

**TO:** Zoning Board of Adjustment  
**FROM:** Matt Wyant, Planning Director  
**DATE:** May 12, 2023

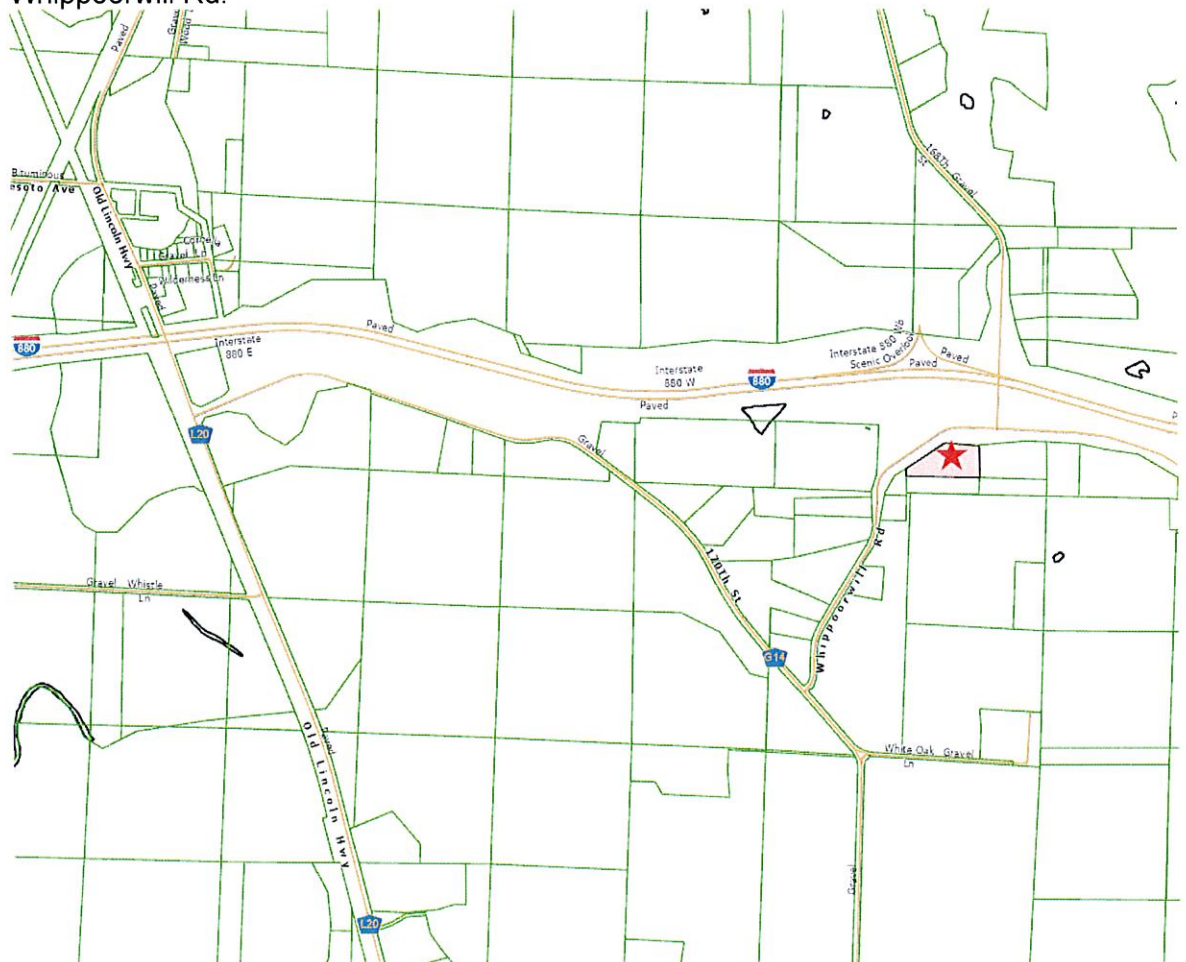
**RE:** Case #CU-2023-03

**REQUEST:** Conditional use approval to permit a commercial kennel in a Class A-4 (Loess Hills) District.

**LOCATION:** Rockford Township

2-77-44 A S SE SE ALL LT 3 LYING S WHIPPOORWILL RD

The subject parcel is located approximately 1 ½ miles East of Loveland at 16733 Whippoorwill Rd.



