

**MINUTES**  
**ZONING BOARD OF ADJUSTMENT**  
**JUNE 4 2013**  
**5:30 P.M.**  
**CITY HALL COUNCIL CHAMBERS**

**Present:** Allen Harvey, Jane Reischauer, Larry Wolf, Rochelle Conway, and Jim Edgmond.

**Staff Present:** Steven Boka, Director of Community Development  
Stephanie Oien, Office Coordinator, Community Development

Chairperson Harvey called the meeting to order at 5:30 p.m.

**Minutes:** Wolf motioned to approve the minutes from the May 7, 2013, meeting, second by Conway. All ayes, motion carried.

**Appeal Case No. 904, filed by Sheriff Dave White for Muscatine County Jail, to erect a security fence for an emergency evacuation area on the Cedar Street side of the Jail at 400 Walnut Street.**

Sheriff White was present to discuss his request. White noted that concerns were raised about the lack of a quick evacuation area during an annual inspection of the jail by a State jail inspector. He explained that approximately 250 inmates would need to be contained and the staff of 6-7 wouldn't be able to shackle them in a timely fashion and keep everyone safe. The fence will be topped with 3-strand barbed wire angled inside. He noted that there are two housing unit exits near Cedar Street. This area is the largest cell block. The only way to get inmates out quickly would be to use the exit on the Cedar Street side. Harvey asked if the exercise yard was inadequate for this purpose. White replied that the exercise yard was too small and also contained within the building. Edgmond asked what the setback would be from the sidewalk. White responded that the fence would be against the sidewalk. He explained that there is not enough space to safely exit the building if set back from the sidewalk. He added that once the fence had cleared the corner of the building it would be angled back from the sidewalk. Harvey asked where the existing security lights would be located once the fence was constructed. White responded outside the fence. Boka noted that staff had received no contact with opposition to the request. He added that this is not an abnormal request and staff was supportive. Harvey asked if there was a concern about the distance to property lines. Boka advised that in the C-2 zoning classification structures may be built to the lot line. Harvey asked if there would be enough officers on staff if an evacuation was needed. White replied that members from the Police and Sheriff Departments along with jail staff would be notified and present before an evacuation would occur. Wolf motioned to approve the request as submitted; second by Conway. All ayes, motion carried.

**Appeal Case No. 905, filed by Gordon Sevig of GSTC Logistics LLC, to develop and construct a warehouse facility building and related appurtenance at 4815 55<sup>th</sup> Avenue West (intersection of 55<sup>th</sup> Avenue West and 49<sup>th</sup> Street South).**

Mr. Sevig was present to discuss the request. His company is requesting a variance of the front yard setback to 10 feet. He indicated that they intend to construct a warehouse for Kent Distribution. A rail spur will be built into the building to service the south side. They are trying to stay as close to the property line as possible to accommodate the rail spur. He noted that the setbacks would be 19 feet from the southwest corner and 10 feet from the southeast corner. The front of the building will be set back 200 feet from 55<sup>th</sup> Avenue West. Boka informed the Board that

staff has been working with GSTC on this project. He explained that City Code requires a 30 foot front yard in the M-2 zoning classification. A corner lot, such as this, would be required to have two front yards. He added that the building will be adjacent to the switchyard behind Progress Park. Part of the structure will be placed next to an unplatted, undeveloped street right-of-way. GSTC will put in a street that will provide fire apparatus access. He added that the usage of the facility complies with the zoning classification. He indicated this appeal was based on a technical manner with setbacks. Edgmond motioned to approve the request as submitted; second by Reischauer. All ayes, motion carried.

**Appeal Case No. 906, filed by Gary R. Allison, attorney for Steve Sutter, to operate an irrigation sales and service business at 5112 Highway 61 South and adjacent parcels #1319326002 and #1319351002.** Gary Allison noted that the Sutters have made a purchase offer subject to the Board's decision. He indicated that the vast majority of the property would be used for crop production and to showcase products. He explained that they intend to remodel the existing building. He added that this is a low traffic and low noise business. There will be no manufacturing on-site. Systems will be shipped to and installed on site. They plan to stock replacement parts and do some maintenance. Hours of operation proposed are 7 a.m.-5 p.m. Monday through Friday and 7 a.m.-3 p.m. Saturday. Edgmond questioned what the fenced area would be used for. Steve Sutter replied that it will be a storage area for service trucks, semi tractor, backhoe, and other equipment that does not fit in the building. He added that some of the span pipes are more than 40 feet long and would also be stored within the fenced area. They intend to use 6 foot chain link for the fencing material. Harvey asked if there would be any assembly at the business. Mr. Sutter responded that they would build the working display model but nothing else. Craig Mills of 6814 51<sup>st</sup> South asked why the agricultural portion of the property needed to be rezoned to commercial as the building is. Boka explained that this is not a zoning change issue. The entire site is zoned for agricultural use. Mills was concerned that there may be a bunch of commercial development if the classification was changed. Boka explained that the two larger parcels will have pivot irrigation systems with crops for display. The remainder of the property will be groomed. Mills asked if there would be access to the property from the adjacent residential area. Sutter indicated the only access will be from Highway 61. Boka noted that the building has been empty for more than a year and will need to be brought up to current code standards. He also informed the Sutters that sewer may be available. A site plan must be submitted to staff and include exterior lighting layout. He also advised that hard surfacing is required for any equipment moving area. Edgmond asked if landscaping and screening would be discussed with the site plan. Boka responded that those items will be discussed at a staff level through site plan review. Wolf motioned to approve the requesting citing the propose use is appropriate for the zoning classification, second by Edgmond. All ayes, motion carried.

**Conditional Use Case No. 263, filed by Tom Bankhead for the City of Muscatine, to construct a band shell on the Muscatine Riverfront.** Tom Bankhead was present to discuss the request. He presented a slideshow of the project. The electronic file was entered into record. It was explained that the concrete slab itself was suitable development within a flood hazard area. The band shell structure itself requires a conditional use permit. The proposed structure will be one foot above the 100 year flood plain elevation. Boka noted that the 100 year flood plain designation is 557 feet and the structure would have to be set at a minimum of 558 feet to comply. Harvey asked if the glass on the band shell would go all the way to the ground. Mr. Bankhead that the glass panels would be elevated 4-6" above

the ground to allow water to flow underneath in the event of a flood. Members expressed some concern that the glass could be damaged by debris during a flood. Bankhead replied that the panels would be easily removed if necessary to prevent damage. Questions were also raised about keeping the structure clean. Bankhead responded that the surface would be easily cleanable like the Figge in Davenport. After much discussion, Edgmond motioned to approve the request with the condition that the lowest part of the structure (glass panels) be designated for investigation to be sure they are appropriate for the structure; second by Wolf. All ayes, motion carried.

Adjourned.

Respectfully Submitted,

ATTEST:

Steve Boka, Secretary  
Director of Community Development

Allen Harvey  
Chairperson