

**MINUTES OF THE BLACK HAWK COUNTY PLANNING AND ZONING COMMISSION MEETING
HELD ON FEBRUARY 19, 2019 HAROLD E. GETTY
COUNCIL CHAMBERS - WATERLOO CITY HALL.**

Chairman Beck called the regular monthly meeting of the Black Hawk County Planning and Zoning Commission to order at 7:00 pm, Tuesday, February 19, 2019, in the Harold E. Getty Council Chambers- Waterloo City Hall.

I. Call to order and roll call

Members present: Allen Sage, Renata Sack, Gary Wurtz, Peter Beck, and Amanda Fesenmeyer

Members absent: Deb Nagle and Kamyar Enshayan

Also present: Black Hawk County Planning Staff – Seth Hyberger and John Dornoff, and 5 members of the public.

Approval of the agenda.

It was moved by Wurtz and seconded by Sage to approve the agenda. Motion to approve the agenda carried unanimously.

II. Approval of minutes of the January 15, 2019 regular meeting.

It was moved by Fesenmeyer and seconded by Wurtz to approve the minutes. Motion to approve the minutes carried unanimously.

III. New Business

1. New Business

1. NW of 13630 Holmes Road – FTC Tower Company Special Permit

Request to install a 300 feet guyed communications tower and other appurtenances in the “A” Agricultural District.

Hyberger gave the staff report.

Chad Skinner, 12106 Ridgeview Drive, Urbandale, IA, handed out three documents to the Planning and Zoning Commission for discussion. The first item was a handout with a set of maps to show existing cell coverage near Voorhees and demonstrate why the proposed cellular site was selected and needed. He also noted black dots on the map show existing tower sites that are part of the cellular network for Firstnet. Skinner noted this is an extensive cellular network that will cover the whole state with over a 100 sites in process. The second document also helps verify why the proposed site was selected and demonstrate why they didn't have the option to co-locate with another cellular providers' tower. Beck asked the applicant if the general ballpark for the placement of towers is six to eight miles. Skinner stated that towers are generally placed six to eight miles apart, but each cellular network is different and has its own line of sight technology. Beck later asked if they can only collocate with AT&T cellular towers. Skinner noted the name of his company is Netco Wireless and they work for multiple carriers such as Verizon, AT&T, and etc. Skinner stated they try collocating whenever the opportunity is available and reaffirmed the lack of cell service in that area. Skinner also noted how outdoor coverage differs from indoor coverage and how walls degrade signal strength.

Beck later asked who owns the tower off of HWY 63 and County Road D-46. Skinner indicated that he knows the Tower that Beck was referring to is a monopole tower that is a mile and a half to the north. Beck indicated the cellular tower wasn't very tall. Skinner later stated that tower was only 150 feet tall and wasn't

located within their network search area. Beck later asked who gets the top spot for the proposed 300 feet cellular tower. Skinner noted in this case the tower will be capable of serving multiple carriers, but Firstnet and AT&T will have the two top spots on the tower. The cell providers for colocation are usually spaced 20 feet apart. Skinner later noted the second set of documentation notes why the site was selected and also contains a letter from the Department of Public Safety in support of the Firstnet project. There are currently 100 proposed tower sites for Firstnet and that is how his company became involved. The third document discussed was the construction drawings that demonstrated the location of the tower, guy wires, fence, and gravel driveway.

Seth Neitzke, 13630 Holmes Road, Hudson noted that his property is located near the proposed tower site. He indicated that he is not necessarily against the project. Neitzke asked how far the guy lines extend from the tower site. Skinner noted that they extend out approximately 240 feet from the tower. Neitzke then asked how high the fences will be for the edge of each guy wire line. Skinner responded by stating the fences were 17 feet high and placed at an angle. Neitzke then asked how far away a tower must be placed from a home. Hyberger noted that the distance is a 1,000 feet from the actual tower to the home and not the guy wires. Neitzke also questioned if there was a better site for the tower that was further away from his home. He was concerned about the tower impacting the assessed value of his property. Skinner next noted that it is often difficult to site a tower due to the fact that a tower has to be placed at a certain location and there has to be a willing property owner to agree to the lease. Neitzke then had a question regarding the gravel access road. Skinner noted that they plan one using an existing access point for the gravel road at the northern edge of the parcel.

Wurtz noted that the site was selected due to its location and being able to find a willing property owner to approve the lease. Skinner noted he tried to contact two other property owners, but neither location panned out. Skinner also noted that he does understand Neitzke's concerns and he always tries to find the best spot as possible.

Wurtz indicated that he has served on a County Emergency Management Board and how the entire system had to be reworked for its new 911 system. Connectivity was the main issue so that police, fire, and EMS were able to communicate with each other.

