

**POTTAWATTAMIE COUNTY  
BOARD OF ADJUSTMENT MINUTES  
WEDNESDAY, NOVEMBER 20, 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, Huerter  
Staff Present: Kalstrup, Wyant

**3. MINUTES**

Motion #1: to approve the Minutes of June 26, 2019  
Motion by: Jensen.  
Second by: Pierce.  
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-2006-01**

**PROPERTY OWNER:**

Richard Fuller Properties

**REQUEST:**

Review and amend conditional use approval (Resolution #2006-01) to permit outdoor entertainment and recreational uses (volleyball) in conjunction with a principal use of entertainment and recreation when an indoor facility (hall/bar) is present.

**TOWNSHIP:**

Lake

**STREET:**

20270 Old Lincoln Highway

**ZONING:**

C-2 (General Commercial District)

**LEGAL DESCRIPTION:**

AUD SUB NW SW 7-75-43 PT LTS 2 & 3 COMM SW COR LT 3 TH N310.02' ELY472.86' SLY399.61'W540.64' TO POB

Motion #2: to open the public hearing on Case #CU-2006-01.  
Motion by: Jensen.  
Second by: Huerter.  
Vote: Unanimous Vote. Motion Carried.

Motion #3: to close the public hearing on Case #CU-2006-01.  
Motion by: Fox.  
Second by: Huerter.  
Vote: Unanimous Vote. Motion Carried.

Motion #4: to approve the request of Richard Fuller Properties to review and amend conditional use approval (Resolution #2006-01) to permit outdoor entertainment and recreational uses (volleyball) in conjunction with a principal use of entertainment and recreation when an indoor facility (hall/bar) is present, as filed under Case #CU-2006-01, subject to the following conditions:

1. The submittal of a scaled engineered site plan showing improvements and parking area development with specifications to meet county code and conditions below.
2. A six (6) foot sight obscuring fence shall be installed along the west and portion of the north lines of the

property. Said fence shall be constructed in cedar and or PVC material and maintained in good working order throughout the duration of the conditional use. The sight obscuring fence shall be constructed and inspected prior to the proposed construction or outdoor entertainment and recreational uses.

3. All outdoor entertainment and recreational uses shall cease at 10:30 P.M.
4. The parking lot shall have a minimum of eight nine (89) parking stalls, 2 of which shall be paved ADA, marked and inspected prior to use.
5. Parking shall be restricted to only the designated parking areas.
6. The ingress/egress for this conditional use shall comply with Section 503 of the International Fire Code:

### **SECTION 503 of the International Fire Code: FIRE APPARATUS ACCESS ROADS**

**503.1 Where required.** Fire apparatus access roads shall be provided and maintained in accordance with [Sections 503.1.1](#) through [503.1.3](#).

**503.1.1 Buildings and facilities.** *Approved* fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an *approved* route around the exterior of the building or facility.

**Exception:** The *fire code official* is authorized to increase the dimension of 150 feet (45 720 mm) where:

1. The building is equipped throughout with an *approved automatic sprinkler system* installed in accordance with [Section 903.3.1.1](#), [903.3.1.2](#) or [903.3.1.3](#).
2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an *approved* alternative means of fire protection is provided.
3. There are not more than two Group R-3 or Group U occupancies.

**503.1.2 Additional access.** The *fire code official* is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

**503.1.3 High-piled storage.** Fire department vehicle access to buildings used for *high-piled combustible storage* shall comply with the applicable provisions of [Chapter 23](#).

**503.2 Specifications.** Fire apparatus access roads shall be installed and arranged in accordance with [Sections 503.2.1](#) through [503.2.8](#).

**503.2.1 Dimensions.** Fire apparatus access roads shall have an **unobstructed width of not less than 20 feet** (6096 mm), exclusive of shoulders, except for *approved* security gates in accordance with [Section 503.6](#), and an **unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm)**.

**503.2.2 Authority.** The *fire code official* shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.

**503.2.3 Surface.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

**503.2.4 Turning radius.** The required turning radius of a fire apparatus access road shall be determined by the *fire code official*.

**503.2.5 Dead ends.** Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an *approved* area for turning around fire apparatus.

**503.2.6 Bridges and elevated surfaces.** Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to

carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the *fire code official*. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, *approved* barriers, *approved* signs or both shall be installed and maintained when required by the *fire code official*.

**503.2.7 Grade.** The grade of the fire apparatus access road shall be within the limits established by the *fire code official* based on the fire department's apparatus.

**503.2.8 Angles of approach and departure.** The angles of approach and departure for fire apparatus access roads shall be within the limits established by the *fire code official* based on the fire department's apparatus.

**503.3 Marking.** Where required by the *fire code official*, *approved* signs or other *approved* notices or markings that include the words NO PARKING—FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which *fire lanes* are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

**503.4 Obstruction of fire apparatus access roads.** Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in [Section 503.2.1](#) shall be maintained at all times.

**503.5 Required gates or barricades.** The *fire code official* is authorized to require the installation and maintenance of gates or other *approved* barricades across fire apparatus access roads, trails or other accessways, not including public streets, alleys or highways. Electric gate operators, where provided, shall be *listed* in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

**503.5.1 Secured gates and barricades.** When required, gates and barricades shall be secured in an *approved* manner. Roads, trails and other accessways that have been closed and obstructed in the manner prescribed by [Section 503.5](#) shall not be trespassed on or used unless authorized by the *owner* and the *fire code official*.

**Exception:** The restriction on use shall not apply to public officers acting within the scope of duty.

**503.6 Security gates.** The installation of security gates across a fire apparatus access road shall be *approved* by the fire chief. Where security gates are installed, they shall have an *approved* means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be *listed* in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

Based on the following finding of facts:

1. The subject property is located in the Class C-2 Zoning District. The Zoning Ordinance, adopted in conjunction with the Land Use Plan, stipulates that outdoor entertainment and recreational in conjunction with a principal use of entertainment and recreation when an indoor facility is present is a permitted conditional use in the C-2 Zoning District.
2. Old Lincoln Highway, which provides access to this property, and its existing traffic patterns, will not be negatively impacted by this conditional use.
3. The existing use of the property is a bar and hall with outdoor volleyball. The aforementioned conditions will minimize any potential adverse impact on adjoining properties.

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

## 5. ADJOURNMENT

Motion #4: to adjourn.  
Motion by: Jensen.  
Second by: Huerter.  
Vote: Unanimous. Motion carried.

