

Minutes - Woodbury County Board of Adjustment Meeting October 02, 2006

The meeting convened on the 2nd of October, 2006 at 7:00 PM in the Board of Supervisors Meeting Room in the Court House, Sioux City, Iowa. Present were the following Board members: Willard B. McNaughton serving as Chairperson, Corey Meister, Russell Walker, and Robert Brouillette; Kenneth Gard was absent. Zoning Administrator John Pylelo and Peggy Napier were also in attendance. Present from the public were Robert J. Agnes, Cynthia K. Agnes, Mark Schram, Jerry Wilke, Dale Erickson, and Charlie Bechtold. The Chairman informed those present the meeting was being audio taped.

The first agenda item was approval of the previous meetings.

Minutes of the August 7th, 2006 Board of Adjustment meeting were approved on motion by Mr. Walker; seconded by Mr. Meister; motion carried.

The next agenda item is a variance consideration for Robert J. and Cynthia K. Agnes.

Mr. and Mrs. Agnes own property known as 4215 Old Lakeport Rd. in the NE ¼ of Section 17 of Woodbury Township. The property's parcel is assigned GIS# 8847 17 126 013 and is located at the northwest corner of the intersection of Southern Hills Drive/Elk Creek Road and Old Lakeport Road/Christy Road just east of the corporate limits of the City of Sioux City. The parcel is 0.59 acres in area, triangular in shape and is abutted by Old Lakeport Road to the northeast and Southern Hills Drive to the south.

The Agnes' wish to place a 17' by 15' addition upon the southwest side of their one story, ranch, single family dwelling after removing the existing 20' by 14' porch. They are requesting up to a 15' rear set back variance for the parcel's primary structure.

Data pertinent to your deliberation is as follows:

Parcel's Zoning District:	R-10 (Suburban Residential)
Ordinance required front and rear setbacks for parcel's primary structure:	35'
Closest Distance of the proposed structure from ROW along Southern Hills Drive	22'

The six (6) adjacent property owners have been notified. To date there have been the following responses:

NONE

Due to its close proximity the City of Sioux City has been contacted for comment. The Agnes' use of the parcel and the structures thereon are permitted within the R-10 zoning district designation.

This is the end of Mr. Pylelo's comments.

Motion was made by Mr. Brouillette to approve the Agnes' request for a rear setback variance, seconded by Mr. Meister; motion carried.

The next agenda item is a public hearing and the consideration of a Conditional Use Permit for construction of a telecommunication tower to be owned by S&C Structures of Ponca, Nebraska.

This hearing is warranted as telecommunication towers are not a permitted use within the AG zoning district. The conditional use permit applicants are property owners Doyle and Virginia Smith and proposed tower owner S&C Structures, Inc. represented by Mr. Richard L. Coan and Mr. Charlie Bechtold of Rose Engineering. The proposed location is zoned AG (Agricultural) and is not within any floodplain.

S&C Structures, Inc. has entered into an option agreement with the Smiths to purchase a 5.7 acre parcel (500' by 500') and a twenty foot (20') wide access/egress easement leading from an existing field entrance access point on the south side of U.S. Hwy 20.

The tower's proposed construction site lies within a 60.54 acre parcel known as GIS 8846 02 200 001: parcel # 810825 lying within the NW ¼, NE ¼ of Section 02, Floyd Township which is approximately 0.5 miles east of Lawton, south of U.S. Hwy 20 between Emmett and Fayette Avenues. No structures exist upon the parcel at this time.

(Mr. Pylelo showed the Board and public an aerial view of the proposed location for the tower.)

The tower's precise proposed location is at coordinates – Latitude 42° 28' 26"; Longitude 96° 09' 41". The closest occupied structures and their location respective to the tower's base are those owned by:

- Delbert and Louis McNaughton at 2230 Hwy 20 approximately 1800' west.
- Allan D. Bibler at 1637 Fayette Avenue approximately 2600' southeast.
- Larry and Erline J. McNaughton at 1575 Fayette Avenue approximately 2600' northeast.

S&C Structures, Inc. proposes to construct up to a 250' guyed wired telecommunications tower Sabre Communications Model 3600SRWD. The tower will be centered within the 500' by 500' proposed parcel and within a 50' by 50' enclosed area, with secured gating with chain link fencing 6' in height capped with 3 strands of barb wire. The enclosed area will provide for up to five (5) 10' by 12' locations for future shelters or concrete pads.

Guyed anchor points will be placed at three (3) other separate locations approximately 200' from the towers base with each located within 10' by 30' enclosed area, with secured gating and enclosed with chain link fencing 6' in height capped with 3 strands of barb wire. The tower will include the capacity for multiple antennae installation as yet undetermined elevations. A lightning rod and aviation beacon will cap the tower. Proposed lighting is to be installed pursuant to FAA requirements and the applicant has been made aware of Woodbury County's dual lighting requirement restricting dusk to dawn white strobe lighting.

