

**SERGEANT BLUFF, IOWA**  
**Planning and Zoning Commission Minutes**

Electronic Meeting, 6:00 PM

May 5, 2020

1. Chairperson/Vice-Chairperson to call meeting to order:
2. Roll Call:  
The

Attendee Name	Title	Status	Arrived
Michelle Colvert	Board Member	Remote	
Chad Kehrt	Chairman	Remote	
Anthony Lamb	Vice Chairman	Remote	
Mark Monson	Board Member	Remote	
Nicole Garber	Board Member	Remote	
Wayne Johnson	Board Member	Remote	
Glenda Moriarty	Board Member	Remote	
Kevin McGregor	Board Member	Remote	
Shawn Streck	Board Member	Remote	

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 Planning & Zoning 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, Planning & Zoning meetings in person were deferred until further notice and arrangements were made to complete the Planning & Zoning meeting electronically via teleconference call on May 5, 2020 at 6:00 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](http://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.”

3. Approval of the minutes:

1. Approve the March 03, 2020 Regular Meeting

Motion by Michelle Colvert second by Shawn Streck to Approve Planning and Zoning Commission - Regular Meeting - Mar 3, 2020 6:00 PM. Motion Carried. [Unanimous]

#### 4. Discussion and Action Items:

##### A. Public Hearing @ 6:00 pm - Conditional Use Application:

The Planning & Zoning Commission is considering a Conditional Use Permit application for a Community based fitness and wellness facility submitted by Sean Conlin for the area more generally described at 920 S Lewis Blvd (part of the lot located at 1000 Lewis Blvd).

##### 1. Open Public Hearing

A motion was made by Monson, seconded by Moriarty to open the public hearing at 6:07 pm.

All ayes, motion carried.

##### 2. Public Questions & Comments

The Planning & Zoning Secretary will ask any public in attendance via electronic/teleconference if they want to make any statements or ask any questions.

James Colvert said that Sean Conlin would like to put in a gym at the old A-OX building. He described the type of equipment that is currently there and layout of the building. This building is located in the ML (Light Manufacturing) district, this would be a conditional use in this district.

Mark Monson asked if the applicant of any arrangements for use with the school district?

James is not aware of those agreements.

Sean Conlin said that it will be Crossfit, preweight, strength and conditioning and there is a wrestling mat.

Danny Christoffers, said that he had mailed the notice of the Public Hearing to the property owners within 200 feet of the proposed location. He had also posted the notice in the normal locations and published it in the local paper. He received no questions or comments prior to the meeting. He then asked the digital audience if there were any questions or comments. No questions or comments were stated.

Shawn Streck asked about the possible future outdoor area.

Sean said that they were looking at possibly having an obstacle course.

Mark asked if this was a lease?

Sean said that it was a lease.

Glenda Moriarty asked if this was a public facility that would open to those who want to join.

Sean said that is correct.

Chad Kehrt asked James Colvert if one of the buildings on the property is a non-conforming use?

James explained that is correct, it became non-conforming when the new ordinance was adopted.

There was discussion about whether or not this was a significant change to the property which would require it to be brought into conformance. James read Zoning Ordinance 156A.26(2) which allows for the modification of a building as long as it doesn't create additional nonconformity. There was additional discussion about what makes a property nonconforming and at what point it requires an application to apply for a conditional use permit.

Glenda asked if there was sufficient parking?

James described the parking situation.

3. Close Public Hearing

A motion was made by Colvert, seconded by Streck to close the public hearing at 6:27 pm.

All ayes, motion carried.

**B. Commission Discussion and Vote:**

1. Roll Call Vote: Commission's Recommendation to the Board of Adjustments

Mark Monson asked if Southdale Nursery wanted to build an office, would they need to request a conditional use permit?

James Colvert described the parcels, he explained that any additional business would be subject to the ML (Light Manufacturing) zoning. Some businesses are conditional use.

There was discussion about whether or not the Commission wanted require that the property owner subdivide the property.

Chad Kehrt referred to required categories that need to be met to issue a Conditional Use Permit: Compatibility, Transition, Traffic, Parking and Loading, Signs and Lighting, and Environmental Protection.

Mark asked if they met all those categories?

James said that it did. He reviewed each category.

A motion was made by Lamb, seconded by Monson to recommend to the Board of Adjustments to approve the Conditional Permit Application submitted by Sean Conlin for a "Community based fitness and wellness

facility.” which is 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” with the conditions that the applicant provide adequate ADA (Americans with Disabilities Act) compliant parking and access. Also that any outdoor facility, now or in the future, be surrounded by an 8-foot fence with adequate screening.

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: Colvert- yes; Lamb- yes; Garber- yes; McGregor-yes; Streck-yes; Kehrt- yes; Monson- yes; Moriarty- yes; Johnson- yes;

All ayes, motion carried.

### C. Minor Subdivision Application:

1. Review and accept Minor Subdivision Application - Topaz Timbers

Chad Kehrt said that he will abstain from any votes because his employer worked on the project.

Craig Beedle, Veenstra & Kimm, described the location of the subdivision, the new owner purchased the lot as a whole. This was part of Outlat A Golden Flats addition, they want to separate it into five lots and sell those lots. He described the location of the current utilities.

Mark Monson asked about the size of Lot 1.

Beedle said that they would like to market that as one large lot but what will ultimately happen with it is unknown at this time.

Shawn Streck asked about the width of lot 2 & 3.

Craig Beedle described the dimensions.

Beedle said that this is being applied for by Kim Imming.

2. Set a Public Hearing Date to consider Minor Subdivision Topaz Timbers

A motion was made by Monson, seconded by Garber to accept the Minor Subdivision application for Topaz Timbers submitted by Kim Imming and set a public hearing date for June 2nd.

All ayes, motion carried.

5. Comments and updates by the Chairperson/Vice-Chairperson:

None.

6. Comments and updates by City Staff members:

James Colvert said that there is a possible new business by Bluff's Little Thinkers which would share a space with Jumpy Monkey Coffee with a wall built between.

7. Set date for the next Planning & Zoning Commission meeting:

A motion was made by Colvert, seconded by Johnson to set the next Regular meeting date to June 2nd.

All ayes, motion carried.

Glenda Moriarty said that she may not be at the meeting due to the election.

8. Adjourn:

A motion was made by Moriarty, seconded by Johnson to adjourn the meeting at 6:52 pm.

All ayes, motion carried.

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Danny Christoffers, P&Z Secretary

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Chad Kehrt, Chairman