

**POTTAWATTAMIE COUNTY
BOARD OF ADJUSTMENT MINUTES
WEDNESDAY, APRIL 24, 2019
SUPERVISORS' HEARING ROOM-COUNTY COURTHOUSE
227 SOUTH 6TH STREET, COUNCIL BLUFFS, IOWA**

1. CALL TO ORDER

Chairman Genereux called the meeting to order at 5:30 P.M.

2. ROLL CALL

Members Present: Genereux, Jensen, Pierce, Fox,
Members Absent: Huerter
Staff Present: Kalstrup, Wyant

3. MINUTES

Motion #1: to approve the Minutes of March 27, 2019
Motion by: Pierce.
Second by: Fox.
Vote: Unanimous. Motion carried.

4. PUBLIC HEARING

The Chairman read a statement advising the audience that the public hearings would be conducted in accordance with the Board's Rules of Procedure.

CASE #CU-2019-01

APPLICANT: Thomas – Janna Feldman
REQUEST: Conditional use approval to permit temporary establishments involving larger assemblages of people.
TOWNSHIP: Boomer
STREET: 31140 185th St
ZONING: A-4 (Loess Hills)
LEGAL DESCRIPTION: 18-77-43 PT SW SE S870.25' E477.6' (PARCEL A)

Motion #2: to open the public hearing on Case #CU-2019-01.
Motion by: Fox.
Second by: Pierce.
Vote: Unanimous Vote. Motion Carried.

Motion #3: to close the public hearing on Case #CU-2019-01.
Motion by: Fox.
Second by: Pierce.
Vote: Unanimous Vote. Motion Carried.

Motion #4: to approve the request of Thomas – Janna Feldman for a conditional use to permit temporary establishments involving larger assemblages of, as filed under Case #CU-2019-01, subject to the following conditions:

1. The applicant shall apply for the necessary permits to insure compliance with the Pottawattamie County, Iowa, Building Code and Environmental Health Regulations.
2. Attendance is limited to amounts specified in section 8.014.030.14 of the Pottawattamie County Zoning Ordinance.
3. Events held with an attendance of greater than 300 persons shall require an administrative "Temporary Establishment Permit."
4. No on-street parking shall be allowed for large assemblages of people. Parking lot and entrance shall conform to Pottawattamie County Zoning ordinance section 8.080 and applicable International fire code sections.

5. Any changes to the proposed events as approved shall be presented to the Board of Adjustment for review and approval prior to said change being made.

based on the following findings of fact:

1. The subject property is located in the Class A-4 (Loess Hills) District. The County Zoning Ordinance, which is adopted in conjunction with the Land Use Plan, stipulates that the proposed type of events are a permitted conditional use in the A-4 District.
2. The subject property is located in an area primarily utilized for agricultural and residential purposes. This conditional use is not foreseen to have any negative impact on area properties.
3. The proposed events are not the dominate use of the subject property.
4. The existing road system is adequate to accommodate these events.
5. The proposed special events will comply with all other provisions of the County Code.
6. The aforementioned conditions will minimize any potential adverse impact on adjoining properties.

Motion by: Fox.
Second by: Jensen.
Vote: Ayes – Fox, Jensen, Genereux, Pierce. Motion Carried.

CASE #ZV-2019-01

APPLICANT: Tyler E. Brunow
REQUEST: A 5'2" height variance to allow the construction of a pole building with a height of 27'2" in lieu of 22'.
TOWNSHIP: Garner
STREET: 235th St
ZONING: R-2
LEGAL DESCRIPTION: AUD SUB NE1/4 36-75-43 PT LT 5 COMM 1101.46'N OF CTR OF SECT 36 TH SE392.28' NE590.07' NW607.30' S337.08' TO POB (PARCEL B)

Motion #5: to open the public hearing on Case #ZV-2019-01.
Motion by: Jensen.
Second by: Fox.
Vote: Unanimous Vote. Motion Carried.

Motion #6: to close the public hearing on Case #ZV-2019-01.
Motion by: Pierce.
Second by: Fox.
Vote: Unanimous Vote. Motion Carried.

