

TO: Zoning Board of Adjustment
FROM: Matt Wyant, County Planning Director
DATE: January 14, 2022

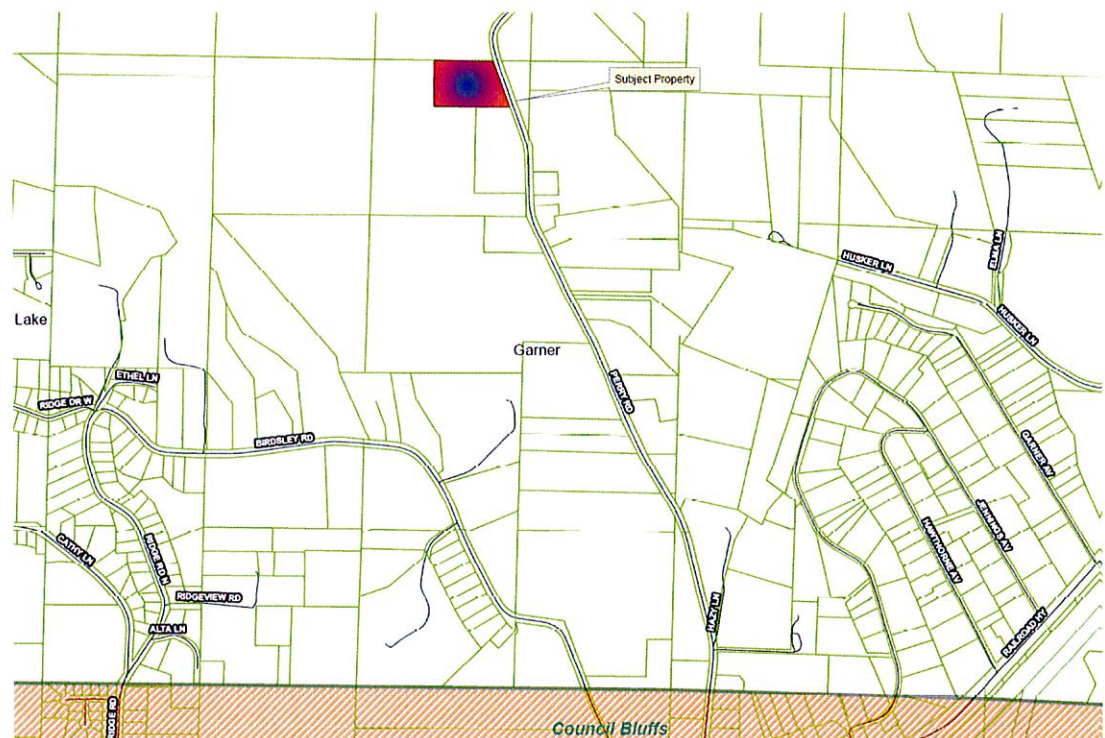
RE: Case #CU-2022-01

REQUEST: Revise Conditional Use (#2016-05 approval to permit a commercial health club)

LOCATION: Garner Township

17-75-43 PT NW NE COMM 504.03'E N1/2 COR TH E530.13' TO C/L CO RD
SELY413.30' W671.59'N388.04' TO POB (PARCEL C)

The subject parcel is located approximately one mile north of the city limits of Council Bluffs at 19998 Perry Road.



PROPERTY OWNER: James – Susan Wheeler

GENERAL INFORMATION: The applicants have made this request to revise CU#2016-04 (attached) to allow additional cross fit classes and three special annual events. They would also like to have 1 on 1 onboarding sessions for new members to adequately and safely prepare them for classes. The applicants would like the gym to be available to members, for onboarding, Monday through Friday from 8 am to 7:30pm in between classes and on Saturday and Sunday from 8am to 2pm in between and after open gyms and the one regular 9am Saturday class. The applicants also clean the gym on Sunday. Only one coach would conduct these sessions, therefore one onboarding session with one member at a time. The onboarding would typically be five separate 45 minute sessions. Each regular class and open gym has a maximum capacity of 18 students. Open gym would be on Saturday at 7 am and 8 am and on Sunday at 8:30 am and 9:30 am. Members must sign up for open gym. The applicants have indicated the maximum number of members

is 125. The special events would have anywhere from 30- 100 attendees. The original CU limited the class to 15 members. Classes were Monday through Friday at 5am, 6am, 10 am, 4:45 pm and 5:45 pm, one Saturday class and no classes on Sunday. The following is their proposal:

