

# ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, JANUARY 10, 2019; 4:00 PM

CITY HALL COUNCIL CHAMBERS 226 WEST 4TH STREET DAVENPORT, IOWA 52801

THE ZONING BOARD OF ADJUSTMENT IS A QUASI-JUDICIAL BOARD WHICH  
REVIEWS APPLICATIONS REGARDING CRITERIA FOR GRANTING OF SPECIAL  
USE PERMITS, HARDSHIP VARIANCES, SPECIAL EXCEPTIONS AND APPEALS TO  
INTERPRETATION OF THE ZONING CODE.

I. Call to Order

II. Secretary's Report

A. Consideration of the minutes from the 12/27/18 public hearing.

III. Old Business

IV. New Business

A. Request SUP18-02 of Metro Fibernet, LLC at 4700 Tremont Avenue for a special use permit for a proposed 88-foot communication tower/pole. The pole will be a receive-only antenna for internal communications and is not for cellular/mobile phones. The subject property is zoned "M-1" Light Industrial District.

Section 17.49 of the Zoning Ordinance allows the Board of Adjustment to grant a special use permit for a wireless communication towers. [Ward 7; Alderman Matson]

V. Other Business

VI. Adjourn

City of Davenport  
Zoning Board of Adjustment

Department: CPED

Contact Info: Scott Koops sek@ci.davenport.ia

**Date**  
**1/10/2019**

Subject:

Consideration of the minutes from the 12/27/18 public hearing.

ATTACHMENTS:

Type	Description
▯ Cover Memo	ZBA Minutes 12-27-18

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	1/4/2019 - 9:00 AM



**MINUTES**  
**City of Davenport**  
**Zoning Board of Adjustment**  
**December 27, 2018**



The Zoning Board of Adjustment came to order at 4:00 P.M. in the first floor Council Chambers at City Hall, 226 W. 4<sup>th</sup> Street, Davenport, Iowa.

**I. Secretary's Report:**

Roll Call: Present: Reistroffer, Strayhall, Lee. Excused: Hart, Cochran. Staff: Flynn, Hoyt

The minutes from the 7/12/18 public hearing were approved following a motion by Strayhall and a second by Lee.

**II. Old Business:**

None.

**III. New Business:**

1. Request HV18-03 of David Howard on behalf of Ron O'Tool at 1301 Harrison Street for four Hardship Variances: an increase the height of a freestanding monument sign, an exceedance of the allowed area, a pole sign, and an encroachment into the required sign setback. The proposed sign will be approximately 10 feet tall, will be a pole sign (vs. a monument sign), and will be approximately 4 feet from the from the Harrison Street property line and on/at the 13<sup>th</sup> Street property line. The property is zoned "C-2" General Commercial – Hilltop Campus Village Overlay District (HCVOD).

Section 17.07.050 of HCVOD of the Davenport Municipal Code limits business signs in this District with HCVOD standards to 6 feet in height, 36 square feet in area, a monument style sign, and 17.45.070 requires a 10 foot setback for both front property lines. [3<sup>rd</sup> Ward; Ald. Meginnis]

Flynn gave the staff presentation.

Findings:

Per the analysis above:

- Item #1 reasonable return has not been met for the granting of a hardship variance;
- Item #2 unique circumstance has not been met for the granting of a hardship variance;
- Item #3 essential character has not been met for the granting of a hardship variance;
- Item #7 property values has not been met for the granting of a hardship variance;

Recommendation:

Staff recommends denial of the request as the application does not meet the requirements and grounds for a hardship variance.

David Howard, Ron O'Toole and Scott Tunnickliff spoke in favor of the request.

Motion by Strayhall, seconded by Lee to accept the findings and to approve the hardship variance request. Vote to approve was as follows: Strayhall, no; Lee, no; Reistroffer, yes. Motion to approve failed.

- IV. Adjourn:** The meeting adjourned at 4:50 p.m. following a motion by Strayhall and a second by Lee.



City of Davenport  
Zoning Board of Adjustment

Department: CPED  
Contact Info: Scott Koops, AICP, Planner II  
sek@ci.davenport.ia.us

**Date**  
**1/10/2019**

**Subject:**

Request SUP18-02 of Metro Fibernet, LLC at 4700 Tremont Avenue for a special use permit for a proposed 88-foot communication tower/pole. The pole will be a receive-only antenna for internal communications and is not for cellular/mobile phones. The subject property is zoned "M-1" Light Industrial District.

Section 17.49 of the Zoning Ordinance allows the Board of Adjustment to grant a special use permit for a wireless communication towers. [Ward 7; Alderman Matson]

**Recommendation:**

**Findings:**

The location, design, and construction of the proposed pole meet the requirements of the SUP.