Motion #7: to approve the request of Tyler E Brunow for a 5'2" height variance to allow the construction of a pole building with a height of 27'2" in lieu of 22', as filed under Case #ZV-2019-01, subject to the following conditions:

1. The proposed building shall be setback at a minimum of 25' (twenty five) feet from the side yard and 50' (fifty) feet from the rear yard.

based on the following finding of facts:

1. The applicants' lot size is sufficient to support proposed structure.
2. The property is not in a platted subdivision.
3. The subject building is not going to be used for any commercial activities.

4. The aforementioned facts reduce the potential visual and aesthetic impacts on the line of sight for which the height restriction was adopted.

Motion by: Fox.
Second by: Jensen.
Vote: Ayes – Fox, Genereux, Pierce, Jensen. Motion Carried.

CASE #ZV-2019-02

APPLICANT: Cole Rupiper
REQUEST: A 50' front yard setback variance to allow the construction of a pole building with a front yard setback of 25' in lieu of 75'.
TOWNSHIP: Boomer
STREET: 19337 Shadow Ave
ZONING: A-4
LEGAL DESCRIPTION: 29-77-43 LT 4 SW NW

Motion #8: to open the public hearing on Case #ZV-2019-02.
Motion by: Jensen.
Second by: Fox.
Vote: Unanimous Vote. Motion Carried.

Motion #9: to close the public hearing on Case #ZV-2019-02.
Motion by: Fox.
Second by: Jensen.
Vote: Unanimous Vote. Motion Carried.

Motion #10: to tour the Case #ZV-2019-02 (Cole Rupiper) property on Wednesday, May 22, 2019 and have the applicant provide a recommendation from a professional contractor, leaving the Planning Office at 3:45 P.M. and to continue the Board's deliberation on this request to May 22, 2019 at 5:30 P.M.

Motion by: Fox.
Second by: Jensen.
Vote: Ayes – Pierce, Fox, Genereux, Jensen. Motion Carried.

CASE #ZV-2019-03

APPLICANT: MidAmerican Energy Company
REQUEST: A 15' height variance repower existing Commercial Wind Turbine Generator with a height of 412' in lieu of 397'.
TOWNSHIP: Layton
STREET: 33266 530th Street
ZONING: A-2
LEGAL DESCRIPTION: 2-77-38 NE SE EXC I-80

Motion #11: to open the public hearing on Case #ZV-2019-03
Motion by: Jensen.
Second by: Pierce.
Vote: Unanimous Vote. Motion Carried.

Motion #12: to close the public hearing on Case #ZV-2019-03.
Motion by: Pierce.
Second by: Jensen.
Vote: Unanimous Vote. Motion Carried.

Motion #13: to approve the request of MidAmerican Energy Company to approve a 15' height variance repower existing Commercial Wind Turbine

Generator with a height of 412' in lieu of 397', as filed under Case #ZV-2019-03, subject to the following condition.

1. The wind turbine generator shall intrude no further than fifteen (15) feet.

based on the following finding of facts:

1. Wind power is a renewable resource and benefits the County and its residents. In order to capture the most of this resource with the least impact, repowering is the viable option.
2. The Pottawattamie County Roads Engineer has reviewed the application and does not feel this will have a negative impact on the roads.
3. The set forth condition will minimize the impact on light and air to adjacent properties.

Motion by: Jensen.
Second by: Fox.
Vote: Ayes – Fox, Jensen, Genereux, Pierce. Motion Carried.

CASE #ZV-2019-04

APPLICANT: MidAmerican Energy Company
REQUEST: A 15' height variance repower existing Commercial Wind Turbine Generator with a height of 412' in lieu of 397'.
TOWNSHIP: Layton
STREET: 33267 530th Street
ZONING: A-2
LEGAL DESCRIPTION: 1-77-38 NW SW & EXC I-80

Motion #14: to open the public hearing on Case #ZV-2019-04
Motion by: Fox.
Second by: Jensen.
Vote: Unanimous Vote. Motion Carried.

