

**POTTAWATTAMIE COUNTY
BOARD OF ADJUSTMENT MINUTES
WEDNESDAY, JANUARY 26, 2022
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, Huerter, Leaders, Pierce, Anderson, Kay
Staff Present: Kalstrup

3. MINUTES

Motion #1: to approve the Minutes of December 22, 2021.
Motion by: Huerter.
Second by: Leaders.
Vote: Unanimous. Motion carried.

4. ELECTION OF OFFICERS

- Chairman
By acclamation, Genereux was elected Chairman of the Zoning Board of Adjustment for 2022.
- Vice-Chairman
By acclamation, Leaders was elected Vice-Chairman of the Zoning Board of Adjustment for 2022.

5. 2022 MEETING SCHEDULE and 2021 ROSTER WAS REVIEWED

6. 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-2022-01

APPLICANT: James – Susan Wheeler
REQUEST: Revise Conditional Use (#2016-05 approval to permit a commercial health club/cross fit gym).
TOWNSHIP: Garner
STREET: 19998 Perry Rd
ZONING: R-2 (Urban Transitional)
LEGAL DESCRIPTION: 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)

Motion #2: to open the public hearing on Case #CU-2022-01
Motion by: Anderson.
Second by: Huerter.
Vote: Unanimous Vote. Motion Carried.

Motion #3: to close the public hearing on Case #CU-2022-01.
Motion by: Leaders.
Second by: Huerter.
Vote: Unanimous Vote. Motion Carried.

Motion #4: to approve the request of James – Susan Wheeler for conditional use approval to Revise Conditional Use (#2016-05 approval to permit a commercial health club/cross fit gym), as filed under Case #CU-2022-01, 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, including running, must remain on the property.
3. The applicants shall annually provide a membership and class count to the Planning Department by January 1st of each year.
4. A. The gym hours shall be:
 - a. *5am to 7:30pm Monday through Friday.*
 - b. *8am to 2pm on Saturday and Sunday.*
- B. The class schedule shall be:
 - a. *5am, 6am, 11am, 12pm, 4:30pm, 5:30pm and 6:30pm Monday through Friday.*
 - b. *9am on Saturday.*
- C. The open gym schedule shall be:
 - a. *7am and 8am on Saturday.*
 - b. *8:30 am and 9:30 on Sunday.*
- D. Any necessary onboarding sessions shall only be conducted during the approved gym hours.
- E. All classes and open gym sessions shall be limited to 18 members.
5. Membership shall be limited to 125 people.
6. The applicants shall be allowed 3 special events per year (Murph, Ebertowski and CF). A portable toilet permit must be obtained by the Pottawattamie County Planning Department prior to the events. The events shall be limited to 100 people. During these special events, no classes or open gym sessions shall be held.

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.

Motion by:
Second by:
Vote:

Leaders.
Kay.
Ayes – Leaders, Huerter, Genereux, Anderson, Kay. Motion Carried.

5. ADJOURNMENT

Motion #5: to adjourn.
Motion by: Anderson.
Second by: Huerter.
Vote: Unanimous. Motion carried.

The meeting was adjourned at approximately 6:45 P.M.

APPROVED: _____
Mike Genereux, Chairman Date

ATTEST: _____
Matt Wyant, Planning Director
Planning & Development