no such structure or exercising runway shall be located closer than two hundred (200)

feet from any Class "R" District or dwelling other than that of the lessee or owner of the site.

Section 8.096.030.03 of the County Code states:

.03 The Board shall have the power to hear and decide only such appeals for conditional uses as the Board is specifically authorized to pass on by the term of this Ordinance; to decide such questions as are involved in determining whether conditional uses should be granted; and to grant conditional uses with such conditions and safeguards as are appropriate under this Ordinance; or to deny conditional uses when not in harmony with the purpose and intent of this Ordinance. In its determination upon a particular condition use at the location requested, the Board shall consider the following conditions:

A. Does the proposed use conform to the Land Use Policy Plan?

B. Is the site suitable for the proposed use?

Such factors as size and shape of the property, topographic conditions, soil conditions to support water and septic systems, accessibility to transportation facilities, and soil erosion problems shall be considered.

C. Is the proposed use compatible with surrounding property use?

Such factors as the activities and function of the proposed use should be considered to determine if the proposed use conflicts with or reduces the usefulness or value or creates other negative impacts on adjoining property or properties in the general area, including public health, safety and welfare.

D. Is the adjoining road system adequate to accommodate the proposed use in terms of the present traffic volume vs. road capacity and the general condition of the road system?

E. Can adequate measures be taken to minimize any potential adverse impacts on adjoining property?

If so, stipulate such measures as required by the ordinance or special conditions that would be required.

F. Does the *conditional use* comply with all conditions imposed on it by the provisions of the *district* in which such *conditional use* may be authorized?

ROADS & TRAFFIC: Access to the subject property is gained from 192nd Street which will be overlaid in the near future. The 2016 Iowa Department of Transportation Traffic Flow Map indicated an average traffic flow of 450 vehicles per day.

FLOOD HAZARD: The Flood Insurance Study prepared by the Federal Emergency Management Agency for the County designates a small portion of the property as being in a Zone AH, areas of moderate to high flooding risk and the majority of the property as being in a Zone X, Areas of minimal flooding.