**Recommendation:**

Staff recommends approval of the request.

**Background:**

The subject property is zoned "M-1" and is a vacant lot in an industrial area. The public works and 911 call center are across Tremont Ave. to the east.

**Discussion**

The petitioner is proposing a 70-foot tall guyed tower with an external array. The tower is to be located approximately 1,000 feet from nearest dwelling (on agricultural land).

All setback and fall zone requirements have been met. No lighting has been proposed nor is any required.

**Filing Requirements**

The petitioner has met all pertinent filing requirements.

**Analysis**

1. Location/design/construction: The petitioner has proposed construction of a 88-foot tower. The tower site would be located at the northeast corner of the parcel. See the attached site plan.
2. Light and air: The proposed tower has a relatively low profile; the proposed tower would not impact the availability of light and air to any of the adjacent structures or properties.
3. Traffic congestion: Typical maintenance of the proposed tower should not have a detrimental impact on congestion in the streets.
4. Property values: The proposed use should not have negative effects on the light and air of

given the industrial location. The proposed tower shall not have a negative effect on property values.

5. Comprehensive plan: The Zoning Ordinance allows for the review of similar requests. A wireless tower may be permitted in this district if the special use permit request meets the permitting requirements.

ATTACHMENTS:

Type	Description
▢ Cover Memo	Staff Report
▢ Exhibit	Application
▢ Exhibit	Notice List
▢ Exhibit	Map
▢ Exhibit	Notice Letter

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	12/19/2018 - 9:16 AM



City of Davenport  
Community Planning & Economic Development Department  
**STAFF REPORT**

## ZONING BOARD OF ADJUSTMENT

**Meeting Date:** January 10, 2019  
**Request:** Special Use Permit – New Communications Tower  
**Address:** 4700 Tremont Ave  
**Applicant:** Metro Fibernet, LLC

### Description

Request SUP18-02 of Metro Fibernet, LLC at 4700 Tremont Avenue for a special use permit for a proposed 88-foot communication tower/pole. The pole will be a receive-only antenna for internal communications and is not for cellular/mobile phones. The subject property is zoned "M-1" Light Industrial District.

Section 17.49 of the Zoning Ordinance allows the Board of Adjustment to grant a special use permit for a wireless communication towers. [Ward 7; Alderman Matson]

### Background

The subject property is zoned "M-1" and is a vacant lot in an industrial area. The public works and 911 call center are across Tremont Ave. to the east.

### Discussion

The petitioner is proposing a 70-foot tall guyed tower with an external array. The tower is to be located approximately 1,000 feet from nearest dwelling (on agricultural land).

All setback and fall zone requirements have been met. No lighting has been proposed nor is any required.

### Filing Requirements

The petitioner has met all pertinent filing requirements.

Item	Status
1. site plan	In Compliance
2. plat & lease	In Compliance
3. inability to co-locate	In Compliance
4. co-location capability	n/a
5. planned coverage	n/a
6. FCC conformance	In Compliance
7. EA	n/a

Item	Status
8. liability insurance	In Compliance
9. landscaping	In Compliance
10. fencing	In Compliance
11. setback	In Compliance
12. photos (existing)	In Compliance
13. photos (after)	In Compliance
14. hold harmless	In Compliance
15. fall zone	In Compliance

## Analysis

1. Location/design/construction: The petitioner has proposed construction of a 88-foot tower. The tower site would be located at the northeast corner of the parcel. See the attached site plan.
2. Light and air: The proposed tower has a relatively low profile; the proposed tower would not impact the availability of light and air to any of the adjacent structures or properties.
3. Traffic congestion: Typical maintenance of the proposed tower should not have a detrimental impact on congestion in the streets.
4. Property values: The proposed use should not have negative effects on the light and air of given the industrial location. The proposed tower shall not have a negative effect on property values.
5. Comprehensive plan: The Zoning Ordinance allows for the review of similar requests. A wireless tower may be permitted in this district if the special use permit request meets the permitting requirements.

## Findings & Recommendation

### Findings:

The location, design, and construction of the proposed pole meet the requirements of the SUP.

### Recommendation:

Staff recommends approval of the request.