CrossFit Council Bluffs

Proposed Class Schedule

Monday-Friday:	5:00 a.m.	regular class - max 18 members ↓
	6:00 a.m.	
	11:00 a.m.	
	12:00 p.m.	
	4:30 p.m.	
	5:30 p.m.	
	6:30 p.m.	
Saturday:	7:00 a.m.	open gym - max 18 members ↓
	8:00 a.m.	regular class - max 18 members ↓
	9:00 a.m.	
Sunday:	8:30 a.m.	open gym - max 18 members ↓
	9:30 a.m.	

New member 1-on-1 onboarding training in between classes as needed.

Annual Special Events:

Memorial Day Weekend "Murph" (honoring our Armed Forces). Tentatively scheduled that Sunday morning.

Austin Ebertowski Memorial WOD. Tentatively scheduled for third Saturday in July.

CF4CF (fundraiser for Cystic Fibrosis). Tentatively scheduled for third Saturday in August.

- > Here is the class schedule and average attendance this year at CrossFit Council Bluffs:
- >
- > Average Class Attendance 1/1/21 to 11/2/21
- >
- > Monday - Friday
- > 5am - 9 people
- > 6am - 10 people
- > 11am - 8 people
- > 12pm - 7 people
- > 4:30pm - 8 people
- > 5:30pm - 10 people
- > 6:30pm - 6 people
- >
- > Saturday
- > 8am - 7 people
- > 9am - 6 people
- >
- > Sunday
- > 8:30 - 7 people
- > 9:30 - 7 people
- >
- > Active members: 125
- > 58% female
- > 42% male

SITE REVIEW:

The subject property consists of approximately 5.04 acres. It contains a single family dwelling, an outbuilding, septic system and well. The property is located on and has direct access to Perry Road, an Official Bituminous Road designated by the County Board in a Resolution (#21-2016).



AREA REVIEW: The properties in the area are utilized for a mixture of agricultural and rural residential land uses.

PARKING SCHEDULE:

8.80.30 **PARKING SPACES REQUIRED:** The number of off-street parking spaces required shall not be less than as set forth in the following schedule: (*Ordinance #81-6/10-01-81*)

OFF-STREET PARKING SCHEDULE STRUCTURE AND USES	MINIMUM OFF-STREET PARKING REQUIREMENTS
.01 Banks, Business and Professional Offices	One (1) space per every three hundred (300) square feet of gross floor area, but in no case less than five (5) spaces

ZONING: The applicant's property is located in a Class R-2 (Urban Transitional) District.

8.020.030 **CONDITIONAL USES:** The following *conditional uses* shall be permitted in a Class R-2 District, when authorized in accordance with the requirements of Chapter 8.096:

.12 Commercial activities, similar in scope to the following, provided the property shall be located along or have direct access to an Official Bituminous Road designated by the County Board in a Resolution:

- A. *Antique/Used Furniture Shops.*
- B. *Art shops and galleries.*
- C. *Bakery.*
- D. *Bicycle Stores, sales, rental and repair.*
- E. *Indoor recreational activities.*
- F. *Book, flower and gift shops.*
- G. **Health Clubs, Gymnasiums.**
- H. *Miniature golf and small recreational establishments.*
- I. *Museums.*
- J. *Offices, business and professional.*
- K. *Restaurants, with a bar, lounge or tavern attached thereto provided that the tavern shall occupy no more than 25% of the total floor area of the total building dedicated to both uses.*
- L. *Outdoor recreational complexes, excluding off-highway vehicle parks. (Ordinance#2016-03/05-20-2016)*

8.096.030.03 of the County Code recites the following criteria for the reviewing conditional use permits:

.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 reviewing an application for a conditional use permit, findings based on the following criteria shall be made and serve as the basis for approval or denial of the request:

- 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?

