

BOARD OF ADJUSTMENT MEETING MINUTES

BOA_AF_04-18-2018

Chairperson Blaser called to order the April 18, 2018, regularly scheduled meeting of the Board of Adjustment at 5:37 p.m. in the City Council Chambers, West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines, Iowa. (Board Members were delayed due to Traffic Signal Malfunction.)

Roll Call: Blaser, Celsi, Pfannkuch.....Present
Christiansen, Cunningham.....Absent

Item 1 – Consent Agenda

Item 1a – Minutes of February 7, 2018

Moved by Board Member Celsi; seconded by Board Member Pfannkuch, to approve the February 7, 2018 meeting minutes.

Vote: Blaser, Celsi, Pfannkuch.....Yes
Christiansen, Cunningham.....Absent
Motion carried.

Item 1b – Minutes of February 21, 2018

Chairman Blaser tabled approval of the February 21, 2018 minutes due to lack of quorum of members present who had attended the 2-21-18 meeting.

Item 2 – Old Business

There were no Old Business items reported.

Chairman read the Opening Statement.

Roll call was taken again, due to the arrival of Board Member Cunningham at 5:39 p.m. Four members present.

Item 3 – Public Hearings

Item 3a – Extension of Entitlement - SBA Communications Tower – SBA Communications Company – 4101E.P. True Parkway – Approval of extension of entitlement of the Permitted Conditional Use permit for the construction of a 100 foot tall cellular communications tower – PC-002968-2016.

Chairperson Blaser opened the public hearing and asked the Recording Secretary to state when the public hearing notice was published. The Recording Secretary indicated that the notice was published on April 11, 2018, in the Des Moines Register.

Chairperson Blaser then asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Board Member Pfannkuch, seconded by Board Member Celsi, the Board of Adjustment accepted and made a part of the record all testimony and documents received at this public hearing.

Vote: Blaser, Celsi, Cunningham, Pfannkuch.....Yes
Christiansen.....Absent
Motion carried.

Alex Novak, Novation Group Consulting, Chicago, stated that he was representing SBA Communications in their

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request to extend the use permit to construct a cell tower a 4101 EP True Parkway. He noted they were in the process of completing lease negotiations with the City of West Des Moines. There are no changes to the project. The tower consists of a monopole, with standard ground equipment; the main tenant is Verizon, and a second tenant is now interested. The pole has been designed to accommodate another carrier.

Board Member Cunningham clarified that the first approval was for 2 years. Applicant and staff affirmed. Board Member Cunningham then questioned why two years not long enough. Mr. Novak responded that there have been some financial hurdles for SBA, as the ground rental was higher than the previous lease agreement with Verizon would support, but that the lease negotiations are moving forward.

Chairman Blaser noted that SBA was asking for a year extension until June 1, 2019.

Board Member Celsi asked what assurances there were that the tower will be built in this next year.

Mr. Novak replied that the motivation is there, and it was not more economically feasible with two tenants.

Board Member Celsi questioned whether the City was standing in the way, and Mr. Novak responded that they were not.

As there were no other questions or comments, and no one was present in the audience, Chairperson Blaser closed the public hearing and asked for Staff presentation on the request.

Kara Tragesser, Development Services Planner stated that the findings were included in staff report; that there had been no changes, and staff recommends approval.

Board Member Pfannkuch noted that the site plan had been approved, fulfilling one of the five conditions. Ms. Tragesser affirmed that it had been approved.

Board Member Cunningham questioned the frequency of extensions, and whether the City needed to do more to facilitate the completion of the project. Ms. Tragesser stated that the City just needed to conclude the lease agreement.

Chairman Blaser also questioned the approval of multiple extensions, and Ms. Tragesser noted that these are not unusual.

Chairman Blaser stated that if there were no other comments or questions, he would ask for a motion and a second for this item.

Moved by Board Member Cunningham, seconded by Board Member Pfannkuch, the Board of Adjustment adopted a resolution to approve the extension of the Permitted Conditional Use Permit to expire on June 1, 2019, subject to meeting all City Code requirements, regulations, and the following:

1. No lighting or signage, except to meet Federal, State, or other regulatory requirements shall be permitted.
2. The pole and enclosure will be regularly maintained to replace missing pole panels, landscape materials, painting, etc.
3. Prior to receiving a building permit, the applicant must execute a standard non-interference agreement, execute a lease with the City, and obtain utility easement and ingress/egress easements.
4. The applicant acknowledge future co-locations of cellular antennae and equipment shelters will require review and approval of a Minor Modification.

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- 5. The applicant providing full sets of the permitted condition use permit site plan prior to the issuance of a building permit.

Vote: Blaser, Cunningham, Pfannkuch.....Yes
Celsi.....No
Christiansen.....Absent

Motion carried.

Board Member Celsi was asked by the Voting Secretary if she wished to comment on her dissenting vote. Board Member Celsi replied that she was not in favor of the approval at the time of the first vote, and is still not in favor of it.

Item 4 – New Business

There were no New Business items presented.

Item 1b – Approval of Meeting Minutes from February 21, 2018 meeting

Chairman Blaser stated that there was now a quorum present from the previous meeting, therefore there would be a vote to approve those meeting minutes.

Moved by Board Member Celsi; seconded by Board Member Cunningham, to approve the February 21, 2018 meeting minutes.

Vote: Celsi, Cunningham, Pfannkuch.....Yes
Blaser.....Abstained
Christiansen.....Absent

Motion carried.

Item 5 – Staff Reports - None

Item 6 – Adjournment

Chairperson Blaser asked for a motion to adjourn the meeting.

Moved by Board Member Pfannkuch, seconded by Board Member Celsi, the Board of Adjustment meeting adjourned.

Vote: Blaser, Celsi, Cunningham, Pfannkuch.....Yes
Christiansen.....Absent

Motion carried.

The meeting adjourned at 5:50 p.m.

Michael R. Blaser, Chairperson
Board of Adjustment

Recording Secretary