

BOARD OF ADJUSTMENT MEETING MINUTES
Sergeant Bluff City Hall Council Chambers
May 28, 2020 at 5:30 PM

Meeting called to order by Clark at 5:30 PM

IN ATTENDANCE REMOTELY WERE:

Present: Clark, Johnson, Collins, Lindberg, Vondrak

Others Remotely present: James Colvert, Building Inspector
Sean Conlin, Applicant
Danny Christoffers, Secretary

On March 23, 2020, Mayor Winkel, as the presiding officer of the Council's meetings, and in light of the proclamation of emergency made by his office and the Governor's prohibition of community gatherings of more than 10 people, determined that all regular Board of Adjustment meetings going forward should be conducted by electronic means. The determination was due to the fact that an in person meeting was impossible or impractical due to the public health threat of the Novel Coronavirus 2019 ("COVID-19") as those who need to participate or may have interest to participate would result in a gathering of more than 10 people. For good cause, Board of Adjustment meetings in person were deferred until further notice and arrangements were made to complete the Board of Adjustment meeting electronically via teleconference call on May 28, 2020 at 5:30 p.m. An opportunity was provided to residents to call into the meeting or connect digitally through the Gotomeeting.com website. Directions for connecting to the electronic meeting were provided to the public through the Agenda which was posted pursuant to our usual procedures and further communicated by Facebook and the City website www.cityofsergeantbluff.com.

Additionally, it is noted that electronic meeting was authorized as a result of Gov. Reynolds State Public Emergency Declaration issue on March 20, 2020 which stated in Section Nine:

"Pursuant to Iowa Code § 29C.6(6), and at the request of the Iowa League of Cities on behalf of numerous local governmental bodies, I temporarily suspend the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, to the extent that the statutes could be interpreted to prevent a governmental body from holding the meeting by electronic means, provided that the governmental body properly notices the meeting or hearing and includes a telephone conference number or website address that permits the public to participate in the meeting or hearing. I also temporarily suspend those statutes to the extent they could be interpreted to prevent a governmental body from limiting the number of people present at an in-person location of the meeting, provided that the governmental body provides a means for the public to participate by telephone or electronically as provided in this section."

Approve Minutes of the Previous Meeting of March 4, 2020

A motion was made by Collins, seconded by Johnson to approve the minutes of March 4, 2020
All ayes, motion carried.

Public Hearing – Conditional Use Permit – 920 S Lewis Blvd (part of the lot located at 1000 S Lewis Blvd)

A Public Hearing was scheduled to consider a conditional use permit application submitted by Sean Conlin. The use type requested pursuant to Ordinance 165B.09 under the Land Use Categories/Matrix for ML (Light Manufacturing) is “Health clubs and spas, including YMCA’s and YWCA’s” which is “allowed upon approval of a conditional use permit.”

The proposed use would be to have a “Community based fitness and wellness facility.”

A motion was made by Lindberg, seconded by Johnson to open the public hearing at 5:34 pm.

Garry Clark read and reviewed the Conditional Use Permit application submitted by Sean Conlin.

Danny Christoffers said that there was no audience was present in the electronic teleconference. He said that he received no comments or questions except for the recommendation letter from the Planning & Zoning Commission.

James Colvert said that there have been some conflicts with the facility being in use while the Governors Proclamation ordered gyms to be closed. Those issues have been worked out. He would still recommend that the place of business be allowed in this location, it’s a great opportunity for residents to have this location to visit.

There was discussion about the type of outdoor exercise that would occur at this facility and whether or not there would be ADA compliant parking. Possible screening of the outdoor exercise area was considered in the discussion and the applicant said that the parking would be ADA compliant.

Garry Clark said that the conditions should be that ADA compliant parking and if there is an outdoor exercise area there should have a screened fence for the area along Highway 75.

A motion was made by Lindberg, seconded by Collins to close the public hearing at 5:52 pm.
All ayes, motion carried.

Garry Clark said that the Planning & Zoning Commission recommended this conditional use permit with conditions.

A motion was made by Johnson, seconded by Lindberg to approve the Conditional Permit Application submitted by Sean Conlin for a “Community based fitness and wellness facility.” which was requested pursuant to Ordinance 165B.09 under the Land Use Categories/Matrix for ML (Light Manufacturing) under “Health clubs and spas, including YMCA’s and YWCA’s” with the conditions that the applicant provided marked spaces that are ADA compliant and if an outdoor exercise area is established, screened fencing will be required to be installed within 6 months.

The permit would be for the area more generally described as 920 S Lewis Blvd (part of the lot located at 1000 Lewis Blvd) the parcel of land described as:

PARCEL NUMBER: 884730127002

EX NLY 500 FT OF AN IRREG TCT E OF HWY 75 NE NW AND N OF CO RD & E OF HWY 75 & EX TRI TCT @ INTERSECTION OF CO RD & HWY 75 BEING 77. 31' ON E X 75' ON W X 69.58' ON N SE NW 30-88-47

ROLL CALL VOTE: Lindberg- yes; Vondrak- yes; Collins- yes; Lindberg- yes; Clark- yes;
All ayes, motion carried.

A motion was made by Collins, seconded by Lindberg to adjourn the meeting at 5:56 pm.
All ayes, motion carried.

Danny Christoffers, Secretary

Garry Clark, Chairman