LAND USE PLAN: The Land Use Plan designates this area as Urban Transitional. The property is Zoned R-2 (Urban Transitional) District which allows for a commercial health club as a conditional use if the property is located along or has direct access to an Official Bituminous Road designated the County Board in a Resolution. The property is also located in the Loess Hills Commercial Overlay District. The Pottawattamie County, Iowa Comprehensive Land Use Plan states: Future commercial land uses in rural Pottawattamie County will include highway commercial, commercial recreational, and Loess Hills Commercial Overlay District.

ROADS & TRAFFIC: Access to the subject property is gained from Perry Road, an Official County Bituminous Road. (Resolution #21-2016). The 2016 Iowa Department of Transportation Traffic Flow Map indicated an average traffic flow of 320 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 deny the annual special events. The preliminary recommendation by the Planning Department is to approve the additional classes, open gym and onboarding sessions subject to the following conditions:

1. To minimize vehicular headlights shining onto neighboring properties, patrons must park with lights toward the building or a 6' site obscuring fence must be erected.

2. All activities must remain on the property.
3. The applicants shall annually provide a membership and class count to the Planning Department.
4. The gym hours shall be 5am to 7:30pm Monday through Friday. The gym hours shall be 8am to 2pm on Saturday and Sunday. The class schedule shall be limited to 5am, 6am, 11am, 12pm, 4:30pm, 5:30pm and 6:30 pm with a maximum of 18 members per class. There shall only be one class at 9am with a maximum of 18 members on Saturday. Open gyms shall be limited to Saturday at 7am and 8am and Sunday at 8:30 am and 9:30 am with a maximum of 18 members. Any necessary onboarding sessions shall only be conducted during the approved gym hours.
5. Membership shall be limited to 125 people.

based on the following findings of fact:

1. The commercial activity is a listed permitted conditional use in the R-2 District, which conforms to the Land Use Policy Plan.
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 existing road system is adequate to accommodate this commercial activity.
4. The aforementioned conditions will minimize any potential adverse impact on adjoining properties.

This recommendation is subject to change, based on evidence and information presented by the applicant and interested parties at the public hearing.

TO: Zoning Board of Adjustment
FROM: Matt Wyant, County Planning Director
DATE: July 13, 2016

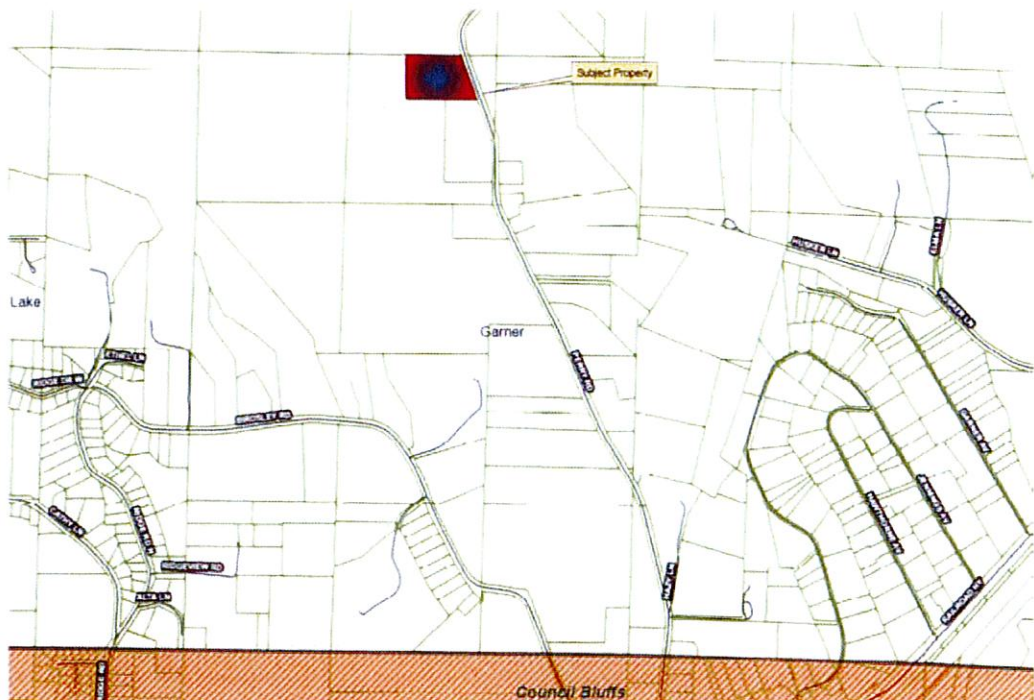
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PROPERTY OWNER: James – Susan Wheeler