Motion #15: to close the public hearing on Case #ZV-2019-04.
Motion by: Fox.
Second by: Pierce.
Vote: Unanimous Vote. Motion Carried.

Motion #16: to approve the request of MidAmerican Energy Company to approve a 15' height variance repower existing Commercial Wind Turbine Generator with a height of 412' in lieu of 397', as filed under Case #ZV-2019-04, subject to the following condition:

1. The wind turbine generator shall intrude no further than fifteen (15) feet.

based on the following finding of facts:

1. Wind power is a renewable resource and benefits the County and its residents. In order to capture the most of this resource with the least impact, repowering is the viable option.
2. The Pottawattamie County Roads Engineer has reviewed the application and does not feel this will have a negative impact on the roads.
3. The set forth condition will minimize the impact on light and air to adjacent properties.

Motion by: Pierce.
Second by: Fox.
Vote: Ayes – Fox, Jensen, Genereux, Pierce. Motion Carried.

CASE #ZV-2019-05

APPLICANT: MidAmerican Energy Company
REQUEST: A 24' height variance repower existing Commercial Wind Turbine Generator with a height of 412' in lieu of 388'.
TOWNSHIP: Layton
STREET: 32556 530th Street
ZONING: A-2
LEGAL DESCRIPTION: 11-77-38 SE NE

Motion #17: to open the public hearing on Case #ZV-2019-05
Motion by: Fox.
Second by: Jensen.
Vote: Unanimous Vote. Motion Carried.

Motion #18: to close the public hearing on Case #ZV-2019-05.
Motion by: Fox.
Second by: Pierce.
Vote: Unanimous Vote. Motion Carried.

Motion #19: to approve the request of MidAmerican Energy Company to approve a 24' height variance repower existing Commercial Wind Turbine Generator with a height of 412' in lieu of 388', as filed under Case #ZV-2019-05, subject to the following condition:

1. The wind turbine generator shall intrude no further than twenty-four (24) feet.

based on the following finding of facts:

1. Wind power is a renewable resource and benefits the County and its residents. In order to capture the most of this resource with the least impact, repowering is the viable option.
2. The Pottawattamie County Roads Engineer has reviewed the application and does not feel this will have a negative impact on the roads.
3. The set forth condition will minimize the impact on light and air to adjacent properties.

Motion by: Jensen.
Second by: Fox.
Vote: Ayes – Fox, Jensen, Genereux, Pierce. Motion Carried.

CASE #ZV-2019-06

APPLICANT: MidAmerican Energy Company
REQUEST: A 17' height variance repower existing Commercial Wind Turbine Generator with a height of 412' in lieu of 395'.
TOWNSHIP: Layton
STREET: 32557 530th Street
ZONING: A-2
LEGAL DESCRIPTION: 12-77-38 SW NW

Motion #20: to open the public hearing on Case #ZV-2019-06
Motion by: Jensen.

Second by: Pierce.
Vote: Unanimous Vote. Motion Carried.

Motion #21: to close the public hearing on Case #ZV-2019-06.
Motion by: Jensen.
Second by: Fox.
Vote: Unanimous Vote. Motion Carried.

Motion #22: to approve the request of MidAmerican Energy Company to approve a 17' height variance repower existing Commercial Wind Turbine Generator with a height of 412' in lieu of 395', as filed under Case #ZV-2019-06, subject to the following condition:

1. The wind turbine generator shall intrude no further than seventeen (17) feet.

based on the following finding of facts:

- 1 Wind power is a renewable resource and benefits the County and its residents. In order to capture the most of this resource with the least impact, repowering is the viable option.
- 2 The Pottawattamie County Roads Engineer has reviewed the application and does not feel this will have a negative impact on the roads.
- 3 The set forth condition will minimize the impact on light and air to adjacent properties.

Motion by: Fox.
Second by: Pierce.
Vote: Ayes – Fox, Jensen, Genereux, Pierce. Motion Carried.

