



Approved

MINUTES

CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT REGULAR SESSION

4:00 p.m.

Thursday, August 25, 2011

City Council Chamber, Historic Federal Building

Board Members Present: Chairperson Mike Ruden; Board Members Randy Klauer, Jeff Cremer and Bill Gibbs; Staff Members Wally Wernimont and Guy Hemenway.

Board Members Excused: Board Member Heath Hutchinson.

AFFIDAVIT OF COMPLIANCE: Staff presented an Affidavit of Compliance verifying the meeting was being held in compliance with the Iowa Open Meetings Law.

CALL TO ORDER: The meeting was called to order by Chairperson Ruden at 4:00 p.m.

MINUTES: Motion by Klauer, seconded by Gibbs to approve the minutes of the July 28, 2011 meeting. Motion carried by the following vote: Aye – Klauer, Cremer, Gibbs and Ruden; Nay - None.

SPECIAL EXCEPTION

DOCKET 54-11: Application of Charlene Wiezorek for a special exception for property located at 1515 N. Grandview Avenue to build a 24 foot by 24 foot detached garage 1 foot from the front property line (Fillmore Street), 20 feet required, and 1 foot from the rear property line (alley), 6 feet required, in an R-1 Single-Family Residential zoning district.

Charlene Wiezorek, 1515 N. Grandview, said that she wants to tear down a garage that was built in 1926. She said that she believes that the notice was errant because she did not want to be 1 foot from the property line.

Staff Member Wernimont explained that the lot line location relative to the street. Ms. Wiezorek noted that the garage is deteriorated, leans and the doors do not function properly.

Connie Finger, 1553 N. Grandview said that she does not want the garage closer to the alley, so as to not inhibit access and snow removal.

Ms. Wiezorek noted that the existing garage is 8 feet from the alley.

Planning staff and the Board clarified the property line location as it relates to the paved portion of the alley.

Staff Member Wernimont outlined the staff report clarifying the request regarding the right-of-way, alley and property line locations.

Motion by Klauer, seconded by Gibbs, to approve the special exception request, with the condition that the garage be located 1 foot from side property line (alley) but no closer than the existing garage, whichever is more restrictive. Motion carried by the following vote: Aye – Klauer, Cremer, Gibbs and Ruden; Nay – None.

VARIANCE

DOCKET 55-11: Application of Zheng Ji Zheng for a variance for property located at 1433 Central Avenue to install a 100 square foot wall-mounted sign for a total of two wall-mounted signs, one wall-mounted sign allowed, in a C-4 Downtown commercial zoning district.

Zheng Ji Zheng, 1433 Central Avenue, said he wants to place a sign on the south wall of his structure at 1433 Central Avenue. He explained he would like to more effectively advertise his business.

The Board asked about the sign location. Mr. Zheng said the sign would be located in the south building wall adjacent to the gas station parking lot. He said his customers have a hard time finding his business. The Board discussed C-4 signage requirements.

Mr. Zheng stated the sign will not be lit. He said customers are having a hard time finding the restaurant. The Board discussed traffic circulation, noting people in vehicles along 14th Street could see the sign, but cannot turn north on Central Avenue.

Board Member Klauer asked about the square footage of the existing canopy sign. Staff Member Hemenway noted the existing sign is 60 square feet.

Board Member Klauer discussed the possibility of allowing a 40 square foot sign on the side. He noted that this would be a total of 100 square foot of wall mounted signage. The Board asked about a small sign on the building. Staff Member Hemenway explained that it is a directional sign. He said that the Board can require that the sign be removed as a condition of approval.

The Board discussed removing the projecting directional sign. Mr. Zheng said he did not oppose removing the sign.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report. He explained the sign regulations for C-4 Downtown Commercial zoning district. He explained that the Board has the ability to request that existing directional sign be removed as it would be redundant if the second wall-mounted sign were approved.

The Board discussed reducing the size of the sign to 40 square feet.

Motion by Klauer, seconded by Gibbs, to approve the variance request, with the condition that the sign be a maximum of 40 square feet in area and that the directional sign that reads "Chinese Food" be removed. Motion carried by the following vote: Aye – Klauer, Cremer, Gibbs and Ruden; Nay – None.

CONDITIONAL USE PERMIT

DOCKET 56-11: Application of USCOC of Greater Iowa LLC / Hohnecker Incorporated for a conditional use permit for property located at 2200 Kennedy Road to construct a 100 foot monopole for wireless services and associated equipment, in a C-2 Neighborhood Shopping Center zoning district.

Brian Ramirez, representing USCOC, said that they have modified the previous application and addressed concerns raised by the neighbors regarding aesthetics and property value. He outlined the request noting that they would like to construct a 100 foot high monopole. He discussed the surrounding land use.

The Board discussed the distance from the monopole to the nearest adjacent residences. Staff Member Wernimont used the submitted site plan to scale the distance from the pole to adjacent properties.

