

Docket Number: #20/9250

Appellants: Woodland Hills Church of Christ
3040 SE 72nd Street, Runnells,
IA (Titleholder)

AT&T
Mobility(Appellant/Lessee)
represented by Curt Walter of
Powder River Development
Services, LLC., 2897 Lake Vista
Drive NW, Rochester, MN

Appeal: The Appellants are requesting a paving and curbing Variance to allow a proposed communication tower access drive to be constructed of granular surface without curbing on the subject property to construct a 180-foot tall communication tower at 2484 SE 68th Street within Fourmile Township.

Appeal Given: “The proposed driveway is close to 800 feet long and is financially burdensome to be paved and curbed. We would request to be able to make this a crushed gravel drive, similar to other tower sites located in the county.”

Background

The subject property located at 2484 SE 68th Street is a future site of a proposed AT&T Mobility monopole communication tower. See *Attachment 'A'* following this report for an aerial vicinity map showing the location and neighborhood. The subject property is an irregular shaped parcel with approximately 351 feet of frontage along SE 68th Street and a depth of 1,009-feet, containing approximately 10.4-acres. The existing property is identified as Parcel O as created by a recorded Plat of Survey within Book 9130, Page 577 and recorded on September 13, 2001. A Conditional Use Permit was approved by the Board of Adjustment in 2008 to allow an Indoor Institutional Use to be located on the property, specifically a church. According to the Polk County Assessor records, the subject property was recorded into the Appellant’s name on December 6, 2001. A site plan was submitted for the church building and approved on November 18, 2008. The building was constructed in 2009. An existing paved and curbed parking lot and two existing access driveways onto SE 68th Street are located on the property. The church is located on the eastern approximately 1/3 of the property and the remainder of the property is existing open space and mature woodlands. A vacant property is located adjacent to the western and northern property lines. An existing single-family residence is located on the parcel adjacent to the south and there are three existing single-family residences across SE 68th Street to the east of the subject property.

The Appellants are requesting a Variance to the paving and curbing requirements for the access driveway extending from the existing church parking lot to the lease area. The proposed driveway is approximately 75% crushed gravel. The remainder is accessed through the paved church parking lot. In lieu of the required paved surface with curbs, the Appellants request that the driveway be allowed with a crushed gravel based surface without curbing. The use will have minimal traffic associated with inspection and maintenance of the communication tower. The subject property is zoned “RR” Rural Residential District and is located in Fourmile Township. The Polk County Zoning Ordinance permits communication towers to be located within the “RR” District upon the granting

of a Conditional Use Permit by the Polk County Board of Adjustment.

Summary of Request

The Polk County Zoning Ordinance, Article 15: Construction Standard, requires that all developments, except conventional single-family and uses which have an average daily traffic count fewer than forty-nine (49) vehicles in the AG, AT, and OS Districts are required to pave their drives, parking, loading and display areas. Curbs and/or wheel stops are required in parking areas and curbs are required in paved drive areas. This proposal cannot utilize the pavement exception although the daily traffic count is fewer than 49 trips, due to the zoning. The Appellants are requesting approval of a Variance to the paving and curbing standards to allow the future access drive to be constructed of a granular surface at the subject property. The proposed use of a communication tower does not require that any parking, loading or display areas be provided. However, the construction standard does require that the access drive be paved and curbed. As stated previously, the Appellants request a variance to this provision to allow the driveway to be constructed with a crushed gravel surface. A site layout of the property was submitted with the application and is included following the report, entitled *Attachment 'B'*.