CASE #ZV-2019-07

APPLICANT: MidAmerican Energy Company
REQUEST: A 13' height variance repower existing Commercial Wind Turbine Generator with a height of 412' in lieu of 399'.
TOWNSHIP: Layton
STREET: 31755 530th Street
ZONING: A-2
LEGAL DESCRIPTION: 13-77-38 NW NW EXC RR

Motion #23: to open the public hearing on Case #ZV-2019-07.
Motion by: Fox.
Second by: Jensen.
Vote: Unanimous Vote. Motion Carried.

Motion #24: to close the public hearing on Case #ZV-2019-07.
Motion by: Jensen.
Second by: Fox.
Vote: Unanimous Vote. Motion Carried.

Motion #25: to approve the request of MidAmerican Energy Company to approve a 13' height variance repower existing Commercial Wind Turbine Generator with a height of 412' in lieu of 399', as filed under Case #ZV-2019-07, subject to the following condition:

1. The wind turbine generator shall intrude no further than thirteen (13) feet.

based on the following finding of facts:

1. Wind power is a renewable resource and benefits the County and its residents. In order to capture the most of this resource with the least impact, repowering is the viable option.
2. The Pottawattamie County Roads Engineer has reviewed the application and does not feel this will have a negative impact on the roads.
3. The set forth condition will minimize the impact on light and air to adjacent properties.

Motion by: Fox.
Second by: Pierce.
Vote: Ayes – Fox, Jensen, Genereux, Pierce. Motion Carried.

CASE #ZV-2019-08

APPLICANT: MidAmerican Energy Company
REQUEST: A 17' height variance repower existing Commercial Wind Turbine Generator with a height of 412' in lieu of 395'.
TOWNSHIP: Layton
STREET: 28382 500th Street
ZONING: A-2
LEGAL DESCRIPTION: 32-77-38 SE EXC S93 AC

Motion #26: to open the public hearing on Case #ZV-2019-08.
Motion by: Jensen.
Second by: Fox.
Vote: Unanimous Vote. Motion Carried.

Motion #27: to close the public hearing on Case #ZV-2019-08.
Motion by: Fox.
Second by: Jensen.
Vote: Unanimous Vote. Motion Carried.

Motion #28: to approve the request of MidAmerican Energy Company to approve a 17' height variance repower existing Commercial Wind Turbine Generator with a height of 412' in lieu of 395', as filed under Case #ZV-2019-08, subject to the following condition:

1. The wind turbine generator shall intrude no further than seventeen (17) feet.

based on the following finding of facts:

1. Wind power is a renewable resource and benefits the County and its residents. In order to capture the most of this resource with the least impact, repowering is the viable option.
2. The Pottawattamie County Roads Engineer has reviewed the application and does not feel this will have a negative impact on the roads.
3. The set forth condition will minimize the impact on light and air to adjacent properties.

Motion by: Jensen.
Second by: Pierce.
Vote: Ayes – Fox, Jensen, Genereux, Pierce. Motion Carried.

CASE #ZV-2019-09

APPLICANT: MidAmerican Energy Company
REQUEST: A 22' height variance repower existing Commercial Wind Turbine Generator with a height of 412' in lieu of 388'.
TOWNSHIP: Layton
STREET: 28383 500th Street
ZONING: A-2
LEGAL DESCRIPTION: 33-77-38 NW SW

Motion #29: to open the public hearing on Case #ZV-2019-09.
Motion by: Jensen.
Second by: Fox.
Vote: Unanimous Vote. Motion Carried.

Motion #30: to close the public hearing on Case #ZV-2019-09.
Motion by: Fox.
Second by: Jensen.
Vote: Unanimous Vote. Motion Carried.

Motion #31: to approve the request of MidAmerican Energy Company to approve a 22' height variance repower existing Commercial Wind Turbine Generator with a height of 412' in lieu of 388', as filed under Case #ZV-2019-09, subject to the following condition:

1. The wind turbine generator shall intrude no further than twenty-two (22) feet.

based on the following finding of facts:

1. Wind power is a renewable resource and benefits the County and its residents. In order to capture the most of this resource with the least impact, repowering is the viable option.
2. The Pottawattamie County Roads Engineer has reviewed the application and does not feel this will have a negative impact on the roads.
3. The set forth condition will minimize the impact on light and air to adjacent properties.