The tower is intended to provide enhanced telecommunications signals for multiple unknown carriers along the U.S. Hwy corridor, the City of Lawton and the surrounding area.

Long Lines Wireless, LLC has entered into negotiations toward leasing space for antennae and equipment placement upon the proposed tower. Longline's antennae would be placed at the 190' elevation. Mr. Jerry Wilke, site acquisition manager for Long Lines Wireless, LLC, has executed an affidavit stating there are no viable collocation opportunities for his company within a one mile distance of the proposed site. Frequencies anticipated to be used by Long Lines Wireless, LLC would 1930 MHZ inbound and 1990 MHZ outbound. Details for future tower antennae transmission frequencies cannot be determined at this time.

For co-location analysis attached is mapping of existing towers within the area including towers or other support structures within one (1) mile of the proposed tower location.

In addition to the standard tower development permit documentation provided by the office of Planning and Zoning you will find included in your reference materials copies of the following provided as attachments to the application:

- Land Purchase/Option Agreement
- Co-location Affidavit from long Lines, LLC
- Letters from Doyle Smith, Lawton Bronson Community Schools and Long Lines Wireless
- Aerial Mapping

(As an addendum since the packets went out, the Planning and Zoning Department has received two more pieces of correspondence. Each of your Board members has been provided a copy. One is dated September 27th from Mr. Robert L. Morrison, Superintendent of Lawton/Bronson Schools, and another from S&C Structures, the tower owner, dated September 28th. To paraphrase what those say is the understanding by all parties that if this tower would be approved, two existing towers in Woodbury County would be taken down. Mr. Pylelo intended to get into the details of that after some of the testimony.)

- Construction Documents including Location Mapping, site plan, topography mapping, etc.
- Specifications for foundations of tower base and guyed wired bases
- Guyed Tower Specifications for Sabre Model 3600SRWD
- Telecommunication Tower Photo Simulation

As of this date the required FAA Determination Letter has not been submitted. It is anticipated the applicant will provide the letter prior to or at your meeting. (As of this meeting the letter had not

been received. Mr. Pylelo recommended should your Board looked at approval of this tower, it be conditioned upon that FAA Determination letter being presented.)

The three hundred ten (310) property owners within 5,280 feet of the parcel have been notified along with impacted City, County and State agencies including the City of Lawton, The County Engineer's Office, the Communications Center, The Office of Disaster and Emergency Services, The Iowa Department of Transportation, Sioux Gateway Airport and any known local airports. As of the date of mailing there have been no responses.

Onsite visits are appreciated.

Mr. Pyelo presented a 360° photograph taken from the proposed tower's location.

Chairman McNaughton made the public present for the tower aware that since all members of your Board were not present those present had the option to table the meeting for a month until all members were present. There needed to be three (3) affirmative or negative votes from four or five members.

Mr. Schram explained to your Board the necessity for the new tower. Doyle's radio tower would be relocated on the new tower as well as the antennae for the Lawton public school buses. Mr. Schram also accepted responsibility for dismantling and removing Doyle's tower and the existing tower the Lawton school is currently using.

Chairman McNaughton initiated discussion on the necessity for additional towers in Woodbury County. He was against any more new towers than were absolutely necessary. Mr. Wilkes, Mr. Schram and Mr. Bechtold participated, explaining what areas the signal would cover, how many co-location positions would be available, what future need might or might not be, and which towers would be removed.

It was discovered the tower that was to be on Mr. and Mrs. Witt's property had never been built and the 120 days in which they need to begin construction has expired.

Mr. Erickson from Lawton Public School explained what his needs would be and what preparations and arrangements had been made for moving to a new tower. It was decided the old tower would not be removed until after the school's antennae had been placed on the new tower and was functioning. He also commented on Verizon's lack of activity on their tower plans.

Motion was made by Mr. Brouillette to approve request for a Conditional Use Permit subject to the following three (3) conditions:

- **Dual lighting on the tower which will provide red flashing rather than white strobe lighting from dusk to dawn**
- **Relocation of certain antennae of the Lawton Bronson Community Schools and private two way radio antennae of Doyle Smith to the above referred approved tower; and within 180 days of the newly approved tower's operation date the legal demolition of the towers from which the above antennae were relocated**

- **Obtaining a favorable determination of no hazard to air navigation letter from the Federal Aviation Administration (FAA) on the newly approved tower and providing a copy thereof to the Woodbury County Office of Planning and Zoning. All conditions in said FAA determination letter shall be conditions herein including but not limited to the marking and/or lighting in accordance with FAA Advisory Circular 70/7460-1 K, Obstruction Marking and Lighting, a med-dual system – Chapters 4, 8 (M-dual), and 12.**

The motion was seconded by Mr. Meister; motion carried.

Mr. Meister made a motion to adjourn; seconded by Mr. Walker. Motion carried.

Meeting adjourned 8:15 PM.