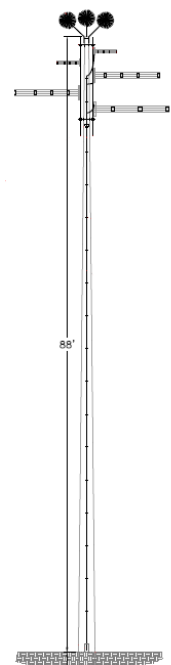
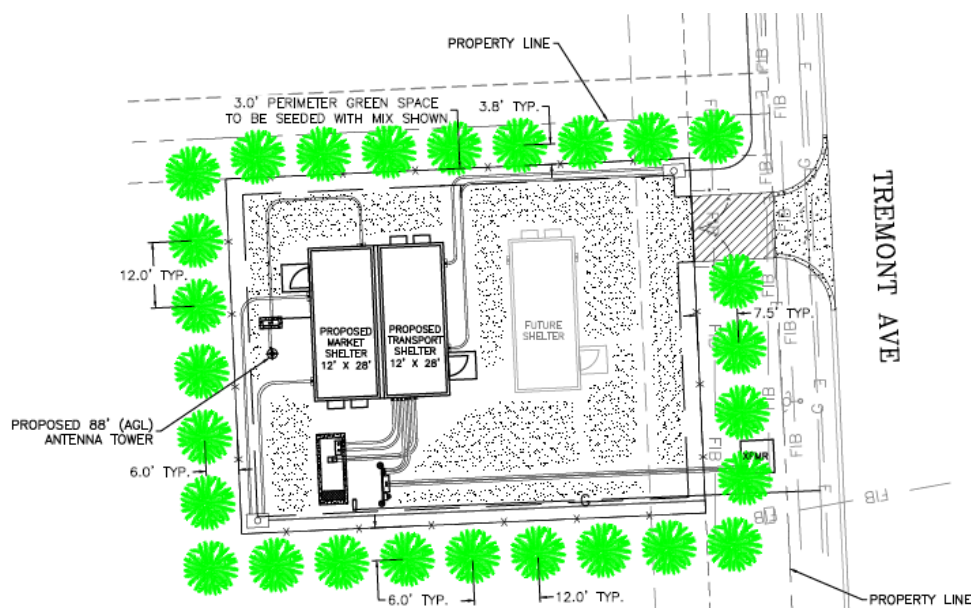
Prepared by:

*Scott Koops*

Scott Koops,  
Planner II

Attachments: Aerial Map, Site Plan Submitted by the Petitioner, Application, Notification Map, Exhibits

## Tower Site





**CITY OF DAVENPORT  
ZONING BOARD OF ADJUSTMENT**

**REQUEST FOR A SPECIAL USE**

**\$1,000 Filing Fee**

**FOR OFFICE USE ONLY**

Received by \_\_\_\_\_

Date Received \_\_\_\_\_

Hearing Date \_\_\_\_\_

Case No. \_\_\_\_\_

Premises Affected – Address or Legal Description: 4700 Tremont Ave., Davenport, IA (Parcel #P1214-02)

APPELLANT – Name: Metro Fibernet, LLC

Address 3701 Communications Way, Evansville, IN

Zip Code: 47715

Phone #: 812-213-1079

EMAIL: matthew.oconnor@metronetinc.com

OWNER – Name: Metro Fibernet, LLC

Address: 3701 Communications Way,  
Evansville, IN

Zip Code: 47715

Phone #: 812-213-1079

EMAIL: matthew.oconnor@metronetinc.com

**DESCRIPTION OF REQUEST: Proposed Wireless Tower**

**DESCRIPTION OF THE CASE – On a separate attachment, DESCRIBE THE CASE WITH EVIDENCE THAT SUPPORTS THE FOLLOWING REQUIREMENTS:**

1. The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare.
2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
3. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

ATTACHED HERETO AND MADE A PART OF THIS APPEAL, I SUBMIT THE DRAWING(S), showing all conditions as to structures or premises affected by this appeal.  
(Note: These attachment(s) must be submitted with the appeal.)

Applications must be filled out completely, an incomplete application may be returned and result in an unnecessary delay. The applicant or a representative able to act on your behalf, are requested to attend the public hearing/Board meeting.

I, the undersigned, do hereby certify that the above information is true and correct to the best of my knowledge and that I have read, understand, and agree to comply with the conditions as stated above.

Lohn Weber, Chief Financial Officer

12-5-18

December 5, 2018

Sworn to before me, this

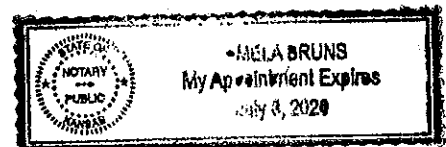
5<sup>th</sup>

day of

December

, 20 18.