GENERAL INFORMATION: The applicants have made this request in order to allow them to utilize 3,000 square feet of their existing 7,200 square foot outbuilding for a commercial health club facility. If approved, they will apply for a septic permit sized to meet requirements for the number of members per day and for a permit to construct a unisex bathroom to meet ADA requirements, as well as meeting the 2009 International Fire Code. They will provide enough parking spaces per Section 8.80.30 of the Pottawattamie County, Iowa Code. In the future, they may possibly expand to utilize an additional 2,400 square feet of said building. The following is a narrative of their business proposal:

Target Population

- Ages 14+
- Provide Discounts
 - Firefighters
 - Police
 - Teachers
 - Military
 - CrossFit Level 1 Certified
 - College Students
 - Same Household family members

Classes Schedule

- 5AM
- 6AM
- 10AM
- 4:45PM
- 5:45PM

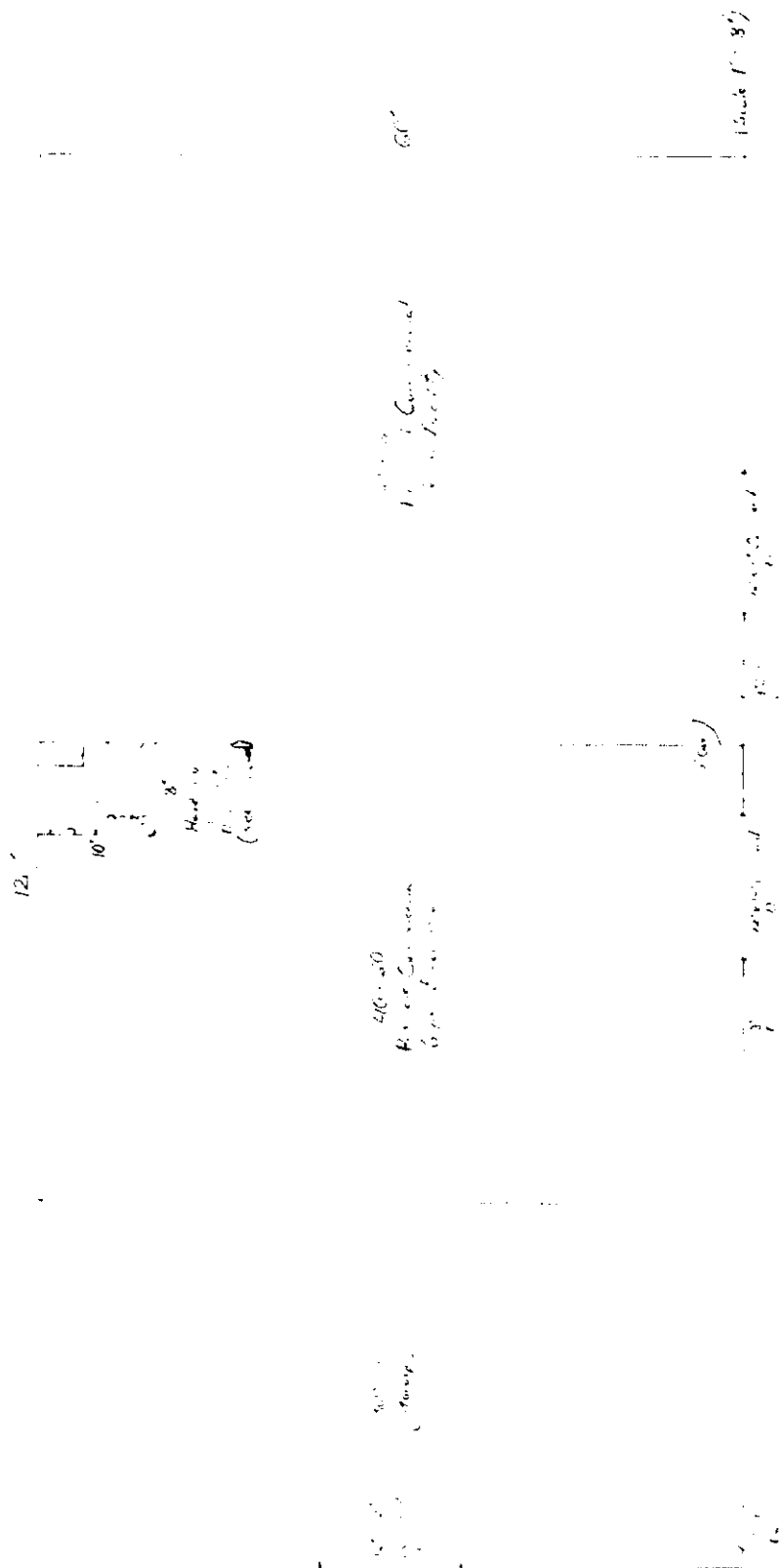
Class Structure

- 60min Classes
- Led by a Certified Coach
- Max Class size of 12-15 members
- 60-80 Memberships Available

