



Approved

**MINUTES
CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT
REGULAR SESSION**

5:00 p.m.

Thursday, April 27, 2017

City Council Chamber, Historic Federal Building

Board Members Present: Chairperson Jonathan McCoy; Board Members Keith Ahlvin, Jeff Cremer, Bethany Golombeski, and Joyce Pope; Staff Members Guy Hemenway, Kyle Kritz and Wally Wernimont.

Board Members Excused: Jonathan McCoy.

Board Members Unexcused: None.

CALL TO ORDER: The meeting was called to order by Acting Chairperson Cremer at 5:00 p.m.

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

MINUTES: Motion by Pope, seconded by Golombeski, to approve the minutes of the March 23, 2017 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Pope, Ahlvin, and Golombeski; Nay – None; Abstain – Cremer.

Docket 11-17/Special Exception (Tabled from 03/23/2017): Application of Trevor Hingtgen, 1359 Belmont Street, to build an attached carport two (2) feet from the south side property line and four (4) feet from the rear property line, six feet required for both setbacks in an R-2 Two-Family residential district.

Trevor Hingtgen, 1359 Belmont Street, said that he wants to build a carport adjacent to his existing garage. He said that he has poured an off-street parking pad along the side of the garage. He said that he will not build the carport at this time, but would like to build it in the future.

Marilyn Taylor, 1340 Alta Vista Street, spoke in opposition to the request. She had concerns with drainage and aesthetics of the carport.

Mr. Hingtgen rebutted, noting that he has made improvements to the property and plans on constructing a carport that will be aesthetically pleasing.

Staff Member Wernimont outlined the staff report. He noted the location of the proposed carport on the newly poured concrete parking pad. He said he visited the site during a rain storm, and storm water flowed from the site into the alley, down the alley and into the street. He said that the design of the carport will need to meet Building Code requirements.

Board Member Pope asked if the carport will meet the lot coverage requirements. He explained that the square footage of the buildings will be less than the required amount of lot coverage for the site.

Motion by Pope, seconded by Cremer, to approve the Special exception with the condition that storm water be directed away from the adjoining property. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope and Golombeski; Nay – None.

Docket 12-17/Conditional Use Permit (Tabled from 03/23/2017): Application of First American Site Acquisition, Inc. 800 Wacker Drive, to construct a monopole cell tower in a PC Planned Commercial District.

Acting Chairperson Cremer said that they would hear both Dockets 12-17 and 13-17 simultaneously and vote on each request separately.

Julie Shebec, representing First American Site Acquisition, Inc., said that they are proposing to build a 90-foot high monopole tower. She described the location of the cell site with respect to the existing development. She said they will be leasing the area and will screen the equipment cabinet with white vinyl fences. She referred to the cell tower design, noting that it will be a monopole construction. She said the tower site is necessary because the area is a hot spot with proximity to Kennedy Mall and other retail oriented businesses in the Highway 20/JFK corridors. She explained that a title search of the area noted they have an access easement across the adjoining property.

She addressed two letters of opposition that were included in the agenda packet and referenced at the meeting. She referred to a submitted tower design letter provided by Saber Industries, noting how the monopole would collapse in the unlikely event of a catastrophic failure.

No one spoke in opposition to the request.

Staff Member Hemenway referred to letters from Georgie Yiannis, adjoining property owner, and Shopko Real Estate Manager, both indicating they are in opposition to the request.

Staff Member Hemenway presented the staff report noting that the monopole is located in a commercial area. He explained the reasons for the required setback distances. He discussed the drop zone for the cell tower noting that it could fall onto the ShopKo

building. He said that he researched cell tower failures on the internet, noting that the majority of them are from girder and guidewire towers.

Board Member Ahlvin referred to the criteria for granting a variance. He noted the pole could theoretically be placed in the middle of the parcel and meet the required fall zone from the adjoining properties.

The Board asked why the applicant chose the location behind the existing building. Ms. Shebec discussed the alternative locations for the cell tower sites on the property. She indicated there were several conflicts with gas lines, traffic flow and access to the site.