Signature of Notary



Metro FiberNet, LLC  
CITY OF DAVENPORT  
ZONING BOARD OF ADJUSTMENT  
REQUEST FOR A SPECIAL USE

ATTACHMENT

**DESCRIPTION OF THE REQUEST:** MetroNet is requesting a special use permit to install a proposed wireless antenna tower adjacent to our network shelter located at 4700 Tremont Avenue. The tower is a steel pole with a planned height of 88' above ground level. Five UHF antennas will be attached to the pole to receive off-air local broadcast television channels. These television channels will be included in MetroNet's IPTV basic subscription television offering distributed over MetroNet's fiber to the home network currently being constructed in the Davenport and Bettendorf urban area. MetroNet does not offer any wireless services and there will be no antenna's mounted to the pole to broadcast wireless signals.

**DESCRIPTION OF THE CASE:** Response

1. The establishment, maintenance, and operation of the proposed special use will not endanger the public.
  - a. Health: The antennas will be mounted to the 88' above ground line (AGL) steel monopole are for local television channel signal reception only. Metronet will not broadcast any radio or microwave signals from the tower consequently the public will not be exposed to any electromagnetic radiation or microwave radio signals.
  - b. Safety: The tower structural load has been analyzed by an Iowa licensed profession engineer and it has been determined the tower is more than adequate to support the anticipated loads on the tower. The tower load analysis is included in the site drawing. The fall radius of the pole is 88 feet. In the unlikely event the pole fell there is no occupied structures or public roadway within the fall zone.
  - c. Welfare: Due to the planned location of the tower there will be no impact to the welfare of the public.
2. The proposed special use location is zoned I-1 Light Industrial Zoning District. The Scott County 911 Emergency Management building and cell tower are located east of the site in the I-2 Heavy Industrial Zoning District. The proposed special use is compatible with general land use of adjacent properties and other properties within the immediate vicinity.
3. The special use in the specific location proposed, 4700 Tremont Avenue, is located in an I-1 zone which is consistent with the spirit and intent of this Ordinance and land use policies.

**DESCRIPTION OF THE CASE:** Response additional code requirements

**Reference :Section 9.3 Accessory Structures**, M. Mechanical Ground Mounted Equipment.

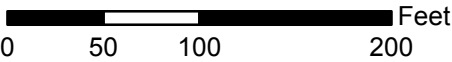
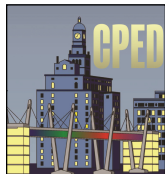
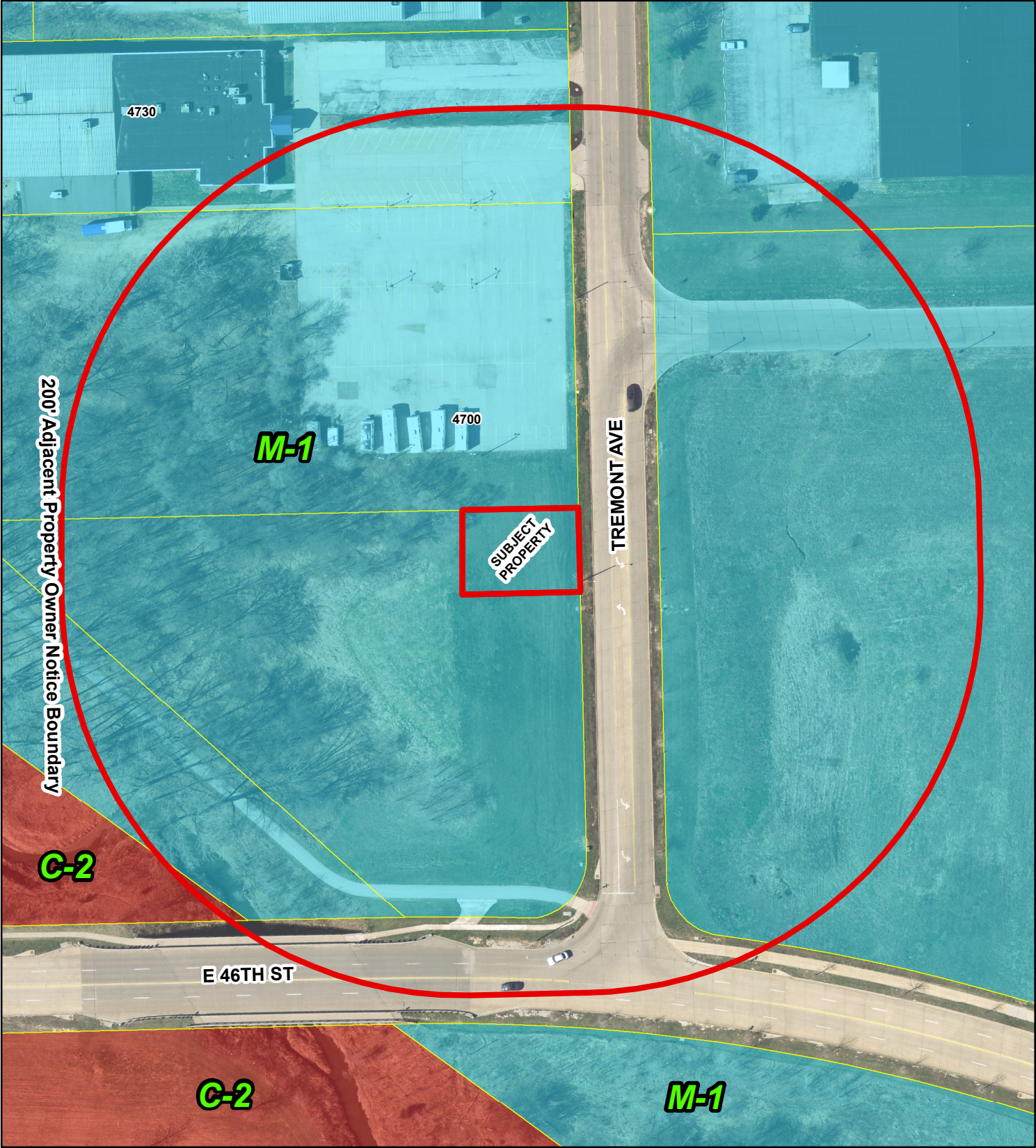
**b.** The network shelter layout has back up natural gas generator. The generator will be screened by planting evergreens along the south and west side of the outside of the compound chain link fence per the landscaping plan in the site plan as part of the submittal.

