

**TO:** Planning and Zoning Commission  
**FROM:** Matt Wyant, County Planning Director  
**DATE:** May 26, 2020

**RE:** Case #ZTA-2020-01

**APPLICANT:** Joseph and Violeta Schiro

**REPRESENTED BY:** Jack E. Ruesch

**REQUEST:** Zoning text to amend the Pottawattamie County, Iowa, Zoning Ordinance, Chapter 8.012.030, Conditional Uses for the Class A-3 (Riverfront and Agricultural Production) District, by adding .10 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 platted residential subdivision or dwelling other than that of the lessee or owner of the site.

Commercial kennels are currently permitted, as a conditional use, in the A-2 (Agricultural Production) and the A-4 (Loess Hills) zoning districts.

**TO:** Planning & Zoning Commission  
**FROM:** Pam Kalstrup, Acting Planning Director  
**DATE:** May 26, 2020

**RE:** Case #SUB-2020-03

**REQUEST:** Preliminary plat approval of Gillett Subdivision

**LOCATION:** Garner Township

**LEGAL DESCRIPTION:** 26-75-43 PT SE SE COMM SE COR TH N886.10' SWLY1580.47' TO W ROW DOGWOOD RD TH S329.24' E1301.32' TO POB (PARCEL B)

The subject property is located to the east of the airport and to the south of Bent Tree Subdivision.



**PROPERTY OWNER:** Michael and Kellie Gillett

**SURVEYOR:** Rogers Surveying

**GENERAL INFORMATION:** The applicants have made this request in order to allow them to split their property into two lots, creating two new building sites. SEE ATTACHMENT 1.

**SITE REVIEW:**

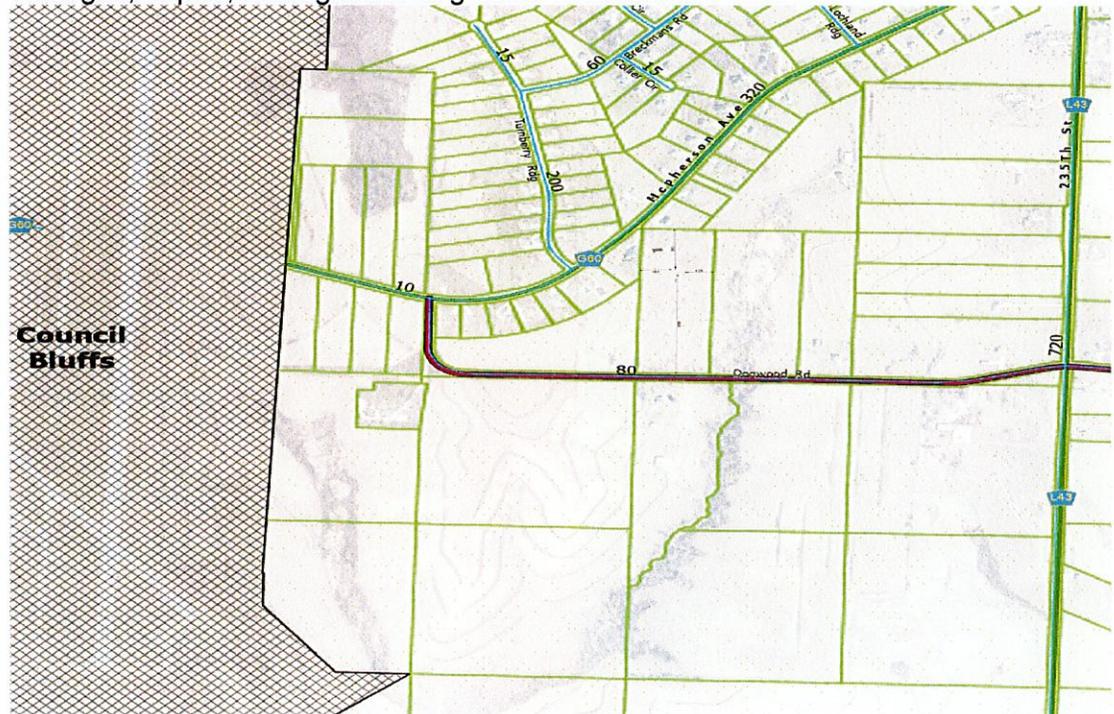
The parcel consists of 11.98 acres and is undeveloped.



**AREA REVIEW:**

The subject property is located immediately adjacent to Dogwood Road, an Official Bituminous County Road. The current Iowa Department of Transportation Traffic Flow Map indicated an average traffic flow of 80 vehicles per day.

The properties in the immediate area are a mixture of rural subdivisions, rural residential acreages, airport, and agricultural ground.



**ZONING:**

The subject property is currently located in a Class R-2 (Urban Transitional) District.

8.020.010 INTENT: The Class R-2 District is intended to provide for single-family residential areas at suburban densities. It is intended that this district shall provide residential areas which combines certain of the advantages of both urban and rural locations by limiting the concentration of development and by permitting limited number of animals to be kept on the premises. (Ordinance #2007-01/03-09-07)

Subsection 8.020.020.05 of the Pottawattamie County, Iowa, Code, lists "Platted minor subdivisions for single-family dwellings, when located on a hard surfaced street or an official bituminous road", as a permitted principal use in the Class A-4 District.

