

MINUTES
February 1, 2022 – 5:30 p.m.
Zoning Board of Adjustment
Muscatine City Hall – City Council Chambers

Present: Jodi Hansen, Larry Muray and Julie Wolf
Excused: Nancy Jensen and Robert McFadden
Staff: April Limburg, Planner, Community Development
Christa Bailey, Office Coordinator, Community Development

Chairperson Jodi Hansen opened the meeting at 5:35 p.m. and read the mission statement.

Minutes:

Julie Wolf motioned to approve the minutes submitted for the December 7, 2021 meeting; seconded by Larry Murray. All ayes, motion carried.

Conditional Use Case:

Conditional Use Case No. 19, filed by Buell Consulting on behalf of Parallel Infrastructure to allow the installation of a new 259 foot tall telecommunications tower. A conditional use permit application has been submitted per Section 10-30-9 of City Code.

Christy Eichorn was present on Buell Consulting's behalf to discuss the conditional use request. Ms. Eichorn explained that AT&T plans to utilize the proposed telecommunications tower which would be located on a property south of the Humane Society that is currently used for crop fields. Ms. Eichorn commented that prior to this meeting Buell Consulting went through the Site Plan Review process with the appropriate City departments and no issues were raised about the proposal besides a clarification that in order to place barbwire along the fence top, the fence needs to be at least 6 feet in height.

Siobhan Briley was present on behalf of SBA Communications Corporation to voice their opposition to the proposed tower due to a lease disagreement with AT&T for a tower that SBA Communications Corporation currently operates which is less than a half mile from the proposed location. Ms. Briley disputed the completeness of the conditional use permit application stating it was missing a signed statement and affidavit from the Federal Aviation Administration (FAA) providing their approval for the proposal so the Board cannot approve the conditional use permit with prior approval from the FAA. Ms. Briley also claimed the proposal does not meet all the necessary building and zoning code requirements including the tower not meeting the setback requirements according to its height of 259 feet.

April Limburg explained to the Board members that their determination should only consider whether the tower proposal meets all the necessary building and zoning code requirements and should not factor in the lease disagreement as that is a civil matter between AT&T and SBA Communications Corporation. Ms. Limburg then clarified that the conditional use permit application is indeed complete as Buell Consulting did provide the necessary approval documents from the FAA and the City Attorney, Matt Brick, also reviewed and verified that the application is complete as it met all his requirements. Ms. Limburg also explained that the setbacks SBA Communications Corporation calculated are incorrect as they based their calculation on the entire 259 feet but the tower structure is actually only 255 feet in height with a 4-foot antenna, which is considered an accessory unit to the tower structure, so the height of the accessory antenna unit should not be included in the setback calculation as that only needs to be based on the height of the tower structure. So according to the setback calculation based on the 255 feet the proposed tower location does actually meet the required setbacks.

Larry Murray motioned to approve the conditional use permit; seconded by Julie Wolf. All ayes, motion carried.

Meeting adjourned at 5:54 p.m.

ATTEST:

Jodi Hansen, Chairperson
Zoning Board of Adjustment

Respectfully Submitted,

April Limburg, Secretary
Planner I