I. QUORUM DETERMINED:
The Linn County Board of Adjustment meeting was called to order at 6:30 p.m. by Vice Chair, Veronica Cerka. The meeting was held in the Jean Oxley Public Service Center, 935 2nd Street SW, Cedar Rapids, Iowa.

PRESENT: Herb Stone 12/31/18
         Veronica Cerka, Chair 12/31/17
         Pat Harstad 12/31/19
         Dave Martin 12/31/16

ABSENT: Dave Machacek

STAFF: Stephanie Lientz, Planner
       Mike Tertinger, Planner
       Sue Bennett, Recording Secretary
       Ryan Sampica, Permit Specialist

See attendance sheet for community sign in.

II. OLD BUSINESS

JC16-0012  Stephanie Lientz  City of Cedar Rapids  Conditional Use Sewer Project

The applicant is proposing to modify the landscaping plan associated with Conditional Use Permit C-17-14, which involved three floodway crossings for phase 3 of the Cedar Rapids Sewer Project. All trees located within the 75' to 150' construction easement area were removed prior to the installation of the 60" sewer trunk line. The original application and landscaping plan indicated that 184 new hardwood trees would be planted after the sewer line was installed. At the October 29, 2014 Board of Adjustment meeting, the applicant agreed to increase the number of trees planted to 552, which was 3 times (184*3) the original number proposed. The applicant is currently proposing to decrease the number of tree plantings to 368, which is 2 times (184*2) the original number proposed. The applicant indicated that the city arborist had concerns about planting 552 trees due to canopy overlap and maintenance difficulties.

At its October 20, 2014 meeting, the Planning and Zoning Commission placed a condition on the conditional use case that the number of trees in the landscaping plan should be increased “by 2 or 3
times.” The proposal to plant 368 trees is 2 times the original proposed number of 184 trees; therefore, the applicant is still meeting the condition added by the Planning and Zoning Commission.

Staff recommends approval subject to the conditions of the staff report.

Loren Snell, City of Cedar Rapids, came to the podium. Stone stated it looked like there are a lot less trees than the previous proposal. Martin asked if the trees in the artist's rendering were mature trees. Snell stated yes. Martin asked if volunteer trees would be allowed, Snell said yes.

Snell stated there will be 6’ deer fencing around all the trees. He stated that the reason the Phase 1 trees died so quickly after being planted was because they were eaten by the deer. He stated the city has a five year maintenance contract with the landscaper to maintain the vegetation and replace dead or damaged vegetation as necessary. Snell stated that fewer trees would allow for approximately 30 feet between each tree, thereby allowing the maintenance staff to maneuver mowers around them without damage, and also would allow the native prairie grasses planted beneath them to thrive. He stated that the same tree species noted in the previous proposal would be used.

Harstad asked if it would be more practical to put up continuous deer fencing circling the planting area, rather than fencing trees individually. She stated one long oval would be easier to install, and mow around. Snell said that was possible, but the city is leaving that decision up to the landscaping contractor.

Martin requested that the trees not be planted in straight rows. Snell stated they would not be; the landscape architect will group them according to how they would grow in nature. Martin asked if city would stake out the trees, and Snell stated yes.

Stone stated that he heard 2000 trees had been removed for this project, and was concerned that only 300 were being replanted. Snell stated that, if you count all the vegetation, including shrubs and bushes, 2000 was probably correct. However, he stated, much of that vegetation was not appropriate for that area, and that the 368 trees being planted will be good, strong hardwoods.

Stone asked if, since they are doing less trees, could they upscale the caliper of the trees being planted. Loren said that is a possibility. Loren stated a lot of trees are out of stock, so some of the plantings will be dependent on available stock.

Stone asked if the Board could put a condition on this case that if there are less trees, the trees must be larger in diameter where appropriate.

Motion by Martin to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for the Conditional Use, and to approve case JC16-0012, provided that some trees with a larger caliper may be planted if the City's arborist feels it is appropriate, and provided that trees are planted during the season deemed appropriate by the City’s arborist. Second by Harstad.