Robert Decon, Engineer for Saber Industries pole designers, discussed the structural design of the pole. He said that they designed the pole to be stronger than normal.

The Board discussed the location and height of the pole. Board Member Ahlvin said that he felt that the pole can meet the fall zone requirements if it is relocated somewhere else on the site. He felt it does not meet criteria #3.

Board Member Pope asked staff about the setback requirement. Staff Member Hemenway explained that the setback is predicated on the height of the tower.

The Board discussed the location of the pole and the fall zone. The Board discussed the possibility of tabling the application to receive additional information.

Ms. Shebec requested that the Conditional Use Permit and Variance be tabled.

Motion by Pope, seconded by Golombeski, to Table Docket 12-17 Conditional Use Permit at the applicant's request. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope and Golombeski; Nay – None.

Docket 13-17/Variance (Tabled from 03/23/2017): Application of First American Site Acquisition, Inc., 800 Wacker Drive, to construct a 95-foot-high monopole cell tower, 24 feet maximum permitted, in a PC Planned Commercial District.

Motion by Pope, seconded by Golombeski, to table Docket 13-17 Variance at the applicant's request. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope and Golombeski; Nay – None.

Docket 15-17/Special Exception: Application of MV Residential Development, LLC, Northwest Corner of Alta Vista Street & University Avenue, to construct a 48-unit apartment building ten (10) feet from the front property lines along Alta Vista and University, 20 feet minimum required, and 48 feet in height, 40 feet maximum permitted in an OR Office Residential district.

Acting Chairperson Cremer noted that the applicant has withdrawn their application.

Docket 16-17/Sign Variance: Application of ProTint Inc. / BNZ Properties, 1074 Cedar Cross Road, to erect a 32-square foot free-standing off premise sign 175 feet from another free-standing off premise sign, 500 feet minimum required along a city street in an CS Commercial Service District.

Jason Kubitz, owner of ProTint, Inc. and BNZ Properties, located at 3060 Cedar Crest Court, explained his request to the Board. He said he would like to place a small off-premise sign at the corner of Cedar Crest Court and Cedar Cross Road on property owned by Fastenal. He said that he was previously located on the other side of Cedar Cross Road and that people are having a hard time finding his business at its new location. He said the small freestanding sign will help direct people from Cedar Cross Road down Cedar Crest Court to his location.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report. He discussed the request, noting the location of the sign and the separation requirements between off-premise signs. He explained that there is a multi-tenant off-premise sign located across Cedar Cross Road from the subject location that advertises the businesses located along the cul-de-sac. He said that, if approved, that the sign cannot be located in the visibility triangle at the intersection of Cedar Crest Court and Cedar Cross Road, and must meet SUDAS requirements for visibility.

The Board reviewed the request and felt it met the criteria for granting a sign variance.

Motion by Pope, seconded by Golombeski, to approve the sign variance as submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope and Golombeski; Nay – None.

Docket 17-17/Conditional Use Permit: Application of IPL (Interstate Power and Light Company), Lot 2 of Northern position of Lot 2 in “W. A. Norman Place”, to place a fence and grade in a designated flood plain.

Staff Member Kritz, representing the property owner (City of Dubuque), discussed the flood plain requirements. He noted the location of the proposed fence and the site grading. He said that a conditional use permit is required because the site is located in a Zone A with no established base flood elevations. He said that the grading will accommodate two concrete culverts to allow water to flow through a road crossing.

Cody Austin, Engineer with IIW Engineering, 4155 Pennsylvania Avenue, said he was available to answer any questions regarding hydrology.

The Board discussed the request and felt it was appropriate.

Motion by Pope, seconded by Ahlvin, to approve the Conditional Use Permit as

submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope and Golombeski; Nay – None.

Docket 18-17/Conditional Use Permit: Application of Lamar Advertising, 4029 Pennsylvania Avenue, to erect a 25-foot-high, 300 square-foot electronic billboard in an C-2 Neighborhood Shopping Center District.

Acting Chairperson Cremer noted that they will hear Dockets 18-17 and 19-17 simultaneously and vote on them separately.