The minimum standards for the A-4 District with individual septic systems and wells are as follows:

	<u>Minimum</u>
Lot Size	2.0 Acres
Lot Width	175'
Lot Depth	300'

It appears that the proposed lot sizes, lot widths and lot depths conform to the minimums.

**SUBDIVISION  
ORDINANCE:**

Subsection 9.01.065.03 states:

*.03 A minor subdivision plat may also be prepared for an existing parcel that lies within a Quarter - Quarter section that is divided by a public road. There shall be a maximum of four (4) parcels on both sides of said road.*

**SEWAGE  
DISPOSAL:**

Where an adequate public or common sanitary sewer system is not reasonably accessible or not required, onsite wastewater treatment and disposal systems may be used for the purpose of providing a private means of sewage disposal for each lot in the subdivision.

- A. The developer shall submit, with the preliminary plat, acceptable evidence of the suitability of the soil for onsite wastewater treatment and disposal systems on the site. The developer may be required to make one (1) or more soil boring tests and/or preliminary percolation tests within the boundaries of the subdivision if the evidence is deemed unacceptable by the County Board. Each test hole shall be numbered and its location and results shown on the final construction plans. All tests shall be performed in accordance with the Pottawattamie County, Iowa, Onsite Wastewater Treatment and Disposal System Ordinance.
- B. Lots where onsite wastewater treatment and disposal systems are proposed shall provide adequate space for two (2) such systems. The area dedicated for the second system is provided as a back up when the first system fails.
- C. Onsite wastewater treatment and disposal systems, if approved, may be installed at the expense of the developer, or at the expense of a subsequent lot owner at the time development of the lot takes place.

It is the applicant's intent to serve the lots with onsite wastewater treatment and disposal systems.

To whom it my concern:

The property of Michael & Kelly Gillett at the address of Parcel # 7543 26 478 008 has been evaluated for the purpose of future developments requiring septic system installs. It is my opinion that the soil on/around this property suitable for future septic systems installed by a professional.

Any further questions in regard to this matter can contact as needed.

Thank you,  
Cody Hildreth  
Western Iowa Utilities

**WATER SUPPLY:** It is the applicant's intent that the lots will be serviced by wells.

 Thu 5/14/2020 12:09 PM  
seth weilage <sethweilage@gmail.com>  
Re: FW: Send data from Toshiba 05/14/2020 12:03

To Pam Kalstrup  
You replied to this message on 5/14/2020 12:30 PM.

[Bing Maps](#) [Action Items](#)

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I believe there's plenty of room as I was told that these are 6 acre lots. Also I would be very surprised if there wasn't good wells to be had out there

**OTHER AGENICES COMMENTS:** A copy of the preliminary plat has been forwarded to the following agencies.

Pottawattamie County Engineer (no comment received)  
Treynor Community School District (no comment received)  
Lewis Township Fire Department (no comment received)  
Pottawattamie County Sheriff (see below)

 Fri 5/15/2020 8:12 AM  
Jeff Danker  
RE: Minor Subdivision for your review  
To Pam Kalstrup  
You replied to this message on 5/15/2020 8:12 AM.

[Bing Maps](#)

Pam, I don't see any problems with this subdivision.

Jeff

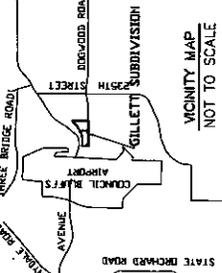
Jefferey D. Danker  
Sheriff

- EXTERIOR ROAD:** The lots will have direct access onto Dogwood Road, an Official Bituminous County Road. The County Subdivision regulations require that all subdivisions be in areas in which the property lies immediately adjacent to and has access to a hard surfaced street. This proposed subdivision, as previously noted, meets this requirement. The Iowa Department of Transportation Traffic Flow Map indicated an average traffic flow of 90 vehicles per day.
- LAND USE PLAN:** In 2015 the County Comprehensive Plan 2030 was adopted. That Plan designates the Future Land Use of the subject property Urban Transitional.
- FLOOD HAZARD:** The Flood Insurance Study prepared by the Federal Emergency Management Agency for the County designates in the Flood Insurance Rate Maps that the majority of the property as being in a Zone X-Areas of minimum flooding.

PRELIMINARY PLAT OF

**GILLETT SUBDIVISION**

A RE-PLAT OF PARCEL "B" BEING A PARCEL OF LAND LOCATED IN PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE FIFTH PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA.



VICINITY MAP  
NOT TO SCALE

PREPARED BY: CARL H. ROGERS, JR. PHONE: (482) 689-1549  
1688 ROLLING HILLS LOOP, COUNCIL BLUFFS, IOWA 5150

**ZONING:**  
EXISTING ZONING OF PROPOSED GILLETT SUBDIVISION IS CLASS R-2 (LESS HILLS) DISTRICT.  
PROPOSED ZONING OF PROPOSED GILLETT SUBDIVISION IS CLASS R-2 (LESS HILLS) DISTRICT.  
EXISTING ZONING OF ALL LAND ADJUTING GILLETT SUBDIVISION IS CLASS R-2 (LESS HILLS) DISTRICT.