Martin Aye
III. NEW BUSINESS

JC16-0013  Mike Tertinger  Terry & Boni Moore, owners  Conditional Use - Communications Tower

Tertinger presented the staff report.

This applicant is requesting a Conditional Use Tower Permit to construct a 100' guy wired communications tower. This tower will be replacing an existing communications tower located 500 feet to the west which is being decommissioned. The proposal includes a lease agreement for approximately 22,657 square feet. The lease area will include the tower, 11’ x 16’ (176 sq. ft.) equipment shelter, and three guy wire anchor foundations. An 8’ chain link fence topped with barbed wire will be provided around the tower base and equipment shelter, as well as around the three guy wire anchor foundations. A 30 foot wide access and utility easement has been shown on the site plan and will be used to provide access to the tower from Mt. Vernon Road. This new tower will provide space for two additional carriers to co-locate.

This proposal meets the standards for approval per Article 5, Section 4, § 11, Tower Regulations, of the Linn County Unified Development Code (UDC). The proposal appears to meet all the standards for approval per Article 4, Section 9, § 4 for Conditional Use Permits.

Staff recommends approval subject to the conditions of the staff report.

Martin asked if the building on the adjacent property to the east is in the fall zone. Tertinger stated that it is not within the fall zone, and that there are no buildings in the fall zone radius.

Julie Shebek, 2124 Larry Drive NE, Cedar Rapids spoke. She stated she is here on behalf of CR Cellular Telephone and is willing to answer any questions the Board might have. The Board had no questions.

Motion by Harstad to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for the Conditional Use, and to approve case JC16-0013. Second by Stone.
Tertinger presented the staff report.

This applicant is requesting a Conditional Use Floodplain Permit to replace the existing Cedar Valley Nature Trail timber trestle bridge over Blue Creek. The existing bridge is structurally deficient and does not safely support passage of an emergency vehicle. The project involves construction of a 3-span, 274' x 14' pre-tensioned, pre-stressed, concrete beam bridge and associated grading for the approach trail. The proposed use, which is a recreational trail, will not change from the existing use.

The applicant must obtain all relevant permits as required by state and federal entities. The proposal must meet all of the standards for approval found in Article 7, Section 13 of the Unified Development Code (UDC).

Staff recommends approval subject to the conditions of the staff report.

Stone asked if there was a visual picture of what was being proposed. Tertinger stated no, but that there is a structural plan, which was put on the overhead.

Stone asked if the bridge was pedestrian. Tertinger stated that it is mostly used by pedestrians and cyclists, but in a time of flooding, the county would like to be able to use the bridge for emergency vehicles. The county does not feel that the current bridge is safe for emergency vehicles.

Stone felt that there could be a bridge that was more in keeping with the character of the area than a bridge made of pre-cast cement. Neither the applicant nor the architect was present at the meeting. Martin and Stone discussed possible building materials for the bridge.

Lientz stated that this is the design that was presented to our staff, and that another factor may have been cost as this is the Linn County Conservation Department and therefore financed by taxpayer money.

Martin stated he is not sure that pedestrians can even see the side of the bridge, so it might not be that disruptive. Tertinger stated the area is usually overgrown with vegetation.

Martin asked if the Board of Adjustment’s decision should be based on land use, or aesthetics? Stone asked if it was possible to ask the applicant to come back with a better design. Martin wondered if the design was also created to have less possible risk of damaging the surrounding areas, as well as to avoid adding additional detritus into the river.
Motion by Martin to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for the Conditional Use, and to approve case JC16-0014, Second by Harstad.

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IV. OTHER BUSINESS

V. APPROVAL OF MINUTES
The minutes of September 28, 2016 Board of Adjustment meeting were approved as submitted.

VI. ADJOURNMENT
The meeting was adjourned at 7:32 p.m.

Respectfully submitted,

Veronica Cerka, Chair

Sue Bennett, Recording Secretary