Motion by: Fox.
Second by: Pierce.
Vote: Ayes – Fox, Jensen, Genereux, Pierce. Motion Carried.

CASE #ZV-2019-10

APPLICANT: MidAmerican Energy Company
REQUEST: A 12' height variance repower existing Commercial Wind Turbine Generator with a height of 412' in lieu of 400'.
TOWNSHIP: Layton
STREET: 28356 510th Street
ZONING: A-2
LEGAL DESCRIPTION: 33-77-38 NE SE

Motion #32: to open the public hearing on Case #ZV-2019-10.
Motion by: Pierce.
Second by: Fox.
Vote: Unanimous Vote. Motion Carried.

Motion #33: to close the public hearing on Case #ZV-2019-10.
Motion by: Jensen.
Second by: Fox.

Vote: Unanimous Vote. Motion Carried.

Motion #34: to approve the request of MidAmerican Energy Company to approve a 12' height variance repower existing Commercial Wind Turbine Generator with a height of 412' in lieu of 400', as filed under Case #ZV-2019-10, subject to the following condition:

1. The wind turbine generator shall intrude no further than twelve (12) feet.

based on the following finding of facts:

1. Wind power is a renewable resource and benefits the County and its residents. In order to capture the most of this resource with the least impact, repowering is the viable option.
2. The Pottawattamie County Roads Engineer has reviewed the application and does not feel this will have a negative impact on the roads.
3. The set forth condition will minimize the impact on light and air to adjacent properties.

Motion by: Fox.
Second by: Pierce.
Vote: Ayes – Fox, Jensen, Genereux, Pierce. Motion Carried.

CASE #ZV-2019-11

APPLICANT: MidAmerican Energy Company
REQUEST: A 17' height variance repower existing Commercial Wind Turbine Generator with a height of 412' in lieu of 395'.
TOWNSHIP: Layton
STREET: 28357 510th Street
ZONING: A-2
LEGAL DESCRIPTION: 33-77-38 NW SE

Motion #35: to open the public hearing on Case #ZV-2019-11.
Motion by: Pierce.
Second by: Fox.
Vote: Unanimous Vote. Motion Carried.

Motion #36: to close the public hearing on Case #ZV-2019-11.
Motion by: Jensen.
Second by: Fox.
Vote: Unanimous Vote. Motion Carried.

Motion #37: to approve the request of MidAmerican Energy Company to approve a 17' height variance repower existing Commercial Wind Turbine Generator with a height of 412' in lieu of 395', as filed under Case #ZV-2019-11, subject to the following condition:

1. The wind turbine generator shall intrude no further than seventeen (17) feet.

based on the following finding of facts:

1. Wind power is a renewable resource and benefits the County and its residents. In order to capture the most of this resource with the least impact, repowering is the viable option.

2. The Pottawattamie County Roads Engineer has reviewed the application and does not feel this will have a negative impact on the roads.
3. The set forth condition will minimize the impact on light and air to adjacent properties.

Motion by: Jensen.
Second by: Fox.
Vote: Ayes – Fox, Jensen, Genereux, Pierce. Motion Carried.

CASE #ZV-2019-12

APPLICANT: MidAmerican Energy Company
REQUEST: A 13' height variance repower existing Commercial Wind Turbine Generator with a height of 412' in lieu of 399'.
TOWNSHIP: Layton
STREET: 29199 515th Street
ZONING: A-2
LEGAL DESCRIPTION: 27-77-38 SW SE

Motion #38: to open the public hearing on Case #ZV-2019-12.
Motion by: Pierce.
Second by: Jensen.
Vote: Unanimous Vote. Motion Carried.

Motion #39: to close the public hearing on Case #ZV-2019-12.
Motion by: Jensen.
Second by: Fox.
Vote: Unanimous Vote. Motion Carried.

