

MINUTES
September 17, 2019 – 5:30 p.m.
Zoning Board of Adjustment
Muscatine City Hall
City Council Chambers

Present: Jeff Armstrong, Jodi Hansen, Julie Wolf

Excused: Robert McFadden

Staff: Andrew Fangman, Assistant Community Development Director
Lindsay Whitson, Planner I, Community Development

Acting Chairperson Jodi Hansen opened the meeting at 5:30 p.m. and read the mission statement.

Minutes: It was noted that the date of the minutes was incorrect. Mr. Armstrong motioned to approve the minutes as written with the appropriate change of date. The motion was seconded by Ms. Wolf. All ayes, motion carried.

Conditional Use Case No. #ZBACU14, filed by Teresa Nelson, to raise by 40 inches the bottom floor of an existing, flood damaged home located at 1804 River Road. Any substantial improvement to an existing structure that is located in a designated flood plain constitutes a conditional use permit per City Code 10-4-5 (C)(1)(g) and Federal FEMA regulations.

Mr. Fangman presented the case and shared that in order for residents of the city to receive floodplain insurance, the City Code must comply with FEMA regulations. The applicant, located at 1804 River Road, is wanting to raise by 40 inches the bottom floor of an existing, flood damaged home. In addition, the applicant is wanting to make other repairs. Any substantial improvement to an existing structure that is located in a designated flood plain constitutes a conditional use permit. Mr. Fangman stated that staff recommends the request. Ms. Wolf motioned to approve the conditional use permit; seconded by Mr. Armstrong.

Conditional Use Case No. #ZBACU15, filed by Central States Tower, to construct a cell tower at longitude 91°3'54.56"W and latitude 41°27'6.89"N, south of U.S. 61. A broadcast facility and tower is a designated conditional use in a R-3 Zoning District per City Code 10-6-2(H).

Aaron Valley, of Aurora, Illinois, spoke on behalf of the request. Mr. Valley stated that the building permit and site plans have been approved, and that design standards comply with city code and zoning regulations. Mr. Fangman agreed that the site plan has been approved by the appropriate city staff, and that staff recommends approval of the request. Mr. Armstrong motioned to approve the conditional use permit; seconded by Ms. Wolf.

Appeal Case No. #ZBAV16-071919, filed by Walton Ponce of 1484 Isett Avenue, to install a sign on the abutting property owned by Kraft Heinz Foods Company and zoned as R-3. This request for a pole sign in a residential district with an off-site commercial message does not comply with City Code Section 10-21-6(C) and City Code Section 10-21-6(K).

Walton Ponce, 1300 Logan Street, was present to discuss the request. Mr. Ponce described how he owns a business at 1484 Isett Avenue, and is looking to install a sign on the abutting property owned by Kraft Heinz Foods Company. Mr. Fangman stated that the abutting property is zoned R-1, and the request for a permanent sign in a residential district does not comply with City Code. Also, advertising of a product or service on someone else's property is considered billboard advertising, which does not comply with the regulations outlined in City Code. Mr. Ponce shared that he is still waiting on the proper contract and signatures from the legal department at Kraft Heinz Foods Company, allowing the use of their property for Mr. Ponce's signage. Mr. Kinne, 2311 Stonebrook Drive, is a manager at Kraft Heinz and confirmed that he has been discussing the legal issue with the legal team. Mr. Fangman shared that the authorization of a sign permit and installation of the sign will not be allowed until the proper documentation from Kraft Heinz's legal team has been provided. Ms. Wolf motioned to approve the appeal case; seconded by Mr. Armstrong. All ayes, motion carried.

Meeting adjourned at 5:50 p.m.

ATTEST:

Respectfully Submitted,

Jodi Hansen, Chairperson
Zoning Board of Adjustment

Lindsay Whitson, Secretary
Planner I