

INST # 18224  
RECORDING FEE No Fee  
AUDITOR FEE \_\_\_\_\_  
RMA FEE ECOM

FILED FOR RECORD  
POTTAWATTAMIE CO. IA.

04 FEB 10 AM 10:00

**COMPARED**

JOHN SCIORTINO  
RECORDER

Prepared by: Pottawattamie County, Planning and Development, 223 South 6th Street, Council Bluffs, Iowa 51501 (712) 328-5792  
Return to: Pottawattamie County, Planning and Development, 223 South 6th Street, Council Bluffs, Iowa 51501 (712) 328-5792

**PLANNING AND ZONING  
RESOLUTION NO. 2004-03**

**WHEREAS**, the proposed preliminary plat and supporting documents for **Hearthstone Estates Subdivision**, a subdivision situated in **Keg Creek Township**, has been filed with the Pottawattamie County Planning and Zoning Commission for its study and recommendation under **Case #SUB-2003-09** and

**WHEREAS**, said preliminary plat was accompanied by a request that a variance be granted from the provisions of the Zoning Ordinance that limits the length of an access strip on a flag lot to 200' and that the access strip for Lot 6, **Hearthstone Estates** be allowed to be 457.56'; and

**WHEREAS**, said Commission conducted a public hearing on November 17, 2003 and a public meeting on December 15, 2003 in accordance with Chapter 9.04 of the Pottawattamie County, Iowa, Code and Chapter 354, Code of Iowa, and has given all parties an opportunity to be heard; and

**WHEREAS**, after careful study and being thoroughly familiar with the involved real estate and the surrounding area, said Commission has submitted its written recommendation to this Board to approve the preliminary plat and the requested variance; and

**WHEREAS**, said Commission has additionally recommended that an additional variance be granted as follows:

1. That a variance to allow more than two houses to access off of one entrance be approved.

**WHEREAS**, said Commission has recommended said approval of the preliminary plat, the granting of the requested variance and the granting of the aforementioned variance, based on the recommendation that the following conditions accompany said approvals:

1. The number of entrances onto Highway 92 shall be reduced to a total of four (4). This shall be Entrance #1: Lot 1, 2 and 3; Entrance #2: Lots 4, 5, 6, 7, and 8; Entrance #3: Lots 9 and 10; Entrance #4: Cul-de-sac.
2. The private driveway to be constructed to access the church to be constructed on Lot 6, shall have a minimum pavement width of 24', which will accommodate two (2) lanes of traffic.
3. Cluster mailboxes for the houses being accessed at that entrance shall be utilized at each entrance.

**WHEREAS**, this Board conducted a public hearing on January 12, 2004 in accordance with the above-noted Ordinance and Statute, and has examined the proposed preliminary plat; and

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**WHEREAS**, after careful study, and due consideration this Board has determined that the proposed preliminary plat conforms to the requirements of Chapter 9.01-9.30. Subdivision Ordinance of the Pottawattamie County, Iowa, Code; the Pottawattamie County, Iowa, Land Use Plan and Chapter 354, Code of Iowa, and has deemed it to be in the best interest of Pottawattamie County, Iowa, to concur with the County's Planning and Zoning Commission's recommendation:

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA:** That the proposed preliminary plat of **Hearthstone Estates Subdivision**, be, and the same is hereby approved as the preliminary plat of said subdivision, along with the following variances,

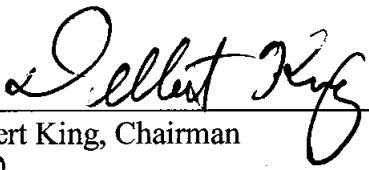
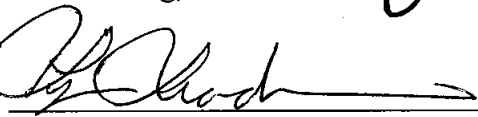
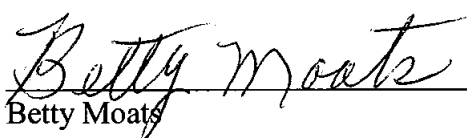
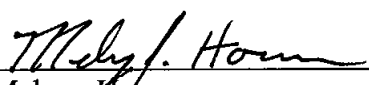

1. That a variance to allow the access strip to Lot 6 to be approximately 457' in length, in lieu of being restricted to the length of 200' stipulated by the Zoning Ordinance be approved.
2. That a variance to allow more than two houses to access off of one entrance be approved.

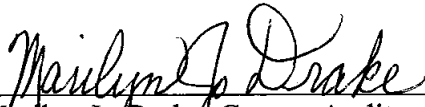
with the following stipulations:

1. The developer shall be responsible for the construction of all retention and detention facilities shown on the NRCS approved Pollution Prevention Plan. Subsequent property owners of the subject lots shall be responsible for retaining and maintaining said structures.
2. The number of entrances onto Highway 92 shall be reduced to a total of four (4), three (3) total for Phase 1 and one (1) for Phase 2.
3. The private driveway to be constructed to access the church to be constructed on Lot 6, shall have a minimum pavement width of 24', which will accommodate two (2) lanes of traffic. Said driveway shall be constructed prior to submittal of the final plat. Additional entrance approved for Phase 1 shall be constructed prior to submittal of its final plat. The cul-de-sac proposed for Phase 2 shall be constructed in accordance with the Subdivision regulations.
4. Cluster mailboxes for the houses being accessed at that entrance shall be utilized at each entrance.
5. The final plat shall be accompanied by a Septic Corridor Map, approved by the Planning Director, delineating an area 10,000 square foot in size per lot that will solely dedicated for the construction of septic systems. Additionally, a Well Corridor Map shall be developed and presented with said Final Plat.

Provided however, that this Resolution shall not be construed as being a final acceptance or approval of said Plat with the meaning of Chapter 9.01-9.30, Subdivision Ordinance, of the Pottawattamie County, Iowa, Code and Chapter 354, Code of Iowa; that after completion of all improvements and satisfaction of all requirements for final plats required by the State and County Ordinances and this Resolution, the final plat shall be submitted to this Board for its consideration.

PASSED AND APPROVED January 26, 2004.

	ROLL		CALL VOTE	
	AYE	NAY	ABSTAIN	ABSENT
 _____ Delbert King, Chairman	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
 _____ Lynn Leaders	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
 _____ Betty Moats	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
 _____ Melvyn Houser	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
 _____ Loren Knauss	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Attest:   
\_\_\_\_\_  
Marilyn Jo Drake, County Auditor  
Pottawattamie County, Iowa

RECORD: After Passage