Motion #40: to approve the request of MidAmerican Energy Company to approve a 13' height variance repower existing Commercial Wind Turbine Generator with a height of 412' in lieu of 399', as filed under Case #ZV-2019-12.

1. The wind turbine generator shall intrude no further than thirteen (13) feet.

based on the following finding of facts:

1. Wind power is a renewable resource and benefits the County and its residents. In order to capture the most of this resource with the least impact, repowering is the viable option.
2. The Pottawattamie County Roads Engineer has reviewed the application and does not feel this will have a negative impact on the roads.
3. The set forth condition will minimize the impact on light and air to adjacent properties.

Motion by: Fox.
Second by: Pierce.
Vote: Ayes – Fox, Jensen, Genereux, Pierce. Motion Carried.

CASE #CU-82-003

APPLICANT: Pottawattamie County
CURRENT PROPERTY OWNER: Ronald L Bendorf Trust
REQUEST: Public hearing to rescind conditional use approval to permit a commercial stable (to Ronald L Bendorf) as granted by the Zoning Board of Adjustment, Resolution #85-2, as the land use has subsequently been discontinued for a period of one (1) year or more.
TOWNSHIP: Lewis
STREET: 14323 230th ST
LEGAL DESCRIPTION: 12-74-43 S508.74' W527.21' & S716.47' E796.28' NW SW

CASE #CU-87-008

APPLICANT: Pottawattamie County
CURRENT PROPERTY OWNER: Marilyn J Gilmore Trust
REQUEST: Public hearing to rescind conditional use approval to permit a commercial stable (to Carl Jones) as granted by the Zoning Board of Adjustment, Resolution #87-19, as the land use has subsequently been discontinued for a period of one (1) year or more.
TOWNSHIP: Crescent
STREET: 22438 Old Lincoln Hwy
LEGAL DESCRIPTION: 36-76-44 PT NE SW COMM 371.38'W OF NE COR TH W968.26' S630.34' E411.31'NELY671.57'NWLY398.22' ALONG HWY ROW TO POB

CASE #CU-89-005

APPLICANT: Pottawattamie County
CURRENT PROPERTY OWNER: Roger W – Susan R Day
REQUEST: Public hearing to rescind conditional use approval to permit a commercial dog kennel (to Roger – Susan Day) as granted by the Zoning Board of Adjustment, Resolution #89-12, as the land use has subsequently been discontinued for a period of one (1) year or more.
TOWNSHIP: Grove
STREET: 44087 Aspen Rd
LEGAL DESCRIPTION: 28-74-39 N333' W926' SW SW

CASE #CU-92-004

APPLICANT: Pottawattamie County
CURRENT PROPERTY OWNER: Jay K – Casey LH Ring
REQUEST: Public hearing to rescind conditional use approval to permit a commercial dog kennel (to Joseph Calabro) as granted by the Zoning Board of Adjustment, Resolution #92-15, as the land use has subsequently been discontinued for a period of one (1) year or more.
TOWNSHIP: Neola
STREET: 27748 Rosewood Rd
LEGAL DESCRIPTION: 34-77-42 E1/2 SW SE EXC COMM SW COR E1/2 SW SE TH N498.9' SE161.99' S396.84' W130' TO POB

CASE #CU-2000-06

APPLICANT: Pottawattamie County
CURRENT PROPERTY OWNER: Miko Koricic
REQUEST: Public hearing to rescind conditional use approval to permit a commercial dog kennel (to Richard Hanson) as granted by the Zoning Board of Adjustment, Resolution #2000-20, as the land use has subsequently been discontinued for a period of one (1) year or more.

TOWNSHIP: Macedonia
STREET: 10928 370th St
LEGAL DESCRIPTION: 31-74-40 PT NE NE COMM NE COR TH S548.44' W429.01' N605.44' E427.86' TO POB

CASE #CU-2001-009

APPLICANT: Pottawattamie County
CURRENT PROPERTY OWNER: Randall J – Joni L Hoffa
REQUEST: Public hearing to rescind conditional use approval to permit a commercial stable (to Sharon M Knott) as granted by the Zoning Board of Adjustment, Resolution #2002-04, as the land use has subsequently been discontinued for a period of one (1) year or more.