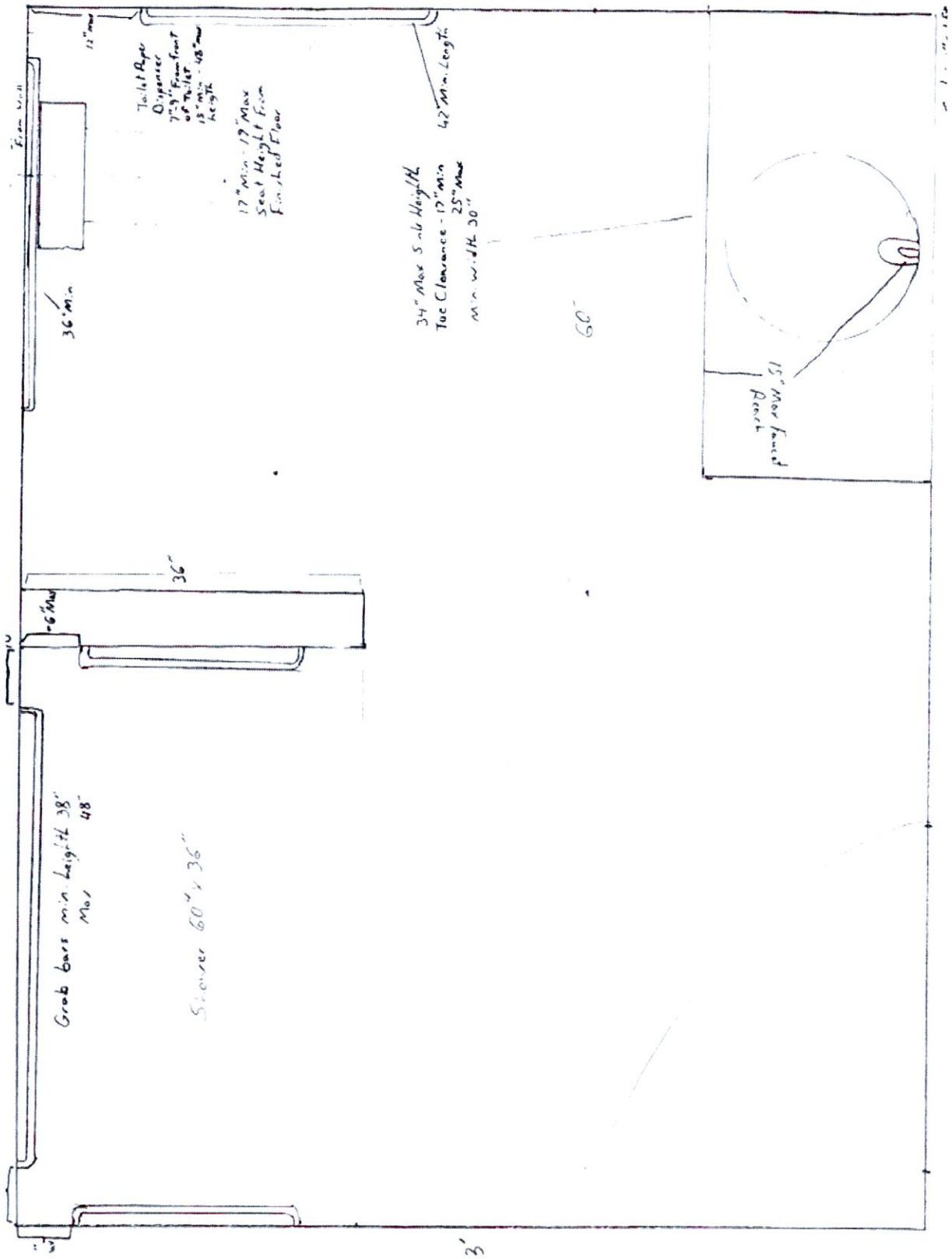
Membership Options

- 1 year
- 6 month

The following is the applicants' proposed floor plan:

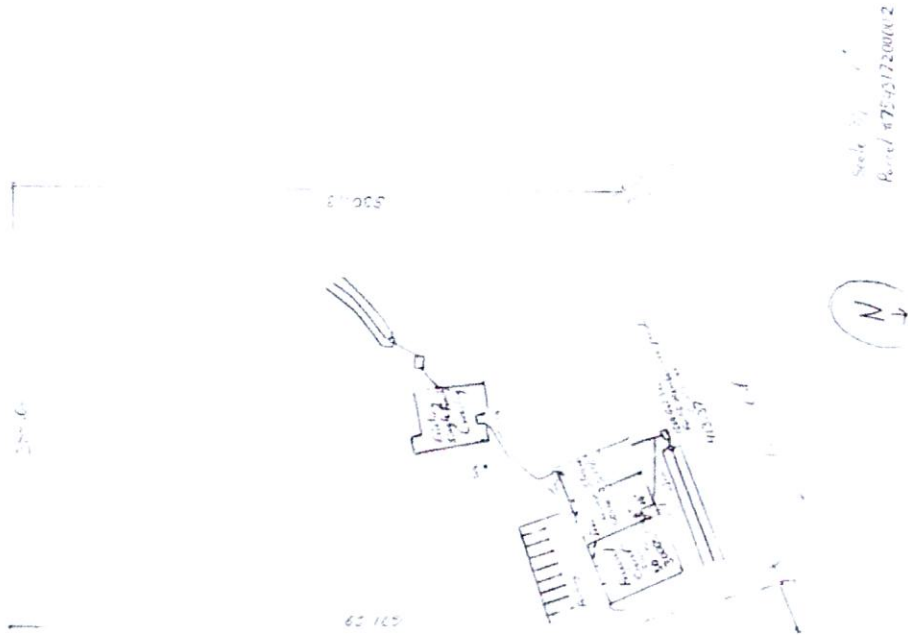


The following is proposed restroom plans:



SITE REVIEW:

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STRUCTURE AND USES

MINIMUM OFF-STREET PARKING
REQUIREMENTS

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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.