The tower site is zoned "RR" District, which allows communication towers with a maximum height of 180 feet as a conditional use. The proposed tower base would meet a Maximum Fall Zone radius equal to or less than 55-feet as certified by the Senior Design Engineer with Sabre Industries, Inc. According to the site layout, the Appellants propose to use the existing access located at the northeast corner of the property as utilized for the existing church parking lot. The proposed driveway extends from the northwest corner of the existing paved church parking lot. A 12-foot wide crushed gravel access drive is shown extending from the paved parking lot connecting this access point to the southwest portion of the parcel where a 100' x 100' lease area is identified. The proposed tower base is shown centrally within the 100' x 100' lease area. The 6' x 6' walk in cabinet is shown adjacent to the northeast of the tower base and the generator directly north of the cabinet. A six (6) foot chain link fence enclosure with a one (1) foot extension of barbed wire at the top is proposed surrounding the lease area measuring approximately 75 feet wide by 75 feet long. The lease area is located over 900-feet from the public right-of-way and is surrounded by existing mature woodlands.

Natural Resources

The property is not located within the 100 year floodplain. An existing drainageway is located in the southwest corner of the property that is surrounded by mature woodlands. The grade of the subject property generally slopes towards the southwest corner of the property. The lowest elevation is located along the drainageway in the southwest corner at an elevation of 800-feet. The high point is located along the eastern boundary of the property at an elevation of 912-feet. The proposed location of the tower is at an elevation of approximately 901-feet.

The existing church along with accessory buildings are located within the eastern approximately 1/3 of the subject property. The remainder of the property is open space and pasture land with a large amount of green space located on the west side of the existing buildings. The subject property has mature deciduous woodlands within the southwest portion of the site that will screen the lease site from adjacent properties. The property adjacent to the east has an existing Polk County Conservation Pollinator Garden.

Roads/Utilities

The subject property currently utilizes an onsite wastewater treatment system. Water service is provided by Des Moines Water Works. The communication tower will not affect utilities to the existing site nor will it need septic or water services. The subject property is bordered to the south by SE 68th Street. Se 68th Street is classified as a Minor Collector roadway maintained by Polk County.

Recommendation

The Board of Adjustment may grant a variance if items 1 through 5 are affirmed.

- 1.) Are there exceptional or extraordinary circumstances or special conditions applying only to the property in question and which do not exist generally on other properties in the same zoning district which makes it impossible to place a use permitted in the district on the property?

Yes. The proposed use of a communication tower involves no public access and limited private access for inspection and maintenance purposes. The intent of the construction standard is to require paving and curbing for non-residential uses with frequent public access and/or high traffic counts. The proposed use in this case would have neither, and therefore does not meet the intent of the paving and curbing standard.

- 2.) Is the variance necessary for the preservation and enjoyment of property rights possessed by other properties in the same zoning district in the same vicinity? (No variance can permit uses that are prohibited in a district)

Yes. A communication tower is allowed through the Conditional Use Permit process for the "RR" Rural Residential district in unincorporated Polk County.

- 3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?

Yes. Polk County Air Quality Division rules require a dust free surface. The Appellants proposed construction utilizing crushed gravel will need to remain dust free. Also see staff's recommended conditions of approval for keeping adjacent roads free of dirt and other material from the site.

- 4.) Is there a special condition or circumstance that did not result from the actions of the Appellant?

Yes. The zoning of the property is an existing condition, which regardless of the low traffic generated by the use, requires paving and curbing.

- 5.) Does the variance support the intent of Article 7 Natural Resource Protection and Article 8

Stormwater and Erosion Control Management of the Polk County Zoning Ordinance?

Yes. The Appellant is required to meet the environmental provisions of the Polk County Zoning Ordinance.

The Board of Adjustment may grant a variance if items 1 through 5 are affirmed. Since items 1-5 were answered in the affirmative, staff recommends approval of the requested variance, subject to the following conditions:

- 1) The variance shall apply only to the use of the property as a communication tower which generates traffic due only to periodic inspection and maintenance.
- 2) Polk County Board of Health Rules & Regulations, Chapter V-Air Pollution, Article IX, Division 1, Section 5-23 & 5-24 shall be met regarding dust suppression for the proposed driveway surface, and all adjacent roadways shall be kept clear of dirt and other material from the site.