CURVE	CHORD BEARING	CHORD LENGTH	ARC LENGTH	RADIUS
1	S 81°11'48" E	33.30'	33.30'	1029.50'
2	S 83°03'22" E	33.33'	33.33'	1029.30'
3	S 83°27'01" E	33.30'	33.30'	1029.30'
4	S 84°52'59" E	33.20'	33.20'	1029.50'

CENTRALINE CURVE DATA  
CHORD BEARING = S 83°00' E  
CHORD LENGTH = 596.70'  
DEGREE = 544.59'  
RADIUS = 996.50'  
TANGENT = 610.26'  
LENGTH = 1095.13'

**LEGEND:**  
○ - SET 5/8" REBAR W/ALUMINUM CAP MARKED LLS. #7717  
● - FOUND 5/8" REBAR W/ALUMINUM CAP MARKED #7717, UNLESS OTHERWISE DESCRIBED ON DRAWING  
(S) - SURVEYED AS  
(R) - RECORDED AS

SCALE: 1" = 100'  
100' 50' 0' 100' 200'

NOTE: THIS DOCUMENT HAS BEEN REDUCED.

**LEGAL DESCRIPTION:**  
PARCEL "B" BEING A PARCEL OF LAND LOCATED IN PART OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE FIFTH PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, AS SHOWN ON A PLAT OF SURVEY RECORDED IN BOOK 161, PAGE 148 AND AS SHOWN ON A PLAT OF SURVEY RECORDED IN BOOK 164, PAGE 480, ALL IN THE OFFICE OF THE POTTAWATTAMIE COUNTY RECORDER.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 26 AND POINT OF BEGINNING, THENCE NORTH 99°20'38" WEST, ALONG THE EAST LINE OF SAID SECTION 26, A DISTANCE OF 110.10 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 377.89 FEET, A RADIAL LINE OF SAID CURVE BEARING S 81°11'48" WEST, A DISTANCE OF 33.30 FEET TO A POINT ON SAID CURVE, AN ARC LENGTH OF 33.30 FEET AND HAVING A CHORD BEARING AND DISTANCE OF SOUTH 83°03'22" WEST, 33.33 FEET TO THE BEGINNING OF A TANGENT CIRCULAR CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 1029.30 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 83°27'01" WEST, 33.30 FEET AND HAVING A CHORD BEARING AND DISTANCE OF SOUTH 84°52'59" WEST, 33.20 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHWEST QUARTER AND ALONG THE WEST BIGHT OF WAY LINE OF SAID SOUTHWEST QUARTER AND ALONG THE WEST BIGHT OF WAY LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THENCE NORTH 89°43'31" EAST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 26, A DISTANCE OF 110.10 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS LARVA MOORE OR LESS. SAID PARCEL IS SUBJECT TO AN EASEMENT FOR BUCKWOOD ROAD RIGHT OF WAY, SAID EASEMENT CONTAINS ZING ACRES, MORE OR LESS.

NOTE: THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 75 NORTH, RANGE 43 WEST, FOR THIS DESCRIPTION IS ASSUMED TO BEAR NORTH 99°20'38" WEST FOR THIS DESCRIPTION.

**NOTE:**  
PROPOSED SEWER, INTERNATIONAL SEPTIC TANKS AND LATERALS.  
PROPOSED WATER, CITY WATER.

**BUILDING SETBACKS:**  
FRONT: 25 FEET FROM RIGHT OF WAY  
SIDEYARD: 25 FEET MINIMUM  
REAR YARD: 20 FEET MINIMUM

**NOTE:** THE 16 FOOT CONTOUR INTERVALS WERE TAKEN FROM GIS MAPPING, POTTAWATTAMIE COUNTY, IOWA.

UNLAWFUL TO CONVEY THIS PLAT OR ANY PART THEREOF TO ANY OTHER PARTY AND THE RELATED INSTRUMENT WORK WAS PERFORMED BY ME, OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM, A ONLY LICENSED LAND SURVEYOR IN THE STATE OF IOWA.

CARL H. ROGERS, JR.  
DATE: MAY 12, 2020  
LICENSE NUMBER: 231  
IOWA LICENSE RENEWAL DATE: 16 DECEMBER 31, 2024  
NUMBER OF SHEETS COVERED BY THIS SEAL: SHEET 1 OF 1

**ROGERS SURVEYING**  
1688 ROLLING HILLS LOOP, COUNCIL BLUFFS, IOWA  
SCALE: 1" = 100'  
DATE: 5-07-2020  
PHONE: (482) 689-1549  
DRAWN BY: [REDACTED]  
REVISION: [REDACTED]

**GILLETT SUBDIVISION**  
PRELIMINARY PLAT OF

CLIENT: MICHAEL & KELLIE GILLET  
1612 MADISON AVENUE  
COUNCIL BLUFFS, IOWA 51503

SHEET 1 OF 1