**APPLICANT:** Jeremy Lee

**GENERAL  
INFORMATION:**

The applicants are proposing to start a commercial kennel on their property. The following is the applicant's narrative of the request:

ARC FIRE KENNELS LLC

4/12/23

THE APPLICANTS ARE PROPOSING TO START A COMMERCIAL KENNEL ON THEIR PROPERTY. I WOULD LIKE TO SHOW, TRAIN, + BREED LO ALAPAHA BLUE-BLOOD BUILDDOGS. WE PLAN ON BREEDING A MAXIMUM OF 2 LITTERS PER YEAR. I PLAN TO BUILD A CONDITIONED 20 X 24 KENNEL STRUCTURE IF CONDITIONAL USE IS APPROVED. NO BOARDING WILL HAPPEN AT THIS FACILITY, ONLY OWNER DOGS WILL BE HOUSED. I WILL PICK UP SOLID WASTE AND DISPOSE OF IT PROPERLY. SEPERATE SEPTIC SYSTEM IS ALLOTTED IN ORIGINAL DESIGN (FLOOR DRAINS), ACTUAL SEPTIC SYSTEM WILL BE INSTALLED AT LATER DATE. AFTER CONSTRUCTION AND BEFORE USE OF BUILDING I WILL SECURE A LICENSE FROM THE IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP IF REQUEST IS APPROVED. I HAVE ALREADY REACHED OUT TO JAIME CARTER TO BEGIN THIS PROCESS. WE NOT ONLY BREED DOGS, BUT SHOW AS WELL. LAST YEAR WE HAD THE 2022 NATIONAL PUPPY GRAND CHAMPION, 2022 RESERVE NATIONAL PUPPY GRAND CHAMPION, 3<sup>RD</sup> PLACE NATIONALS ADULT FEMALE, 3<sup>RD</sup> PLACE NATIONALS ADULT MALE, AND MY 4 YEAR OLD DAUGHTER HAS WON ~~HAND~~ HANDLER OF THE YEAR FOR 2021 + 2022



THE STRUCTURE WILL HAVE 4 INTERIOR KENNELS THAT ARE ~~4x~~ 4'x6', 1 KENNEL 8'x6', AND 1 6'x6'. THERE WILL BE OUTDOOR RUNS ALSO. 4 RUNS THAT ARE 4'x8', 1 RUN THAT IS 12'x8' AND 1 RUN THAT IS 10x10 ANIMALS WILL HAVE INSULATED DOG DOORS IN EACH KENNEL. RUNS WILL BE 6" OF PEA GRAVEL, 6" SAND, SLOPED AWAY FROM STRUCTURE W 4" DRAIN TILE AT END BURIED 2' DOWN.

**SITE REVIEW:**

Currently situated on the approximately 5.75 acre parcel is a single-family dwelling, septic system and well.





**AREA REVIEW:**

The majority of the properties in the area are utilized for agricultural, residential and timber.



**CURRENT ZONING:** The subject parcel is located in a Class A-4 (Loess Hills) District.

Section 8.002.120 of the Code defines Kennel, Commercial as follows -

**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 8.014.030.05 of the County Code lists the following conditional use activity in the A-4 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 Whippoorwill Road, a gravel County Road. The 2016 Iowa Department of Transportation Traffic Flow Map indicated an average traffic flow of 100 vehicles per day.

**FLOOD HAZARD:** The Flood Insurance Study prepared by the Federal Emergency Management Agency for the County designates the property as being in a Zone X, Areas of minimal flooding.

**STAFF**

**RECOMMENDATION:** Based on the above information, the preliminary recommendation by the Planning Department is to **approve** the application subject to the following conditions:

1. The applicant shall secure a license from the Iowa Department of Agriculture and Land Stewardship prior to opening the kennel.
2. The owner shall follow a manure plan.
3. The number of adult dogs and litters per year shall be limited to what was submitted with application.
4. Signage, if proposed, shall be required to comply with Chapter 8.090.030.06.
5. The applicant shall secure permit approval through the County Building Code Division to ensure that the structure complies with the Pottawattamie County, Iowa, Building Codes.
6. The applicant shall secure permit approval through the County Environmental Health Division for the septic system and install system prior to use of structure.
7. The applicant shall agree to allow the Pottawattamie Animal Control Division to inspect the facility at least once per year.
8. The applicant will bring dogs inside if barking becomes a nuisance.

Based on the following facts of findings:

1. The subject property is located in the A-4 (Loess Hills) District. The County Zoning Ordinance, which is adopted in conjunction with the Land Use Plan, stipulates that the proposed land use is a permitted conditional use in the A-4 District.
2. The subject property is located in an area which consists primarily of ag, large rural acreages and timber land uses. The kennel is not foreseen to have any negative impact on area properties.
3. The existing road system is adequate to accommodate this activity.
4. The aforementioned conditions will minimize any potential adverse impact on adjoining properties.