Mr. Ramirez discussed the topography of the site and noted their intention to plant additional landscaping including trees, to help screen the monopole from those properties directly adjacent to the subject lot. He said that the antennae array will be reduced in size and be flush mounted to create a more slim appearance. He showed photo simulations of the monopole from various perspectives. Mr. Ramirez said he had contacted the president of the condo association that spoke in opposition at the last meeting. He discussed property values in respect to tower locations and referred to a

cell tower in Cedar Rapids and a subsequent up-scale residential development. He said that the cell tower should not have a negative impact on property values. He showed a photo of a previous tower located near the proposed new tower site that existed prior to the condos being built. He said that USCOC has tried to co-locate at several locations. He discussed the existing tower located on Carter Road to the east of the subject property. He said the tower is needed to improve capacity and coverage.

Jeff Banaszek, RF Engineer for USCOC, explained that his job is to insure that there is reliable service for their customers. He said that USCOC has to keep up with demand and provide reliable service. He discussed coverage and capacity issues and propagation maps. He said that they use computer models, trouble tickets (which he said are customer complaints), and measured signal strength while driving the area, to determine needs. He said that the signals have to penetrate a wide range of building styles and materials.

Board Member Klauer asked about the propagation maps. Mr. Banaszek discussed increased data usage and demand over time. Mr. Ramirez discussed additional data technology needs. He discussed criteria G of the Unified Development Code (UDC) noting that there was an existing tower prior to the condos being built. He reiterated that there is a tower in close proximity to upscale houses in Cedar Rapids. He discussed Criteria H of the UDC noting that they will not be able to provide adequate service without the additional capacity.

Chairperson Ruden asked if property values of the Cedar Rapids homes were affected. Mr. Ramirez said that it would be difficult to gauge the impact given current economic realities.

Board Member Gibbs asked about the previous tower near the proposed site that was removed and Staff Member Wernimont discussed the tower history.

Coleen Whalen, 2305 Pasadena Dr., asked about the ability of the applicants to reapply. Staff Member Wernimont explained that when the Planning Services Department receives an application and fee, they are obligated to follow the process outlined in the Unified Development Code. He further explained that an applicant can reapply as many times as they choose. Ms. Whalen expressed concerns the impact the cell tower will have on the value of her property.

Mary Schlater, 2305 Pasadena Drive #65, expressed concerns with lightening.

Chuck Whalen, 2305 Pasadena Drive #67, spoke in opposition noting concerns with property value.

Bob Fink, 3232 Honeysuckle, said he works at Hohnkamp Krueger, and has very poor service coverage. He said he has had many dropped calls and cannot receive data.

Mr. Whalen said he gets good service with U.S. Cellular.

Staff Member Wernimont read into the record letters of opposition from Phyllis J. Mussehl, 2315 Pasadena Drive #69, Dianna Lewis- Baker, Pasadena Drive #68, Scott Klein, 3245 Asbury Road, and Harlan and Opal Turner, 2315 Pasadena Drive #70. The letters of opposition expressed concerns with property values, health effects and aesthetics.

Mr. Ramirez rebutted stating that property value would not be affected. He said they would be willing to table the request in an effort to provide additional information.

Staff Member Wernimont outlined the staff report confirming that the tower would not be lit. He asked the representatives for U.S. Cellular to discuss the potential lightning risk.

Kevin Hanes, U.S. Cellular, said that the cell tower is designed to handle being struck by lightning and that the electrical charge would be dissipated directly to the ground.

Staff Member Wernimont read Section 7-2.5 Conditional Use Permit criteria of the requirements for towers and antennas. He noted that the Zoning Board of Adjustment has the power to require stealth construction. He said that the applicants have provided additional photo simulations, downsized the antennae array, and provided additional site landscaping and screening.

Board Member Gibbs said that he would have a difficult time approving this request. He recommended that U.S. Cellular meet with the neighbors to resolve differences. He said that he thinks that the cell tower will affect property value.

Chairperson Ruden said that the monopole will not be in harmony with the neighborhood because of close proximity to the residences.

Board Member Klauer said that he feels the cell tower meets the criteria established for granting a conditional use. He said that the condominiums were built with an existing tower in place. He also said that neither U.S. Cellular nor the neighbors have proven that the tower will impact property values.

The Board discussed the potential affect of the tower on property values. They noted that they have not received any documentation on how the tower will impact said property values.

Ginger Wolf, U.S. Cellular. She said that they are willing to table the request.

Motion by Klauer, seconded by Gibbs, to table the request . Motion carried by the following vote: Aye – Klauer, Cremer, Gibbs and Ruden; Nay – None.

ITEMS FROM STAFF:

Staff Member Kritz presented information on the FEMA Flood Plain regulations. He referred to changes to the Flood Plain ordinance.

Staff Member Kritz requested a special meeting be held noting an accessory dwelling unit. He said they have been displaced because of mold. Chairperson Ruden spoke in favor of having a special meeting.

Motion by Gibbs, seconded by Klauer, to approve the request for a special meeting. Motion carried by the following vote: Aye – Klauer, Cremer, Gibbs and Ruden; Nay – None.

ADJOURNMENT: The meeting adjourned at 6:35 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner

Adopted—September 22, 2011