Jim Schumacher, Lamar Advertising, discussed the request. He referred to the criteria for granting a conditional use permit, noting that the site is a commercial property. He discussed the topography of the site and the view shed to the adjacent residential properties. He noted that the electronic message component of the sign will face south and that the north sign face would be static and lit by a 98 watt LED bulb. He said that the sign will be located over 100 feet from the adjoining residential property. He said that due to the width of the Northwest Arterial right-of-way his request is to place the billboard closer to the roadway. He discussed the off-premise sign requirements and the differences between a property that is zoned C-2 Neighborhood Commercial Shopping Center District and C-3 General Commercial District. He referred to the variance criteria, noting that the distance to the highway creates a disadvantage if the 20-foot setback were to be required.

Gary Wilkinson, 4816 Embassy Court, spoke in opposition to the request. He said his property adjoins the subject lot. He said that his house sits down in a valley and will be below the sign. He expressed concerns with lighting and traffic and pedestrian safety at the intersection of Pennsylvania and the Northwest Arterial.

Merlin and Karen Meyer, 4817 Embassy Court, spoke in opposition to the request. They said they submitted a written letter to the Board. They expressed concerns with safety at the intersection of the Northwest Arterial and Pennsylvania Avenue. They said that the proposed billboard will distract motorists and may cause an unsafe situation at the intersection.

Jim Schumacher rebutted the comments noting that the lights on Lamar's signs are turned off at midnight.

The Board reviewed the letter submitted by the Meyers.

Mr. Schumacher addressed the concerns raised in the letter. He distributed an aerial photo of the site to the Board. He discussed the current screening of the site and the proposed sign illumination. He said the sign is located 100 feet from the nearest adjacent residential property and that the Unified Development Code only requires a 20-foot setback. He discussed the transition time of on premise electronic message signs relative to billboards. He also discussed the history of electronic message center

signs and the Technical Committee that approved them.

Mr. Meyer noted that the existing fence does not totally screen the site.

Mr. Wilkinson said that the submitted photo is skewed and that his house is actually closer than what appears on the image.

Staff Member Hemenway presented the staff report. He noted receipt of letters from Karen and Merlin Meyer and Lynn Doerr. He explained the C-2 Neighborhood Shopping Center regulations for off-premise signage noting that a conditional use permit is required. He said that there are other areas located along the Northwest Arterial that are zoned C-3 General Commercial, which allow taller signs with greater square footage. He said that the south face of the sign will be an electronic message center and the north face of the sign will be an illuminated static message. He explained the regulations for off-premise signs in a C-2 Neighborhood Shopping Center District. He noted that the proposed sign is over 100 feet from the residentially zoned property and over 170 feet from the nearest residence.

Board Member Pope asked if anyone has looked at the impact of electronic message signs and safety at intersections. Staff Member Hemenway reported that there is no study that he is aware of that has been done at that interchange with regards to off-premise sign impact.

Board Member Ahlvin asked what the grade change is between the sign and the bottom of the hill. Staff Member Hemenway said that it is about 33 feet.

The Board discussed the size of off-premise billboards located in other zoning districts along Highway 20, JFK, and University Avenue. The board discussed placing conditions on the sign lighting. They noted that a baffle over the source of illumination for the north sign face should be required.

Motion by Pope, seconded by Golombeski, to approve Docket 18-17 with the condition that light baffles be installed on the north face of the sign. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope and Golombeski; Nay – None.

Docket 19-17/Variance: Application of Lamar Advertising, 4029 Pennsylvania Avenue, to erect a 25-foot-high, 300 square feet billboard ten (10) feet from the east side property line (NW Arterial), 20 feet minimum required in a C-2 Neighborhood Shopping Center District.

Motion by Pope, seconded by Golombeski, to approve Docket 19-17 as submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope and Golombeski; Nay – None.

ITEMS FROM STAFF:

ITEMS FROM BOARD:

ITEMS FROM PUBLIC:

ADJOURNMENT: Motion by Pope, seconded by Golombeski, to adjourn the April 27, 2017 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope and Golombeski; Nay – None.

The meeting adjourned at 7:30 p.m.

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted