

The Muscatine County Board of Adjustment met on Friday, July 13, 2018, at 10 a.m. in the Administration Building with Chairperson Carol Schlueter and members Emily Geertz, Tom Harper and Bill Tharp present, Carl Kleppe Jr. was absent. Eric S. Furnas, Planning & Zoning Director and Dixie Seitz, Office Administrator were also in attendance. The following requests were discussed and voted on:

Request: Case #18-07-01. An application has been filed by Muscatine Power & Water, Record Owners and Interstate Power & Light Company, Applicant. This property is located in Fruitland Township, East of Stewart Road in the SE¼ of Sec. 29-T76N-R2W, containing approximately 16.26 acres and is zoned R-1 Residential District. This request, if approved, would allow the Zoning Administrator to issue a Special Use Permit in order for the applicant to place a natural gas regulatory station on this property.

Attending: Matt Cramer and Dante Duits of Alliant Energy.

Motion: Tom Harper made a motion to approve the Special Use Permit as requested; Emily Geertz seconded the motion.

Vote: Ayes – 4; Opposed – 0; Absent – Carl Kleppe Jr. Motion approved, request approved.

Reasons for allowing Request: Electric substations, switching stations, and similar public utility facilities, including all equipment and structures necessary to permit their operation and use are under the Special Permitted Uses in the R-1 Residential District. Currently this site accommodates an electrical substation operated by Muscatine Power & Water. The proposed gas regulatory station would be in harmony with the current use of the property, which is an electrical substation.

Request: Case #18-07-02. An application has been filed by George M. or Janice H. Taylor, Record Owners and Interstate Power & Light Company, Applicant. This property is located in Fruitland Township, South of 57th Street in the NE¼ of Sec. 29-T76N-R2W, containing approximately 29 acres and is zoned R-1 Residential District. This request, if approved, would allow the Zoning Administrator to issue a Special Use Permit in order for the applicant to place a natural gas regulatory station on this property.

Attending: Matt Cramer and Dante Duits of Alliant Energy.

Motion: Tom Harper made a motion to approve the Special Use Permit as requested; Bill Tharp seconded the motion.

Vote: Ayes – 4; Opposed – 0; Absent – Carl Kleppe Jr. Motion approved, request approved.

Reasons for allowing Request: Currently this site is farm ground with an existing agricultural field entrance. This natural gas regulatory station is part of a new proposed underground gas line project traversing large parts of the area. These types of structures are minimal in size and scope and impact to surrounding property owners.

Request: Case #18-07-03. An application has been filed by Matt Daufeldt, Record Owner and BRT Group, LLC, Proposed Developers. This property is located in Wapsie Township South of Elder Avenue in the NE¼ of Sec. 23-T78N-R4W, containing approximately 22.98 acres and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Special Use Permit in order to permit the construction and operation of a new unmanned 195' telecommunications tower with accessory ground equipment located within a 100' x 100' leased area. On June 1, 2018, the Muscatine County Board of Adjustment tabled this request.

Attending: Dan Pflandler, Mike Howley, and Matt Daufeldt.

Motion: Emily Geertz made a motion to approve the Special Use Permit as requested; Bill Tharp seconded the motion.

Vote: Ayes – 4; Opposed – 0; Absent – Carl Kleppe Jr. Motion approved, request approved.

Reasons for allowing Request: While collocation of antennas to existing towers nearby would be the preference of Muscatine County, recent legislation at the State level appears to take away the local jurisdiction's authority to actually require it upon submittal of a sworn affidavit. The Muscatine County Attorney's Office has reviewed the State Code language and has advised that we cannot require collocation. The Board of Adjustment may make reasonable conditions to ensure the protection of the public health, safety and welfare as part of approval of Special Permitted Uses. However, due to the absence of setback requirements specific to cell tower siting, engineering was completed based on the setback that was originally submitted. The applicant has received the approval from the Muscatine County Engineer's Office for an alternate entrance location to serve this proposed tower.

MUSCATINE COUNTY BOARD OF ADJUSTMENT
By Eric S. Furnas, Planning & Zoning Administrator