

**MINUTES**  
**ZONING BOARD OF ADJUSTMENT**  
**NOVEMBER 2, 2010**  
**5:30 P.M.**  
**CITY HALL COUNCIL CHAMBERS**

**Present:** Chairperson George Fisher, Larry Wolf, Rochelle Conway, Jane Reischauer, and Jim Edmond.

**Staff Present:** Steve Boka, Director of Community Development  
Stephanie Oien, Office Coordinator, Community Development

Chairperson Fisher called the meeting to order at 5:30 p.m. Fisher read the Mission Statement.

**Conditional Use Case No. 255, filed by Pearl City Lighthouse Foundation, to use the residence at 715 West 3<sup>rd</sup> Street as a group home for young adults and youth aged 15-24.** This case was moved to the beginning of the agenda as staff was informed the appellants wished to table the item to the next meeting. Boka noted that there was a clerical error in the meeting notices that were mailed to adjacent property owners. The notice referenced Grain Processing Corporation as the filing party. GPC has no direct interest in this request. Robin Phares and Nancy Wyckoff of Pearl City Lighthouse Foundation requested to table the appeal one month to have more time to raise funds and meet with neighbors. Edmond motioned to approve the request; second by Wolf. All ayes, motion carried. Edmond encouraged Phares and Wyckoff to hold a large meeting for residents near the home.

**Appeal Case No. 885, filed by John Kuhl for Grain Processing Corporation, to build an 8 foot fence and 16 foot wall around a portion of the perimeter of property owned by Grain Processing Corporation and Kent Nutrition Group, Inc.** John Kuhl, counsel for GPC, presented a slide show with information about the project. The proposed fencing will front on Kemper Street to Stewart Road and Oregon Street to Illinois Street. Much of this area already has fencing. The existing fencing is not sufficient to meet the Department of Homeland Security (DHS) requirements. The 16-foot wall will only be along the 1400 block of Oregon Street with much of it on the interior of GPC property. GPC's facility is regulated by DHS and the Coast Guard due to the type of products they produce. These entities require 8-foot fencing with points. GPC is required to restrict access so that there is no public entry to their property. Most of the proposed fencing is designed to be decorative and an improvement of the existing fencing. Fence design will emulate the Muscatine Riverfront fences. The 16-foot wall is intended to serve as a protective buffer to the neighborhood, traffic, and public during and after construction of a closed structure in the parking lot it will enclose. Construction of the structure will take place over a four (4) year time period. The wall should help limit distractions for traffic on Oregon Street. After construction it will serve as a redundant barrier, shielding the neighborhood from the lights and sounds of the building. The wall will be designed to replicate similar concrete walls in town and the proposed

fence pillars. Kuhl noted that the proposed fence and wall are beyond the six (6) foot height allowed by City Code so a variance is necessary for lawful use of the property. Fisher stressed that the fence height is required and that GPC is trying to provide an aesthetically pleasing solution. Steve Lawrence, 1607 Stewart Road, asked a few questions. First, Lawrence asked if the new building will be higher than the wall. Kuhl responded that it will be higher than the wall but shorter than the tall Maltron building already on-site. Second, Lawrence questioned what would be done to address existing dust and pollution problems. Kuhl replied that the new structure is designed to cut down emissions and odor from the facility. Lawrence then asked if the fence deteriorates will it be replaced. Kuhl answered that the wall is being designed as a permanent structure. Lawrence asked if there was to be sidewalk along the fencing. Kuhl stated that he was not aware of any plans for sidewalks at this time. He indicated that part of the stretch already has sidewalk. Terry Ballenger, 1211 Oregon Street, asked what the setbacks will be for the wall and the fence. Kuhl indicated that they will be set on the perimeter of the property line. Lawrence questioned what the distance was from the curb to the property line. Kuhl replied approximately 15 feet. Kas Kelly, 1548 Washington Street, stated that the six (6) foot fence requirement was established so the police department and fire departments could clear the fence. Kelly voiced concern about those departments being able to respond to calls. Fisher noted that federal law preempts city law. Kuhl stated that they work closely with the fire department and that there are multiple points of access. Kelly replied that people need to be able to exit the facility as well. Kuhl explained that there are multiple points of exit and entry on the campus. He stated that many safety drills are conducted with staff. Edgmond asked if the fence will be incorporated into safety plans. Kevin Garrison, safety director, replied that it would be added to the corporate security plan and emergency management. Boka noted that the fire department is in close contact with GPC and other facilities with closed access. He added that safety is being addressed. Joyce Haller, 1812 Sampson Street, voiced concern about potential maintenance of the fencing. Kuhl replied that the process plant that will be constructed is designed to limit pollution. He further explained that GPC has every intention of maintaining the proposed fencing. Wolf asked if the fence and wall, as presented, meet the requirements for a variance. Boka noted that the ordinance only allows for a 6-foot fence. Linda Hatfield, 1807 Stewart Road, asked if Federal requirements supersede City Code. Boka responded that GPC is trying to work with the city and property owners. He believed that Federal requirements would probably supersede City Code. Hatfield later asked if GPC could change their plans once they were approved. Boka replied that there will be a public record of the approval based on this meeting. Hatfield also asked if GPC was closing the street at Kemper. Kuhl indicated that there will be a gate at that location. Edgmond asked for clarification of the design plans. He stated that all of the information submitted was labeled "similar" or "proposed". He asked if the proposal would change once the final cost is known. Kuhl replied that GPC needed approval from the Board before moving forward. He suggested that the plans and pictures were submitted and part of record and that GPC should follow them. He acknowledged that there was a timing

issue and that they submitted the best information they could come up with in a short period of time. Boka noted that the submittal is a clear representation of the plan. Edgmond asked if there was a landscaping plan. Kuhl deferred to Bill Krisman. Krisman noted that they were looking at ornamental trees, shrubs, and grasses. Boka stated that plantings in the city right-of-way would have to be approved by the City. Reischauer asked why razor wire is required for the chain link fence. Garrison replied that it is 3-strand barbed wire and it will be an extension of the existing chain link fence. Wolf motioned to accept the request within the confines of material submitted at the meeting; second by Edgmond. All ayes, motion carried.

**Minutes:** Conway motioned to approve the minutes from the September 7, 2010, meeting; second by Wolf. All ayes, motion carried.

Adjourned.

Respectfully Submitted,

Steve Boka, Secretary  
Director of Community Development

ATTEST:

George Fisher  
Chairperson