TOWNSHIP: Hardin
STREET: 24748 Hackberry Rd
LEGAL DESCRIPTION: 18-75-42 PT SW SE COMM SE COR N680.76' W320' S680.76' E320' TO POB (PARCEL C)

CASE #CU-2001-08

APPLICANT: Pottawattamie County
CURRENT PROPERTY OWNER: Stacy M Gubbels
REQUEST: Public hearing to rescind conditional use approval to permit a commercial dog kennel (to Jeff – Stacy Gubbels) as granted by the Zoning Board of Adjustment, Resolution #2004-01, as the land use has subsequently been discontinued for a period of one (1) year or more.

TOWNSHIP: Keg Creek
STREET: 24467 Greenview Rd
LEGAL DESCRIPTION: 6-74-42 COMM NE COR NE SW TH W397' S419' SELY TO A POINT 680' S OF POB TH N TO POB NE SW

CASE #CU-2004-01

APPLICANT: Pottawattamie County
CURRENT PROPERTY OWNER: Shala Raneé Chevalier
REQUEST: Public hearing to rescind conditional use approval to permit a commercial dog kennel (to Joseph Calabro – Jessica Goodwin) as granted by the Zoning Board of Adjustment, Resolution #2004-03, as the land use has subsequently been discontinued for a period of one (1) year or more.

TOWNSHIP: Valley
STREET: 26947 440th St
LEGAL DESCRIPTION: 9-76-39 PT NW NW COMM NW COR TH E453.70' S404.40' W453.70' N404.40' TO POB (PARCEL A)

CASE #CU-2005-06

APPLICANT: Pottawattamie County
CURRENT PROPERTY OWNER: David G – Tracy A Porter
REQUEST: Public hearing to rescind conditional use approval to permit a commercial dog kennel (to David G – Tracy A Porter) as granted by the Zoning Board of Adjustment, Resolution #2005-05, as the land use has subsequently been discontinued for a period of one (1) year or more.

TOWNSHIP: Hazel Dell
STREET: 25245 Lookout Ln
LEGAL DESCRIPTION: 18-76-43 PT NW SW COMM 375.11'E SW COR NW SW NE587.54' N485.43' NW275.49' NW103.81' SW524.13' SW280.06' S23' TO POB (PARCEL F)

CASE #CU-2008-02

APPLICANT: Pottawattamie County
CURRENT PROPERTY OWNER: David – Larry Bladt
REQUEST: Public hearing to rescind conditional use approval to permit a commercial dog kennel (to Doug – Kelly Benedict) as granted by the Zoning Board of Adjustment, Resolution #2008-02, as the land use has subsequently been discontinued for a period of one (1) year or more.
TOWNSHIP: Pleasant
STREET: 35974 Whippoorwill Rd
LEGAL DESCRIPTION: 6-77-40 SE SW

Motion #41: to open the public hearing on Cases #CU-82-003 through CU-2008-02.
Motion by: Fox.
Second by: Jensen.
Vote: Unanimous Vote. Motion Carried.

Motion #42: to close the public hearing on Cases #CU-82-003 through CU-2008-02.
Motion by: Fox.
Second by: Pierce.
Vote: Unanimous Vote. Motion Carried.

Motion #43: to approve the request of Pottawattamie County to rescind conditional use permit for commercial dog kennels and commercial stables, as filed under Case #CU-82-003 through CU-2008-02.

Motion by: Jensen.
Second by: Fox.
Vote: Ayes – Fox, Huerter, Genereux, Pierce, White. Motion Carried.

5. ADJOURNMENT

Motion #44: to adjourn.
Motion by: Jensen.
Second by: Fox.
Vote: Unanimous. Motion carried.

The meeting was adjourned at approximately 6:35 P.M.

APPROVED: _____
Mike Genereux, Chairman Date

ATTEST: _____
Matt Wyant, Planning Director
Planning & Development