## 4700 Tremont - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	4700 TREMONT AVE	METRONET		
Ward/Ald:	7th Ward	Alderman Matson		4 Notices Sent
P1215-11	4730 TREMONT AVE	GRANITE & MORE LLC	4730 TREMONT AVE	DAVENPORT IA 52807
P1214-01		GRANITE & MORE LLC ATTN: FINANCE DIRECTOR		
P1214-02	4700 TREMONT AVE	CITY OF DAVENPORT ATTN: FINANCE DIRECTOR	226 W 4TH ST	DAVENPORT IA 52801
P1214-03	1200 E 46TH ST	CITY OF DAVENPORT ATTN: FINANCE DIRECTOR		
P1214-OLA		CITY OF DAVENPORT		
P1215-04	4601 GRAND AVE	PLUMB SUPPLY COMPANY LLC	PO BOX 4558	DES MOINES IA 50305
P1214-07I	4715 TREMONT AVE	SCOTT COUNTY IOWA	600 W 4TH ST	DAVENPORT IA 52801



# Zoning Board of Adjustment: Adjacent Property Owner Notice Area



1 inch = 100 feet

Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.







**PUBLIC HEARING NOTICE  
ZONING BOARD OF ADJUSTMENT  
CITY OF DAVENPORT**



**Public Hearing Details:**

Date: 1/10/2019

Ward: **7th Ward**

Time: 4:00 PM

Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa

Subject: Public hearing for a Special Use Permit before the Zoning Board of Adjustment

Case #: SUP18-02

To: All property owners within 300 feet of the subject property located at **4700 Tremont Avenue**.

**What is this All About?**

This notice is being sent to inform you that a public hearing will be held for a Special Use Permit. The purpose of the Special Use Permit is to grant permission to waive or alter a size or dimension requirement of the zoning ordinance.

Request Description

**Request SUP18-02 of Metro Fibernet, LLC at 4700 Tremont Avenue for a special use permit for a proposed 88-foot communication tower/pole. The pole will be a receive-only antenna for internal communications and is not for cellular/mobile phones. The subject property is zoned "M-1" Light Industrial District.**

**Section 17.49 of the Zoning Ordinance allows the Board of Adjustment to grant a special use permit for a wireless communication towers. [Ward 7; Alderman Matson]**

**What are the Next Steps after the Public Hearing?**

For approved ZBA requests, the ruling is effective immediately. For projects requiring a Building Permit the applicant may contact the Permit office (563-326-7765) the next Business day.

Rulings of the Zoning Board of adjustment are final. The applicant may request reconsideration at the next public hearing, and aggrieved parties may file a writ of certiorari with the district court.

**Would You Like to Submit an Official Comment?**

As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) or CPED, 226 W 4th St, Davenport IA 52801.

**Do You Have Any Questions?**

If you have any questions on this request, or if you need accommodations for any reason, please contact Scott Koops, AICP, the case planner assigned to this project at [sek@ci.davenport.ia.us](mailto:sek@ci.davenport.ia.us) or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) for updates.