It was moved by Wurtz and seconded by Sack to approve the special permit request to install a 300 feet guyed communications tower and other appurtenances in the "A" Agricultural District. Motion to approve carried unanimously.

2. N of 7233 Wagner Road – Brundrett Rezone

Request to rezone 2.69 acres from "A" Agricultural District to "A-R" Agricultural-Residential District in order to build one new single family home.

Hyberger gave the staff report.

Johnathan Brundrett, 100 Parkview Road, Denver, IA, indicated that they have an offer on the property. They plan on building a home that is 2,500 square feet with a 2,000 square foot accessory structure. The assessed value for the home is projected to be \$600,000. Brundrett noted that if they receive the Agricultural-Residential District endorsement; they will build their home on the rear of the property. The property also has access to a paved county road. There are also already 5 existing homes within the immediate vicinity as well. Beck asked Brundrett how large the property was. Brundrett indicated the size of the property is 7.65 acres and noted this land used to include the parcel to the south before it was platted off in 2012. Beck asked Brundrett if the parcel is farmed currently. Brundrett responded by stating the land was been farmed recently, and noted a tracker could access the property, but they may have difficulty in getting a combine back there due to the width 12 feet width of the access gate. Beck asked if the rezone area is on higher ground than the eastern portion of the lot. Brundrett noted that there are drainage issues on the eastern portion of the lot and the proposed rezone area is on higher ground. Brundrett also indicated he has no plans to farm the remaining lot or to have farm animals either.

Brundrett indicated that the proposed home site is in character with the existing neighborhood, and he does understand the Planning and Zoning Commission's concerns about taking farmland out of production.

Brent Judish, 2805 West Dunkerton Road, Cedar Falls, noted he is one person impacted by this because he owns and farms the land around it. Judish commented that the land has been farmed forever and there is no current access to the site. The current owner has used his driveway over the last 10 years to gain access to the site. Judish's main concern was that they have two other properties in City Limits. Whenever he sprays his land he gets a phone call from the persons residing at his two homes. Judish was also concerned because there are no trees to buffer the property when he sprays. Beck asked if he ever had any issues with neighbors adjacent to the rezone site. Judish indicated he has not had any issues with neighbors in the county, but the proposed rezone area is adjacent to land that he farms and he is concerned about that. Beck noted agricultural activities are all a part of living out in the country.

Bob Hildman 7233 Wagner Road, Cedar Falls, indicated he has had not issues with Judish spraying his fields, but he understands how it could be a problem. Bob also questioned how persons can gain access to the site since Judish owns the only access road to the parcel. Beck asked if Black Hawk County Engineering Department had any comments regarding the proposed rezone. Hyberger noted that road access was never discussed at the Technical Review Committee meeting. Hyberger indicated that there needs to be access for the farmer and owner of the property.

Brundrett noted that Judish will always have access to his gate for farming. Brundrett also indicated that he plans on building his own access road to gain access to his site. They will go through the County Engineering Department to get an access road approved for the site and he will abide by their regulations. Brundrett also wanted to ask Judish is there a distance from the fence line that he would be comfortable with regarding the placement of the access road. Brundrett also noted that several members of his family are farmers and there will be no complaints to him regarding spraying by airplanes and helicopters. He knows exactly what he is getting into. Judish asked Brundrett if he planned on building a 2,000 square feet accessory structure out there. Brundrett indicated he will just be using the building to store his cars.

Sack inquired if this if this project is contrary to what the Planning and Zoning Commission should be doing. Beck noted the uniqueness for the site and the person purchasing the site are not farmers. Sack also noted who would want to live there when they are spraying. Beck also noted that there is always drift with spraying and it could be up to two miles. Sack also noted that she is highly susceptible to the spraying and it makes her break out, but she lives in the City. Beck also noted he sees both sides of this, but the size of the parcel should be noted as well. Fesenmeyer noted there are already properties in the area that back up to the fields, and Brundrett noted he accepts the risks of spraying.

Sack and Sage were concerned about the location being too close to existing farm ground and potential issues that could be caused by spraying farm chemicals so close to a proposed home.

It was moved by Fesenmeyer and seconded by Wurtz, to approve the request to rezone 2.69 acres from "A" Agricultural District to "A-R" Agricultural-Residential District in order to build a new single family home. Motion to approve carried 3-2 with Sage and Sack voting to deny the request.

IV. Discussion

No discussion items were discussed

V. Adjournment

It was moved by Sack and seconded by Fesenmeyer to adjourn at 8:00 p.m. Motion carried unanimously.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Seth Hyberger", with a large, sweeping flourish at the end.

Seth Hyberger,
Black Hawk County Zoning Administrator