

NORWALK BOARD OF ADJUSTMENT MEETING 01-15-2013

The Board of Adjustment meeting was held Tuesday, January 15, 2013 at Norwalk City Hall, 705 North Avenue, Norwalk, Iowa. Acting Chairperson Christin Grant called the meeting to order at 6:02 pm. Members present at roll call were: Chad Stevens, Steven Davidson and Christin Grant. Absent: Brent Hinders.

City Staff present were Mike Johnson, Director of Planning and Building and Shelley Heisdorffer, Development Services Assistant.

13-01 – Motion by Stevens and seconded by Davidson to approve the agenda. Approved 3-0.

13-02 – Motion by Davidson and seconded by Stevens to approve the minutes from the July 30, 2012 meeting. Approved 3-0.

The guests were welcomed and with no one wishing to speak the business portion of the meeting was opened.

With no old business on the agenda, the next item on the Agenda was new business Special use Permit Request Cell Tower 0 400 Legacy Parkway, The Legacy Plat 1 Lot 3.

Mr. Hinders arrived at the meeting at 6:05 p.m. Mr. Johnson introduced him to the Board since this was his first meeting since his appointment.

Mr. Johnson explained to the Board that Steve Ward from Ward Development Services, LLC was in attendance and would be representing AT&T in this matter. Mr. Johnson informed the Board that this item was taken to the Planning and Zoning Commission first, which is required by the ordinances. The Planning and Zoning Commission cannot make a decision, but can offer comments to the Board to consider in making their decision.

AT&T has requested Special Use approval from the Board of Adjustments to construct a communications tower in the Legacy development. The tower would be located at the rear of the existing maintenance facility of the Legacy Golf Club along Legacy Parkway.

The tower as proposed would be 120' tall and include an accessory structure to house all electrical and computer equipment. The tower, if approved, would be owned and operated by AT&T under a lease granted by the Legacy Golf Club.

Mr. Johnson informed the Board that upon review of the application and site plans, several observations can be made:

- The nearest residential structure is located approximately 240 feet to the south and 300 feet to the east.
- That proposed tower is set back from all property lines more than the proposed height of 120 feet.
- The surrounding structures are outside of the "fall-zone" of the proposed tower.
- The approval of the request would not endanger the public safety or general welfare of the community.

Mr. Johnson noted that although it is not required by the staff or the Board, Mr. Johnson notified residents in a 240' radius of the tower. The required publication was also in the local newspaper for residents to view. The City did not receive comments from any residents on this item.

Steve Ward, Ward Development Services, LLC, 15 Park Place Professional Centre, Swansea, IL spoke representing AT&T. This would be a non-lit cell tower. It is not required by the FAA to light the tower since there will not be an American Flag flying on it. The road to the tower shows on the plans as a gravel road, but it will be hard surface road. There will be a fence surrounding the complex and landscaping on two of the four sides.

Dave Brommel, 2692 Park Place spoke asking Mr. Ward if this would strictly be a cell phone tower and would not be wi-fi. Mr. Ward explained that it is strictly for cell phone use. Wi-fi equipment would not fit inside of a tower such as this.

Mr. Hinders asked how wide the coverage area would be once this tower was in service. Mr. Ward said it would cover all of Lakewood and Legacy. The intent of a tower such as this is to cover home cell phone usage, not highway usage.

Mr. Johnson went over the Planning and Zoning Commission comments for the Board:

- That the tower be painted a neutral color.
- That the Board consider additional notification of area residents.
- That additional carriers be required to co-locate on the proposed tower.
- That the access drive be paved in accordance with Municipal Code.
- That the tower be removed promptly after its useful life.
- That there was some concern about the safety level of the area residents from the radio frequencies from the tower.

Mr. Stevens questioned Mr. Ward as to what the equipment shelter would be constructed of. Mr. Ward said it would be a concrete exterior with a flat roof and would also house a security light with a motion sensor. Mr. Ward also noted that the exterior is something they would work with the Board on if they wanted a different material. They are happy to work with the staff and Board on any of the aesthetic conditions. Mr. Johnson said that staff would suggest the siding and the fencing match the architectural standards of the Legacy Clubhouse.

The Public Hearing was closed and information was discussed by the Board.

13-03 – Motion by Davidson and seconded by Stevens to approve Special Use Permit – Cell Tower – 400 Legacy Parkway, The Legacy Plat 1 Lot 3 with the following conditions:

1. The applicant submits an Iowa Engineers structural certification of the tower prior to the issuance of a building permit.
2. The applicant submits appropriate FCC and FAA documentation to the City prior to the issuance of a building permit.
3. That the tower be painted in a neutral color.
4. That the access road to the compound be paved in accordance with Municipal standards.
5. That no modifications to the tower be made without Board of Adjustment review and approval.
6. That the tower be removed and the site be returned to its existing condition within 120 days after its use is vacated.
7. That the building/shed and fencing match the architectural standard of the Legacy Clubhouse building.
8. That staff and applicant agree upon landscape buffer plan.

Approved 4-0.

13-04 – Motion by Stevens and seconded by Hinders to adjourn meeting at 6:48 p.m. Approved 4-0.

Christin Grant, Acting Chairperson

Mike Johnson, Director of Planning
and Building